

ENFORCEMENT CONSULTANTS REPORT ON UPDATE ON 2023-2024 HARVEST SPECIFICATIONS AND MANAGEMENT

The Enforcement Consultants (EC) have reviewed the documents pertaining to Agenda Item E.9, Update on 2023-2024 Harvest Specifications and Management, and received a briefing from Pacific Fishery Management Council (Council) staff member, Jessi Doerpinghaus and National Marine Fisheries Service (NMFS) staff member, Lynn Massey.

The Enforcement Consultants have concerns with any proposal authorizing fishing activity within a groundfish conservation area with specific gear and area restrictions due to the need for additional shoreside monitoring and at-sea enforcement to ensure gear and retention requirements are met. As previously stated in the [Supplemental EC Report 1](#) to Agenda Item E.6 at the November 2021 Council Meeting, the EC recommends making changes to the boundaries of the Non-Trawl Rockfish Conservation Area (NT_RCA) over a partial re-opening the NT_RCA to additional groundfish fishing activity. That said, the EC recognizes the Council's strong desire to provide some additional fishing opportunities within the NT-RCA while additional analysis and a final recommendation is contemplated.

The EC recommends that the Council provide clarification to Action Item 12e adopted by the Council at the November 2021 meeting on whether the fishing currently allowed between 30-40 fathoms is to be continued as a separate authorization or replaced by this new action. The 2021-2022 management measures allowed the use of hook-and-line gear, except bottom longline and dinglebar gear between the 30 and 40 fathom lines between 40° 10' N and 46° 16' N latitude. The EC recommends against retaining the 30 to 40 fathom management measure while also adding a new category of allowed fishing within the NT-RCA. Any fishing vessel retaining groundfish within the NT-RCA under this proposal should follow the same gear and catch limit and not include sub-areas with separate gear or retention limits.

The EC has reviewed [Supplemental NMFS Report 1](#), has concerns with the enforceability of the described allowable gear, and wants to ensure any specific item (e.g. depth, length, number of hooks, etc.) be of sufficient management concern as to warrant on the water or shoreside enforcement. For example, we consider verifying the number of proposed hooks (up to 500) as impractical for enforcement to verify at sea or shoreside, without the inclusion of some sort of marking or indicator to assist in counting (e.g. no more than 25 hooks between floats and no more than 20 floats). Determining distance of the weights and gear off the bottom is very difficult to determine, however we could measure the distance between the bottom weight and first hooks, and whether there are indications of bottom contact on the weight (e.g. mud on weights when inspected). We will continue to work with staff to identify enforceability concerns with proposed gear types.

The EC previously noted its concern with the proposed definition of Directed Open Access fishery in [Supplemental EC Report 1](#) to Agenda Item E.5.a., and noted the Council intent to clarify the definition in the Council approved motion. If Directed Open Access fishing is allowed in the NT-RCA under this action item, which the EC recommends against, the EC recommends the gear types be limited and the vessels only be allowed to be declared into that fishery. This is not intended to

affect groundfish retention already approved in the NT-RCA such as the incidental retention of yellowtail rockfish or lingcod in the commercial salmon troll fishery.

PFMC
03/11/22