

ENFORCEMENT CONSULTANTS REPORT ON AMENDMENT 19
(ESSENTIAL FISH HABITAT)

The Enforcement Consultants (EC) have reviewed and discussed Amendment 19 and draft essential fish habitat (EFH) regulations.

The EC has worked with National Marine Fisheries Service on the draft regulations and concentrated heavily on proposed definitions and how they relate to current definitions. Most of our suggestions have been incorporated into the latest draft.

We note the following slight difference still exist in Agenda Item H.7.a, Supplemental Attachment 3-Revised Draft EFH Regulations.

(6)(iii) Bottom Longline: The definition in this section is unchanged. Simply inserting “bottom” to the term being defined may have consequences. We are not sure the reason for the change.

(9)(ii) Midwater trawl. This definition has new language added: “...on any part of the net or its component wires, ropes, and chains.” The additional language appears to be redundant and we are not sure it is necessary.

660.306 Prohibitions: Replace section (12) with the following:

Section (12) Fish within the EEZ in the Anacapa Island SMCA (as defined in 50 CFR 660.396), except for the following recreational fishing:

Species: Lobster
Gear: only by hand, or hoop net

Species: Pelagic fin fish
Gear: Hook and line with terminal gear not more than 6 ounces of weight

The last issue we have is found in the draft fishery management plan (FMP) on page 62 and continued to 63.

We see a very good description and discussion about EFH area identification. On page 63, a map shows these areas. The EC would hope that this would be sufficient in the plan and a series of thousands of coordinates describing these areas would not be necessary in regulation. We would expect any sub-areas with EFH restrictions would be described as done in the past where coordinates were used.