

**Enforcement Considerations
for
NOAA Fisheries and North Pacific Fishery
Management Council**

Developed by NOAA Fisheries Enforcement and the U.S. Coast Guard

December 2015

Table of Contents

1.0	INTRODUCTION	3
2.0	OVERVIEW – General Enforcement Operations	3
2.1	Dockside enforcement	3
2.2	At-sea enforcement	3
3.0	GENERAL PRECEPTS— Making Regulations More Enforceable	4
3.1	Regulations Should Be as Simple and Straightforward as Possible	4
3.2	Where Feasible, Seek to Reduce the Number of Regulations	4
3.3	Clear Record of Council Intent	4
3.4	Accountable and Traceable Seafood Products	4
3.5	Electronic Monitoring and Technology	5
3.6	Observers	6
4.0	WHAT IS MORE DIFFICULT TO ENFORCE	6
4.1	Resource Intensive Regulations	6
5.0	MANAGEMENT MEASURES.....	6
5.1	Landing Limits and Maximum Retainable Amounts (MRA)	7
5.2	Prohibited Species Catch Retention Prohibition.....	7
5.3	Required Retention	8
5.4	Closed Areas.....	9
5.5	Closed Seasons.....	10
5.6	Gear Restrictions.....	10
5.7	ITQS/IFQS	11
5.8	Catch Shares/Limited Access Programs	12
5.9	Recordkeeping and Reporting Requirements.....	12
5.10	Permits	13

1.0 INTRODUCTION

Fisheries are in a continual state of change and require Fishery Management Councils, the NMFS Sustainable Fisheries Division, the Protected Resources Division, and the Habitat Conservation Division to respond to these changes through development of and modifications to Fishery Management Plans (FMPs) and their implementing regulations. Involving enforcement personnel in the rulemaking process is essential, but sometimes it is difficult to include enforcement on every conference call and at every meeting. With that in mind, the following law enforcement considerations, which are based on our collective experience, are provided to assist those who are assigned a rulemaking project.

These law enforcement considerations are intended only as general guidance. Depending on the specific design of any regulatory program, the enforcement tools and strategies used may require a combination of methods. The enforcement considerations contained in this paper in no way limit NOAA Office of Law Enforcement's (OLE) or the U.S. Coast Guard's legal authority or their ability to employ the enforcement techniques, tactics, and procedures they consider most appropriate for accomplishing the goals of a specific regulatory program.

2.0 OVERVIEW – GENERAL ENFORCEMENT OPERATIONS

At sea and dockside enforcement operations are resource intensive. Available enforcement resources are maximized by regulations that can be enforced at more than one point during fishing activity (i.e., not just at the point of landing or when gear is deployed). This is especially critical to successfully preventing the distribution of illegal, unreported, and unregulated (IUU) seafood products and in detecting and preventing seafood fraud throughout the supply chain.

2.1 Dockside enforcement

Regulations that are enforced by offload monitoring are particularly resource intensive. Even with support from state law enforcement agencies, OLE can only monitor a small fraction of the total fish landings. This resource gap however, may be mitigated via regulations that require the use of electronic monitoring technologies such as VMS, electronic logbooks, video monitoring, and pre-landing notifications to monitor remotely and improve directed tasking of available resources.

2.2 At-sea enforcement

OLE relies heavily on the USCG and state Joint Enforcement Agency (JEA) partners for at-sea patrol, boarding, and inspection efforts. OLE officers work with these partners to provide effective at-sea enforcement of NOAA's regulations, particularly those involving area, gear, and prohibited species restrictions. The Coast Guard is primarily responsible for the at-sea enforcement in the EEZ and monitoring of fisheries activities through at-sea patrols, aircraft patrols, fisheries law enforcement boardings, and commercial fishing vessel safety inspection efforts. The Coast Guard works directly with OLE ashore to effectively target vessels of interest, enforce regulations, and to provide adequate evidence for successful investigations and case evaluations, particularly those involving area, gear, and prohibited species restrictions. OLE also uses electronic monitoring technologies such as VMS, electronic logbooks and pre-landing notifications to remotely monitor vessels and to improve directed tasking of available resources. Furthermore, OLE uses air support to cover large areas, photograph and video certain activities, and to direct other law enforcement assets to areas of concern. The Coast Guard also uses electronic monitoring technologies such as VMS, electronic logbooks, and pre-landing notifications to remotely monitor vessels and to improve directed tasking of available resources.

