

ENFORCEMENT CONSULTANTS REPORT ON
DEEP-SET BUOY GEAR AND FEDERAL PERMIT UPDATE

The Enforcement Consultants (EC) has reviewed the documents pertaining to Agenda Item D.5, Deep-Set Buoy Gear and Federal Permit Update, and has the following comments.

The EC would like the Council to consider our concerns regarding Deep Set Buoy Gear as stated in the March 2016 Enforcement Consultants statement on Deep-Set Buoy Gear Amendment Scoping (Agenda item F.3.a, Supplemental EC Report, March 2016, *as attached*), and the June 2016 Enforcement Consultants report on Preliminary Approval of New Exempted Fishing Permits (under Agenda item D.3).

PFMC
06/24/16

ENFORCEMENT CONSULTANTS REPORT
ON DEEP-SET BUOY GEAR AMENDMENT SCOPING

The Enforcement Consultants (EC) has reviewed the documents pertaining to Agenda Item F.3, Deep-Set Buoy Gear (DSBG) Amendment Scoping, and has the following comments.

The Council will be considering the authorization of DSBG as a fishing method to selectively target swordfish and other highly migratory species. Being that this is a new type of gear with which the Council and the EC have a limited amount of experience, the EC recommends careful consideration be given to the following.

Eligibility to Participate – Who can participate? Will the fishery be a limited entry fishery? Is there a defined minimum level of experience needed? The EC recommends the Council consider a requirement for mandatory training to demonstrate knowledge and experience with DSBG depending on the complexity of the gear and any regulations that may be adopted.

Species need to be defined – The species and amount of fish allowed to be taken using DSBG needs to be identified, as well as any fish species prohibited using DSBG.

Definition of Gear – It is especially important to have a clear and enforceable definition for any gear type that is approved and how that gear is to be used. Such consideration should include how the gear should be tended, how the gear is rigged, and number of hooks and hook type. The EC recommends if DSBG is adopted that the gear be required to be marked in a manner similar to the west coast groundfish regulations. If the gear is required to be actively tended, that should also be defined. If a DSBG vessel was also participating in another fishery, how would they be able to actively tend their DSBG?

Defined Area to Fish – The area in which DSBG may be allowed to fish should be very clearly defined in a type and size of area that can be enforced and easily understood by the fisherman. In addition, if a depth restriction is adopted that should be clearly defined as well. If DSBG is allowed to be used in an area closed to other types of fishing, consideration should be given to restricting only one gear type aboard vessels.

Comingling of Fish – If fish are allowed to be taken under different gear types, there needs to be a determination on what to do with comingled fish when aboard a vessel. Any fish taken under multiple gear types should not be allowed to be comingled in an attempt to ensure accuracy and accountability of the vessel's fishing activity.

Other Gear on Board – Can other gear be aboard a vessel when using DSBG? If this is allowed it may be difficult to determine what type of gear is actually being used. If other gear is allowed to be aboard a vessel it needs to be made clear if that other gear can be used, and under what circumstances. If multiple gear types are allowed to be aboard a vessel, any gear not being used should be stored below deck or covered and secured.

Documentation of Activity – Are log books or observers going to be necessary and required to document fishing activity? The current testing of DSBG have been required to have a certain level of observer coverage, in addition to written records of a vessel’s fishing activity. If the Council adopts DSBG as an authorized method of take, the existing mandatory exempted fishing permit controls for documentation of fishing activity may not be required. The EC recommends the Council consider the use of log books at a minimum in an effort to document the activity of the vessel. In consideration of mandatory observer coverage, Electronic Monitoring may be an option as well.

PFMC
03/11/16