

ENFORCEMENT CONSULTANTS REPORT ON WORKLOAD AND NEW
MANAGEMENT MEASURE UPDATE

The Enforcement Consultants (EC) have reviewed the documents associated with Agenda Item G.2 Workload and New Management Measure Update and provide the following comments:

Regarding G.2, Supplemental REVISED Attachment 1, Proposed Revisions to Council Operating Procedure (COP) 19, the EC recommends minor changes to the language indicating a violation history check may be considered by the National Marine Fisheries Service (NMFS) when evaluating whether or not to issue an exempted fishing permit (EFP). The proposed language better clarifies what types of violations may be considered and updates the civil penalty amount. The EC intends to recommend updating similar language in COP 20 and 24, along with COP 23 under Agenda Item C.7. The EC recommends the following language replace what is currently contained under “D. Other considerations”:

“D. Other considerations”

1. EFP candidates or participants may be denied future 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 groundfish.”

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 contained within COPs 19, 20 and 24 for NMFS West Coast Region outside the normal Council process.

PFMC
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