

North Pacific Fishery Management Council

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Enforcement Committee Minutes October 4, 2016

The North Pacific Fishery Management Council's Enforcement Committee met on October 4, 2016 in Anchorage, Alaska.

Committee members in attendance included Roy Hyder (Chairman), Chris Rilling, Will Ellis, Steven Hall, Nathan Lagerwey, Alisha Falberg, Guy Holt, Glenn Merrill, Capt. Stephen White, and LCDR Corrie Sergent. The committee was staffed by Jon McCracken.

Others in attendance included: Andy Mezirow and Jennifer Watson.

1. Commingling of Guided Halibut with Unguided Halibut on the same Charter Vessel

At the June 2016 meeting, the Council tasked staff to prepare a discussion paper on information concerning commingling of guided and unguided halibut on the same vessel for presentation at a future Council meeting. To aid staff in preparation of the Council's requested discussion paper, the Enforcement Committee held a working session to review the draft discussion paper. After reviewing the draft discussion paper, **the committee focused on further development of the potential alternatives in the discussion paper and recognized that another work session during the December Council meeting will be necessary to finalize the potential alternatives.** In the interim, members of the committee will assist staff in developing a description of the potential alternatives.

2. Review EM Integration Alternatives and Options for October 2016 Initial Review

The Council initiated an analysis to integrate electronic monitoring (EM) tools into the Observer Program for vessels using fixed gear. The EM program is being developed through the Council's Fixed Gear EM Workgroup. Jennifer Watson provided an update on the EM initial review analysis and provided a list of recommendations that will help ensure the enforceability and overall success of the program.

The Enforcement Committee had a valuable discussion concerning the use of EM as a compliance monitoring tool. The committee immediately recognized that future increases of compliance monitoring roles for EM (multiple IFQ areas, etc.) will increase the need for real time spatial and temporal system reporting and enforcement access to data. Many of the questions by the committee centered around the utility of EM as a compliance monitoring tool. Industry is recognizing the advantage of the technology innovations of EM as a compliance monitoring tool to monitor for additional requirements and its ability provide more flexibility for the fleet. With that in mind, enforcement entities need to consider EM both in terms of current and potential future compliance monitoring and as a tool to directly support the EM data collection objectives.

After some discussion, the committee recommended that the analysis include a regulatory option to the EM Integration Analysis to allow vessel operators fishing in multiple regulatory areas to retain

IFQ or halibut CDQ exceeding the amount available in the individual area being fished if they are either carrying an observer or EM. When including this option in the EM Integration Analysis, a discussion regarding the possible requirement of Vessel Monitoring System (VMS) should be included and whether Pacific State Marine Fisheries Commission grants will be available for installation of VMS units if required. The analysis should also include information on the timeliness of accessing EM video data and how effective that data will be as a compliance monitoring tool for accurate catch reporting.

The committee noted that a more robust compliance monitoring program at the EM program start will increase enforcement's ability to apply compliance monitoring pieces later in the process without having to conduct regulatory actions to change parts of the EM program. This could serve as an advantage to enforcement and industry. Enforcement may be able to respond more immediately to potential violations with minimized enforcement action and industry may be to apply EM for future compliance monitoring options for potential increased fishing opportunities/flexibility.

The committee also noted that with the accelerated timeline for implementation of the EM program, hardware selection could limit enforcement's ability to utilize EM as a tool for compliance monitoring, but scalable EM contracts and systems should reduce this limitation on enforcement.

3. Fish donations from enforcement officers

In June 2016, the committee recommended that the Council initiate a discussion paper to examine requirements for a regulatory amendment to allow donation of fish seized by law enforcement officers to local food banks or the SeaShare program beyond halibut and salmon species. Will Ellis informed the committee that **a discussion paper to the Council is not necessary at this time given OLE and NOAA General Counsel has determined the agency has pre-existing statutory authority necessary to donate any seized fish species.** NOAA OLE is continuing to pursue the donation program internally through policy changes between OLE and General Council.