

Enforcement Committee Minutes

Anchorage, Alaska

April 7, 2015

Committee: Roy Hyder (Chair), Dan Hull, CAPT Phil Thorne, LCDR Courtney Sergeant, Brian McTague, Nathan Lagerwey, Glenn Merrill, and Jon McCracken (staff)

Others attending in person include: Sam Cunningham, Peggy Murphy, Ben Muse, Mary Alice McKeen, Andrew Richards, Trent Hartill, Alexis Kwachka, Jeff Farvour, Sarah Marrinan, and Rachel Baker

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

At this meeting, Sam Cunningham (Council staff) and Peggy Murphy (NMFS staff) provided a summary of the public review draft of the Gulf of Alaska (GOA) sablefish longline pot action and provided a detailed overview of the management and enforcement section of the analysis. 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.

The Committee reviewed each of the elements and options for Alternative 2, from an enforcement perspective, to provide comments and recommendations to the Council concerning the proposed action alternative.

Element 1: Pot limits

Element 1 would limit the number of pots that a vessel fishing with pot longline gear for GOA sablefish IFQ could longline during a fishing trip to a specific number between 60 and 400 pots. The element includes an option to require an identification tag on each pot.

The committee discussed the feasibility of enforcing a pot limit and whether or not the proposed action created a need for pot limits in order to achieve its purpose. As noted in the analysis, the principle intent of setting a pot limit would be to minimize gear conflict and possible grounds preemption. The committee agreed that pot limits are not an effective way to address potential vessel overloading, as every vessel is unique and has different loading capacity based on prevailing conditions. Responsibility for safe loading of vessels therefore rests primarily with vessel masters. However, the committee recognized that there may be a need to include pot limits in the proposed action to address the potential for grounds preemption. Therefore, the committee has provided measures that are believed to be necessary for the Council to include if pot limits are to be enforced. A uniform pot limit for the entire GOA area is significantly easier to enforce than multiple pot limits in different areas as vessels often operate in multiple regulatory areas. The committee agreed that in the case of a pot longline fishery, pot tags were not the preferred enforcement approach due to the enforcement and administrative costs associated with managing and implementing a pot tag system, and challenges that exist with verifying pot tags both dockside and during at-sea boardings. A more feasible approach for enforcing pot limits in this fishery is the requirement that all vessels possess and utilize logbooks onboard to report the number of pots deployed and set locations. This information could easily be checked by NOAA OLE during dockside inspections or the USCG during at-sea boardings. Currently, only vessels greater than 60 ft in the GOA sablefish IFQ fishery fleet are required to use and submit logbook information. The committee also noted that vessels less than 60 ft in the IFQ halibut fishery have an existing International Pacific Halibut Commission logbook requirement. Additionally, there is currently not a data field in logbooks specifically designated for pot longline gear but this could be added. Given the impracticality of pot tags for this fishery, and the more practical approach of self-reporting fishing information using logbooks, the

Enforcement Committee recommends that if pot limits are to be used, that it be mandatory for all vessels using this gear to possess a logbook onboard and use it to report the number of pots and location of pot sets deployed on a fishing trip. It was also discussed that it would be important and useful to add a data field or fields to prior notice of landing (PNOL) for a pot longline vessel to declare the number of pots fished, lost, and/or currently fishing. It is the opinion of the committee that mandatory logbook information, along with the PNOL, observer data, vessel monitoring system (VMS) (see Element 2, Option 1), and dockside monitoring by NOAA OLE will provide adequate tools for management and enforcement of a designated pot limit.

Element 2: Gear retrieval

Element 2 addresses retrieval of gear in the GOA sablefish IFQ pot longline fishery. The Council identified two options under this element. Option 1 would require the location of pots set in the water, left in the water, or lost on the grounds to be submitted to an electronic database. Option 2 specifies that pot longline gear cannot be left more than four or seven days (suboptions) without being moved.

Option 1 addresses the need to report pot location data to an electronic database in order to reduce gear entanglement and gear conflicts, which was not perceived as an enforcement consideration but rather one of informational transparency. Therefore, the committee did not discuss or make a recommendation for this option.

