

ENFORCEMENT CONSULTANTS REPORT ON
MID-WATER RECREATIONAL FISHING REGULATIONS

Regarding Agenda Item H.1.a, NMFS Report, the Enforcement Consultants (EC) has the following concerns, per the topics addressed in the “Enforcement” paragraph on the top of page 4:

1. Fishing in multiple areas with area-specific gear and non-retention of rockfish when fishing in the Rockfish Conservation Areas (RCAs): Currently, rockfish can only be taken in water shallower than 20 fm off California and 30 fm off Oregon. If it was also legal to take rockfish outside 40 fm (in the RCA) using specified gear, it would allow rockfish to be taken and possessed with and without the specified gear, creating the potential for rockfish to be retained in the RCA without the ability to confirm which type of gear was used. For example, currently, if a vessel is fishing for salmon outside 20 fm off California or 30 fm off Oregon and a black rockfish was landed, it could not be retained. However, under the proposed regulations, an individual could claim to have caught the black rockfish with the longleader gear, but the type of gear used could not be confirmed by enforcement.

2. Challenges to inspecting/measuring specified gear, safety concerns, and additional enforcement costs: Similar to current regulations in other recreational fisheries (i.e. salmon), illegal gear can be very difficult to detect at sea. If gear is removed from the water or lines are cut as enforcement personnel approach a vessel, it would be impossible to determine the type of gear used to catch any rockfish on board. Inspection of gear could also be further complicated by the more complex gear specifications being proposed.

The above concerns have the potential to create confusion among fishermen, as well as increasing time and costs for effective enforcement.

The proposed fishery and associated regulations are being derived from an exempted fishing permit (EFP) which involved a small number of vessels. We are not scientists, but we have some experience with human behavior. Although the EFP participants had success prosecuting the fishery, our experience tells us, expanding this fishery to the entire charter and private recreational fleet introduces a high risk of non-compliance.

Per Agenda Item H.1.a, ODFW Report,

“Although bycatch of yelloweye rockfish in the longleader fishery is projected to be minor even with substantial effort and catch of targeted healthy stocks, there is not much margin for additional impacts under status quo conditions since the other sport fisheries currently take almost the entire quota (thus the effective quota is small). Stricter regulations in the other sport fisheries (e.g., shallower depth restrictions in the traditional groundfish fishery) may be necessary to provide effective quota of yelloweye rockfish for the longleader fishery.

In addition, it would be vital for longleader fishery participants to correctly identify canary and yelloweye rockfish, which are similar in appearance. Since angler-

reported data (rather than observer data) is used to estimate discards in recreational fisheries, even a small misreporting rate could overestimate yelloweye rockfish mortality in the longleader fishery. This could have severe effects on overall opportunity in the other Oregon sport fisheries that utilize yelloweye rockfish quota. Effective training and outreach in fish identification may be prudent.”

We concur with the above excerpt of the ODFW Report. This fishery could require a substantial increase to our already significant at-sea and shoreside enforcement responsibilities.

PFMC
09/12/15