

Enforcement Committee Agenda
December 4, 2012
1pm – 5pm
Fireweed Room, Hilton Hotel
Anchorage, Alaska

The following agenda items are scheduled for review at this meeting:

I. C-2(b) Initial review on BSAI Chum Salmon Bycatch

The analysis examines the impacts of alternatives for new measures to reduce chum salmon bycatch in the Bering Sea pollock fishery to the extent practicable while achieving optimum yield. A vast majority of the chum salmon PSC in the groundfish fisheries are taken by the pollock fishery. The Council developed four alternatives for minimizing chum salmon PSC, each with a number of detailed options and suboptions. Given that chum salmon PSC is taken almost exclusively during the B-season, management measures are considered only for the period June 10 to November 1.

Alternative 1: Status Quo (No Action)

Alternative 2: Hard cap (PSC limit). This alternative would establish separate chum salmon PSC limits for the pollock fishery in the B season, with accounting towards the cap beginning on June 10. When the PSC limit is reached, all directed fishing for pollock must cease for either the remainder of the year (Option 1a) or until August 1 (Option 1b). Only those chum salmon caught by vessels participating in the directed pollock fishery would accrue towards the cap. When the cap is reached, directed fishing for pollock would be prohibited during the applicable time frame.

Alternative 2 contains components, and options for each component, to determine (1) the total hard cap amount and time frame over which the cap is applied, (2) whether and how to allocate the cap to sectors, (3) whether and how salmon bycatch allocations can be transferred among sectors, and (4) whether and how the cap is allocated to and transferred among catcher vessel (CV) cooperatives. The existing Chum Salmon Savings Area and associated trigger cap would be removed from regulation.

Component 1 – Component 1 would establish the annual PSC limit, based on a range of optional caps, with 10.7% allocated to the CDQ pollock fishery. There are two options considered to establish the hard cap. These options differ by whether the cap is established for the entire B season (Option 1a) or for June and July only (Option 1b). There are 6 options for caps under Option 1a, and 6 options for caps under Option 1b, of which three options encompassing the entire range were selected for analysis.

Component 2 – Component 2 would allow hard caps to be apportioned as sector-level caps for the three non-CDQ sectors: the inshore CV sector, the mothership sector, and the offshore CP sector. A fishery level cap would be managed by NMFS with inseason actions to close the fishery once the cap was reached. The CDQ fishery caps would be allocated and managed at the CDQ group level, as occurs under status quo. The hard caps could be apportioned to sectors as sector level caps based on the percentages in Table ES-0 3. Non-CDQ sector level caps would be managed by NMFS with inseason actions to close the fishery once the cap was reached. The inshore CV sector level cap could be allocated to cooperatives and the inshore CV limited access fishery. The cooperative transferable allocation amounts would be based on the proportion of pollock allocations received by the cooperatives.

Component 3 – Component 3 would provide sectors more opportunity to fully harvest their pollock allocations, by authorizing the ability to transfer sector allocations and/or rollover unused salmon bycatch.

Options include: no transfers or rollovers, NMFS-approved transfers between sectors, and allowance for NMFS to roll-over unused bycatch allocation to sectors that are still fishing. A suboption for sector transfers would limit transfers to the 50%-90% of the salmon that is available to the transferring entity at the time of transfer.

Component 4 – Component 4 would allow allocation at the co-op level for the inshore sector, and apply transfer rules at the co-op level for the inshore sector. Sub-options can limit transfers to 50%-90% of salmon that is available to the transferring entity at the time of transfer. An additional option would allow NMFS to rollover unused bycatch allocation to inshore cooperatives that are still fishing.

