

ENFORCEMENT CONSULTANTS REPORT ON
GROUNDFISH ESSENTAIL FISH HABITAT ENVIRONMENTAL IMPACT STATEMENT –
FINAL PREFERRED ALTERNATIVE

The Enforcement Consultants (EC) have reviewed the proposals and have the following comments. I will be referring to Agenda Item C.3, Attachment 1, June 2005, Summary of the Alternatives in the Groundfish Essential Fish Habitat DEIS.

1. Close sensitive habitat. We would repeat our long-standing comments about describing areas.
 - a. Use latitude and longitude.
 - b. Avoid numerous small areas; keep areas at a minimum.
 - c. If identified areas are very small, additional restrictions, such as no transit required, might be necessary to protect the integrity of the area.

Alternatives C.2.1, C.2.2, and C.2.3 have a large number of vessels impacted that currently do not carry vessel monitoring systems (VMS) (i.e., open access line gear, Dungeness crab pot). Creating numerous areas that restrict these vessels, while not including VMS requirements, will exceed enforcement capabilities.

Option C.4.2 Currently, there is no definition of **bottom tending gear** in the regulations.

Option C.7.2 Currently there is no definition in the regulations for **bottom contacting** fishing activities.

C.8.1 Currently, there is no definition in the regulations for **Mobile bottom contacting gear**.

The EC would encourage somebody to work through the above gear types to describe or define them. We would hope that definitions be kept to a minimum and be very specific to avoid confusion.

C.9.3 is unenforceable. We are unable to measure the length of a 3 NM longline groundline. At best, we may be able to measure the distance between terminal ends, but this would not result in the actual groundline length.

C.9.4 Employ habitat friendly anchor system. We need more information and definition. Additionally, our concern is how a habitat-friendly anchoring system is used or deployed versus a legal description of a specific anchor. There may be safety issues if this a break-a-way type anchor. This may be something to recommend or use as a guideline, but this may not be enforceable.

C.9.8 Definition issue. We need more information on how dingle bar gear is defined.

D.3 Expanded VMS. The EC would recommend VMS be selected as a preferred alternative to be evaluated. Many of these alternatives would impact vessels that currently are not required to carry VMS. This would create enforcement issues, as we would be limited to at sea enforcement.

It would not take many areas being designated to exceed enforcements ability to maintain the integrity of these areas if people had an incentive to violate regulations.

PFMC
06/15/05