

Monitoring and Catch Accounting Discussion Document

Scallop AP and Committee: Please review this document and be ready to provide input on this topic. The PDT is looking for direction and tasking before proceeding with additional work on this issue.

1.0 OVERVIEW OF PRIORITY

The genesis of this work priority came from a narrowly defined issue of low VMS reporting compliance among LAGC IFQ vessels which came up during the LAGC IFQ program review. Since the Council voted on 2018 priorities, NOAA fisheries has moved forward a civil case against Carlos Rafael that alleges several scallop violations. These violations include failing to report the purchase of scallops, falsifying vessel trip reports, providing false information to NOAA on a broken trip adjustment sheet, failure to transmit vessel position twice per hour through VMS. Following the announcement of civil case, the F/V Dinah Jane was cited by the Massachusetts Environmental Police for illegally possessing scallops over the trip limit.¹

Several other monitoring initiatives are currently underway within the Council process (industry funded monitoring amendment, groundfish Amendment 23, fishery dependent data workshop).

To help guide work on this *scallop priority*, the PDT, AP and Committee may wish to consider developing:

1. Problem statement(s)
2. Goals and objectives to address perceived problem(s), potentially tactics/measures
3. Common set of 'facts' around monitoring and catch accounting (related to #1 & #2)
4. Tasking for PDT to gather additional information

Potential areas of focus:

1. Compliance with VMS hail requirements
2. Compliance with LA and LAGC trip limits
3. Compliance with IFQ allocations (ex: fishing when vessel does not have quota)
4. Unknown (unaccounted for) fishery landings

Potential vehicles/steps the Council could take:

1. Initiate formal communications with NOAA fisheries (i.e. write a letter)
2. Develop measures as part of a Framework actions
3. Develop measures as part of an Amendment

¹ <http://www.savingseafood.org/news/enforcement/another-new-bedford-scallop-boat-affiliated-carlos-rafael-caught-cheating-scallop-landings/>

Table 1 - Strawman of Monitoring Problems, Goals, Objectives, and Measures FOR DISCUSSION PURPOSES

Problem (for discussion)	Why do we think this is a problem? (Supporting data/information)	Goal	Objective	Tactic/Measure
Poor compliance with VMS hail requirements	LAGC IFQ Program Review, June 2017. Data from OLE re: VMS compliance	100% compliance with VMS hail requirements	Improve VMS hail compliance from 2015 levels	Council sends letter to NMFS recommending...
Lack of adherence to trip limits and allocations	NOAA civil penalties against Carlos Rafael, et al. Counts 21 – 35 January 10, 2018	100% compliance with landings limits. Equity among fishery participants.	Full compliance with scallop regulations.	
Unknown removals from fishery	MA Environmental Police report of F/V Dinah Jane overage.	Precise accounting of total removals from fishery. Dealer reports are a true census of landings.		
IFQ vessels participating in fishery with a negative quota balance.	OLE reminder to permit holders on 2/20/18: 50 CFR 648.14(i)(4) states that it is unlawful to possess or land scallops in excess of a vessel's IFQ, or fish for scallops without IFQ	Equity among fishery participants. 100% compliance with regulations.	Full compliance with scallop regulations.	

Key Points from PDT discussion on Feb. 28, 2018:

- The PDT is looking for guidance on how to proceed with this priority.
 - Is this a monitoring issue, an enforcement issue, or both?
 - There may be some benefit from having OLE provide input on this issue.
- Consider the ability of OLE to implement and enforce measures, and the capacity of enforcement.
 - For example, NMFS has 6 uniformed officers from ME to NC and cannot be expected to monitor every offload.
- Open ended questions for consideration:
 - What management measures could help enforcement in the scallop fishery?
 - Are there ways to make existing rules more enforceable?
 - Can OLE potentially identify regulations that are difficult to enforce?
 - Are there weak points that people use to cheat the system? (see potential areas of focus)
 - Is there a need to revisit the idea of broken trips?

Key Points from PDT discussion on March 12, 2018:

- Regarding IFQ Quota Overages:
 - Regulations state that you need IFQ to fish for scallops, and a LAGC IFQ vessel is in violation of current regulations if they are negative on quota and declare a trip.
 - Fishing without quota creates an equity issue among participants. EX: Fish when prices are high and lease when prices are low.
 - This may be an issue where a letter from the Council may be more appropriate vs. developing measures. Are there management measures that are not clear that could be addressed?
 - FishOnline is linked other databases, updated once a week.
- **PDT Recommendation:** NMFS pursue technical solutions to assist with quota compliance (ex: automatic notifications, updates on quota balance when vessels go to declarations/new PTNS system).

IFQ Quota Overage information from LAGC IFQ program review:

The LAGC IFQ program review looked at the total number of LAGC IFQ MRI's with quota overages, and the total overage by fishing year.

Table 2 - Number of scallop LAGC IFQ MRI's with quota overages, and total overage by FY.

FY	Total MRI	Overage Total
2012	23	17,507
2013	14	35,118
2014	19	38,760
2015	6	5,426
Total		96,811

Potential areas for follow-up on quota overages:

1. Expand the time series. Update the data for 2016, and 2017 when it becomes available?
 - a. Are the two most recent years similar to overages in 2015? Are trends emerging in number of overages and total quota overages?
 - b. Consider the geographic distribution of where overages are occurring? Is this a port problem?