

Enforcement Committee Minutes

January 31, 2012

Renaissance Hotel, Seattle, WA

Committee Present: Roy Hyder (Chair), Martin Loefflad, Garland, Walker, Capt. Gregory Sanial, Ken Hansen, Jonathan Streifel, Steve MacLean (staff)

Others present: Diana Evans, Sarah Melton, Steve Bear, Glenn Merrill, Brian Corrigan, LCDR Brian Chambers, LT. Anthony Kenne, Brad Robbins, Bill Tweit, LTJG Nick Beheler, John Olson, Jerry Hoff, Matt Eagleton

Chairman Hyder called the meeting to order at 1:04 PM. Martin Loefflad and Ken Hansen provided an update on implementation of Amendment 91 to the BSAI FMP, which established limits on Chinook salmon bycatch in the BS pollock fishery. They noted that this potentially complicated, labor intensive program is working very well and the good internal coordination combined with outreach and collaboration with industry has made this possible.

C-4(a) Initial Review of GOA Trawl Sweep Modification

Diana Evans, Council staff, presented an overview of the analysis paper regarding trawl sweep modifications in the Gulf of Alaska trawl fleet. The purpose of the action is to reduce unobserved crab mortality in the GOA flatfish trawl fisheries. Ms. Evans noted that given the implantation of modified trawl sweeps in the Bering Sea trawl fleet, and given that some vessels participate in both the BS and GOA trawl fisheries, there was a desire to understand whether modifications used in the BS can be implemented in the GOA. The analysis concludes that although some vessels may require modification to accommodate the modified gear, the GOA trawl fleet could accommodate the same modifications that were applied in the Bering Sea. Therefore, the Enforcement Committee was requested to evaluate and comment on factors that may affect the enforceability of the proposed regulations.

During discussion, the Committee noted that enforcement of gear modifications in the Bering Sea is working well, and there have been few issues with compliance. It was noted that at a recent trawlers' association meeting in Kodiak, AK, the majority of the fleet felt that the gear modifications implemented in the Bering Sea could be implemented in the GOA with little difficulty. It was noted that the smaller vessels in the GOA, and the correspondingly smaller trawl alleys compared to vessels in the BS, could result in safety concerns for a USCG boarding party measuring gear underway, although these concerns could be mitigated by conducting most inspections dockside, or with slower inspections aboard. NOAA OLE noted, based upon experience with the BS, they felt implementing this program in the GOA flatfish trawl fleet would likely not result in a high threat of non-compliance. Thus, compliance monitoring might be effectively accomplished by visually observing the gear from a safe location during setting/hauling. The USCG noted that they would continue to work with vessel masters, as is already

done in the Bering Sea, to minimize interruptions to the vessel's schedule as much as possible. There may, however, still be instances where the master is requested to haul gear before they normally would, for instance due to deteriorating weather conditions, safety concerns, or other factors that may necessitate boarding personnel conducting an inspection of this gear prior to departure from the vessel.

The Committee also noted that the USCG, NOAA Enforcement, and AK Wildlife Troopers are committed to working with the fleets to ensure understanding and compliance with regulations, both through dockside monitoring and at-sea inspections. Vessels would be encouraged to contact NOAA Enforcement if there were any questions about modified gear requirements or proper installation, etc.

Finally, the Committee recommended that modified gear requirements in the GOA should be consistent with requirements in the Bering Sea.

C-4(b) Initial Review of HAPC – Skate Egg Concentration Sites

Sarah Melton, Council staff, presented an overview of the analysis concerning designation of Habitat Areas of Particular Concern around egg concentration sites for several species of skates in the Bering Sea. Ms. Melton summarized the three alternatives presented in the analysis, and noted that only Alternative 3 would require enforcement considerations.

During discussion, the Committee noted that if the Council wishes to identify these skate egg concentration areas *and* wishes to protect them using VMS, then there is a minimum size requirement that would allow for protection given the limitations of VMS polling (once or twice per hour), uncertainty in GPS locations, and the spatial dislocation between the vessel and gear. The Committee was informed that there was concern at the SSC about increasing a buffer beyond the distribution of the egg concentration site. However, while the Committee recognizes the desire to use biological data (egg concentrations) to identify the sites, there is a practical enforcement need to create a larger buffer to limit vessel activity in order to ensure conservation of the biological resource. The Committee briefly discussed what the absolute minimum size was that would still ensure conservation of the resource, it was stated that although an area of 3 nm per side could provide protection for a small site, an area 5 nm per side would be an ideal minimum because the limits of VMS to accurately track a vessel through the area. It was noted that with areas smaller than 5 nm per side, although providing some level of protection to the site, the likelihood of successful enforcement goes down substantially. It was further noted that although it is technically feasible to increase VMS polling frequency, that would require additional costs to fishermen, and deviation from what are currently accepted standards (once or twice per hour). Additionally, there are additional complications in implementing changes in how VMS operates in Alaska, and the Committee is hesitant to recommend tweaking VMS before current concerns can be addressed. The Committee recommendation is to design areas to accommodate current VMS limitations rather than attempting to change VMS to accommodate smaller areas.

The Committee also discussed the desire to align sides of areas with latitude and longitude, to the greatest extent practical. It is more practical for enforcement personnel and USCG pilots to quickly

determine whether a vessel is inside or outside of a protected area with margins along latitude and longitude lines than an irregularly shaped area. It was also noted that the Bering Sea trawl fleet is one of the most highly observed fishing fleets in the world, and the observer position reports, reviewed by enforcement personnel, would provide another potential information source.

Bottom tending mobile gear, particularly trawl gear, provides the greatest concern for disturbance to these sites. There have been reports of pelagic trawl vessels spending more time in contact with the bottom, and the Coast Guard remains concerned about their ability to identify the difference between pelagic and non-pelagic trawl gear from the air.

The Committee's recommendation, if the Council wishes to identify HAPC areas around skate egg concentration sites *and* wishes to enforce protections, is to identify HAPC areas of a minimum size to allow effective VMS tracking for enforcement, and to establish HAPC boundaries along latitude and longitude lines, wherever practical. Minimum thresholds should be established with a buffer of at least 1 nm beyond the boundary of the area to be protected in order to account for current VMS capabilities, potential GPS error, and the dislocation between vessels and deployed gear. Should the council decide to implement trawl gear restrictions for these areas, the committee recommends prohibition of all trawl activity in these areas.

The Committee adjourned at 2:30 PM.