

ANALYSIS OF ENFORCEMENT CONSULTANTS RECOMMENDATIONS

At the September, 2015 Council meeting in Sacramento, California, the Enforcement Consultants provided several recommendations in their report to the Council regarding the development of draft regulations for the whiting fishery's electronic monitoring program (Agenda Item H.4, Supplemental EC Report). During Council discussion of the report, a request was made to identify whether the recommendations would result in draft regulations for deeming at the November 2015 Council meeting in Garden Grove, California or would result in Council policy guidance for the framework of an electronic monitoring program. The following is a list of the EC recommendations and the possible ways to implement them:

EC Recommendations:

1. Incorporate and assess an EM EFP Management and Enforcement Agreement in the EM analytical and regulation development process.

This topic is described in as "Self-Governing Agreements" or self-enforcing agreements and was adopted by the Council as a component of the EM program (See Section 2.2.1.9 in Agenda Item I.5, Attachment 2: An Electronic Monitoring Program for the Limited Entry Midwater Trawl Whiting Fishery). NMFS is currently developing the business rules to allow self-enforcing agreements (see Agenda Item I.5.a, NMFS Report). These agreements would likely assist in ensuring that EM regulatory requirements are followed within a group of cooperating fisherman. The intent of the coop agreements is to self-govern and correct problems that arise within the group, thereby lessening the need for enforcement guidance or corrective action. NMFS would retain the ability to ensure compliance as appropriate.

This component of the EM program is expected to be developed in the near future. NMFS will update the Council regarding its development in the spring of 2016.

2. Require vessel owners or representatives, vessel operators, and their alternates to attend mandatory pre-season meetings.

This would likely be included in regulations.

3. Require individual tow information to be recorded in the log book within a certain time frame after the tow is completed.

This request may not be within the scope of the Council's action for development of the whiting EM program regulations and has not been identified as a critical component of the EM program. Guidance from the Council regarding this topic may be needed. It would likely be a regulatory requirement if implemented under the EM program.

4. Require individual vessels to carry a backup camera.

This requirement could be cited in the Individual Vessel Monitoring Plans. NMFS could require the EM applicant to provide the number of back-up cameras that would be available on the vessel and submit this info to NMFS. This item was not identified in the draft list of potential items for an IVMP (Agenda Item I.5, Attachment 1 in Section 2.2.1.10). The Council may choose to recommend adding it to the list of items or provide guidance to NMFS to do so. NMFS could implement the requirement as appropriate.

5. Require an observer present shakedown cruise after the initial installation of the EM system, when changes to the system or vessel operator are made, or on an annual basis.

Possibly a regulation, but could be part of a requirement under an individual vessel monitoring plans or as a requirement to receive an exemption from observer coverage to use EM.