

ENFORCEMENT CONSULTANTS REPORT ON  
NON-TRAWL AREA MANAGEMENT - FINAL PREFERRED ALTERNATIVE

The Enforcement Consultants (EC) reviewed the documents pertaining to Agenda Item F.4, Non-trawl Area Management - Final Preferred Alternative. They received a presentation by Pacific Fishery Management Council (Council) staff, Jessi Doerpinghaus, and also an overview brief from Greater Farallones National Marine Sanctuary staff, Karen Reyna on F.4.a, Supplemental ONMS Report 1. The EC would like to offer 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](#), [F.6.a, Supplemental EC Report 1, April 2022](#), and [G.6.a, Supplemental EC Report 1, September 2022](#)). The EC reminds the Council that in general, it prefers to change the size of a conservation area rather than increasing the mix of groundfish fishing activities allowed within an 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 F.4, Attachment 1:

From an enforcement perspective, the **No Action** Alternative is preferred due to additional enforcement challenges created under the adoption of the other alternatives.

**Alternative 1: Modify gear specifications and catch restrictions applicable to fishing inside the Non-Trawl Rockfish Conservation Area (NT\_RCA) between 46 16' N. and the U.S./Mexico border for the Directed Open Access (OA), limited Entry Fixed Gear (LEFG), and Individual Fishing Quota (IFQ) gear switching fishery sectors.**

- **Suboption 1 (PPA): Allow LEFG vessels to fish up to LEFG trip limits in the NT\_RCA when using stationary vertical jig gear or groundfish troll gear, and allow IFQ gear switching vessels to fish under their quota pounds (QPs) in the NT\_RCA using stationary vertical jig gear or groundfish troll gear.**

The EC notes that new declaration codes will need to be created for LEFG and IFQ gear switching vessels allowed to fish with non-bottom contact gear within the NT\_RCA. The EC wants to ensure the same gear restrictions currently in place for Open Access vessels fishing with non-bottom contact gear in the NT-RCA would also be in place for LEFG and IFQ gear switching vessels (e.g. only one set of gear on board, spare hook limits, etc.).

- **Suboption 2 (PPA): Allow only those vessels using vertical stationary jig gear to use natural bait.**

The EC has no concerns with this suboption

- **Suboption 3: Allow vertical stationary jig gear to be suspended no less than 30 feet from the bottom.**

The EC reminds the Council that it is difficult to enforce distances off the bottom, but can enforce the distance between the bottom weight and first hook or mainline (see [:https://www.pcouncil.org/documents/2022/04/f-4-a-supplemental-ec-report-1.pdf/](https://www.pcouncil.org/documents/2022/04/f-4-a-supplemental-ec-report-1.pdf/))

**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.**

As noted above, the EC prefers adjusting the size of conservation areas, as is being proposed under Alternative 2, to increasing the amount of fishing allowed within an area. Ideally, the adjustment of the seaward boundary would include the removal of the non-bottom contact fishing recently approved within the NT\_RCA. 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.

**Suboptions 1d and 1e.** The EC does not object to the establishment of groundfish non-bottom contact Essential Fish Habitat Conservation Area (EFHCA's), but is concerned about enforcement's ability to monitor and enforce fishing that occurs shoreward of the Arago Reef EFHCA and seaward of the state waters boundary.

**Suboption 2.** No comment

**Suboption 3.** The EC concurs with the recommendations included in F.4.a, Supplemental REVISED Oregon Department of Fish and Wildlife (ODFW) Report 1, Non-Trawl Area Management and the Proposed Yelloweye Rockfish Conservation Areas.

The EC previously noted that 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. ODFW's recommendation addresses this concern.

Regarding F.4.a, California Department of Fish and Wildlife (CDFW) Report 1 and Supplemental CDFW Report 2, the EC supports both the proposed modification to the 75-fathom line and resultant NT\_RCA under the Council's PPA Alternative 2, including the Cordell Bank Groundfish and Essential Fish Habitat Conservation Areas near Cordell Bank, off San Francisco, CA, and the technical correction to the 75-fathom waypoint.

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

The EC supports the proposals contained in Alternative 3, including the creation of groundfish exclusion areas (GEA) that would be closed to fishing for groundfish with both bottom contact and non-bottom contact gear. The EC also supports allowing continuous transit through the proposed groundfish exclusion 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). If approved, the EC also recommends NMFS include a reminder within a compliance guide that crossover provisions apply to commercial fishing vessels fishing both inside and outside of a GEA, or other management area with different retention requirements.

The EC has no comments related to **Alternative 4**.

PFMC  
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