

ENFORCEMENT CONSULTANTS REPORT ON LIMITED ENTRY FIXED GEAR FOLLOW-ON ACTIONS AND FIXED GEAR MARKING-SCOPING

The Enforcement Consultants (EC) have reviewed reports associated with H.4 Limited Entry Fixed Gear (LEFG) Follow-on Actions and Fixed Gear Marking-Scoping, and have the following comments.

Allow Longline-Endorsed Vessels to Use Slinky Pots

The EC is not opposed to the use of slinky pots by longline-endorsed vessels. The EC recommends defining collapsible pots (e.g., slinky pots) separately from non-collapsible pots due to differences in how the escape panels are applied. Consider referencing the definition used in the Federal regulations off Alaska ([50 CFR 679.2](#)), so there is consistency regarding the placement of escape panels. The EC notes the Alaska regulations allow the escape panels to use a biodegradable panel using up to No. 30 untreated cotton thread, while West Coast regulations limit the thread size to No. 21. If there is no management concern, the EC recommends using No. 30 as the minimum thread size.

The EC also recommends the Council consider removing the specific gear endorsements. Adding special exemptions complicates enforcement.

Allowing Cumulative Non-Sablefish Trip Limits in the Primary Sablefish Fishery

The EC is opposed to further complicating the challenge of determining if a vessel has exceeded its daily trip limit. It is complicated enough with the current open access (OA) and LEFG daily trip limits. Having to calculate daily trip limits based upon the number of stacked permits is very difficult to enforce without having an automated system in place to monitor all landings and compliance with trip limits.

Fixed Gear Marking:

Line marking –The EC recommends marking at least the upper portion of the float line, starting where it attaches to the buoy closest to the ground line with a specific color marking. The EC believes having a continuous mark for the first 5 fathoms (at a minimum) will allow enforcement to effectively evaluate compliance and the gear identified with the specific fishery without having to pull a portion of the gear off the bottom.

Gear/fishery-specific buoy markings – The EC recommends having buoys marked to identify both the specific fishery, and fisher or vessel. If applicable, defer to State gear marking regulations and ensure any Federal requirements do not cause confusion with markings required in any state fisheries.

In line with the EC's general position to create consistency wherever possible between the fisheries, we are concerned with only requiring gear marking on vessels participating in the LEFG fishery. The EC recommends the Council consider Option 2: Move forward with scoping LEFG marking requirements along with all other sectors that use pot and longline

fisheries under the groundfish FMP (IFQ gear switchers and open access). The EC would also like Commercial Directed Halibut to be included in this option. As referenced in E.1.a, Supplemental EC Report 1 at the June 2023 Council meeting, having vessels alongside one another in the halibut fishery adds enforcement challenges when one vessel is required to adhere to line marking regulations and the other one is not.

Entanglement Risk Reduction Measures: The EC discussed the National Marine Fisheries Service recommendation to scope the use of surface gear on one or both ends. The EC recommends maintaining the requirement that both ends of the gear be marked with surface gear. Marking one end would make it very difficult to enforce as unmarked portions of the gear could be set in a closed area.

Minor Additions

Tier Season Start/End Times and Pot Escape Panel Position: The EC supports changing the start and end times of the sablefish primary season dates in groundfish regulations from noon to midnight (12:01 am open, 11:59 pm close). Currently if a vessel lands LEFG limits prior to noon on the date the season opens, there could be confusion as to what time the landing occurred as fish ticket data only specifies the date of landing, not the time of day the landing occurred. This confusion could lead to the landing being credited to a tiered permit instead of the LEFG daily trip limit. By changing the start and end times to coincide with the new calendar day rollover, it reduces the need to determine what time of day the offload occurred to differentiate between limits.

The position of the escape panel: The EC recommends that the escape panel requirement be clarified for both OA and LEFG fisheries to state that the escape panel be located on the upper section of pot (i.e., not on bottom). The location of the escape panel on pots is currently not defined.