

Consideration of Fishing Violations Recommendations from the Law Enforcement Technical Committee (LETC)

The LETC met on October 18, 2022 to discuss the changes made to the fishing violations section of the Council's SOPPs, which the Council had approved at its August 2022 meeting. The LETC described the differences between state and federal written warnings; whereas a federal written warning includes a process for contesting the violation, there is no due process for contesting a state written warning. Consistent with the LETC's understanding of the types of violations the Council intends to identify, the LETC recommended some modifications to the recently approved language in the SOPPs to reflect that a federal written warning is an applicable fishing violation, while state written warnings for an advisory panel applicant should not be included.

The Council reviewed these recommendations during its October 2022 meeting and passed the following motion:

Motion: To recommend that the changes made to the fishing violations section of SOPPs be brought to the Administrative/Budget Committee for discussion and approval at their next meeting.

The presence of a fishing violation is an important aspect in consideration of an AP appointment. The Council has determined: 1) Applicable fishing violations include only violations of federally managed species in either State or Federal waters, regardless of the penalty (i.e., civil fine, criminal conviction, federal written warning); 2) individuals are ineligible to serve on an AP within three years of the final finding of liability through adjudication, settlement, or default. A finding of liability is final after any applicable appeal period expires; and, 3) Vessel owners shall not automatically be held responsible for violations by a crew member when the owner is not present. If an individual who is currently serving on an AP is found to have a fishing violation that meets the preceding criteria, subsequent to their appointment, the decision to maintain or remove the individual from the AP is at the Council's discretion.

Motion carried with no opposition.