

ENFORCEMENT CONSULTANTS REPORT ON AUTHORIZATION OF DEEP-SET BUOY GEAR AND FEDERAL PERMITTING

The Enforcement Consultants (EC) reviewed Agenda Item J.6.a, the Highly Migratory Species Management Team's (HMSMT) report on Authorization of Deep-Set Buoy Gear and Federal Permitting. The HMSMT requested EC comments on the definition of footprint area, active gear tending, gear deployment/retrieval and marking of gear. The EC met with exempted fishing permit holders, HMSMT, Highly Migratory Species Advisory Subpanel, non-governmental organizations, and the public to clarify questions from the report. The EC has the following comments:

1. Footprint area: The HMSMT requested analysis of the proposed five nm "footprint area" over which the entire extent of all ten pieces of buoy gear may be spread at any one time. The EC discussed this and believes that alternative two, which requires all pieces of gear be within a five nm diameter circular footprint, would be enforceable.
2. Active gear tending: The EC concurs with the definition of active tending and requiring the vessel to be within three nm of the closest piece of gear. With a five nm gear footprint, the vessel would remain within a maximum distance of eight nm of the furthest piece of gear.
3. Gear deployment and retrieval: The EC concurs with gear deployment after local sunrise. The EC recommends having a fixed time to have gear out of the water. The EC discussed alternative three and recommended that the HMSMT adjust the requirement so that all gear must be aboard the vessel no later than three hours after local sunset. The EC feels that defining one time rather than separate times for gear with fish and without fish would give more flexibility to industry and be easier to enforce.
4. Marking of gear: The EC discussed the current requirement that each piece of gear must include a locator flag, a radar reflector and vessel/fisher identification. The EC recommends requiring a light to each locator flag since the fishing may take place past local sunset. The EC also recommends following state requirements for vessel/fisher identification markings on gear.