

ENFORCEMENT CONSULTANTS REPORT ON CONSIDERATION OF INSEASON
ADJUSTMENTS – PART I

As you know, state law cannot be less restrictive than Federal regulations. As a result of Council action in June 2010, the California Fish and Game Commission adopted the Council recommendations for 2011 specs. At this meeting, the Council has been informed that due to a NOAA ruling, the June recommendations will not be implemented, thus optimum yields (OYs) will revert back to 2010 Federal regulations beginning January 2011.

This situation creates significant enforcement conflict for State Officers who also possess the authority to enforce Federal law. It also causes public confusion due to the inconsistency between published state fishing regulations and the more restrictive Federal rules. For example, in Southern California beginning January 1, 2011, vessels will be able to fish out to 60 fathoms whereas Federal regulations prohibit fishing outside of 40 fathoms. Effective March 1, 2011, within the Cowcod Conservation Area (CCA), under state law fishers will be able to retain shelf rockfish when Federal regulations prohibit possession of these species. Also under state law, anglers will be able to fish out to 30 fathoms in the CCA, but Federal regulations restrict fishing to within 20 fathoms in the CCA.

PFMC
11/06/10