

ENFORCEMENT CONSULTANTS REPORT ON ENDANGERED SPECIES ACT
MITIGATION MEASURES FOR SEABIRDS

The Enforcement Consultants (EC) have reviewed Agenda Item G.2 Attachment 1 and Situation Summary and have the following comments regarding Alternative 1 and the options contained within if the Council chose to take action and adopt the Preliminary Preferred Alternatives.

Option A – When fishing south of 36° N. latitude, vessels 26 feet and longer would be exempted from the requirement to deploy streamerlines or night set.

The EC has discussed this option and believe it is well defined and enforceable. The EC would like to note, however, this exemption does not currently apply to vessels 55 feet in length and longer. For consistency purposes, and if the chance of encounters with short-tailed albatross is believed to be minimal south of 36° N. latitude, the EC would suggest the Council also exempt vessels 55 feet in length and longer.

Option B - When fishing shoreward of the 250 fathom depth contour, vessels 26 feet and longer would be exempted from the requirement to deploy streamer lines or night set.

The EC has discussed this option and understands the reason for the exemption is for the nearshore fishery. The 250 fathom depth contour is already defined by waypoints in regulation and is enforceable (50 CFR Part 660, Subpart C). The EC believes an exemption for depth contour is easier to define than trying to define the nearshore fishery. If other depth or boundary (e.g. state vs. Federal water) lines are considered, the EC requests the line be well defined.

Option C – Vessels 26 feet and longer using floated mainline gear would be required to set gear at night.

The EC has discussed the requirement of vessels using floated mainline gear setting at night and recommends a clear definition for night be determined (e.g. from one hour after local sunset to one hour before local sunrise). Refer to [G.5.a, Supplemental EC Report 1](#) from the November 2018 Council meeting.

The EC also recommends a definition of floated mainline gear within regulation.

Option D – Weather safety exemption different than the one currently established for vessels 55 feet longer would be established for vessels 26 to 55 feet in length.

The EC has discussed the weather safety exemption. The EC suggests the Council use National Weather Service defined conditions, such as the small craft advisory for wind for vessels between 26 to 55 feet, similar to the gale warning for vessels greater than 55 feet in length. The EC recommends not using a specific wind speed as it is constantly changing and subject to interpretation.