

Enforcement Committee

Patrick Keliher – Chair

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November 18th Enforcement Committee Agenda

- At their September New England Council meeting, the Council received the ODWG's report on reducing gear interactions resulting from management measures under consideration for the gillnet and other trap/pot fisheries and passed the following motion by unanimous consent:
 - *To recommend that the Council task the Enforcement Committee to provide input for the On-Demand Fishing Gear Conflict Working Group as it continues developing recommendations for reducing gear conflict.*

- *The ODWG has discussed two potential avenues for how to include gear standards in gear marking language thus far: 1) gear performance standards are specified in detail in regulations, or 2) regulations reference gear performance standards as listed on a NOAA Fisheries webpage. How might enforceability differ between these two strategies?*
 - The Enforcement Committee was clear that ‘certified regulations’ are critical to enforcement actions
 - The Committee discussed the distinction between ‘performance standards’ and ‘technical standards’. The latter may evolve and differ across manufacturers, the former could be codified
 - The final consensus of the Enforcement Committee is that performance standards should be included in future regulations

- *The working group has also discussed where alternative gear marking technologies might be used, i.e., in areas closed to persistent vertical lines only, or in additional areas, or in all areas. Does the Committee have any feedback on where alternative gear technologies might be most appropriate/feasible?*
 - The Enforcement Committee supports using on-demand gear only in fishing areas closed to vertical lines and feels that these deployments will be the most manageable and enforceable.

- *Are there particular gear standards that are important for enforceability?*
 - On-demand gear must have real-time data uploads to ensure gear conflicts can be avoided and to better aid law enforcement personnel. The Committee feels that it should be updated regularly as this technology is developed.

- *What type of ownership information (if any) must necessarily be available to enforcement via gear marking/ location technologies? What information would enforcement find helpful to support enforcement activities/ actions even if its availability is not strictly necessary?*
 - On-demand gear development must ensure transparency related to gear identification. Allowing harvesters from all sectors to know whose gear it is, and where, will allow them to interact as they do now, allowing them to avoid possible conflicts. This is another area that the Committee would like to remain engaged in as the technology advances.

- *If gear was retrieved by enforcement officials, what would the protocol be for setting it back? Does inspection authority differ between states? How much lead time is needed for law enforcement training before a specific gear configuration is approved?*
 - Agencies must prioritize training for all LE officers (state and Federal). Furthermore, systems must allow for the covert hauling and setting of gear without the license/permit holder being aware. Losing this ability to covertly haul gear will eliminate a key inspection tool used for the conservation of species such as American lobster.

- *What state/Federal resources are available 24/7 for fishermen to report gear conflict events? Is it necessary to have such resources available 24/7?*
 - The Committee recognizes the need for 24/7 enforcement contacts to help the industry maintain voluntary compliance. While outside the purview of enforcement, the Committee agrees that technical assistance for permit holders will be key to ensure operational viability.

- *Does enforcement have concerns about how widely available (i.e., distance/area of visibility) an individual fisherman's gear location data is shared with other commercial and recreational fishermen?*
 - Ensure that the visibility and accessibility of individual fishermen's gear location data to other fishermen is maintained with real-time data.

- *Do you have any feedback on the accuracy of location information for on-demand gear locations? How accurate does location information need to be?*
 - Automated deployment marking should be developed to eliminate operational errors.

- *Would more specific gear conflict avoidance regulations assist state and Federal enforcement agencies with making cases when gear conflicts are reported? If so, is there an example in the strawman that would be more helpful or would the Committee recommend different strawman language?*
 - The Enforcement Committee had no recommendations but acknowledged that more time is needed to consider regulatory language. The Committee focused on the need for real-time data.

- *How could a requirement for other vessels to ascertain position and extent of already placed on-demand gear at certain intervals (i.e., before leaving the dock, once an hour, in real time) be enforced for various fisheries/ vessels?*
 - Systems should be developed so data is uploaded in real-time.

- *With respect to on-demand gear conflicts, does the 1996 Gear Conflict Amendment provide helpful guidance on resolving relevant enforcement concerns? Would the Committee recommend modifications to the Amendment?*
 - The final consensus of the Enforcement Committee is to keep this question open for future discussions.

Questions?