

## ENFORCEMENT CONSULTANTS REPORT ON SCOPING TOPICS FOR THE PACIFIC HALIBUT CATCH SHARING PLAN AND COMMERCIAL REGULATIONS CHANGES

The Enforcement Consultants (EC) have reviewed reports associated with Agenda Item E.1 Scoping Topics for the Pacific Halibut Catch Sharing Plan and Commercial Regulations Changes and have the following comments. Reference is made to prior EC statements [F.3.a, Supplemental EC Report 1](#) at the November 2019 Pacific Fishery Management Council (Council) meeting, and [E.2.a, Supplemental EC Report 1](#) at the September 2022 Council meeting. Regarding requests for additional EC justification in response to E.1, Attachment 1: Scoping Topics for Potential Changes to the Pacific Halibut Catch Sharing Plan and Non-Tribal Commercial Regulations, the EC provides the following comments:

Vessel Monitoring System (VMS): The EC is particularly concerned with the ability to enforce closed area regulations on directed commercial halibut vessels that do not carry VMS. Washington Department of Fish and Wildlife cited one directed commercial halibut vessel in 2019 for fishing in a closed area and seized the catch of 132 halibut (reference [2021 Tri-State Enforcement Report](#)). Currently, monitoring activity in closed areas is only possible by on-scene enforcement assets. Identifying vessels and determining whether or not gear was illegally set in a closed area is extremely difficult to detect due to the large area, limited number of patrol assets, and the vessels' ability to set and recover gear undetected at night or during periods of reduced visibility. The EC notes for the Council that a U.S. Coast Guard aviation asset trying to identify a vessel not on VMS that is operating in a closed area costs approximately \$15,000 per hour (reference [COMDTINST 7310.1V](#)).

The EC further discussed the need for VMS on salmon trollers incidentally retaining halibut and does not believe VMS should be required for those vessels that do not also retain groundfish since there is no difference in retention requirements if the vessel is operating inside or outside of the Non-Trawl Rockfish Conservation Area.

Logbooks: The EC further discussed whether requiring logbooks was the most effective way to enforce incidental halibut retention requirements. The EC recommends that instead of requiring a logbook, which may or may not be updated at the time of a boarding, make a change to the regulations related to fish ticket data and require both number of fish and total weight be entered. Enforcing retention ratios is very difficult after the fish have been offloaded.

Seabird Avoidance Gear: The EC recommends seabird avoidance gear be required when participating in the non-tribal directed-commercial Area 2A halibut fishery. Currently, only those retaining groundfish are required to deploy seabird avoidance gear. The same fishing gear is being used during the directed halibut fishery, whether you are only retaining halibut or mixing halibut and groundfish. Having vessels alongside one another in this derby fishery adds enforcement challenges when one vessel is deploying the seabird avoidance gear and the other one is not. Enforcement has cited several vessels each of the past three years for non-compliance with seabird avoidance gear requirements during the directed commercial halibut fishery, and continues to inform fishers of this requirement in a pre-season web-story. Requiring everyone to conduct business the same way will likely improve compliance.