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VMS/Enforcement committee

Recommendations

September 25, 2012

**Recommendations for NOAA Enforcement Priorities for 2013**

The committee developed recommendations at its June and September meetings:

- Seafood fraud/product substitution/false labeling is a high priority (International/Lacey Act) in the Northeast. It is also mentioned, with different wording, for most other Regions. OLE in Gloucester intends to comment that Seafood fraud/product substitution/false labeling should more clearly be a high priority nationally, for 2013, and the council should strongly support them.
- Observer assault/harassment is a high priority (Northeast), and includes impeding or interfering with an Observer, in all cases. Impeding or interfering, depending on the facts and circumstances, may include less serious situations that may result in a lesser penalty, particularly when safety is the reason.
- Many enforcement agents and officers have good relationships with fishermen, and the goal should be to maintain and improve good relationships. The Compliance Liaisons, like Don Frei in the Northeast, help to facilitate good relationships between the fishermen, officers, and agents. Developing and maintaining good relationships with fishermen should be a high priority for all enforcement agents and officers.
- Shipwreck protection is a medium priority (Northeast), under the Marine Sanctuaries Act. Prior notification to enter a sanctuary and/or buoys (like gear marking rules) may be useful.
- Some species that are not overfished, such as striped bass, may be enforcement priorities because of economic and social issues, for instance, when complaints increase because of the disadvantage of those who comply with regulations versus those who do not. Thus, the number of complaints about a fishery or type of situation may increase the priority level.
- Atlantic sturgeon should continue to be developed, as a high priority, for 2013.
- There is a need to record information that may be analyzed, in order to improve compliance. Currently, OLE in the Northeast is working on geo-statistics, and reaching out to industry to obtain more correct area fished information in dealer reports. Analyst packages are being developed, from different data sources, and submitted to look for red flags. Comparison across databases, like VTR, dealer, and IVR, may assist this development, and should be strongly encouraged and expanded.
- Analyses of enforcement should indicate whether, for example, warnings are included in the data. OLE currently records every outreach and education event, and every interaction resulting in a warning. There has been an increase in those events during the past 12-18 months. Time spent on developing Compliance Assistance plans for new regulations, working with the

Regional Office, is recorded. Measuring Compliance Assistance will be subjective, until more industry feedback is obtained.

- Information on the number of cases prosecuted/resolved in the Northeast is needed, and will be reported at the council meeting in September 2012. This information should become a standard, periodic report.
- The new pinger requirement is a medium priority (Endangered Species Act, Northeast), is currently a task for the Compliance Assistance group to check pingers on land, and is scheduled for checks by MA officers seasonally. It will be moved to high priority for 2013. Compliance reporting may be skewed, for instance, when a rate (40% of gillnetters in the GOM don't comply with the pinger rule) includes both those who have none at all and those who have 1 out of 100 that don't work. It would be helpful to have an LED on each pinger, to indicate that it's working or not.
- Industry experience with state officers is good, because these officers are on the dock, and the fishermen are able to learn who they are and what they do. Federal agents have been more remote, and the push to add more uniformed officers, working on the waterfront, must be encouraged. Also, the Compliance Assistance people, including the NE VMS staff, are useful to call and find out what the law is and how to comply.
- Non-permitted anglers who solicit "clients" on the internet should be a priority. A Low Priority in the Northeast is "Non-compliance with state/federal fisheries permitting requirements pertaining to fisheries under NOAA's jurisdiction". Compliance with licensed captains on Charter vessels is actually a USCG priority, but it may be helpful to include specifically Party/charter vessels permit requirements under this NOAA priority.