Alternative 3: Triggered closure with intercooperative exemption. This alternative would create new boundaries for the Chum Salmon Savings Area. The existing Chum Salmon Savings Area and associated tripper cap would be removed from regulation. The new boundaries encompass the area of the Bering Sea where historically 80% of non-Chinook prohibited species catch occurred from 2003-2011. The area closure would apply to pollock vessels that are not in a Rolling Hot Spot system when total non-Chinook salmon PSC from all vessels (those in a Rolling Hot Spot system and those not in a Rolling Hot Spot system) reaches the trigger cap level. The trigger cap would be allocated between the CDQ and non-CDQ pollock fisheries, as currently done under status quo. Trigger caps range from 25,000 to 200,000).

As part of Alternative 3, industry has proposed a new Rolling Hot Spot system that makes a number of modifications to the existing program in response to requests by the Council. These changes include an ability to incorporate new genetic information, a management change whereby closures operate at vessel- or platform-level rather than cooperative level, and suspension of the chum closure program when Chinook PSC rates are higher. Other changes include a floor on the base rate so that closures are not unnecessarily implemented when they are not expected to be effective, and a change of the start-time of closures from 6pm to 10pm.

Alternative 4: Triggered closure with intercooperative exemption and options for non-exempt closures. As with Alternative 3, Alternative 4 would create new boundaries for the Chum Salmon Savings Area. The existing Chum Salmon Savings Area and associated trigger cap would be removed from regulation. The new boundaries encompass the area of the Bering Sea where historically 80% of non-Chinook prohibited species catch occurred from 2003-2011. The trigger caps that would close this area are described below, with accounting against the closure to begin on June 10. The area closure would apply to pollock vessels that are not in a Rolling Hot Spot system when total non-Chinook salmon PSC from all vessels (those in Rolling Hot Spot system and those not in a Rolling Hot Spot system) reaches the trigger cap level.

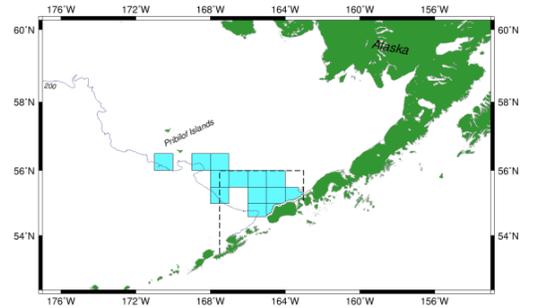
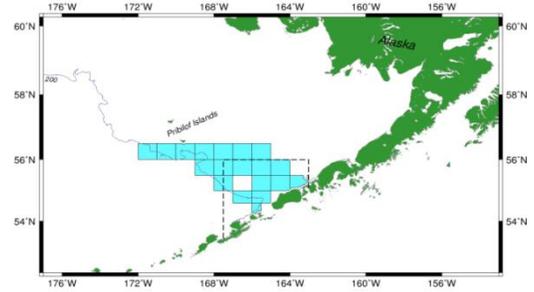
The trigger cap would be allocated between the CDQ and non-CDQ pollock fisheries, as currently done under status quo. The revised Rolling Hot Spot program proposed under Alternative 3 would also apply under this alternative.

There are 6 components of Alternative 4. Component 1 of this alternative sets the trigger PSC cap level for this large scale closure. PSC from all vessels will accrue towards the cap level selected (ranging from 25,000 to 200,000), with accounting towards the cap beginning on June 10. However if the cap level is reached, the triggered closure would not apply to participants in the RHS program. Under Component 2 however, in addition to the large closure for non-participants, a select triggered area closure would apply to RHS participants. Four options of triggered closure areas and time frames are provided under Component 2. Note that the closure areas are larger under Option 1 because they are based on areas that incorporate a higher proportion of the historical chum salmon bycatch than in Option 2.

Option 1: A trigger closure would be established that encompasses 80% of historical non-Chinook salmon PSC estimates.

Suboption 1a) The trigger closure would apply for the B season. The adjacent figure shows the areas closed under this suboption.

