

ENFORCEMENT CONSULTANTS REPORT ON
COMMERCIAL FISHERY REGULATION CHANGES:
VESSEL MONITORING SYSTEMS, SEABIRD AVOIDANCE AND CATCH REPORTING –
RANGE OF ALTERNATIVES, PRELIMINARY PREFERRED ALTERNATIVE

The EC has made several prior statements on this topic, the most recent being at the November 2023 Council meeting under Agenda Item [G.1.a Supplemental EC Report 1](#).

The Enforcement Consultants (EC) have reviewed reports associated with Agenda Item F.2 Pacific Halibut Management, Commercial Fishery Measures, and have the following comments:

Regarding [F.2 Supplemental Attachment 2](#)

Problem Statement: The EC notes the current problem statement and summary of the alternatives for regulatory changes are for not only the non-Tribal directed commercial Pacific halibut fishery (DC halibut fishery), but also the incidental salmon and sablefish fisheries. The EC recommends the first sentence of the problem statement be changed to “Enforcement Consultants (EC) have noted challenges when enforcing management measures pertaining to **Pacific halibut caught in the DC halibut fishery, salmon troll fishery, and primary sablefish fishery north of Pt. Chehalis.**”

Vessel Monitoring System (VMS): The EC recommends that under Action 1. Vessel Monitoring System the council adopts Alternative 1, with the following components:

- Component 1A Applicable waters. Require VMS on applicable vessels when fishing in the EEZ;
- Component 2A VMS ping rate requirement. Require a VMS Ping Rate of four times per hour (i.e. once every 15 minutes); and
- Component 3.B. VMS status requirement. VMS must be turned on and transmitting location data when fishing during the halibut open fishing period and participating in the DC halibut fishery.

As noted in previous statements, the EC is concerned with the ability to enforce closed area regulations on directed commercial halibut vessels that do not carry VMS. 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 fishing vessel’s ability to set and recover gear undetected at night or during periods of reduced visibility. The EC requests the 15-minute ping rate for consistency purposes with the groundfish requirements.

Seabird Avoidance Measures: The EC recommends that under Action 2. Seabird Avoidance Measures, the council adopts Alternative 1, with the following component:

- Component 1A. Applies to applicable vessels when fishing in the EEZ.

Currently, only those vessels 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 retaining both 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 cannot always identify in real time whether particular vessels are solely fishing for halibut, so often (especially if patrolling via Air) violations are not immediately detected. Enforcement has cited several vessels during the DC halibut fishery in each of the past three years for non-compliance with seabird avoidance gear, 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 and eliminate confusion.

Catch Reporting on Fish Tickets: The EC recommends that under Action 3. Catch Reporting on Fish Tickets, the council adopts Alternative 1.

- Alternative 1 The EC recommends requiring all commercial fish tickets to report the pounds AND number of individual fish for halibut landed under the incidental halibut fisheries. The EC sees value in applying this to all halibut landed, including the DC halibut fishery, but is primarily concerned with the ability to calculate ratios under the incidental salmon troll and sablefish fisheries.

Federal and state regulations are disjointed in regards to halibut number accounting. This action would close this loop to create regulatory consistency, and recording the individual number of fish is critical to enforcement when determining compliance with ratio or individual fish or vessel limits.

PFMC
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