

ENFORCEMENT CONSULTANTS REPORT ON CHANNEL ISLANDS NATIONAL
MARINE SANCTUARY DRAFT ENVIRONMENTAL IMPACT STATEMENT
REGARDING FISHERY CLOSURES

The Enforcement Consultants (EC) has reviewed the materials as they relate to the Channel Islands Marine Sanctuaries.

Reference made to Agenda Item F.2.a, Attachment 1 September 2006

In the attachment page 172, We interpret Stowed and not available for immediate use to mean not readily accessible for immediate use, e.g., by being securely covered and lashed to a deck or bulkhead, tied down, unbaited, unloaded, or partially disassembled (such as spear shafts being kept separate from spear gun).

As an alternative the Enforcement Consultants recommend using gear specific language regarding gear storage.

922.71 Definitions.

Stowed Gear Definition. For the purposes of this regulation,

- (a) Stowed recreational hook and line fishing gear is defined as hook and line gear with all line reeled to the reel or rod tip with hooks secured to the rod and not actively fishing.
- (b) Stowed recreational lobster fishing gear is defined: as un-baited hoop-net gear with all lines detached from the net.
- (c) Stowed spear guns: unloaded, or partially disassembled (such as spear shafts being kept separate from spear gun).
- (d) Stowed Trawl gear : must be stowed either below deck, or if the gear cannot readily be moved, in a secured and covered manner, detached from all towing lines, so that it is rendered unusable for fishing; or remain on deck uncovered if the trawl doors are hung from their stations and the net is disconnected from the doors.
- (e) Stowed Commercial lobster fishing gear is defined: stowed commercial fishing gear is defined an un-baited trap placed on or below a vessel surface and tied to such surface in a manner that would not allow immediate deployment.

922.73 Marine reserve and marine conservation areas.

Under this heading Section 3 reads:

Unless prohibited by 50CFR part 660 (Fisheries off West Coast States) as of [effective date of final rule], the following activities are prohibited and unlawful for any person to conduct or cause to be conducted within a marine conservation area described in Appendix C to this subpart:

(3) Possessing any living or dead organism, historical resource, or other Sanctuary resource, except legally harvested fish on board a vessel at anchor or in transit.

The EC recommends Section 3 is modified by dropping the phrase at anchor or in transit.

The reason for the change is that there is some fishing allowed in these areas but the proposed rule would prohibit having these fish unless the vessel was anchored or in transit. We do not believe this was the intent.

PFMC
09/13/06