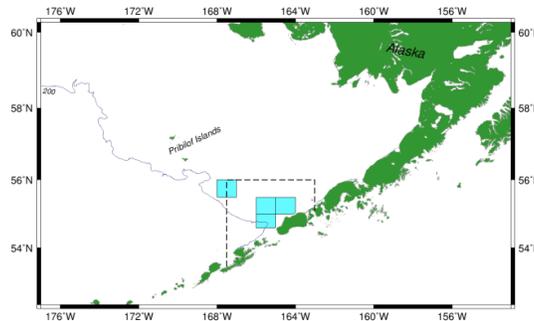
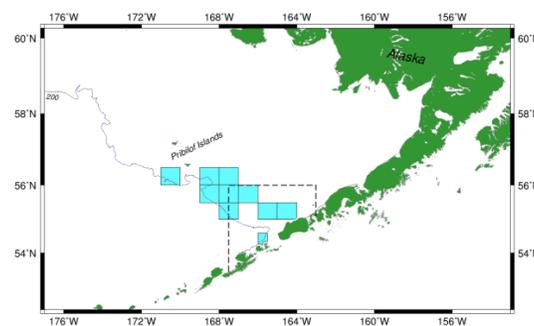
Suboption 1b) The trigger closure would apply for the months of June-July only. The adjacent figure shows the areas closed under this suboption.



Option 2: A trigger closure encompassing 60% of historical non-Chinook salmon PSC estimates.

Suboption 2a) Trigger closure would only apply for B-season. The adjacent figure shows the areas closed under this suboption.

Suboption 2b) Trigger closure would apply for the June-July. The adjacent figure shows the areas closed under this suboption.



Component 3 then sets the trigger PSC cap level for the area selected under Component 2. Component 4 would allocate the trigger cap to at the sector level. Component 5 sets the sector-level rollover and transferability provisions. Component 6 would allocate the trigger cap for the inshore sector at the cooperative level. A summary of the components analyzed for Alternative 4 are listed in the table below.

Finally an option to this alternative as a whole includes the ability to specify just the goals and objectives of the revised RHS in regulation rather than specifying all provisions of the program in regulation as is done under Alternative 1 (status quo).

At the April 2012 Council meeting, the Enforcement Committee reviewed a preliminary review draft of BSAI chum salmon bycatch measures. At that meeting, the Committee recommended the analysis include a discussion concerning deckloading. The analysis should address the implications of prohibitions of deckloads as well as simply enforcing the existing requirements of delivering to shoreside processors or stationary floating processors all salmon taken as bycatch in trawl operations stored in RSW tanks. The analysis should also address modification of the monitoring program regulations that are currently in place for catcher vessel to allow for example storing salmon bycatch in other secure locations approved in writing by NMFS.

The Committee also noted the need to expand the current analysis to accommodate two housekeeping regulatory corrections that will improve monitoring and enforcement of both Chinook and non-Chinook salmon bycatch. The first housekeeping issue needing to be addressed in the analysis is the observer viewing of salmon in storage containers. The second housekeeping issue is the removal of salmon from observer sample area at the end of the haul or delivery.

II. C-2(c) Initial review on GOA Chinook Bycatch all trawl fisheries

This analysis evaluates management measures to address Chinook salmon bycatch or prohibited species catch (PSC) in the GOA non-pollock trawl fisheries. The alternatives included in the initial review document are specific to the GOA non-pollock trawl fisheries occurring in the Western and Central GOA, and include setting Chinook salmon PSC limits for these fisheries, and requiring full retention of all salmon species. The document analyzes four potential PSC limits, ranging from a maximum of 5,000 to 12,500 Chinook salmon per year. The Council may choose to apply a Chinook salmon PSC limit to the Western and Central GOA as a whole, or to apportion the selected PSC limit either by regulatory area, by operational type (catcher vessels and catcher/processor), or by operational type within each regulatory area. Attaining the PSC limit would result in a groundfish fishery closure for the remainder of the year, for that portion of the GOA non-pollock trawl fishery to which the limit applies.

