



**NOAA FISHERIES**

# **COMPLIANCE IMPROVEMENT RECOMMENDATIONS**



## **GROUND FISH SECTOR MANAGEMENT**

**Northeast Division**

## **Groundfish Enforcement Recommendations**

### **Enforcement Recommendations**

Establish a new dockside-monitoring program. This program was implemented at the onset of the sector management and established to monitor the offloads of participating vessels. This program provided another layer of checks and balances between what was harvested by the vessel and what is reported to the agency. We would recommend, that NOAA OLE have direct access to the dockside monitors data to ensure reporting compliance.

Increase at sea monitoring coverage. Currently we only have 15% coverage.

Establish a certified weighmaster program vetted by NOAA OLE who certifies the scales in all offloading facilities to be true and accurate. This program would ensure every federal dealer has an agency-approved scale(s) to ensure compliance and accuracy throughout the industry.

Establish mandatory offloading windows where vessels are required to offload their catch during an established time (example: 0600 hrs. to 2000 hrs.). This requirement was implemented in the 1990's during the time of the scallop meat count requirements and was highly affective. If a vessel was observed offloading outside of the established period, it was a violation. This requirement coupled with mandatory trip hails where a vessel is required to notify NOAA with permit number, time of landing, place of offload and catch hail prior to entering harbor would provide NOAA OLE a targeted enforcement system to maximize our monitoring efforts. It would be essential for NOAA OLE to have direct real time access to the trip hail system.

Implement an offshore video monitoring program-electronic monitoring (EM), which would be a mandate on all federally permitted vessels monitored through NOAA OLE, similar to the VMS program. No camera, no fish. The camera systems have already been field tested through pilot programs. Currently 20 vessels are fishing under this program with 100% coverage. NOAA OLE can work hand and hand with other divisions at GARFO to coordinate the monitoring efforts. The estimated cost per vessel can vary due to equipment and installation time but a fully functional camera system can be installed for approximately \$12,500.

Implement a multi-species permit ownership cap restricting the number of permits one person and or corporation can hold. This will restrict one entity from becoming too large of a player in the industry. Rafael was able to do what he did because he was vertically integrated and owned a large fleet of vessels and a federally permitted dealership to launder the misreported fish. Without the use of the undercover operation, this activity may have never been discovered. (Counsel adopted a permit ownership cap last amendment)

## **BROADSTOCK AREA MISREPORTING**

### **MISREPORTING SCHEME (CASES PENDING)**

OLE investigations have determined Sector fishing vessels have been found to harvest broadstock area species in one quota area and then report them as being harvested in another quota area.

For instance a vessel may fish in the Gulf of Maine for multiple days targeting cod, then may briefly enter the Georges Bank broadstock area and declare via the Fishing Vessel Trip Report (FVTR) for the statistical area briefly fished in Georges Bank, that the major of retained cod were caught there. The FVTR for the Gulf of Maine fishing activity will show a minimal cod catch. The purpose of this misreporting is to under report stocks that are either in low supply, are costly to acquire, or a combination there of.

This scheme is feasible because sector fisheries are based on self-reporting of catch via the FVTR.

Sector Managers and NMFS fisheries personnel have been focused on making sure that data on the FVTRs matched the data that dealers were reporting in terms of species, but there was no audit to verify the veracity of the FVTR data.

FVTRs showing fish harvested in areas where vessels did not fish, incredibly high catch amounts when compared to the reported time fished, discrepancies between VMS recorded fishing durations by statistical area and operator reported fishing time, and discrepancies between observer catch data versus operator reported catch data were not systematically flagged and audited.

Additionally, when not carrying observers, vessels were able to dramatically mis-report broad stock species due to no at-sea oversight.

**Enforcement Recommendations:**

Require vessels to carry observers or monitors when fishing in multiple broadstock areas on a single trip, or require vessels to obtain electronic monitoring (EM) to fish in multiple stock areas.

Require training of Sector Managers in detecting potential false reporting. Require, via regulation, Sector Managers to report suspected false reporting.

Create an automated audit program to compare the following:

1. Reported fishing time by statistical area vs calculated fishing time per statistical area;
2. Reported catch rate vs observed catch rates with a flag for reported catch rates that exceed a certain likely catch rate;
3. Observer coverage rate versus specific broadstock species catch on observed trips<sup>1</sup>.

Task personnel with following up on audit flagged vessels for potential false reporting.

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