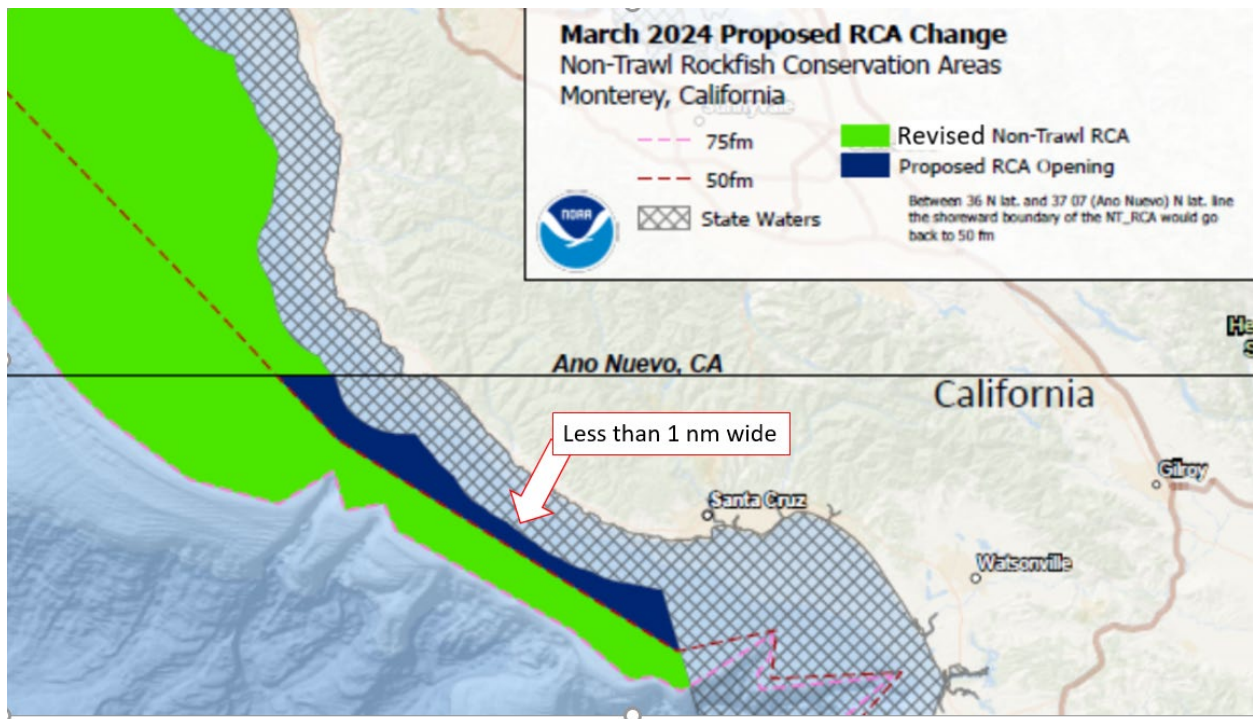


ENFORCEMENT CONSULTANTS REPORT ON INSEASON ADJUSTMENTS - FINAL ACTION

The Enforcement Consultants (EC) have reviewed the documents pertaining to Agenda Item F.8, Inseason Adjustments - Final Action, and have the following comments.

The EC met with members of the Groundfish Management Team (GMT) to discuss a proposal to move the shoreward boundary of the Non-Trawl Rockfish Conservation Area (NT-RCA) between 37° 07' N. and 36° N. latitude to 50 fathoms.

Moving the shoreward boundary of the NT-RCA to 50 fathoms would create two small open commercial fishing areas, the northern area being less than 1 nautical mile (nm) across in several locations (see graphic below). These areas are situated between the state water line, where the take of groundfish is closed and the NT-RCA, where groundfish can only be taken with non-bottom contact gear. The EC has previously commented on the enforcement challenges associated with small management areas and recommended that the length and width of proposed areas be greater than 1 nm to ensure they can be effectively enforced with vessel monitoring systems (VMS) using a 15-minute ping rate.