3.0 GENERAL PRECEPTS— MAKING REGULATIONS MORE ENFORCEABLE

3.1 Regulations Should Be as Simple and Straightforward as Possible

Simple regulations are easier for Enforcement and the regulated community to understand and enforce/comply with, while the more complicated the rule, the higher likelihood of creating loopholes and legal defenses. Straight-forward requirements that are black and white, without exceptions, make it more difficult for intentional violators and conspirators to evade enforcement, because they are easier to detect and to prove. For example, possession of an undersized halibut on a commercial vessel is clearly a simple prohibition. It is illegal regardless of where taken or how it was harvested or any other variable, condition, or stipulation.

Of course, regulations tend to be complex because the fishing industry itself is highly complex. Regulatory language cannot always be expressed in easy-to-understand language because there is a need for the drafter to account for various qualifications, conditions, and exceptions and the language used must be technical and precise to have legal effect. To the extent practicable, consideration should be given to ensuring consistency of management measures amongst the FMPs and regulatory areas. Consistently defining terms in similar management measures, regulatory areas, and between federal and state waters can reduce complexity.

3.2 Where Feasible, Seek to Reduce the Number of Regulations

Having too many control measures can frustrate and create ambiguity amongst resource users as well as enforcement. In addition to being burdensome, an overabundance of regulations may increase the possibility of unintentional errors and omissions, which increase the workload of law enforcement personnel and may subject well-intentioned violators to enforcement action. To avoid these problems, fishery managers should consider consolidating regulations where possible, removing outdated regulations, and making instructions simpler.

3.3 Clear Record of Council Intent

In order to support enforcement of FMPs after implementation, NOAA's Office of Law Enforcement and General Counsel Enforcement Section benefit from a clear record of the Council's intent and rationale. This is especially important for socio-economic regulations intended to level the playing field for participants, but that do not directly impact the resource. Examples are vessel caps, limits on leasing permits, processor shares, and IFQ halibut and sablefish permit holder on board regulations. While prosecutors may be able to prove the elements of these violations, establishing the social and economic importance of the regulation for purposes of articulating a proper penalty can be challenging when harm to the resource is minimal.

3.4 Accountable and Traceable Seafood Products

Enforcement is strongest where seafood products are accountable and traceable wherever law enforcement personnel encounter them. Regulations that require improved documentation and labeling of fish and fish products enable law enforcement to track such products back to the harvester and/or the initial purchaser and to intercept unlawful seafood product at various points between harvest and final sale for consumption. Many of NOAA's existing enforcement authorities are focused on at-sea or dockside enforcement and do not provide the tools needed for addressing trafficking violations.

As the agency responsible for administering the majority of fisheries related statutes, including those implementing international fisheries agreements, NOAA has significant responsibilities related to

preventing trafficking in IUU fish and fish product as well as to address domestic seafood fraud. The Magnuson Act expressly allows for the boarding, search and inspection of fishing vessels, but does not include such authority for areas more likely to contain illegally trafficked fish, such as shipping containers, facilities that process or store fish, and non-fishing vessels or other conveyances that carry fish.

In order for NOAA to effectively address illegal seafood trafficking, traceability, and fraudulently labeled seafood within the United States, additional enforcement authorities would be necessary. Critical enforcement provisions needed are:

- 1) **Inspection authority throughout the supply chain** (i.e. Search or inspect any facility or conveyance used or employed in, or which reasonably appears to be used or employed in, the storage, processing, transport, or trade of fish or fish product.)
- 2) **Inspection of records related to the trade in fish and fish products** (i.e. Inspect records pertaining to the storage, processing, transport or trade of fish or fish products)
- 3) **Investigative subpoena authority**
- 4) **Broad prohibition on the possession, sale, purchase, etc. of illegally trafficked fish or fish product or fraudulently labeled seafood (similar to the Lacey Act) throughout the supply chain**

3.5 Electronic Monitoring and Technology

OLE and the Coast Guard already use VMS to monitor fisheries. Other technologies such as video cameras and flow scales have shown their worth as well. When developing the regulations that implement the use of new technology, it is important to include enforcement personnel in program development so that issues such as enforcement's capacity to electronically monitor more vessels reliability, performance standards, evidentiary requirements, agency access and seizure authority, opportunity for tampering, provisions for equipment repair, and enforcement agencies' staffing limitations can be considered.

VMS is a tool used by law enforcement to focus patrol efforts on high priority areas. VMS does not replace at-sea enforcement by aircrafts, vessels, and boarding teams, but rather complements these traditional surveillance platforms with additional targeting information, thereby increasing the level of monitoring possible. This may, by extension, increase levels of compliance and benefit compliant participants. In addition to providing law enforcement with information regarding vessel position and movements, VMS can also communicate information about the gear being utilized and the fish species being targeted through the use of VMS advanced features. Other capabilities may be available through the use of VMS advanced features. Where reasonable, the Council, management and enforcement should consider VMS advanced features during fisheries program development and updates. Expanding the use of VMS in monitoring domestic fisheries will help level the playing field for honest participants and increase the effectiveness of law enforcement operations by increasing the efficiency of patrols, vessel boardings, and inspections.

