

ENFORCEMENT CONSULTANTS REPORT ON UNMANAGED FORAGE FISH REGULATIONS

The Enforcement Consultants (EC) have reviewed Agenda Item D.2, Unmanaged Forage Fish Regulations and have the following comments.

Specific to Agenda Item D.2.a, Supplemental NMFS Report, the EC appreciates the work completed to develop the draft regulations, contained on pages 11-13 of the document. Particularly, the EC is pleased with the inclusion of a definition of Directed Commercial Fishing, which will greatly assist with facilitating enforcement of these regulations.

In paragraph (2) on the bottom of page 12, the EC recommends removing the language, “0-3 nm offshore” which is included in parentheses after “state marine waters” as state waters also extend from islands off various portions of the West Coast.

In addition, the language at the end of page 13 pertaining to processing in the at-sea trawl fishery adequately addresses enforcement concerns associated with this portion of the regulations.

Finally, the EC understands there have been advisory body discussions regarding use of general guidelines for directed fishing, rather than specific landing thresholds defined in the regulations. We believe the discussions of guidelines versus regulations are important, because which option is chosen defines the monitoring responsibility. Under guidelines, monitoring is the responsibility of the observer program and fishery managers, whereas enforcement does not have a role.

As a precautionary note regarding the use of guidelines versus regulations – the EC understands the Council’s intent under this agenda item is to prevent future directed fishing for ecosystem component species. By implementing guidelines, there is a chance an individual or group could attempt to exploit the guidelines to target ecosystem component species.