

PRELIMINARY REPORT ON CONTACT TO VIOLATION RATIO
IN GROUND FISH RECREATIONAL FISHERIES

Situation: Currently, pre-season and post-season harvest estimates for the recreational fishery account only for such retention violations as are detected when anglers show their illegal catch to field surveyors. The Council's Enforcement Consultants (EC) group have suggested that when setting harvest levels, the Council consider an adjustment factor to take into account violations that are not counted towards quote achievement. Agencies charged with fisheries law enforcement have been conducting studies to assess compliance rates with existing regulations. Methodologies and initial results from these studies will be presented to the Council and advisory bodies at this meeting (Exhibit D.1.b). The Council task will be to provide guidance on any follow-up steps that should be considered based on the information in the presentation.

Council Task:

1. Guidance.

Reference Materials:

1. Exhibit D.1.b, Recreational Fishery Compliance Report: Compliance in the Recreational Groundfish Fishery.

Agenda Order:

- a. Agendum Overview
- b. EC Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Guidance

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COMPLIANCE IN THE RECREATIONAL GROUND FISH FISHERY

BACKGROUND: The Enforcement Consultants (EC) expressed concern at the March 2004 Pacific Fishery Management Council (Council) meeting that violations occurring in recreational groundfish fisheries not detected in creel sampling were not accounted for when estimating what the total catch should be. The EC suggested that a “violation factor” be considered.

In an effort to help identify the impacts of poaching and its relationship to the success of management plans, each State’s enforcement representative agreed to take snap shots of compliance in their respective recreational groundfish fishery. This will be accomplished through special emphasis patrols occurring in May and June 2004, with the results formally presented at the June 2004 Council meeting. Additionally, compliance information compiled by Lt. Jorge Gross of the California Department of Fish and Game for Waves 4 and 5 of the California 2003 fishery that is provided in this document will be formally presented at that time. The purpose of this report will be to show the kind of data that can be retrieved under that State’s current system, illustrating its potential utility to those with the never easy task of managing this fishery.

The EC and individual states developed action plans designed to address how future contact to violation information will be gathered and when and how associated patrols to collect information are to occur. An example is provided on pages 5-7 of this report. The patrols will be two – three day events where certain Ports are targeted. Officers will be directed to ensure that contacts are random.

Prior to undertaking this project, the EC understood that measuring compliance in order to develop a violation rate would be challenging. Several problems exist. First, uniformed presence on the water or at the dock provides visible deterrence to violations, thereby altering the behavior of those who may violate. What happens when officers are no longer visible? In some instances, the contact to violation ratio may be merely a reflection of the effectiveness of the individual officer at discovering a violation, or how crafty the violator is in keeping from being detected; i.e. fish that are well hidden. There is also a concern that sample sizes, such as “snap shots” are not large enough to obtain valid measurements and that an entire season should be monitored instead. It must be pointed out that all of the States currently lack the resources to conduct long-term patrols directed at this sector and track the results. Results can also be skewed by the time of the year, or for that matter, the time of the week when “snap shots” are taken. Therefore, estimated compliance rates compiled from uniformed enforcement activity may not be an accurate measure of actual adherence to regulations. However, the EC do believe that the gathering of compliance information can assist in providing perspective when evaluating the potential impacts that violations can have on management plans.

TABLE 1. CITATIONS ISSUED IN THE CALIFORNIA RECREATIONAL GROUND FISH FISHERY DURING WAVES 4 AND 5 OF 2003.

AREA	# WDNS.	WAVE 4 SKIFF	WAVE 4 CPFV	WAVE 5 SKIFF	WAVE 5 CPFV	TOTAL SKIFF	TOTAL CPFV
CAL-ORE TO 40-10 (NORTH)	0 OF 1 a/	C A W 10 0 0 0/0	0 0/0	C A W 8 0 0 0/0	0 0/0	0/0	0/0
40-10 TO GOLDEN GATE (NORTH CENTRAL)	6 OF 10 b/	RF 6/9 CAN 18/38 LC 7/8 c/	0	RF 4/21 CAN 0 LC 2/3	0	RF 10/31 CAN 18/38 LC 9/11	0
GOLDEN GATE TO POINT CONC. (SOUTH CENTRAL)	7 OF 8	RF 19/100 CAN 5/9 LC 6/18	RF 1/3 CAN 0 LC 0	RF 9/218 CAN 3/3 LC 8/31	RF 6/57 CAN 0 LC 3/7	RF 28/318 CAN 8/12 LC 14/49 d/	RF 7/60 CAN 0 LC 3/7
POINT CONC TO US/MEX (SOUTH)	6 OF 12 e/	RF 5/27 CAN 0 LC 11/14	0	RF 7/42 CAN 0 LC 2/8	0	RF 12/69 CAN 0 LC 13/22	0
TOTALS	19/31	RF 30/136 CAN 23/47 LC 24/40	RF 1/3 CAN 0 LC 0	RF 20/281 CAN 0 LC 12/42	RF 6/57 CAN 0 LC 3/7	RF 50/417 CAN 26/50 LC 36/82	RF 7/60 CAN 0 LC 3/7

