

Enforcement Committee Minutes
April 7, 2010
Hilton Hotel
Anchorage, Alaska

Committee present: Roy Hyder (Chair), CAPT Mike Cerne, Martin Loefflad, Sue Salveson, Ken Hansen, Garland Walker, Stefanie Moreland, Nick Sagalkn, Jonathan Streifel, and Jon McCracken (Staff)

Others present: Sally Bibb, Diana Evans, John Olson, Susan Auer, Karl Haflinger, Stephanie Madson, Chris Oliver, Ken Lawrenson, Rachel Brown, Stephen Taufen, Ray Reichl,

D-3(a) GOA Tanner Crab Bycatch

Sally Bibb presented an overview of the analysis that proposes additional protection to Gulf of Alaska (GOA) Tanner crab from the adverse effects of groundfish fisheries in order to facilitate rebuilding of GOA Tanner crab stocks.

After a lengthy discussion on the enforcement and monitoring surrounding the different alternatives, the Committee noted that Alternative 3 does not appear to be responsive to the problem statement, in that it only calls for increased observer coverage and no restrictions on any bottom contact gear in the high crab bycatch proposed areas. Therefore, if the Council intends Alternative 3 to be other than an information gathering approach to assess the stated problem, the Committee recommends that any increase in observer coverage considered by the Council be incorporated into the options and suboptions in Alternative 2.

The Committee also discussed general precepts with respect to closed area enforcement and noted that the more exceptions there are to closed areas, the more problematic for enforcement. This is especially true when an exception allows pelagic trawling (or trawling with modified gear) while prohibiting non pelagic trawling, such as those being contemplated in Suboptions 4 and 5 in Options 1 and 2 of Alternative 2. Although VMS is a tool available to enforce area closures, this type of exemption is not effectively monitored from a Coast Guard aircraft. Under current Coast Guard resource constraints, there are minimal at-sea assets available to monitor the proposed closed areas, but ample aircraft to ensure compliance. An aircraft can easily differentiate between a trawl, pot, and longline vessel, but cannot differentiate between vessels operating pelagic, non pelagic, or modified trawl gear. This requires an at-sea boarding.

With this in mind, the Committee notes that Suboptions 1, 2 and 3, under both Options 1 and 2 are very manageable from an enforcement perspective, as opposed to Suboptions 4 and 5 which are problematic. The Committee recognizes that while straightforward gear closures in the proposed areas are easiest to enforce, this may displace a small percentage of CVs mainly targeting pollock with pelagic trawl gear who are not contributing to the crab bycatch noted in the problem statement. Therefore, if the Council were to adopt Suboption 5, the Committee discussed measures which could be added for consideration under Suboption 5 that would facilitate the enforcement of this action. These include:

- (1) Limiting the exception to pelagic fisheries which have traditionally taken place in these areas, e.g., mainly pollock; and
- (2) Requiring 100% observer coverage for vessels electing to fish in the proposed areas.

In addition, the Committee noted the modified gear option under Suboption 4 would likely need further analysis to determine the applicability for GOA fishing grounds, given these gear modifications were extensively tested on a portion of the catcher processor fleet while operating in the Bering Sea to minimize impact on bottom habitat and may not be effective in reducing crab bycatch in the trawl fleet operating in the proposed closure areas of the GOA.

The Committee noted there are two different definitions for non pelagic trawling in existing regulations. The definition as applied to pollock fishing is based on a performance standard of no more than 20 crab with a carapace length greater than 1.5 inches, aboard at any time, while a gear based definition generally is applied to all fisheries. This is further complicated by the fact that part of State statistical area 525702 being proposed under this action also encompasses existing non-pelagic trawl (NPT) prohibition areas already in place under existing regulations, meaning a vessel trawling in the overlapping area could conceivably be subject to two varying definitions of NPT. Complicating matters, the State has yet another standard for NPT in State waters. The Committee noted the current performance standard, used for enforcing unlawful bottom trawling in a pollock fishery, applies only to the pollock fishery and this type of approach may not necessarily be directly applicable for other pelagic GOA target fisheries. Finally, the Committee noted that given the current performance standard, pelagic trawl gear could be used in a non-pelagic fashion and still meet that standard.