

## ENFORCEMENT CONSULTANTS REPORT ON REVIEW OF EXEMPTED FISHING PERMITS FOR 2013-2014 GROUND FISH FISHERIES

The Enforcement Consultants (EC) reviewed the three Exempted Fishing Permit (EFP) applications on the premise of moving forward with fleetwide applicability and regulatory criteria. EFPs that rely upon operator experience, skill, or abilities to be effective and cannot be managed through a regulation or readily replicated by other fishermen, fail to meet this requirement.

With this statement in mind, the EC looked at crafting regulations that would minimize the need for reliance on operator skill and focus on creating readily identifiable gear requirements that could be inspected by enforcement personnel at sea.

*Yellowtail rockfish jig fishing off California – San Francisco Community Fishing Association / Barbara Emley and Dan Platt*

The gear described in this proposal has most of the components that could be inspected in the field. There are specific hook counts, line lengths, and other criteria that could be objectively measured by enforcement personnel while at sea. One measurement that is ambiguous is the size of the float used for the gear. This could be determined along with material type to further craft possible regulations. The EC recommends those types of measurements be finalized and evaluated for any related regulatory language.

The EC also cautions that while this gear may minimize contact with bottom-dwelling species, it will not completely avoid them. The gear may come in to contact with the bottom in a variety of ways including strong currents, irregular bottom topography, and improper deployment.

In addition to the gear concerns, the Rockfish Conservation Area (RCA) incursion by a vessel that is actively fishing must be addressed. Some of those concerns may be mitigated by Vessel Monitoring System (VMS) adjustments and declarations, vessel marking requirements, and notifications.

*Evaluation of an epibenthic trolled longline to selectively catch chillipepper rockfish (Sebastes goodei) off California – Kathy Fosmark*

The gear described in this proposal is similar to the prior EFP when fished in the vertical configuration; however, it is not described with the same level of detail. In addition, the proposal lists an alternate configuration (trolled) that is missing easily measurable components. Operator skill, including a temporal requirement, is the main safeguard for avoiding overfished species. The EC would recommend defining components in such a way as to be reliant on gear configuration to avoid the bottom and to aid in replication. Those same definitions would serve as the basis for crafting regulations and enforcement. As in the prior EFP, RCA concerns also remain.

*Supporting a spatial analysis of the distribution and size of rebuilding stock in the Rockfish Conservation Area through directed fishing surveys – Central Coast Sustainable Groundfish Association / Roger Cullen and Chris Kubiak*

This proposal does not use any gear modifications, but conducts operations within the RCA. As with all three proposals, operations within the RCA will require an exemption to existing regulations. In order to accommodate this for the EFPs, there are several options that could be implemented as discussed earlier. However, fleetwide adoption will require the RCA lines to be adjusted. Enforcement does not have any issues with moving the lines given previous guidance on developing shapes and past criteria. The EC does have concerns with mixed use RCA lines. In other words, it is preferable to have a line where no fishing (or fishing) occurs on one side or the other. When certain fishers have access to areas that others do not, and they are utilizing the same or similar gear types, this creates confusion for both enforcement and constituents.

PFMC

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