For Option 2, the committee noted that it would be difficult to enforce the gear retrieval requirement as it would be dependent on self-reporting, and it would be unduly difficult to prove whether or not a vessel moved gear within a specified amount of time. Logbooks, fish tickets, and crew interviews may be used in a case investigation, however, may not be sufficient to successfully prosecute a violation of this regulation. If the Council selects Option 2 in its proposed action alternative, the Enforcement Committee recommends the requirement of an operating VMS unit on all vessels fishing pot longline gear in the GOA sablefish fishery be included in the proposed action to aid enforcement. The addition of VMS track history would significantly improve the ability of enforcement to identify if a vessel had returned to its deployed fishing gear and moved it in the allotted amount of time. VMS data, along with logbooks, fish tickets, and crew interviews would likely provide the necessary information to successfully create a case package for possible prosecution of a violation. The committee recommends a 72-hour stand down period immediately before the opening of the GOA sablefish pot longline IFQ fishery or a prohibition of the gear type prior to the opening and following the closure of the fishery to facilitate enforcement.

Element 3: Gear specifications

Element 3 would require both ends of the sablefish pot longline set to be marked with buoys and/or flagpoles and transponders that work with AIS or an equivalent system.

Given that the transponder technology applicable for use of fishing gear in the pot longline sablefish fishery is not yet approved and may come at considerable cost, the Enforcement Committee recommends the use of flagpoles with a passive radar reflector affixed at the top to mark both ends of a pot longline set. In addition, the committee agrees and recommends the Council require the marking of buoys with "PL" to distinguish the gear from HAL gear, as well as the vessel's permit number to adequately correlate the gear with the vessel and ease enforcement at-sea.

Element 4: Retention of incidentally caught halibut

Element 4 would allow retention of halibut caught incidentally with pot longline gear in the GOA sablefish IFQ fishery, provided the sablefish IFQ holders onboard the vessel also hold sufficient halibut IFQ.

The Enforcement Committee provided no comment on this element as it did not pose any enforcement issues.

II. C-8 Observer Coverage on Small CPs – Initial Review

Ben Muse and Mary Alice McKeen provided a summary of an analysis that evaluates alternatives the Council might consider to revise current thresholds for catcher/processors (CP) with relatively small levels of groundfish production which determine required observer coverage. This would allow these smaller vessels that fall under the thresholds, to receive partial observer coverage rather than the current mandatory full coverage, while still maintaining an appropriate balance between data quality and the cost of observer coverage. There does exist an enforcement concern with the possible incentive for CPs to misrepresent their self-reported daily production reports in order to qualify for the partial observer coverage category. The committee discussed using existing data resources to track a vessel's self-reported production reports in order to compare and possibly identify inconsistencies and violations. It was also noted by the committee that OLE monitors some CP offloads to verify self-reported production reports. The committee also discussed the need for VMS on small CPs in the partial coverage category but determined that this was primarily necessary for in-season management purposes and therefore, deferred to them to further explore. The committee did note that it should be clarified in the proposed action what the observer requirements are for jig CP vessels, whether they are exempt as jig vessels or are required to participate in the program as CPs.

III. Review Draft Enforcement Precepts and Discuss Development of a Technical Paper on VMS Usage

At the December 2014 meeting, the Enforcement Committee provided a report to the Council that assessed the utility of several advanced VMS features in the North Pacific. These features include geofencing, increased polling rates, declarations of species, gear, and area, and two-way communication. After reviewing the report, the Council tasked the Enforcement Committee to review its April 2005 "Enforcement Considerations for NOAA Fisheries and North Pacific Fishery Management Council Staff" paper (hereby referred to as Enforcement Precepts) to include advanced VMS features, where appropriate, amongst the matrix of different management measures noted in the paper. The Council also tasked the Committee to review other enforcement considerations in other regions to determine if there are additional enforcement tools that might be of use in the North Pacific. At this meeting, the Enforcement Committee received a draft copy of the edited North Pacific Enforcement Precepts which included both advanced VMS features and other enforcement considerations. The committee agreed to further review and edit the draft for release to the Council at a future meeting.

In addition, the Enforcement Committee was asked to prepare a technical document on VMS usage, considerations, and possible application for non-VMS vessels in the North Pacific which would assist the Council in considering enforcement and electronic monitoring issues associated with future FMP and regulatory actions. The committee briefly discussed the concept of the VMS technical document and tasked staff to prepare a detailed outline for presentation at a future committee meeting. Finally, the committee briefly discussed the need for an electronic monitoring presentation from the EM workgroup, as well as the importance of considering the enforcement implications of this program early on in the approval process.