a/ Only one day in wave 4 and one day in wave 5 did that warden patrol the recreational groundfish fishery in Crescent City (position was vacant, now gone due to budget) where 18 contacts were made without cites issued.

b/ Statistics from the North-Central area, from Cape Mendocino to the Golden Gate, indicate that 60% of the wardens in this unit patrolled this fishery.

c/ Field enforcement staff saw the anecdotal concern with canary take in the skiff fleet

d/ It was in Morro Bay that the second “hot spot” for the canary rockfish take by the skiff sector occurred. 8 arrests with 12 canary rockfish seized were almost equal for both waves.

e/ From Point Conception to the Mexican-US border half of the wardens issued arrests.

The methodology of compiling the data in the associated table was conducted by a telephone polling of all marine law enforcement staff and adjacent land (coastal) law enforcement staff. This was done on an individual basis in November 2003 by Lt Jorge Gross of the California Department of Fish and Game. Therefore, the information was gathered without any wardens being predisposed to target the fishery beyond regular warden patrol activity. Each warden was asked if they had issued any citations for violations in the recreational groundfish fishery during the time period requested.

Citation numbers provided in the table represent violations of seasons, size, and bag limits involving actual harvested fish and do not include licensing or gear violations. For example, most of the offenses relating to lingcod (LC) were for possessing undersized fish. In the case of canary rockfish (CAN), the table reflects citations issued for closed season retention. And for other rockfish (RF), in particular the nearshore species, numbers in the table represent excesses in the sub bag limit.

Very few wardens retained a contact to violation ratio specific to the recreational rockfish fishery in that it is not currently a required statistic tracked in a warden's monthly enforcement activity report. Citation activity was requested for a particular species and the information was categorized by sector. The number of individual fish was tracked and compared to the number of citations issued.

Column 1 depicts the number of marine wardens by selected geographic region in which they issued citations for illegal take of groundfish. Columns 2 and 4 show arrests that occurred during wave 4 and 5 respectively in the recreational skiff fleets. Columns 3 and 5 represent arrests made in wave 4 and 5 respectively in the Commercial Passenger Fishing Vessel (CPFV or partyboat) fleet. Columns 5 and 6 are the totals for waves 4 and 5 for the skiff and CPFV fleets respectively.

Column 1 shows the lack of uniformity of warden effort geographically and individually in enforcing the recreational groundfish fishery along California's lengthy coastline. From north to south, effort varied substantially. During the time period evaluated, there was only one warden stationed North of Cape Mendocino. This warden was based on a patrol boat in Eureka, California. Only one day in wave 4 and one day in wave 5 did that warden patrol the recreational groundfish fishery in Crescent City (position was vacant, now gone due to budget) where 18 contacts were made without cites issued (footnote a). Recreational salmon and abalone and commercial salmon and crab were patrol priorities at the time.

Statistics from the North-Central area, from Cape Mendocino to the Golden Gate, indicate that 60% of the wardens in this unit patrolled this fishery (footnote b). In this patrol area, the recreational abalone fishery was a priority enforcement issue during the same time that recreational groundfish activity was occurring. In wave 5, salmon fishing activity increased, so an effort shift was made again. In footnote c) field enforcement staff saw the anecdotal concern with canary take in the skiff fleet. The Fort Bragg warden accounted for 13 of the 18 canary cites in Wave 4 (and seized 33 of the 38 fish), 2 rockfish cites (seized 5 fish) and no lingcod cites. That warden had 140 contacts, 15 arrests and 13 warnings for an 80%

compliance ratio in the recreational skiff fleet for wave 4. Contacts (and arrests) dropped dramatically due to effort shift (primarily the Fort Bragg warden) back to abalone and salmon as those fisheries heated up.

