

ENFORCEMENT CONSULTANTS REPORT ON AMENDMENT TO MODIFY THE
GROUNDFISH ESSENTIAL FISH HABITAT AND TO ADJUST ROCKFISH
CONSERVATION AREAS

The Enforcement Consultants (EC) have reviewed the associated documents for Agenda Item H.8: Amendment to Modifying Groundfish Essential Fish Habitat (EFH) and to Adjust Rockfish Conservation Areas (RCAs) and have the following comments.

The Council's deliberations and ultimate decision on groundfish EFH and RCA will require the Council to assess and determine an acceptable level of risk to the habitats and the species they support. Within that assessment lies a question: given the capabilities of the compliance monitoring tool being used, is a "buffer" area needed to ensure the habitat is being adequately protected? This question has been in front of the Council before, dating back to the original RCA regulation decisions and later with the initial development of the groundfish EFH regulations.

The EC's advice on those occasions was the area being designated for protection needed to be sufficiently large to adequately detect and assess potential incursions using vessel monitoring systems (VMS) with a one-hour ping rate, i.e. given trawl or fixed gear deployment speeds, a few miles in circumference. The need for this size of designated area has in many cases further displaced fishermen from productive fishing grounds, which may otherwise be available for fishing, but for the lack of a better monitoring tool. Where the size of the area has proven to be inadequate given the speed of the vessel, enforcement has needed to make a call: did the vessel go through the area or did it go around? Absent definitive information, the vessel is considered to have gone around. For the reasons above, the current program has limitations which could be improved upon, to the benefit of both industry and enforcement.

Many of the EFH proposals before the Council seek to create EFH conservation areas, which more closely approximate the habitat intended for protection (i.e. possibly more complex polygons). The proposals to eliminate the RCAs, coupled with modification and expansion of EFH conservation areas, and the Monterey Bay proposals are such examples. The EC does not question the merits of these proposals, but rather views them as a demonstration of the need for a more robust compliance monitoring program. The more robust the monitoring data, the more definitive the protected area can become, while providing the Council with the confidence the area is being effectively monitored and protected.

Under a separate agenda item from past meetings, entitled Vessel Movement Monitoring (VMM), this Council has directed staff, the EC, and Office of Law Enforcement to explore alternatives to a one-hour VMS ping rate. The exploration of VMM options has identified various alternatives which may provide the Council, fisheries managers, industry, and enforcement with more precise vessel location and gear deployment status. This enhanced data set could greatly improve fisheries management and compliance monitoring, while providing the industry access to productive fishing grounds, which would otherwise be unavailable to them. Therefore, as it relates to the topic of EFH, enhanced and improved vessel location and gear deployment data could influence the Council's assessment of risk and ultimately, their decisions regarding the various EFH proposals under consideration.

The Council adopted a range of alternatives for VMM at its April 2015 meeting, and is currently to adopt preliminary preferred alternatives at its November 2015 meeting take final action at its April 2016 meeting. The EFH/RCA amendment is currently scheduled for selection of preliminary preferred alternatives in April of 2016. Because of the potential interdependence of these two issues, delaying the decision process for VMM may affect the decision process and analysis of the EFH/RCA amendment alternatives.

PFMC
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