

## ENFORCEMENT CONSULTANTS REPORT ON NON-TRAWL SECTOR AREA MANAGEMENT MEASURES

The Enforcement Consultants (EC) have reviewed the documents pertaining to Agenda Item G.6, Non-trawl Sector Area Management Measures, received a presentation by Pacific Fishery Management Council (Council) staff Ms. Jessi Doerpinghaus and National Marine Fisheries Service (NMFS) staff Ms. Lynn Massey, and provide the following comments.

The EC appreciates the consideration taken to date of prior EC statements related to this agenda item (see [F.3.a, Supplemental EC Report 1, April 2021](#), [E.6.a, Supplemental EC Report 1, November 2021](#) and [F.6.a, Supplemental EC Report 1, April 2022](#)). The EC reminds the Council that in general, it prefers to change the size of a conservation area to allow or expand fishing effort within the area. Clearly defined conservation areas that are closed to fishing are much easier to enforce than areas that allow use of certain gear types or retention of certain species. The EC is concerned with any proposed increase in authorized fishing activity within a conservation area due to the increased need for additional shoreside monitoring and at-sea enforcement to ensure gear and retention requirements are met.

EC Comments regarding G.6, Attachment 1:

The EC has no comment regarding the No Action alternative.

**Alternative 1:** Allow non-trawl fishery vessels (directed open access and limited entry fixed gear) and vessels that use non-trawl gear in the individual fishing quota (IFQ) program (“IFQ gear switchers”) to use approved non-bottom contact hook-and-line gear in the Non-Trawl Rockfish Conservation Area (NT\_RCA) between 46°16’ and the border of Mexico.

- Sub-option 1: Allow Limited Entry Fixed Gear (LEFG) vessels targeting groundfish to fish in the NT\_RCA using approved hook-and-line gear may fish up to LEFG trip limits.

The EC notes that Alternative 1, including the addition of sub-option 1, appears to be enforceable, but notes that new declaration codes may need to be created for LEFG and IFQ gear switching vessels allowed to fish with non-bottom contact gear within the NT\_RCA.

**Alternative 2:** Adjust the seaward boundary of the NT\_RCA to 75 fathoms from 46° 16’ North Latitude to 34° 27’ North Latitude for both commercial groundfish and directed halibut fishing activity.

The EC would prefer Alternative 2 if it included the removal of the non-bottom contact fishing within the NT\_RCA recently approved in the 2023-2024 Harvest Specifications and Management Measures. Adjusting the NT\_RCA boundary while continuing to allow additional fishing does not provide any relief to the enforcement challenges that are anticipated by allowing expanded fishing inside the NT\_RCA.

The EC does not recommend including Suboptions 1a-1c as they would increase enforcement complexity due to the creation of Essential Fish Habitat Conservation Area (EFHCA) polygons with varying fishing restrictions. The EC would like to extend our appreciation to staff for considering the enforceability of small polygons in Suboption 1a, as is highlighted in Table 15. The EC recommends that if this alternative is selected, that halibut and groundfish regulations be aligned to ensure regulatory consistency and reduce enforcement challenges.

Regarding Suboption 3, the EC recommends that the Southeast point of the staff-proposed Yelloweye RCA Area 1 be adjusted to incorporate Garibaldi Reef South EFHCA. Including all exposed areas of Garibaldi Reef North within Yelloweye RCA Area 1, but only a small portion of Garibaldi Reef South, may cause confusion and an enforcement challenge due to the presence of multiple overlapping conservation areas in a relatively small area.

**Alternative 3:** Repeal the Cowcod Conservation Areas (CCA) for Commercial and Recreational Fisheries.

The EC appreciates Supplemental CDFW Report 1 and its support to close the proposed areas to fishing for groundfish with both bottom contact and non-bottom contact gear. The EC has also previously stated it is in support of allowing continuous transit through the proposed areas with groundfish onboard provided gear is stowed. There are still enforcement concerns with allowing any fishing in these areas, however, the EC would support allowing the area to be open to fishing for non-groundfish species using non-bottom contact gear (e.g. fishing for highly migratory species provided there is no groundfish onboard and bottom contact gear is not being used).

The EC has no comments related to Alternatives 4 and 5.

PFMC  
09/10/22