

ENFORCEMENT CONSULTANTS REPORT ON
DRIFT GILLNET FISHERY HARD CAPS – FINAL ACTION

The Enforcement Consultants (EC) have reviewed the documents associated with Agenda Item G.3 Drift Gillnet Fishery Hard Caps and provide the following comments related to Alternative 3 - In-Season Individual Vessel and Fleetwide Closures:

The EC continues to be concerned with the potential complexity associated with the notification and tracking of closures with individual vessel hard caps. The EC considers a fleetwide closure as more enforceable since notice is typically announced in the *Federal Register* with set effective dates. Having a fleetwide closure also helps to ensure a fair and equitable fishery when National Marine Fisheries Service is closing the fishery only after an observer witnesses a take.

Individual vessel closures are more complex due to potentially having to monitor a subset of the fleet including the vessel(s) involved in the take, along with unobservable vessels. The EC is concerned that vessels may be incentivized to become “unobservable” in an effort to reduce the likelihood of an observed take that counts against the hard cap, or to shift from “unobservable” to “observable” after a take occurs. Documentation of vessel owner notification is also a concern. The date of notification would be required in order to track the 14-day, 30-day, or season closure by vessel, which includes not only the vessel involved in the take, but also the vessels that were determined to be unobservable. Multiple species caps being reached during the same season, or prior to the expiration of a previous take closure for unobservable vessels, further complicates tracking individual vessel closures. Should notification occur while the vessels are at sea, the EC notes the closure would also require an offload within four days of the effective date of closure.

The EC recommends considering creating a drift gillnet vessel monitoring system Declaration Code to facilitate monitoring of the fishery since vessels are currently declared under the “Gear not Listed” category, which makes tracking vessels participating in this fishery more challenging.

PFMC
11/03/22