

ENFORCEMENT CONSULTANT REPORT ON
NON-INDIAN COMMERCIAL-DIRECTED FISHERY REGULATIONS FOR 2021

The Enforcement Consultants (EC) have reviewed the material associated with Agenda Item E.3, Non-Indian Commercial-Directed Fishery Regulations for 2021, and have the following comments:

The EC submitted statements in November 2019 and again in September 2020 regarding regulations pertaining to the Non-Indian Commercial-Directed fishery and again requests the Council consider the following.

The EC recommends the fishery consist of no longer than 2-day openers in order to provide dedicated enforcement effort (e.g. 34-hour opener with proposed start of 0800 hours on the first day and end time on the second day of 1800 hours). During a recent public meeting noted in E.3.a, Supplemental Washington Department of Fish and Wildlife Report 1, November 2020, stakeholders expressed support for 2-day openers. The public support comes from being able to take ice on a Monday and fish Tuesday and Wednesday. This allows time to return to port and offload Wednesday night or Thursday to get the fish to market. It is important to reiterate that if the 3-day sequence of openers (58 hours) is permanently selected, enforcement of the fishery will include random patrols and spot checks versus a dedicated enforcement effort like in years past. Enforcement resource constraints prevent a pulse operation any longer than two days, which is of concern in this high value fishery.

In regard to when the fishery should begin, the EC supports starting the Non-Indian Commercial-Directed Area 2A fishery no earlier than the fourth Monday in June each year to limit overlap with the recreational fishery.

The EC previously commented on split loads and would like to reiterate our comments from [November 2019 Agenda Item F.3](#) (continuous offload): “The EC strongly supports retaining the single, continuous offload requirement.” Multiple offload locations facilitates skirting the regulations and makes it challenging to track landing limits. Pacific halibut is the only species that requires a single, continuous offload due to the individual value per fish of the species. The EC also would like to clarify that with a continuous offload requirement fish can still be sold to multiple buyers, such as retail over-the-side sales. The halibut just needs to be offloaded at one location and all halibut weighed and reported on State fish tickets.

The EC would also like to reiterate comments from November 2019 Agenda Item F.3 as follows;

Length/Class: The EC recommends requiring the licensed length of a vessel to be the official length on the vessel’s U.S. Coast Guard (USCG) Certificate of Documentation or state Certificate of Number. Due to vessel size driving trip limits in the non-tribal directed commercial fishery, there is a significant incentive for vessels to stretch up to the next

length class. Using already established length from USCG and state regulations simplifies the process for enforcement and industry.

Vessel Monitoring System (VMS): The EC recommends adding a requirement for vessels participating in any commercial halibut sector to carry VMS. This will facilitate enforcement, particularly given the shift to a longer non-Indian directed fishery and inability to otherwise determine the level of effort.

Logs: The EC recommends removing the log exemption for incidental Pacific halibut fishing during the salmon troll season.

72-hour pre-season closure and hold inspections: The EC recommends retaining the 72-hour pre-season closure and hold inspections.

Seabird Avoidance Measures: The EC observed confusion amongst the fleet this past summer as to when the regulations required them to deploy seabird avoidance gear. The EC recommends seabird avoidance gear be a requirement when participating in the Non-Indian Directed-Commercial Area 2A halibut fishery, regardless of whether a vessel retains groundfish or not.

PFMC
11/13/20