

# North Pacific Fishery Management Council

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## Enforcement Committee Minutes April 3, 2018

The North Pacific Fishery Management Council's Enforcement Committee met on April 3, 2018 in Anchorage, Alaska.

Committee members in attendance included CAPT Stephen White (Interim Chairman), Will Ellis, Steve Marx, Glenn Merrill, Alisha Falberg, Nathan Lagerwey, Jennifer Ferdinand, and LCDR Corrie Sergent. The committee was staffed by Jon McCracken.

### 1. C4 Mixing of Guided and Unguided Halibut

At the June 2017 meeting, the Council initiated an analysis for limiting the possession of guided and unguided halibut simultaneously on a vessel. Alternatives for consideration include: 1) no action; 2) prohibit the possession of guided and unguided halibut simultaneously on any vessel; and 3) if halibut harvested using sport fishing guide services is possessed with halibut harvested not using sport fishing guide services on Convention Waters in Area 2C or 3A, the International Pacific Halibut Commission (IPHC) annual management measures for guided sport fishing for the area that the halibut was harvested apply to all halibut onboard the fishing vessel.

The Enforcement Committee reviewed the public review analysis during this meeting. Based on that review, the committee recommends the following change to Alternative 3 (see bolded text for change):

*Alternative 3, Preliminary Preferred Alternative: If halibut harvested using sport fishing guide services is possessed with halibut harvested not using sport fishing guide services on Convention waters in Area 2C or 3A, the **applicable federal and IPHC** annual management measures for guided sport fishing for the area that the halibut was harvested apply to all halibut onboard the fishing vessel.*

The additional text is necessary for management of the halibut fishery on Convention waters, as federal regulations may not always be in alignment with the annual IPHC regulations.

### 2. NOAA Office of Law Enforcement 5-Year Priorities

Will Ellis provided a summary of the NOAA Office of Law Enforcement 5-Year Priorities process. The committee had no additional comments concerning this agenda item.

### 3. C3 Charter Halibut Annual Permit Registration

This issue was added to the committee's agenda during the meeting.

The committee had a brief discussion concerning a question that was raised in Section 4.2.1.3 on page 41 of the analysis. Is it important for each operator to use the official, original charter halibut permit (CHP) or could a print-out copy suffice? Currently, guides are required to carry an original, valid CHP issued by NMFS with them on the water. The committee focused their discussion on enforcement procedures when

guides request a replacement CHP and have not yet received the replacement CHP and then are boarded by OLE or Coast Guard during the interim period.

The committee discussed the option of providing a printed temporary CHP which would allow the guide to operate until they receive their replacement CHP. The committee noted that if a temporary permit is issued, then that temporary permit should have a narrow time-period in which it is authorized, and the permit should be prohibited from being leased or transferred during this limited time-period. The committee also noted that the interim period for temporary CHP permits should be a balance of compliance risk and flexibility. The committee expressed concerns with this option, such as the possibility of multiple temporary permits being printed and distributed for use by multiple guides, as well as the original permit being leased or transferred during this process.

The committee also discussed the situation if a charter guide loses the original, valid CHP and requires a replacement CHP, whether they would still be allowed to operate/fish. If law enforcement conducts a boarding on a vessel and the guide does not have an original CHP onboard, the boarding officer can verify with the agency whether this guide: (1) has a valid CHP, and (2) has reported the original CHP lost and requested a replacement permit. While the boarding officer will still issue a violation for no original CHP onboard, this notice of violation will be annotated with the information regarding the situation and forwarded to OLE who may then downgrade the violation to a written warning or dismiss it altogether dependent on the situation and any exigent circumstances.

#### **4. Discussion of Co-Chair Status and Review of the Terms of Reference**

The committee elected Will Ellis and Steve Marx as Co-Chairs.

Finally, the committee adjusted item number 3b of the Enforcement Committee's Terms of Reference to allow written public comment during the Enforcement Committee meetings. Currently, the committee's Terms of Reference state that committee meetings will be open to the public, but public testimony will not be taken. However, Section 302(i)(2)(D) of the Magnuson-Stevens Fishery Conservation and Management Act requires all interested persons shall be permitted to present oral or written statements regarding the matters on the agenda at meetings. Given this new information, the committee has changed its Terms of Reference to allow written public testimony regarding Enforcement Committee agenda items only.