It is also important to recognize that technology imposes additional enforcement staffing and technical needs. For example, tracking down non-compliant vessels, determining the reason for non-compliance, and coming to a solution that recognizes the reality of the fisheries requires personnel hours, timely access to data, and the right technical tools. Additional considerations include chain of custody, technical difficulties (e.g. slime on camera lens), and delay in receiving data/analysis of data. Finally, use of electronic monitoring will increase the length of law enforcement boardings as more time will be needed to review and verify electronic monitoring equipment, e.g. pulling and viewing video of flow scales while

conducting a boarding. This will result in longer time spent on boardings and potentially fewer vessel boardings occurring.

3.6 Observers

Observers provide the foundational data that is used by the Council and multiple divisions of the agency to develop FMPs, manage fisheries, and measure compliance. Observers are not law enforcement personnel, but they do play a significant compliance role by reporting potential violations they witness. Observers can provide evidence for a specific violation and their data, taken in aggregate, can be useful for targeting enforcement activity or proving elements of a violation. Observer inseason data may be used by fishery managers to limit a fishery, cooperative, vessel, or individual. This is especially true for fisheries limited by prohibited species catch.

FMP measures that create dependence on observer data for vessel-level management can contribute to added tensions between onboard observers and vessel operators and managers. Vessel operators may come under intense pressure to modify or limit fishing efforts. As a result, observers may be placed under considerable pressure by vessel crew because of their roles collecting data and reporting violations.

Regulations must consider strong compliance tools that will limit impacts to observer safety, work environments, and work areas. Because of their need for independence on a boat as well as the importance of their data, alleged violations involving observers are given the highest priority by enforcement. This is true for violations directly involving an observer (e.g. harassment and safety regulations) and for violations that impact observer samples (e.g. coercion, pre-sorting, or sample biasing).

4.0 WHAT IS MORE DIFFICULT TO ENFORCE

4.1 Resource Intensive Regulations

Any new plan or regulation must take into consideration enforcement resources to maximize patrols, conduct compliance data review (EM, notice of landing, observer, recordkeeping and reporting, registrations, etc.), and conduct investigations. Nationally, enforcement is spread thin. Directing effort toward enforcement of new regulations usually means decreasing or, in some cases, ceasing effort in other areas. Regulations that can be enforced through more than one means, or at more than one point during fishing operations or within the supply chain, allow enforcement some flexibility to use available resources in the most efficient way possible. For example, enforcing halibut and sablefish Individual Fishing Quota (IFQ) regulations is manpower intensive. Inspection authorities throughout the supply chain allow enforcement the ability to detect violations beyond the dock. Use of technologies such as VMS, video monitoring, electronic labeling (traceability), and electronic logbooks can provide enforcement the ability to monitor remotely, thus improving enforcement efficiency.

Fishery regulations that do not allow for a complete accounting of fish from catch to final sale can lead to loopholes that allow illegally-harvested fish to enter the market, either comingled with, or as a substitute for, legal product. For example, fish can appear “legal” merely by doctoring the records, without traceable accountability, or the ability to audit. Records to track fish from harvest, to the offload, and through processing and shipping add to good accountability and ease the demands on enforcement.

5.0 MANAGEMENT MEASURES

The following section discusses the advantages and disadvantages of the different types of management measures in regards to enforceability. The goal is to inform policy makers and regulation writers on how

different management options impact enforcement's ability to enforce the regulations associated with the following management measures:

5.1 Landing Limits and Maximum Retainable Amounts (MRA)

Goal—this management measure aims to reduce bycatch or secondary target species retention and minimize its mortality by limiting the amount or percentage landed. These regulations can be enforced by a combination of electronic monitoring and reporting technologies and dockside inspections.

Advantages:

- Bycatch landing limits help focus fishing efforts in areas that minimize bycatch if there is sufficient penalty associated with excessive bycatch (i.e., the directed fishery will be closed as a result of reaching a bycatch trigger limit).
- MRAs reduce incentives to harvest sensitive bycatch species that are often higher value than the FMP target species.

Disadvantages:

- Provision can be difficult to enforce at sea.
- High-grading may be an issue where specific fish species, ancillary products, or fish sizes are of greater value.
- When no enforcement is present to check landings and electronic reports, fishermen may falsify reports or not report landings or bycatch at all.

