

ENFORCEMENT CONSULTANTS REPORT ON  
SABLEFISH CATCH SHARE PROGRAM REVIEW PHASE 1

The Enforcement Consultants Committee (EC) has reviewed the documents pertaining to agenda item C.6 Sablefish Permit Stacking Program Review Phase 1 April 2014 and has the following comments:

As reported at the 2013 September and November Pacific Fishery Management Council meetings, the EC's primary concern for all sectors of the West Coast sablefish fishery is catch accounting. Under the current system, the recording of Federal limited entry permits (LEP) numbers is voluntary, except in Washington where it is required by state regulation. When a sablefish fixed gear LEP tier delivery is made, the delivery, by Federal and state regulation, is recorded on a state fish ticket. Up to three tiers may be delivered and recorded on this one trip ticket, except in Washington where they require separate tickets when multiple tiers are involved in a single delivery. If not specified by the operator, the delivery is apportioned to the individual tiers (up to 3) by an even split until the tiers are reduced to a point where they are equal to or less than the daily-trip-limits (DTLs). All of this tabulation is done by the state agency(s) making managerial assumptions about sablefish deliveries after reviewing paper fish tickets submitted days to weeks after the fact. This data is then sent to Pacific States Marine Fisheries Commission (PSMFC) for entry into the PACFIN data base. The entire process can take weeks to months. As a consequence, for enforcement personnel who are responsible for monitoring a west coast wide fishery, the PACFIN data is not only dated, but lack evidentiary integrity.

The current reporting system is inadequate on a number of fronts. Federal and state enforcement personnel have limited access to the landing data. The current system does not allow for the tracking of landings for vessels that fish in multiple states, and for Federal permit managers, complicates their ability to provide accurate landing data regarding the status of a tier for permit transfers. Enforcement personnel conducting at-sea boarding or dockside inspection can do little besides checking the permit status and compliance with the owner on board requirement, but have no real time information on the actual status of the tier(s) being fished. Federal Agents have virtually no ability to do after the fact investigations of tier overages because the evidence (the delivery data) is based upon multiple layers of management assumptions and presumptions.

Contrast this reality with the timely submission of data and corresponding access to the data through a Federal regulation requiring all sablefish deliveries be recorded on a PSMFC Electronic Fish Ticket. The E Fish Ticket Program is now in its fifth year of implementation (2 years as an exempted fishing permit (EFP), 3 years under trawl rationalization). Since inception of the Trawl Rationalization Program, approximately 8000 IFQ trawl deliveries have been made with 96 percent of the E tickets reconciled and in the data base within 48 hours. And as we heard earlier this week, in 2013 the 48 hour reconciliation rate was greater than 99 percent.

Moving to an electronic format will provide multiple benefits to industry, science, management, and enforcement. Consider: data electronically entered into the system can be verified and validated at the time of entry by the buyer/first receiver and provides a tool for those buyers to capture and track fish tickets, generate tax reports, and summarize data for their own internal purposes.

Enforcement of landing overage violations, both tier/DTL and open access (OA) deliveries could be greatly enhanced through access to accurate, near real time tracking of landings against tier limits, conversion to DTL landing limits when tiers are exhausted, and daily/weekly OA deliveries. Each of these delivery scenarios creates unique enforcement challenges for Federal and state enforcement personnel. For example: What is the status of a vessel's tier(s)? Which tiers are/were credited to a particular landing? Is/was the owner on board? Is the DTL delivery within limits? Is the OA delivery within daily, weekly or cumulative limits? What is the potential for an illegal split delivery, i.e. underreporting? How many daily deliveries were made by a given vessel during a reporting week, month, or two month period? What was the cumulative total of those deliveries? And in which state(s) were the deliveries made?

Open Access deliveries are exceedingly challenging for state dockside enforcement. E Ticket reporting would improve cumulative trip monitoring immensely. The current OA regulations allow for 300 lb/day, or 1 landing per week of up to 800 lb, not to exceed 1,600 lb/2months. Potentially, for the daily limit, we are talking about tracking 5 plus deliveries over a two month period and for weekly landing a minimum of 2 deliveries over that same two month period.

E Ticket is the tool that will create the data base that can be accessed by the Agent, Officer, Trooper or Warden to answer these questions in near real time either while inspecting an off load or investigating that off load after the fact. E Ticket is the tool that will eliminate the management uncertainty created when assumptions regarding delivery status are made weeks and months after the fact. E Ticket is the tool that will create the data base of near real time information that can be queried and validated with management certainty.

The EC's overarching concern regarding compliance with **ALL** West Coast sablefish landing requirements, coupled with our desire to improve our enforcement capabilities, thereby achieving far greater compliance, moves the EC to endorse Alternative 4: a Federal requirement that all sablefish deliveries (primary/tier, DTL and open access) be recorded on an E Fish Ticket. Conversely, we find Alternative 1 and all sub options (use of paper tickets) to be not satisfactory for effective enforcement purposes, due to the time lag created by paper submission and the opportunity for error data entry errors.

The EC encourages the Council to take advantage of the investments made in your PSMFC E Ticket Program. We believe Alternative 4 will vastly improve sablefish catch accounting, and is in fact, necessary for achieving the compliance goals of this highly valued, highly regarded fishery.

EC recommendations:

1. Adopt Alternative 4: a Federal requirement that all sablefish deliveries (primary/tier, DTL and open access) be recorded on an E Fish Ticket.
2. Eliminate all sub options (use of paper tickets) and do not forward for further consideration.

PFMC  
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