

ENFORCEMENT CONSULTANTS REPORT ON  
STATUS OF GROUND FISH FISHERIES AND INITIAL POLICY CONSIDERATION OF  
INSEASON ADJUSTMENTS

The Enforcement Consultants (EC) has continuing concerns regarding the pattern of constantly shifting depth lines in the groundfish fishery. This strategy has created an extremely complex regulation pattern, which challenges the ability of the industry to understand what is expected of them. This also applies to the enforcement assets responsible for enforcing the regulations in a fair and equitable manner.

By example: If management option "c" for trawl north 40E10" N latitude is adopted, there will be thirteen lines composed of thousands of way points (trawl, fixed gear, and B Platoon) at play during the second half of this year. The modeling component used to justify this management proposal requires precision and accuracy on the part of the industry and enforcement programs. The EC is concerned that the achievement of these management objectives are being jeopardized by the complexities being incorporated into depth-based management in this first year of implementation. Adding to our concern is the fact we will be attempting to bring the vessel monitoring system on line during this time of extreme complexity.

When depth-based management was first proposed, the EC cautioned the Council that enforcement would be challenging. Simplicity is paramount to making enforcement of this management regime work. The first question a prosecutor and judge will ask is, "Is it reasonable to conclude that the defendant understood the regulation?" The first element of the defense argument will be that indeed, the defendant did not.

PFMC  
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