Recommendations:

- Consider lower MRAs to discourage potential incentive to maximize total allowable MRA (Topping Off) to minimize bycatch.
- Consider simplifying regulations by restricting maximum retainable amounts at delivery and not at sea.
- At sea discards and mortality are best determined by observers or appropriate electronic monitoring technologies.
- Regulations should consider industry best practices and other industry recommendations.
- If enforcement at sea is not desired, consider VMS advanced features (see December 2014 VMS White Paper) and electronic reporting and monitoring technologies to facilitate dockside enforcement. Consider requiring segregation of catch at sea where practical (i.e. fixed gear) to facilitate dockside and at-sea enforcement

5.2 Prohibited Species Catch Retention Prohibition

Goal—to reduce takes of a sensitive or economically valuable species by prohibiting their retention aboard fishing vessels. These prohibitions can be enforced by dockside and at-sea boardings, electronic monitoring and reporting technologies, and through reports routed from the observer program to enforcement.

Advantages:

- Prohibition violations are easier to document and enforce than regulations that allow a limited retainable amount.
- Allows for at-sea enforcement.

- Once fish are landed, detecting a prohibited species retention violation is easy if enforcement is present.

Disadvantages:

- May create an incentive to hide prohibited species from observers and enforcement, or to underreport prohibited species takes or discards, especially if doing so might prevent the deduction of the prohibited species from a quota.
- May create an incentive to enter prohibited species into an illegal market if fish are caught utilizing an illegal gear type or in a prohibited status fisheries.
- In certain scenarios, it may be difficult to comply. For example, prohibiting halibut retention by flatfish catcher vessel trawlers may require intensive sorting on small deck areas and in difficult weather.
- Because of heavy reliance on observer data to enforce allocated limits of target and prohibited species catch (PSC), scale tampering and observer interference, coercion, and harassment may result.

Recommendations:

- Integrated electronic reporting, VMS advanced features, and/or electronic monitoring to supplement at-sea enforcement and observing efforts.
- To reduce the need for enforcement and allow additional utilization of prohibited species, consider required retention, expansion of donation programs, and the addition of provisions to allow the transfer of law enforcement seized fish product into regulated donation programs.
- At-sea discards and mortality are best determined by observers or sophisticated appropriate electronic monitoring technologies.

5.3 Required Retention

Goal—the retention and reporting of all catch and potential greater utilization of the resource. Full retention is most effectively and efficiently enforced by electronic monitoring/reporting and dockside inspection.

Advantages:

- Provides managers with an accurate picture of target and bycatch species harvest and allows managers to close the fishery when a limit is landed.
- Can result in simple compliance steps for industry and an easy-to-monitor program if electronic monitoring and reporting are integrated.
- May result in solid evidence for enforcement cases and greater utilization of the resource.

Disadvantages:

- May be costly for industry where retained bycatch displaces valuable target species.
- If not adequately monitored, may result in high grading of catch and failure to report discards. Can be resource intensive to enforce depending on how electronic monitoring is configured and level of data review.

Recommendations:

- Regulations should incorporate industry best practices and consider industry recommendations.
- Consider electronic monitoring and reporting and dockside inspection as the most effective and efficient enforcement tools. At-sea boardings, aerial surveillance, and observer coverage may be effective but they are resource intensive and may detract from other USCG, observer program and OLE priorities.
- Consider donation programs for landed catch that cannot be sold.

5.4 Closed Areas

Goal—to ensure fishing does not occur in sensitive or protected areas. Closed areas can be enforced by aerial patrols, at-sea boardings, advanced VMS features, electronic monitoring and reporting, and dockside inspection.

Advantages:

- Effective/efficient to monitor with VMS and advanced features. However, even with VMS secondary evidence may be required to document a violation for prosecution.
- Effective/efficient to document presence in the closed area by aircraft overflight and patrol vessel monitoring.

Disadvantages:

- Without VMS, the effectiveness is directly proportional to the costly at-sea surveillance effort.
- Depending on the fishery and gear type, violations can be difficult to document without an at-sea or subsequent dockside boarding.

