ENFORCEMENT CONSULTANTS REPORT ON
CONSIDERATION OF INSEASON ADJUSTMENTS

TRat Implementation Update:

Approximately 120 Vessel Accounts established, with approximately half of these accounts active with at least one delivery.

43 First Receiver Licenses issued.

Accounts Management

Software glitz’s
Deficits:
- Failure to successfully initiate quota pound transfer
- Multi vessel management / Risk Pools covering deficits after landings
- Quota share (QS)/quota pound (QP) owners holding all of their QP in QS accounts and covering landings after delivery.

Observer data:
- Hit the system in mid May:
  - Eight vessels went into deficit, three per halibut, five per target species
  - Office of Law Enforcement (OLE) contacted the owners of the accounts, courtesy call
  - Accounts cleared shortly thereafter.

Data entry errors
- Split deliveries

Compliance Issues

- Fishing while in Deficit (most problematic issue to date, verbal and written warnings)
- Observer Harassment
- Deviation from Catch Monitoring Plans by FRs (verbal warning)
- Overall, compliance to data is tracking at a high rate.

AFTER ACTION REPORT: OPERATION CATCH SHARES COMPLIANCE
Area: US / Canada Border to Morro Bay, CA

Dates: May 9-20, 2011

Participants: OLE Agents, Washington Department of Fish and Wildlife Officers, Oregon State Police Troopers, California Department of Fish and Game (CDFG) Wardens, United States Coast Guard
**Action Plan Emphasis:** Shoreside IFQ Trawl, Northern CA Shoreside IFQ Whiting

**Objective: To Assist Industry in Complying with NOAA Regulations:**
- Achieve local familiarization of TRat Program operations
- Analyze Industry understanding of the TRat Program requirements
- Inspect local offload sites for Federal and state regulation compliance
- Clarify/correct Industry confusion/ misunderstandings of TRat Program requirements
- Make contact with and support Observers and Catch Monitors
- Respond to detected violations as appropriate

**Southwest Division:**

Southwest region utilized seven Agents, one Enforcement Officer and four CDFG Wardens to contact and inspect groundfish first receivers and limited entry groundfish trawl vessels located in ports from Brookings, Oregon to Morro Bay, California.

There were approximately seventeen active limited entry trawlers (declared trawl) in California during the two week period of which nine fished and delivered in California. Brookings has two first receivers and California has twenty. Brookings received trawl fish at two first receivers and California received groundfish at seven first receivers during the operation period. Enforcement personnel inspected nine first receivers and monitored five limited entry trawl deliveries and two fixed gear deliveries by vessel with trawl permits. Some of the limited entry trawlers were not trawling during the two week period, because they remained focused on other fisheries.

No significant violations were detected at first receivers or on vessels during this period. Five trawlers were boarded and fully inspected. Two trawl vessel operators had unintentional violations because of difficulties transferring quota pounds into their vessel accounts. One first receiver site had a weigh scale visibility problem. The site utilized a second scale out of view of the main scale and the vessel offload. The second scale received the sorted sablefish, and a different process should be added to get gross weight of the sablefish before it is taken out of view of the observer.

A joint CDFG and National Oceanic and Atmospheric Administration (NOAA) two day at sea patrol was conducted by PB Blue Fin on May 17 and 18 near Morro Bay. One fixed gear vessel was located but weather prevented a boarding.

**Northwest Division:**

NOAA-OLE agents, their Joint Enforcement Agreement (JEA) partners, and a USCG boarding officer interviewed 48 people, inspected 15 fishing vessels (F/V), and inspected 8 first receivers associated with TRat. One written and one verbal warning were issued throughout the operation. Both warnings were issued by NOAA-OLE special agents. The written warning was issued for fishing in deficit and the verbal warning was issued for an issue related to the Groundfish Conservation Areas.
Throughout the operation managers, owners, and operators expressed the view that the TRat Program was working more smoothly than they expected. As the operation progressed it was noted with appreciation that enforcement was attempting to resolve misconceptions before they became violations.

**Common Themes Expressed throughout the Operation:**

- Operators, catch monitors, and observers all generally agreed that the regulatory requirement for observers to remain aboard F/V after getting to shore and before offload should be removed. Most considered the requirement unnecessary as the most vital fish species would already be accounted for and some thought it was unsafe to live aboard the F/V while moored at certain docks.

- To varying degrees, operators, observers, and first receiver managers thought the rules concerning halibut accounting should be changed. One observer found the accounting process stressful and asked that one mortality percentage number be used for all halibut harvested. Many others agreed that dead halibut should be landed and donated.

- Many of the operators and owners are concerned about the future costs of observers. There is an impression that the program will not be subsidized for long and the costs will go up after the Federal government is no longer negotiating the contracts.

- A concern shared by managers at two first receivers is that the entire fishery could be closed by the negligent fishing of a few F/V.

- At the time of the operation, observer data was not available to quota share owners. This was universally identified as a problem for managing the fishery.

- There were varied objections to the principle behind quota sharing. The primary concern was the perceived control of the majority of the fishery by only a few people.

**Opportunities for Improvement on the Enforcement Model**

Enforcement personnel should improve their communication with the observer providers. The TRat groundfish technicians in Seattle and enforcement personnel in the field need to continue coordination efforts.

**Conclusion:**

This operation again demonstrated that the JEA supported OLE/State Partnership is a vital and necessary component in ensuring compliance in the highly regulated environment of trawl rationalization.

This was an unprecedented joint compliance assistance operation that reinforced the positive working relationship between the fisheries enforcement partners and the fishing industry. In
general, there appeared to be an acceptance that the TRat Program was working well with some exceptions and noted reservations.

PFMC
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