III. D-2(c) Provide direction on Round Island Transit analysis scope, purpose and need

In June 2012, NOAA Enforcement, through the Council's Enforcement Committee, brought to the Council's attention an unintended consequence of a recent Council action. As a result of Component 9 to GOA FMP Amendment 83, federally permitted vessels risk losing their FFP if they act as tenders taking herring from seiners operating in the Togiak area to processors in Dillingham or elsewhere. Vessels with Federal Fishery Permits are prohibited from transiting walrus protection areas established around Round Island and The Twins, Cape Peirce, and Cape Newenham. Until recently, vessels with FFPs were permitted to "surrender" their FFP which allowed them to transit the Walrus Protection Zone around Round Island during tendering, with the expectation that they could reapply for their FFP when they completed tendering. However, recent regulations implementing sector splits prevents those vessels from being issued an FFP more than once in any three year period. As a result, those vessels tendering the Togiak area herring fishery risk being out of compliance with federal regulations if they transit the Walrus Protection Zone during tendering, or must surrender their FFPs for an extended period. This also creates a difficult situation for NOAA Enforcement, whereby they either do not enforce an existing federal regulation or cite vessels for an unintended consequence of an existing regulation. At the June 2012 meeting, the Council directed staff to analyze options for remedying this problem.

New information has become available that may affect the Council's desired scope for this action. Several processors in the area report that they will have tenders that travel to Security Cove or other herring fishing areas in the proximity of Cape Peirce and Cape Newenham and a transit corridor through

the walrus protection areas there are desired although vessels can, for the time being, transit through State waters. Additionally, Amendment 80 vessels fishing yellowfin sole in the Northern Bristol Bay Trawl Area may deliver to processors or trampers in the roadsteads in Hagemeister Strait or Togiak Bay. Currently those Amendment 80 vessels transit south of Round Island and through Hagemeister Strait to avoid the Round Island no-transit area, which forces them close to walrus haulout on the south side of Hagemeister Island. The U.S. Fish and Wildlife Service has indicated that a transit corridor north of Round Island would be preferable as it would lessen the likelihood of Amendment 80 vessels disturbing walrus at Hagemeister Island, and prevent those vessels from crossing the route that walrus take when moving from Round Island to their feeding grounds in Bristol Bay. A discussion paper is attached as **Item D-2(c)(1)**.

IV. C-3(a) Recommendations for 2013 Charter Halibut (tentative)

Past Beginning in 2012, the Council adopted a new approach to manage the charter halibut fisheries under the Guideline Harvest Level Program. Based on recommendations from its committee, Advisory Panel, and public, along with an ADF&G staff analysis of a range of alternatives, the Council recommended one fish ≤ 45 inches or ≥ 68 inches (“U45068”) for Area 2C in 2012. This management measure accounted for an increased GHL from 788,000 lb in 2011 to 931,000 lb in 2012. This “reverse slot limit” would allow the retention of halibut approximately ≤ 32 lb and ≥ 123 lb (dressed weight). For Area 3A the Council recommended status quo (2 fish of any size) based on a decreased GHL from 3.651 Mlb in 2011 to 3.103 Mlb in 2012. The IPHC adopted the Council recommendations at its January 2012 meeting in Anchorage. NMFS implemented the IPHC action as part of the annual management measures on March 22, 2012 (77 FR 16740).

The preliminary 2012 halibut harvest projection for Area 2C is 0.645 M lb for the charter sector. The average weight is 14.6 lb for the charter halibut sector. Both metrics were up from 2011, likely due to relaxation of size limits from the 37-inch maximum size limit in 2011 to the U45068 reverse slot limit in 2012 (**Item C-3(a)(1)**). The projected halibut harvest in Area 3A is 2.375 M lb, with an average weight 13.3 lb for the charter halibut sector in 2012. These are the lowest estimated average weights for Area 3A since ADF&G began monitoring charter harvests in the early 1990s.

