

ENFORCEMENT CONSULTANTS COMMENTS ON  
STATUS OF FISHERIES AND INSEASON ADJUSTMENTS

The Enforcement Consultants (EC) wanted to advise the Council of two enforcement problems we have encountered or identified from recent inseason adjustments to cumulative trip limits.

The first problem was encountered following a change to a cumulative trip limit midway through a cumulative trip period.

The last increase to Dover sole cumulative trip limits in April is an illustration of this point. The trip limit for Dover sole was adjusted to take effect May 1 or midway through the cumulative limit period. This resulted in several violations being documented when vessels landed the pending cumulative limit increase in April prior to the change taking effect on May 1. Fishermen said they thought any trip limit change would apply to the new cumulative limit, and it did not matter when they caught the fish. Enforcement seized the overages, but told fishermen that after May 1 they could go fishing and catch the increase again when trip limits changed. This is obviously frustrating for the people involved and is not beneficial to the resource.

A second enforcement problem could also be encountered if the intended effective date of a future cumulative trip limit change is made without adequate time for the rules to be filed in the *Federal Register*.

In this situation, enforcement will enforce the current rule until the change is officially approved by NMFS and filed in the *Federal Register*.

We would like to make the following recommendations:

1. Any inseason adjustment should be aligned to match the start of cumulative time period.
2. Adequate time needs to be allowed for staff to file notice in the *Federal Register* prior to the change taking effect. The announcement should include a notice that any change is not effective until it is filed in the *Federal Register*.
3. If possible, any notices of intent should highlight the effective date and lead with that item. The Council needs to be aware that fishers receive information from many sources, and the effective date is not always highlighted and may be omitted or buried in the text.

PFMC  
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