

ENFORCEMENT CONSULTANTS STATEMENT ON STATUS OF GROUNDFISH FISHERIES AND INSEASON ADJUSTMENTS

Members of the recreational fishing community have expressed concerns to the Enforcement Consultants (EC) that rules related to what is allowed when fishing in a recreational Rockfish Conservation Area (RCA) are not clear. Section (e) (2) of the Code of Federal Regulations states, in part, “Fishing for groundfish with recreational gear is prohibited within the recreational RCA. These restrictions do not apply to recreational vessels fishing for species other than groundfish with recreational gear. If a vessel fishes in the recreational RCA, it may not participate in any fishing on that trip that is prohibited by the restrictions that apply within the recreational RCA. For example, if a vessel participates in the recreational salmon fishery within the RCA, the vessel cannot on the same trip participate in the recreational groundfish fishery shoreward of the RCA.”

The EC discussed the utility of this rule for purposes of enforcing recreational RCA’s specifically, and determined that clarification of the Council’s intent is needed.

The EC would suggest language changes to clarify the Councils intent; (1) to restrict combination trips when participating in fishing activity that involves the RCA or, (2) to allow combination trips when participating in fishing activity that involves the RCA. Should the Council decide to retain the prohibition of mixing recreational fishing trips inside and outside the recreational RCA, we would propose the following language change: remove the sentence, “These restrictions do not apply to recreational vessels fishing for species other than groundfish with recreational gear.” The example that follows provides a sufficient illustration of the intent. As written, some readers stopped short of absorbing the entire section and missed the point.

Option 1:

(2) boundaries defined by specific latitude and longitude coordinates intended to approximate particular depth contours. The recreational RCA is closed to recreational fishing for groundfish. Fishing for groundfish with recreational gear is prohibited within the recreational RCA. It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA. (~~These restrictions do not apply to recreational vessels fishing for species other than groundfish with recreational gear.~~) If a vessel fishes in the recreational RCA, it may not participate in any fishing on that trip that is prohibited by the restrictions that apply within the recreational RCA. For example, if a vessel participates in the recreational salmon fishery within the RCA, the vessel cannot on the same trip participate in the recreational groundfish fishery shoreward of the RCA. Throughout the year, boundaries for the recreational RCAs are provided in the text in section IV.D. under each state (Washington, Oregon, and California) and may be modified by NMFS inseason. Recreational RCA boundaries that are defined by specific latitude and longitude coordinates are provided below at paragraph (f) of this section.

If the Council decides to remove the prohibition, the EC would recommend the following language: “No person may angle for fish while in possession of fish that are in violation of the harvest regulations for the area being fished.”

Option 2:

(2) boundaries defined by specific latitude and longitude coordinates intended to approximate particular depth contours. The recreational RCA is closed to recreational fishing for groundfish.

Fishing for groundfish with recreational gear is prohibited within the recreational RCA. It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA. “ No person may angle for fish while in possession of fish that are in violation of the harvest regulations for the area being fished..” ~~((These restrictions do not apply to recreational vessels fishing for species other than groundfish with recreational gear. If a vessel fishes in the recreational RCA, it may not participate in any fishing on that trip that is prohibited by the restrictions that apply within the recreational RCA. For example, if a vessel participates in the recreational salmon fishery within the RCA, the vessel cannot on the same trip participate in the recreational groundfish fishery shoreward of the RCA.))~~ Throughout the year, boundaries for the recreational RCAs are provided in the text in section IV.D. under each state (Washington, Oregon, and California) and may be modified by NMFS inseason. Recreational RCA boundaries that are defined by specific latitude and longitude coordinates are provided below at paragraph (f) of this section.

All EC representatives support Option 2.

PFMC

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