

VMS/Enforcement Committee and Advisors

July 25, 2019 Meeting
Portsmouth, NH

Cod-end Compliance Assistance Program (CAP)

- The Coast Guard reported:
 - One more fisherman started using cod-end tags this year
 - There was one cod-end CAP boarding, in March 2019
 - The cod-end was purchased in August 2018 (7 months prior to the boarding)
 - The cod-end measured 6.55 inches
 - The Coast Guard continues to use the weight&spade method
- NOAA plans further outreach about the CAP

Groundfish Sector Catch Share Program Review

- The Council received this report just prior to this Enforcement report

Compliance Improvement Recommendations: Groundfish Sector Program Management

- OLE summarized their report:
 - The report is a working document, subject to revisions
 - More feedback to the Council, on completed cases and evolving trends, is expected
 - Access to monitoring data is a key element for enforcement
- Response to this report was extensive:
 - Landings weight accuracy depends on certified scales; some are out-of-date
 - Offloading windows may be helpful, in certain cases
 - Risk of overages increases with high levels of vertical integration, and multiple vessel ownership
 - All fishermen pay the price of monitoring and enforcement, because of a few egregious violators
 - Some evidence that pre-landing notice is not given; Electronic Monitoring may help

Compliance Improvement Recommendations: Groundfish Sector Program Management (Broad stock misreporting)

- Broad stock misreporting:
 - OLE does not cross-reference Observer data with VTR data, typically
 - NMFS policy allows Enforcement use of Observer information
 - Electronic Monitoring also may be used for Enforcement purposes
- The Coast Guard provided some information from their internal analysis:
 - 2.5 million pounds potentially misreported during 2011-2015
 - This total is from 360 trips and 60 vessels
 - Broad stocks impacted: SNE/MA winter flounder, GB yellowtail flounder, GOM cod & GB East cod

Compliance Improvement Recommendations: Groundfish Sector Program Management (Broad stock misreporting)

- Coast Guard information (continued):
 - 800 thousand pounds of cod and haddock potentially caught in GOM but reported from GB, during 2014-2018
 - Monitored at least 15 boats suspected of broad stock misreporting last year
- Michael Palmer analysis, 2007-2016:
 - 13 to 22 fishing vessels, 4 examples, responsible for 80% catch reporting errors; discrepancies were between VTR reported landings and dealer weighted landings
 - Eastern GB cod, GOM cod, GOM haddock, and SNE/MA winter flounder
 - Caveats: CPUE varies across areas and vessels; there was confusion about the regulations when the Sector Program started

Compliance Improvement Recommendations: Groundfish Sector Program Management (Broad stock misreporting)

- Comments:
 - The GOM Declaration Area, part of the original Sector Management Plan (2011-2012), should be considered
 - The VTR is an estimate of catch and not as accurate as dealer landings
 - Changes in reporting requirements (2011-2015) created confusion:
 - Is Broad Stock Area determined where the tow starts or by haul-back position
- Coast Guard response:
 - At-sea boardings confirm misreporting
 - CPUE differences between observed and un-observed trips
 - CPUE differences between vessels potentially misreporting and others

Compliance Improvement Recommendations: Groundfish Sector Program Management (Broad stock misreporting)

- Coast Guard concerns:
 - Potential impact on stocks – large amounts of fish unaccounted for
 - Unfair advantage to misreporting fishermen
 - Need not fish selectively to avoid ‘choke’ species
 - Nor buy expensive quota for ‘choke’ species
- Coast Guard recommendations:
 - Accuracy requirement for daily catch hails (percentage or poundage range)
 - Boarding officers enabled to issue a violation
 - Will deter egregious stock area misreporting
 - Good faith hail estimates are not enforceable

Compliance Improvement Recommendations: Groundfish Sector Program Management (Broad stock misreporting)

- Utility of Electronic Monitoring (EM) to alleviate misreporting
 - Current EM test fleet:
 - Reports haul-by-haul using eVTR's; several hundred pounds per haul is typical
 - Vessels with Broad Stock trips are not included
 - No offshore vessels participate in this EM pilot program
 - The Coast Guard supports EM to document misreporting and cod discard cases
 - Concerns:
 - Offshore and Broad Stock vessels should be included in the EM pilot program
 - Enforcement access to video data is important (see following report to the Council)
 - EM must be tested in harsh weather
 - Weighing discards and haul-by-haul reporting may be problematic
 - Targeted enforcement may be an alternative to EM

Compliance Improvement Recommendations: Groundfish Sector Program Management (Broad stock misreporting)

- Other comments:
 - Sector concerns:
 - Some Sector Managers required to be 'reasonably sure' reporting is accurate
 - At-sea-monitoring costs for some Sectors are \$700 per day
 - All Sector fishermen report daily when declaring a multi-broad stock area trip
 - A formal analysis of these trips is needed
 - Sectors have enforcement committees
 - Misreporting is an enforcement issue
 - Recommendation:
 - Revive NOAA training sessions that managers received when Sector Management started
 - Partner OLE and Sectors to identify education, communication, and misreporting issues
 - Sector Managers can help OLE automate audit systems
 - OLE and Sector Managers should meet on a regular basis
 - OLE should notify Sector Managers about reporting problems

Groundfish Amendment 23 (A23)

- The VMS/Enforcement Committee found all A23 options to be enforceable:
 - Some of the options may be improved operationally by modifying transit areas, stowage rules, VMS ping frequency, and landing windows
 - Observer cases involve a large amount of enforcement time
 - Sub-legal fish, under the Maximized Retention EM option, are a concern; however, sorting and labeling of sub-legal fish (as is done under the Maximized Retention EM EFP) helps to address this concern
 - Applying EM (particularly the audit model option) to high-volume trawl operations may be difficult
 - The vessel monitoring plan (which outlines the vessel's EM operations) should be onboard
 - Policies for retention, confidentiality, and ownership of EM data should be known prior to implementation (see following report to the Council)

Groundfish Amendment 23 (continued)

- The VMS/Enforcement Committee and Advisors forwarded six consensus statements to the Groundfish Committee (who met August 6th and will report their findings later this afternoon):
 1. All sector at sea monitoring options (4.1.1), including the Electronic Monitoring tool, are enforceable
 2. Dealer data should be the landing of record
 3. There should be no exemption from dockside monitoring for remote ports
 4. Vessels with low landings should have no exemption from dockside monitoring
 5. The dockside monitor can examine the fish hold at any time during unloading
 6. An exemption from at-sea monitoring (ASM) and/or dockside monitoring (DSM) west of either line (west of 72 degrees 30 minutes west longitude, or west of 71 degrees 30 minutes west longitude) is enforceable, with VMS declaration and the application of transit rules east of the line

Outstanding business

- The VMS/Enforcement Committee must approve its Advisors
- OLE's Compliance Improvement Recommendations, a work in progress, may warrant further review
- The Committee may need to review its priorities
 - Currently, the only priority is "Continue to support enforcement, safety and VMS issues".
- Transit rules defined by "net not available for immediate use" may need changes to reflect current fishing practices.