

ENFORCEMENT CONSULTANTS REPORT ON FINAL ADOPTION OF 2007-2008
GROUNDFISH FISHERY SPECIFICATIONS/MANAGEMENT MEASURES AND
AMENDMENT 16-4

The Enforcement Consultants (EC) has the following comments regarding agenda item F.6 Final Adoption of 2007-2008 Groundfish Fishery Specifications/Management Measures and Amendment 16-4.

Cowcod Conservation Area

During this discussion, I will be referring to Figure 2-12 Cowcod West, Alternative 2, 175 fm Contour, found on page 79 of Agenda Item F.2.a, Attachment 1, June 2006.

Regarding the Cowcod Conservation Area (CCA) Alternative 2, 175 fm Contour, the EC understands that industry would like to have the opportunity to fish for blackgill and other species outside the 175 fm contour in areas currently closed within the CCA. The industry proposes allowing fishing outside this fathom contour by vessels equipped with vessel monitoring systems (VMS). Our understanding is that up to 9 limited entry fixed gear vessels may participate in this fishery with an unknown number potentially entering the fishery after January 1, 2007 when open access is required to have VMS.

We understand the vessels participating in this fishery participate in the fixed gear observation pool. But within this fixed gear pool, vessels who participate in overnight trips and some which are deemed un-seaworthy are exempt. We find this troublesome and believe the Council may want to consider increased observer coverage if this fishery proposal goes forward. Given the proposed 07-08 four ton cowcod optimum yield (OY), and the fact that one tenth of a ton has been projected for this proposed fishery in the bycatch scorecard, the EC views this fishery as a “zero tolerance” bycatch fishery.

I refer you to Figure 2.12, where the 150 and 175 fm contour are replicated. To maximize fishing opportunity, the industry would like see the 175fm contour replicated to the greatest resolution practicable using a series of lat/long way points. The NMFS Office of Law Enforcement and California Fish and Game Enforcement are prepared to undertake this mapping exercise as a first measure in redefining open fishing area within the status quo CCA. Once this mapping exercise is completed, enforcement will be faced with the tasked of enforcing open/closed areas with extremely close tolerances, some as small as 100 yards or up to a quarter mile.

Vessels operating in this fishery travel at a speed of 6 to 8 knots on average, and may deploy vertical longline gear in as short of time as 20 minutes. The current VMS pinging standard for the West Coast Rockfish Conservation Area is once every 60 minutes. This rate was established after considering the Council’s long standing request to keep VMS costs as a minimum. The pinging rate in every other region of the country is once every 30 minutes. Considering the

operational times and vessel speed employed in this fishery, and the extremely small distances between 150 fm (identified as cowcod habitat) and 175 fm (identified as black gill habitat), the EC recommends increasing the pinging rate for this proposal to four times an hour or every 15 minutes. We hope this increased pinging rate will provide the fishing track resolution necessary to insure the integrity of the closed areas given these very close distance tolerances.

The current transmitting costs to fishermen at once an hour is on average approximately \$30 a month. This proposal will increase that transmittal costs to approximately \$100 or more a month, a \$70 or more per month increase in operating costs.

If this fishing opportunity is approved, the EC recommends the current CCA geographic definition be maintained, and that new regulatory language be crafted requiring vessels carrying groundfish fixed gear, hook-and-line, pot, or trawl gear, and entering the status quo CCA, be equipped with VMS units which are operational and pinging at 15 minute intervals.

Regarding transiting the closed fishing areas within the CCA, the EC has considered the industries desire to transit these closed fishing area. Given the zero tolerance for fishing bycatch of cowcod in these areas, the EC cannot recommend allowing transiting of the closed fishing areas. The EC recommends that the closed areas identified on page 79 be closed to all fishing and all transiting of vessels carrying groundfish fixed gear, hook-and-line, pot, or trawl gear.

Finally, the EC would like to remind the Council that VMS is a spatial monitoring tool and as such does not ensure compliance of unlawful possession or nonretention regulations. Given the distant location of this fishery and its close proximity to prohibited species habitat, the EC has great reservations regarding this fishery's ability to demonstrate zero cowcod bycatch.

Trawl Gear

The EC supports the GMT recommendation that trawl vessels be limited to one trawl net type in a two month period.

PFMC
06/16/06