

ENFORCEMENT CONSULTANTS REPORT ON PRELIMINARY PREFERRED MANAGEMENT MEASURE ALTERNATIVES FOR 2023-2024 FISHERIES

The Enforcement Consultants (EC) have reviewed the documents pertaining to Agenda Item F.4 Preliminary Preferred Management Measure Alternatives for 2023-2024 Fisheries and provide the following comments

The EC 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 [E.6.a, Supplemental EC Report 1](#) at the November 2021 Pacific Fishery Management Council (Council) Meeting, the EC recommend 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. The EC are also concerned with allowing fishing to occur both inside and outside the NT_RCA on the same trip. This adds additional enforcement challenges due to expanded monitoring and gear verification requirements.

That said, the EC recognize the Council's desire to provide additional fishing opportunities within the NT_RCA while additional analysis and a final recommendation on modifying the boundaries of or eliminating the NT_RCA is contemplated.

Regarding [F.4.a, Supplemental NMFS Report 1](#): The EC greatly appreciates National Marine Fisheries Service (NMFS) staff members Lynn Massey and Keeley Kent's consideration of EC recommendations made during the March Council meeting (see [E.9.a, Supplemental EC Report 1](#)) and communications with EC members during the EC meeting and in development of F.4.a, Supplemental NMFS Report 1. The EC also greatly appreciates comments provided by Mr. Alan Lovewell, Real Good Fish Exempted Fishery Permit (EFP) Director. The following additional comments are provided for consideration:

New Gear Definition:

Distance off the bottom: Determining distance of the weights and gear off the bottom is very difficult to enforce.. The EC recommend setting a minimum distance between the bottom weight and first hooks or mainline (e.g. 50 feet) rather than a distance the weight is to be suspended above the seafloor given the difficulty of enforcing the depth of the weight in relation to the depth of water. Defining the gear as non-bottom contact provides enforcement with a means to inspect the gear for possible indications of contact with the seafloor (e.g. mud on bottom weight).

Maximum number of hooks and gear types

The EC greatly appreciates the inclusion of markers (floats) every 25 hooks to facilitate enforcement of the total number of hooks. Mr. Lovewell indicated concerns with requiring floats to separate hooks since that was not used during the EFP and requested clarification during the EC meeting if enforcement was requesting floats or if another method of marking the hook segments could be used.. The EC restated that the recommendation was for a clearly identifiable marker to indicate hook segments. This could be floats, line wraps,

colored line splice or some other visible marker. Mr. Lovewell also requested consideration for carrying spare hooks on board (up to 100). The EC are not opposed to carrying a limited number of spare hooks on board provided they comply with the defined hook type (i.e. artificial, unweighted). The EC are concerned about the ability to verify compliance with gear requirements if there is a significant amount of spare allowable gear on board, or if a vessel is fishing with or carrying both types of gear on board.

Declaration Reports. The EC note that new declaration codes will need to be in place in order to monitor vessels using these new gear types inside the NT-RCA. The EC are working with NMFS staff to implement new declaration codes and make appropriate updates to the regulations to support both this item and the forthcoming groundfish logbook requirement.

Regarding F.4. Attachment 2, 2023-2024 Management Measure Analytical Document.

The EC have the following concern with Chapter 1. Base Line:

1.11.1 Area Restrictions: The California Department of Fish and Wildlife provisions allowing the recreational retention of petrale sole, starry flounder and “Other flatfish”, including Pacific sanddab, while using bottom contact gear in the RCA and Cowcod Conservation Area (CCA) is an enforcement concern. Existing regulations allow the retention of these species in the RCA and CCA. Enforcement has made several contacts where recreational fishers were observed fishing in these two Conservation Areas. The fishers discarded their unlawfully taken groundfish overboard once they saw the approaching patrol vessel. When contacted, the fishers claimed they were fishing for Pacific sanddabs and the rockfish floating around their vessels were prohibited groundfish they had released.

The EC have the following comment on **Chapter 11.11 Enforcement Considerations:** Long-leader gear (also known as Holloway gear): The EC are concerned with the complexity, increased time required for gear inspection by enforcement, and possible confusion that may be caused by the expanded use of Holloway gear in the recreational fisheries.

PFMC
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