

ENFORCEMENT CONSULTANTS REPORT ON EXEMPTED FISHING PERMITS,
HARVEST SPECIFICATIONS, AND MANAGEMENT MEASURES FOR 2023-2024
FISHERIES-FINAL ACTION

The Enforcement Consultants (EC) have reviewed the documents pertaining to Agenda Item F.6 Exempted Fishing Permits, Harvest Specifications, and Management Measures 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 [Supplemental EC Reports](#) to the Pacific Fishery Management Council (Council), the EC recommend making changes to the boundaries of the Non-Trawl Rockfish Conservation Area (NT_RCA) over a partial re-opening of the NT_RCA to provide 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 proposed RCA updated waypoint and modifications as specified in [F.4.a, Supplemental CDFW Report 5, April 2022](#) and [E.5.a, Supplemental CDFW Report 1, November 2021](#), the EC have no concerns with the proposed changes.

Regarding F.6.a, Supplemental NMFS Report 1, the EC have no additional concerns with the gear and declaration definitions and appreciates the changes supported by the Council.

Regarding F.6. Attachment 2, section 2.12 California Recreational Fishery and F.6.a, Supplemental CDFW Report 1:

The EC have reviewed the material associated with the Novel Utilization of Existing RCA Boundary Lines with respect to the California Recreational Fishery and met with California Department of Fish and Wildlife (CDFW) Staff Member James Phillips to discuss CDFW's Recreational Fishery Season Structure final preferred alternative recommendation. The EC have concerns with any proposed season structure scenario where a vessel would be permitted to fish with bottom contact gear shoreward of the 50 fathom RCA boundary line during the >50 fathom shelf and slope rockfish and lingcod "offshore fishery" time periods. Permitting fishing activity for other species shoreward of the boundary line while only allowing the retention of shelf rockfish, slope rockfish, and lingcod seaward of the boundary line is problematic for enforcement. For example, existing CDFW provisions allow 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. 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.

Enforcement prefers the proposed Scenario “(a)” season structures where the take of shelf rockfish, slope rockfish, and lingcod are only permitted during the “open in all waters” time periods (i.e., Scenario 1(a) over 1, Scenario 2(a) over 2, etc.). The possession of these species onboard the vessel would be prohibited regardless of where taken during the closed time periods, making it much easier to enforce regardless if the vessel was contacted at sea or at the dock, and would eliminate the sanddab scenario described above.

PFMC
06/10/22