

ENFORCEMENT CONSULTANTS REPORT ON FISHERIES IN 2015-2016 AND BEYOND:
ADOPT MANAGEMENT MEASURES PRELIMINARY PREFERRED ALTERNATIVES

The Enforcement Consultants (EC) has reviewed Agenda Item C.4.b, REVISED GMT Report, Appendix B and offers the following comments regarding the below sub-sections:

B.1 - Rockfish Conservation Area (RCA) Boundary Adjustments:

The EC has reviewed the proposed adjustments to the 200-fathom modified RCA boundary off Oregon and, should the Council decide to move forward with the adjustments, the EC is prepared to work with NMFS and Pacific Council staff to ensure the adjustments do not present enforcement concerns.

B.2.1 – Groundfish Closure Areas for Rougheye Rockfish:

Similar to B.1 above, should the Council decide to move forward with a closure area(s) for rougheye rockfish, the EC will monitor the process of developing the closed area(s) to ensure they are configured so as not to present enforcement concerns.

B.8 – Analysis of removing gear restrictions for Pacific sanddabs and other flatfish in the California fixed gear commercial fishery. In particular, relative to the summary of options:

Option 1 – No action - Maintain gear restrictions on fishing for "Other Flatfish" and maintain access to the Groundfish Conservation Areas (GCA), which includes the Cowcod Conservation Areas (CCA), Farallon Islands, Cordell Bank, and RCAs. Only allow "Other Flatfish" in the GCA to be retained when the specified gear is used. This is status quo, but we have enforcement concerns with this option due to the fact that an at-sea enforcement contact would need to be made to determine if fish were taken in a legal area.

Option 2 – Modify the gear restriction to eliminate weight restrictions and limit the number of hooks. Maintain access inside the RCA and prohibit access to the CCA, Farallon Islands and Cordell Bank when targeting the "Other Flatfish" complex. Only allow "Other Flatfish" to be retained in the RCA when the specified gear is used. There are some enforcement concerns with this option due to the fact that an at-sea enforcement contact would need to be made to determine if fish were taken in a legal area.

Option 3 – Eliminate the gear restriction on fishing for "Other Flatfish," while prohibiting fishing within the GCAs. This option is very clear and is enforceable.

Option 4 – Fishery participants would not be subject to gear restrictions and may fish both inside and outside the GCAs, but a landing restriction would prohibit landing of any other species than "Other Flatfish" when the vessel fished within any GCA during the trip. This option is very clear and is enforceable. In addition, a violation of this regulation may be determined after the time of landing based on the vessel's activity as reflected by VMS data.

For sub-section B.8, the EC recommendation is for the Council to only consider adopting Option 3 or 4.

B.10 – Use of excluder devices to reduce catch of roughey rockfish in non-tribal at-sea and shoreside Pacific whiting fisheries:

Should the Council move forward with mandatory excluder devices, the EC intends to be engaged in the regulatory development process to avoid potential enforcement concerns.

PFMC
04/08/14