

ENFORCEMENT CONSULTANTS REPORT ON MEMBERSHIP APPOINTMENTS AND
COUNCIL OPERATING PROCEDURES

The Enforcement Consultants (EC) have reviewed the documents associated with Agenda Item C.7 Membership Appointments and Council Operating Procedures (COPs) and provide the following comments.

Regarding C.7, Attachment 3, COP 23 Proposal, the EC recommend the addition of language indicating a violation history check may be considered by the National Marine Fisheries Service (NMFS) when evaluating whether or not to issue an exempted fishing permit (EFP). Consideration of prior violations is included in several EFP COPs (see COP 19, 20 and 24). The EC recommend the following language be added to COP 23:

“D. Other considerations

1. EFP candidates or participants may be denied future EFP permits under the following circumstances:
 - a. If the applicant/participant (fisher/processor) has violated past EFP provisions; or has been convicted of a crime related to commercial fishing regulations punishable by a maximum penalty range exceeding \$1,000 within the last three years;
 - b. Within the last three years assessed a civil penalty related to violations of commercial fishing regulations in an amount greater than \$5,750;
 - c. Has been assessed a civil penalty or been convicted of a crime involving the falsification of fish receiving tickets including, but not limited to, mis-reporting or under-reporting of CPS.”

The EC recognize the violation history check is not mandatory, but it does serve as a motivation for compliance and provides NMFS with important information when considering whether or not to issue an EFP. NMFS Office of Law Enforcement conducts the violation history checks contained within COPs 19, 20 and 24 for NMFS outside the normal Council process.