

ENFORCEMENT CONSULTANTS REPORT ON
MEMBERSHIP AND COUNCIL OPERATING PROCEDURES

The Enforcement Consultants (EC) have reviewed the documents associated with agenda item C.7 Membership and Council Operating Procedures (COP) and provide the following comments.

Regarding C.7, Attachment 4: Proposed revisions to COP 23. The EC greatly appreciates the inclusion of a violation history check as part of the COP and the opportunity to meet virtually with the Coastal Pelagic Species Management Team and Coastal Pelagic Species Advisory Subpanel and answer any questions they had. The EC has had further discussions and recommends minor changes be made at a future meeting to COPs 19, 20, 23 and 24. The proposed language better clarifies what types of violations may be considered, and updates the civil penalty amount. The EC recommends the following language replace what is currently contained under “D. Other consideration”:

D. Other considerations:

1. EFP candidates or participants may be denied future Exempted Fishing Permits(EFP) permits if the applicant/participant (fisher/processor) has had a violation adjudicated within the past five years related to:
 - a. Violation of EFP provisions;
 - b. Violation of commercial fishing regulations resulting in conviction or entering into a plea of/for a crime punishable by a maximum penalty exceeding \$1,000;
 - c. Violation of commercial fishing regulations resulting in an assessed civil penalty in an amount greater than \$5,750;
 - d. Violations resulting in the assessment of a civil penalty or being convicted of a crime involving the falsification of fish receiving tickets including, but not limited to, misreporting or underreporting of (CPS, HMS, groundfish landings as applicable).”

The EC recognizes the violation history check is not mandatory, but it does serve as a motivation for compliance and provides NMFS with important information when considering whether or not to issue an EFP. NMFS Office of Law Enforcement conducts the violation history checks for NMFS West Coast Region outside the normal Council process.

PFMC
09/13/22