

ENFORCEMENT CONSULTANTS REPORT ON
NATIONAL MARINE FISHERIES SERVICE (NMFS) REPORT

The Enforcement Consultants (EC) met on 9 March 2018 with National Marine Fisheries Service (NMFS) West Coast Region Sustainable Fisheries Division (SFD) staff to discuss Agenda Item H.1.a, Supplemental Report 4, Status Update on Whiting Discards Issue in the Groundfish Electronic Monitoring (EM) Exempted Fishing Permit (EFP). The EC also met on March 10th, with Mr. Brent Paine, Executive Director, United Catch Boats, and Ms. Heather Mann, Executive Director, Midwater Trawlers Cooperative to discuss related concerns. At the November 2017 Council meeting, under Agenda Item F.11.a, Supplemental NMFS Report 2 was provided, along with a corresponding EC Report. The EC report focused on the trend of increasing discards identified in the Shoreside Pacific whiting sector during 2017, as shown in Table 1 of Agenda Item H.1, Supplemental NMFS Report, referenced above.

In response to the Supplemental NMFS Report and EC comment at the November 2017 meeting, the Council asked for a follow-up report to be presented to the Council at this meeting, discussing steps being taken, as well as recommended future endeavors, to mitigate the Pacific whiting discard concerns.

When equipped with EM, the Shoreside Pacific whiting sector operates under a maximized retention rule, which specifies only discards not under the control of the operator (e.g., unintentional) are authorized. The rationale for this discard requirement is that, while the volume and the corresponding weight of discards (intentional and unintentional) can be estimated for accountability purposes, the species composition of the discards may be difficult to determine, particularly when a discard is substantial (e.g., a large net bleeding event or dumping of an entire cod end). This inability to estimate the species composition of the discard has the potential of eroding the catch data that is so important to managing the Pacific whiting fishery.

Following the Council's November 2017 meeting, NMFS SFD issued correction letters to 16 of the 22 vessels referenced in Table 1, which had significant discard events. After reviewing the actions taken by SFD, the NMFS Office of Law Enforcement (OLE) opened investigations for 14 of those 16 vessels, while discards by the other two vessels were deemed to be de minimis. These 14 investigations are in the late stages of completion and will be forwarded to the Enforcement Section of NOAA General Counsel when completed.

Subsequent to the above activities, SFD has had follow-on discussions with the Pacific States Marine Fisheries Commission (PSMFC), clarifying what constitutes an intentional or unintentional discard. Improvements have also been implemented to the procedures for providing timely and specific reports to vessel owners and operators, regarding video review of hard drives from vessels equipped with EM. These improvements in communication between PSMFC and vessel owners and operators are also being applied to enhanced communication between SFD and OLE.

In addition to opening the investigations referenced above, OLE staff also met in February 2018 with Brent Paine, Executive Director, United Catch Boats, and Heather Mann, Executive Director, Midwater Trawlers Cooperative, to discuss procedural measures that could be improved or added

to current practices to reduce discard events back to pre-2017 levels. OLE's exchange with the Executive Directors was candid and productive. Among the topics discussed were:

1. The improvements summarized above with regard to communication between PSMFC, vessel owners and operators, SFD, and OLE.
2. Both Executive Directors suggested and endorsed the idea of a preseason skippers' teleconference to include participation by the Northwest Fisheries Science Center, SFD, and OLE staff.
3. The Executive Directors are considering implementing an EM Cooperative Enforcement Agreement with their members, stipulating the Executive Directors and vessel owners and operators will be sent hard drive review reports by PSMFC, to enable them to recognize discard trends, potential unauthorized discard events, and other possible operational discrepancies associated with individual Vessel Monitoring Plans.

The EC is confident the ongoing discussions and interactions with the Pacific whiting fleet, along with procedural improvements summarized above, will help to increase discard compliance within the Pacific whiting fleet. The West Coast EM program is one about which the fleet, fisheries managers, and enforcement personnel can be proud and it is collectively recognized as a critical component to the continued success of the West Coast groundfish trawl rationalization program.

PFMC
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