North of 36° N. latitude, the take and possession of groundfish is prohibited in state waters, except that nearshore rockfish, cabezon, and greenling can be taken shoreward of the state-defined 20 fathom line with a state-issued nearshore permit. For reference, the 20 fathom line follows the coast approximately halfway between the coastline and the state water line between 37° 07' N. lat. and Santa Cruz. Moving the shoreward boundary of the NT-RCA RCA to 50 fm would create five

different management areas with varying take and possession constraints within close proximity to each other (less than 7 miles from shore to the fifth management area), adding complexity to commercial fisheries and requiring additional enforcement effort.

State regulations prohibit vessels that take deeper/shallow nearshore rockfish, cabezon, and greenling (RCG) shoreward of the state 20 fathom line from taking shelf rockfish anywhere in state or Federal waters. Adjusting the trip limit tables from 36 to 37-07 N to allow 2,000 pounds of minor deeper/shallow nearshore rockfish and unlimited cabezon would make enforcing this provision more difficult, even if a vessel had VMS. A vessel could loiter (or fish) inside 20 fathoms, potentially taking nearshore species in state waters, then continuously transit across the California Groundfish Restriction Area (CGRA) into Federal waters and take shelf rockfish, then continuously transit through state waters back to port with shelf rockfish and nearshore species in possession. A vessel that fished in both state and Federal waters and landed any groundfish other than RCG would be in violation of state and Federal law. Enforcement could not effectively use VMS as a tool to determine if fishing occurred inside 20 fathoms; this could only be determined by on-the-water enforcement. To alleviate this concern, the EC recommends that minor deeper/shallow nearshore rockfish and cabezon trip limits remain at 0 lbs per 2 months to avoid potential enforcement challenges (i.e. maintain status quo).

The EC also reviewed [F.8.a, Supplemental CDFW Report 2](#) under this agenda item and met with members of the GMT to discuss the proposed alternatives and have the following comments:

The EC prefers the proposed CA-Rec Option 3a (Table 7) where the season structure is the most consistent throughout the management areas and date ranges. Option 3a only utilizes three management schemes throughout the year, all depth, open shoreward of the 20-fathom boundary line in state waters and the offshore only fishery (>50 fathoms). Furthermore, when comparing the proposed options, 3a was the most consistent when comparing the season structure in the Central Groundfish Management Area (GMA) to the north and south of 36° N latitude, where only 4 months out of the 9 open months differed from each other.

The EC has concerns with CA Rec Options 1, 2, and 3b due to increased complexity and enforcement challenges caused by having more depth disparities in the north and south portions of the Central GMA. Furthermore, Options 2 and 3b include new depth constraints unused in previous management areas (i.e. <30 and <50 fathoms). These options would create a higher burden on recreational fishers to learn and understand the more complex season structures and depth constraints. Additionally, these three options result in increased potential for fishers to inadvertently be out of compliance or unlawfully exploit the differences within the non-conformed GMA (Central - N 36 and Central - S 36).

Transiting. The EC would like to note in the Central GMA (in all four options) the take and possession of nearshore rockfish, cabezon, and greenling would be authorized in one portion of the Central GMA, but those fish could not be possessed onboard while transiting through the other portion of the Central GMA during the months of April and November. For example, in April, nearshore rockfish could be taken during the all-depth fishery in the Central – S. 36° fishery but could not be possessed onboard the vessel if it transited into the Central – N. 36° offshore only fishery (>50 fathoms) on the same trip.

Multi-day fishing trip declarations. Boat owners/operators that file for a state multi-day fishing trip declaration, which allows them to retain up to three daily bag limits when fishing during a multi-day trip, will have to be aware of changing retention allowances in all four options. For example, in option 3a, if a vessel files for a multi-day fishing trip that starts on September 30 in the Southern GMA and takes a daily bag limit of nearshore species during the inshore fishery, the vessel would not be able to possess that daily bag limit on October 1 when the season structure transitions to the offshore fishery and nearshore species cannot be possessed. This will reduce the number of available fishing days for some vessels.

PFMC
3/09/24