Present The Charter Management Implementation Committee met on October 19, 2012 to recommend a range of potential management measures for Area 2C in 2013 for the ADF&G analysis (see below). For Area 2C, the range of alternatives under consideration continues to be constrained by the 1-fish bag limit, which is implemented under NMFS regulations¹.

1. Analyze reverse slot limits over a wider range of lower limits.
2. Consult with NMFS to see if annual limits are even a possibility for Area 2C. If so, analyze a 1-fish annual exemption from a maximum size limit.

Future ADF&G staff plans to revise the preliminary analysis prior to the committee’s December 4 meeting, based on the outcome of the IPHC’s Interim Meeting on November 28 – 29, 2012 (Item B7(a)). As reported under Agenda B-7, the IPHC is revising its process for providing staff recommendations for halibut fishery catch limits (Item B-7(b)). This new process, which is still under development, likely will complicate this annual process of determining annual management measures for the charter sector. It may be necessary for ADF&G to revise its analysis based on final catch limits adopted by the IPHC at its January Annual Meeting, after which the Council would adopt its final recommendation at its February meeting. This may necessitate follow-up action by IPHC to consider the Council recommendation and adopt final management measures for the charter sector in Area 2C and Area 3A. The IPHC report under

¹ The Council has recommended that NMFS replace the Area 2C bag limit, along with the GHL Program itself, with the proposed Halibut Catch Sharing Plan. The earliest that NMFS could implement that action is 2014.

Agenda B-7 and the IPHC informational meeting on the evening of December 6 may clarify some of the IPHC process, as a result of additional discussions by the IPHC.

V. C-3(c) Discussion paper on retention of 4A halibut in sablefish pots

In 2008 a regulatory proposal was submitted to the International Pacific Halibut Commission which would allow fishermen with commercial IFQs for both halibut and sablefish to retain halibut in Area 4A that were caught in sablefish pots (Item C-3(c)(1)). The IPHC would have to define pots (of specified dimensions) to be legal gear for retaining halibut. While the IPHC could have taken unilateral action, it referred the proposal to the Council for its consideration and guidance to the IPHC.

The Council reviewed the proposal under its 2009 call for IFQ proposals. In February 2010, based on an IFQ Implementation Committee recommendation, the Council requested a discussion paper on the potential effects of the proposed action. The Council affirmed that the premise of the paper would be that sablefish pot tunnel regulations would not change in the BS/AI regulatory area. The Council's review of the paper is timed so that the IPHC may consider Council recommendations on the proposal during its January 2013 Annual Meeting. The paper will be available prior to the meeting.

VI. B-2 Halibut subsistence proposal

In the B2 reports is a proposal to allow immediate family members of SHARC holders to assist with subsistence halibut fishing activities on board the vessel from which the SHARC holder is subsistence halibut fishing. Aside from the policy issues (e.g., would this expand participants in the fishery and halibut harvests in times of low halibut abundance, potential user conflicts), is there an enforcement concern regarding the ability to verify family relationships while at sea or dockside?

VII. D-1(b) Discussion paper on VMS

In October 2011, the Council initiated a discussion paper to review the use of (and requirements for) vessel monitoring systems (VMS) in the North Pacific fisheries and other regions. At the April 2012 meeting, the Council reviewed the discussion paper, and requested that it be expanded to identify the needs for management, enforcement, compliance, and safety in the fisheries and what is the appropriate technology for meeting those needs. The Council also requested that the expanded discussion paper include: 1) a description of advanced features of VMS like geo-fencing, increasing poll rates, and declarations of species, gear and area; 2) expanded discussion of VMS alternatives to include electronic monitoring; and 3) expanded discussion on VMS requirements in other regions to include the purpose and need for VMS coverage in those regions and whether VMS has been successful in meeting those needs.

At the October meeting, the Council postponed review of the discussion paper due to time constraints. However, the Council recommended the discussion paper be expanded to include the Enforcement Committee recommendations, which include an evaluation of previous search and rescue cases, and further refinement of the characterization of vessels that are not required to carry VMS.