

Enforcement Committee Minutes

Anchorage, Alaska

December 9, 2014

Committee: Roy Hyder (Chair), CAPT Phil Thorne, LCDR Courtney Sergent, Brian McTague, Nathan Lagerwey, Kevin Heck, Martin Loefflad, and Jon McCracken (staff)

Others attending in person include: Sam Cunningham, Peggy Murphy, Racheal Baker, Sarah Marrinan, Guy Holt, Chris Rilling, Tim Donovan, and Brad Robbins

I. C-6 Allow the Use of Pot Longline Gear in the Gulf of Alaska Individual Fishing Quota Fishery – Initial Review

At this meeting, Sam Cunningham (Council staff) and Peggy Murphy (NMFS staff) provided a summary of the initial review draft of the Gulf of Alaska (GOA) sablefish longline pot action. Currently, the Individual Fishing Quota (IFQ) sablefish fishery is conducted with hook-and-line (HAL) gear. The proposed action would authorize the use of pot longline gear in the GOA sablefish IFQ fishery.

After a lengthy review of the proposed action with the staff, the Enforcement Committee determined that Council adoption of Alternative 2 would require additional management measures to support effective enforcement. The Committee reviewed each of the elements/options, from an enforcement perspective and in cases where the analysis does not address the necessary management measures for purposes of enforcement and implementation, the Committee provided supplemental details that a subsequent analysis should include.

Element 1: Pot limits

It was noted in the report by staff that full monitoring of a sablefish trip pot limit may necessitate a pre-departure gear inspection to verify that the total number of pots a vessel transports for deployment during a trip is less than or equal to the allowed pot limit. Office of Law Enforcement (OLE) does not have the enforcement personnel or resources to conduct dockside inspections in all GOA ports prior to each vessel's departure, and cannot commit to performing dockside inspections in any particular port. Additionally, the Observer Program does not have the expertise to conduct inspections on fishing gear and a Coast Guard at-sea boarding would not be effective in determining the overall number of pots the vessel is currently fishing.

After discussion concerning the enforcement of pot limits, the Committee agreed that reporting of deployed pots in the vessel log book, use of VMS and the declarations advanced feature to indicate where deployed pots are located, and the use of pot tags are reasonable resources that would provide effective enforcement of pot limits if the Council elected to include this element in the proposed action. All three resources likely have some benefits and costs associated with their use as means to enforce pot limits which should be explored in the next iteration of the analysis.

Element 2: Gear retrieval

Element 2, option 1 would require pot longline gear to be removed from the fishing grounds at the time of landing. Sub-option 1 would exempt vessels of a specific size from retrieving their pot longline gear at the time of landing. Staff reported that option 1 and sub-option 1 pose challenges to enforcement because neither OLE officers nor observers can monitor the status of all pots associated with a vessel at all times. Coast Guard law enforcement units would also have difficulty determining ownership of gear left on the grounds, if the vessel was allowed to leave gear, and if so, where the vessel was in relation to their gear. Element 2, option 2 would require that the location of pots left on the fishing grounds or lost on the fishing grounds be submitted at the time of landing.

The Committee identified that element 2, option 1 poses safety concerns as it would potentially require vessels to transport more pots more often between their port of landing and the fishing grounds. In addition, smaller vessels, in general, could be at a higher risk of encountering stability issues while transporting pots back and forth from the fishing grounds. Exempting smaller vessels from having to retrieve their pots at the time of landing would reduce the safety risk; however, the exemption would complicate enforcement of this option. The analysis also considered an alternative for enforcing option 2, which would require the development of a new record keeping, reporting, and gear tracking database. This measure would require extensive investment, however, options could be analyzed that would require minimal on-shore tracking and should be considered in future analysis, including methods of electronic marking or tracking onboard vessels.

Given the safety concerns and enforcement challenges associated with element 2, option 1, the Committee recommends the Council utilize option 2 if element 2 is included in the preferred alternative. The Committee noted that the location of pots left on the fishing grounds could be tracked using a pot buoy marking system, as well as additional log book entry requirements and/or the use of the VMS declarations advanced feature or other forms of electronic monitoring. It was also noted by the Committee that information collected on the location of pots would be used for enforcement purposes only, with no intention to disseminate to the public, so the confidentiality concerns raised in the analysis are not a factor for enforcing this element. This confidentiality requirement would not allow sharing of locations to facilitate deconfliction of fishing activity. The costs and benefits of these measures should also be provided in the supplemental analysis.

Element 3: Gear specifications

Element 3 would require the use of neutrally buoyant ground line (option 1) and/or require both ends of the pot longline set to be marked (option 2). Regarding option 1, the Committee noted that the analysis should provide a definition of neutrally buoyant ground line, and its performance standards to support Coast Guard and OLE enforcement of this option. The Committee noted that work completed in the Northeast Region concerning neutrally buoyant line may assist in developing standards for codifying neutrally buoyant line for this action. The Committee agrees that option 2 would be a necessary enforcement measure in order to identify gear on the grounds as that specifically belonging to the pot longline fishery. It is understood that federal regulations already require buoys to be marked in a specific manner, and therefore the Committee notes that if Council adopts this option as part of the preferred alternative, it may be necessary to amend the regulations so that pot longline gear could be differentiated from HAL gear.

Element 4: Retention of incidentally caught halibut

During staff presentation, there was some concern noted with element 4, option 1, which would allow retention of halibut caught incidentally in sablefish pots up to an MRA percentage, provided the sablefish IFQ holder also holds sufficient halibut IFQ. It was noted by the Committee, that the additional MRA requirement complicates enforcement. Until the MRA is determined to be GOA wide or based on vessel size and area, the Enforcement Committee cannot make a recommendation on this option.