It was only in the South-Central area (Golden Gate to Point Conception) where recreational groundfish enforcement was a priority. The group of wardens that patrol this area were responsible for almost half of the recreational groundfish arrests in the State. Minimal abalone and salmon harvest activity for the area at the time helped focus effort on recreational groundfish. The patrol boat crews in Morro Bay and Monterey Bay were very active and account for the majority of the cases. Only here were cites issued to fishers who fished from CPFVs. Rockfish bag limits and undersized lingcod were the predominant violations. It was in Morro Bay that the second “hot spot” for the canary rockfish take by the skiff sector occurred. 8 arrests with 12 canary rockfish seized were almost equal for both waves (footnote d). The Morro Bay warden had a compliance rate of 90% with 19 arrests resultant from 190 contacts.

From Point Conception to the Mexican-US border (footnote e) shows half of the wardens issued arrests. It should be noted that all were from the northern Channel Islands during boat patrols of the new marine protected areas (MPAs). All were from the open areas and none were from any of the reserves or conservation areas. These 25 cites were incident to normal patrols for MPA compliance and no focused recreational groundfish patrols occurred. South of the Channel Islands the other half of the staff had prioritized their time into the coastal pelagic species, highly migratory species, state managed finfish fisheries and lobster fisheries.

Although the recreational groundfish fishery was not a coast wide enforcement priority in California during waves 4 and 5, when marine recreational fisheries statistical survey (MRFSS) data suggested there was concern in this fishery, 122 arrests (for actual “take” violations) were still made and 616 fish were seized (averaging 5 fish per violation). Enforcement efforts in Fort Bragg, Morro Bay, and Monterey Bay were due to individual warden efforts. With input from resource managers, additional patrol effort could be re-directed through the enforcement chain of command. Relative to other fisheries, little patrol effort was spent in the skiff and almost none in the CPFV groundfish fleets. Also, any portrayal of CPFVs operating substantially “cleaner” than the skiff fleet would be a stretch based solely on these four months of data. Also the need to capture solid contact to violation ratio data would give a better representation of compliance in the fishery. Management could possibly use contact to violation ratios and numbers of fish illegally removed from a fishery as a management tool to assist in avoiding very uncomfortable emergency closures that no one enjoys.

ACTION PLAN
OPERATION “ORANGE CRUSH!!”
2004
SOUTH SOUND/STRAITS MARINE DETACHMENT

GOAL:

To provide enforcement of the new yellow-eye and canary rockfish recreational protection closures in Pacific Ocean coastal waters. An additional goal of this operation is to obtain credible data regarding compliance to recreational groundfish rules. This information will be provided to PFMC as a possible method of considering violations in the total allowable catch for season setting.

OPERATIONAL PLAN:

Phase One:

May 11, and May 13 – 16

The actual opener on May 11, a Tuesday, will be handled by local officers utilizing the Clallam Bay RHIB and possibly an additional patrol conducted jointly with USCG Neah Bay. The main focus for “Orange Crush!!” will occur May 13-16 to incorporate patrols around the weekend fishery. Primary focus of this patrol will be the early sport halibut fishery in Salmon Management and Catch Reporting Areas (SMCRA) 3 and 4. Secondary emphasis will be any commercial fisheries that may be occurring in the target area during this patrol. *A pre-patrol briefing will take place on May 13 at 1830 hours at U.S. Coast Guard Station Neah Bay.* All participants will be given final patrol assignments at that time and a folder with all relevant court information and enforcement action documents. Six vessels with 15 – 17 personnel will be deployed during the operation. Air support will be provided on May 14 and May 15. Air support will be a WDFW fixed wing aircraft and/or a U.S. Coast Guard helicopter from Group Port Angeles. Additionally 3 personnel will be assigned to patrol the port areas (1 person at LaPush, 2 at Neah Bay). The following is the list of vessels and personnel needed on each:

WDFW Corliss – 4 person crew	<u>W149</u>
	<u>W101</u>
	<u>W184 (?)</u>
	<u>W36</u>
WDFW Gufler – 3-4 person crew	<u>W149</u>
	<u>W176</u>
	<u>W45</u>
	<u>USCG</u>

WDFW #12 (Straits RHIB) – 2 person crew	<u>W202</u> <u>Officer</u>
WDFW # 12 (Ilwaco RHIB) – 3 person crew	<u>W8</u> <u>W170</u> <u>W96</u>
WDFW # 6 (new Maxweld) – 3-4 person crew	<u>W33</u> <u>W157</u> <u>W75</u> <u>USCG</u>
Undercover vessel - 2-3 person crew	<u>W73</u> <u>SIU Detective (?)</u>
WDFW Aircraft - pilot / officer	<u>W196</u> <u>W56</u>
Docks, Neah Bay	<u>86</u> <u>NMFS</u>

The vessels will each be assigned patrol zones that they will have the primary contact responsibility within. The patrols will be 10-11 hours in duration due to the size of the areas to be covered. A pre-patrol briefing may occur each morning if intelligence and/or weather merits change of patrol plans.

