

## ENFORCEMENT CONSULTANTS REPORT ON EXEMPTED FISHING PERMITS

The Enforcement Consultants (EC) have reviewed the documents pertaining to Agenda Item F.3, Exempted Fishing Permits (EFP) including public comment (i.e. John Hall's comment), and has the following concerns :

Attachment 2: EFP Application from John Bateman. The EC requests additional detail related to proposed gear, markings, seabird mitigation, handling of protected species, and tending requirements. The EC recommends gear marking consideration be made for proximity of gear to traffic lanes and possible whale entanglement. The EC requests confirmation that Vessel Monitoring System requirements for drift gillnet (DGN) would still be required and requests that observer coverage be increased to 100 percent, or that use of electronic monitoring be required. The EC noted two recently adjudicated enforcement cases involving DGN vessels where the operators failed to report the take of marine mammals and only admitted to the take after being presented with video evidence.

Attachment 4: EFP Application from Austin Brown (Mid-Water Snap Gear). The EC requests additional information related to gear monitoring and tending. The EC recommends gear marking consideration be made for proximity of gear to traffic lanes and possible whale entanglement.

Attachment 9: EFP Application from Nathan Perez. The EC has requested General Counsel Enforcement Section (GCES) evaluate the enforceability of EFPs issued under the Magnuson-Stevens Act (MSA) within state waters prior to the next Council meeting. The EC is concerned there may be some jurisdictional limitations for Federal enforcement officers to enforce fishing under the MSA within state waters.

PFMC  
06/24/21