Phase Two:

The second major emphasis with the same goals and focus will occur on May 27 through May 30, 2004. This phase will involve a lesser number of vessels and personnel.

(Action Plan being developed, will involve WDFW #6 in the Straits, plus the Gufler and one RHIB for Neah Bay to LaPush)

Phase Three:

This emphasis patrol will take place during the *summer* halibut season. This season will have a smaller quota and is scheduled to occur during and open recreational salmon season, thus the focus will also be on this aspect of the recreational fishery. (Action Plan for phase three is incorporated into the NOF Patrol Plan.)

TARGET OVERVIEW:

The primary operational focus will be recreational anglers in violation the new yellow-eye protection zones and non-retention of Yellow-eye and Canary Rockfish. The secondary focus will be the enforcement of International Halibut Commission rules and regulations (adopted by WDFW into WACs), pertaining to halibut catch and retention rules. Additional operational focus will be any and all commercial fishery violations encountered. During the third phase focus will also be on recreational salmon fisheries that may be occurring during this same time frame.

DATA COLLECTION:

Officers will complete the provided “Groundfish Compliance Form” for each separate patrol. (Boat Operators will be responsible for ensuring the completion of the form at the end of each patrol.) These forms will be forwarded before departing on the last day of the emphasis.

GROUND FISH ADVISORY SUBPANEL REPORT ON
PRELIMINARY REPORT ON CONTACT TO VIOLATION RATIO IN GROUND FISH
RECREATIONAL FISHERIES

The Groundfish Advisory Subpanel (GAP) received a preliminary report from representatives of the Enforcement Consultants (EC) on efforts made to document violations in the recreational groundfish fishery.

We appreciate the work being done by state law enforcement agencies to ensure compliance with fishing regulations and believe that the project can help better enumerate total catch in the recreational fisheries. As the project continues, the GAP would like to make two recommendations on ways to improve its utility.

First, we suggest the EC seek assistance in designing a statistically valid sample. The lessons learned from the groundfish observer program may be helpful here.

Second, we suggest any statistical model developed from the sampling program be reviewed by the Scientific and Statistical Committee (SSC), in the same way the SSC has reviewed bycatch and observer models to make sure we are getting the best scientific information available.

PFMC
06/15/04

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON
PRELIMINARY REPORT ON CONTACT TO VIOLATION RATIO IN GROUND FISH
RECREATIONAL FISHERIES

Captain Mike Cenci (Washington Department of Fish and Wildlife), Lieutenant Jorge Gross (California Department of Fish and Game), and Lieutenant Dave Cleary (Oregon State Police) of the Council's Enforcement Consultants (EC) group presented data summaries collected by their respective state enforcement agencies in 2003 and discussed the need to consider contact to violation ratios to adjust total mortality taken in the recreational fisheries for groundfish. The compliance data were restricted in coverage by area, season, and port, and illustrate the complexity of the sampling problem.

Based on information presented to the Scientific and Statistical Committee (SSC) the overall violation rates, including fishing without a permit, were within the general range of 5% to 10%. These rates pertain to the number of violations and not to the proportion of the harvest caught in violation of the regulations. The RecFIN intercept sampling program is likely to measure violations due to ignorance of bag limits and minimum size regulations, but intentional violations are likely to be missed and could be the focus of additional data collection by the EC group. A generic adjustment factor probably could be developed and reasonably applied to all fisheries, but will require additional information and analysis. For example, do compliance rates differ between charter versus private boat trips or between overages of canary rockfish versus lingcod? Also, at issue is whether the adjustment factor would be applied to the recreational landings, or to the number of angler trips, or the number of fishing permits. The SSC suggests that the issue of discard mortality is as important a topic as developing a complicated adjustment for illegal catch.

The SSC encourages the EC group to continue taking snapshots of compliance in the recreational groundfish fishery given the tight harvest constraints that are currently in effect.

PFMC
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