Recommendations:

- Clearly defined areas. Use exact latitude/longitude, straight lines and rectangular shaped areas or center point and radius lines for most effective enforcement. Avoid simply stating distance offshore or using depth contours.
- Smaller number of larger closed areas are preferred in most situations. Larger number of smaller closed areas with open areas in between them provide a vessel the ability to move quickly to evade detection. If possible, close an area to all activity; limit grand-fathering and other exemptions. Where practical, areas should be closed to all types of fishing as well as transit by fishing vessels.
 - If transit is allowed, fishing gear should be stowed and transit must be continuous (no loitering/stopping). Regulated gear areas are difficult to enforce, because this still requires an enforcement unit to gather evidence that the vessel operator used illegal gear in the closed area.
- Utilize VMS advanced features of geo-fencing and increased automated polling rates to ensure vessels are not fishing in a closed area. The addition of these VMS features would also address some of the challenges of enforcing irregular shaped area and extremely small area closures. A geo-fence surrounding a small closure are coupled with automatically increasing polling rates of a vessel entering the area, could assist enforcement to determine if a vessel is displaying fishing behavior.

5.5 Closed Seasons

Goal—to ensure the sustainability of fish stocks by prohibiting fishing during specific times of the year. Closed seasons can be enforced by at-sea boardings, electronic technologies, aerial patrols, and dockside monitoring.

Advantages:

- Fisheries in which a smaller number of large vessels participate are less resource intensive to monitor.
- Pot and longline vessel closed seasons can be enforced by observing port activities (gearing up for a trip) and by the surveillance of fishing gear in the water.

Disadvantages:

- Fisheries in which small vessels participate are more difficult to monitor due to remote port and fishing locations, size on the water, and number of vessels participating.
- Fish products may be illegally sold outside of normal market channels when the season is closed.
- Fisheries with multiple gear types used to harvest the same species are especially difficult to enforce if only one gear type is closed or prohibited during a season.

Recommendations:

- Ensure closures and any stand-down periods are clearly defined and dates/times should be defined to the minute.
- Limit exemptions to the closed season.
- Regulations should fully describe what activity is allowed to occur before, during, and after the closure, e.g. all gear must be hauled in prior to the closure, and gear may not be set prior to the opening.
- Where practical, for short duration fisheries prohibit all fishing by the participating vessels with any gear type 72 hours before and after the fishery.
- Consider VMS and advanced features to monitoring fishing vessels before, during, and after open seasons to greatly aid enforcement.

5.6 Gear Restrictions

Goal—limits fishing effort by prohibiting specific gear types or gear modifications. Certain gear restrictions may be required to minimize catch of non-target or prohibited fish species or to protect other marine species such as birds or mammals. Examples include pelagic vs non-pelagic trawls, bottom contact gear, codend mesh size, or seabird avoidance gear. Gear restrictions can be enforced by at-sea boardings, dockside inspections, and witness reports of observers. Some restrictions can be enforced by aerial patrols or electronic monitoring technologies.

Advantages:

- Some gear is easy to inspect dockside and readily visible at sea.

Disadvantages:

- Restrictions on gear deployment (i.e., soak time, hook/pot counts, set/trawl depth, bottom v. pelagic) are more difficult to enforce because the gear is invisible to enforcement below the surface of the water.
- Gear may need to be inspected at-sea to ensure it is compliant when deployed in the act of fishing. This becomes resource intensive and intrusive to industry if enforcement needs to conduct multiple checks at sea.

Recommendations:

- Prohibit possession of gear or a quantity of gear on board if it is not allowed for the targeted fishery. This simplifies enforcement because the act of having the gear onboard is a simple violation to determine and prove.
- Where specific gear must be deployed to exclude catch (i.e. seabird avoidance, codend excluders) consider electronic reporting, sensor, and video monitoring technologies to verify gear deployment.
- Where possible, work with the State and consider other FMPs to achieve consistency in gear restrictions across fisheries and State and Federal boundaries.
- Regulations should incorporate industry best practices and consider industry recommendations.

5.7 ITQS/IFQS

Goal—Individual Quota Program allocate a portion of a fishery to an individual, vessel, processor, or group usually by area. Can be enforced dockside and by at-sea and aerial patrols. Required notices of landing, VMS and other electronic technologies can aide enforcement greatly and help direct enforcement efforts to landings and fishing effort with the greatest potential of violation(s).

Advantages:

- By allowing a set quota to be caught over a long time period, fishermen are able to choose when to fish rather than being forced to fish during bad weather based on short time periods (derby fisheries).
- Once an Individual Quota is met, additional fish or fishing can be treated as prohibited.
- For vessels with VMS, it's easy to determine whether a vessel is in an area where quota is not available.

Disadvantages:

- Spreads out fishing effort across time and space. Instead of specific fishing seasons to monitor, a fishery may last nearly year round, over vast areas, and possibly require more enforcement assets for the extended season.
- Individual Quota holders have the incentive to underreport their landings or to fish in the easily accessible or productive areas where they have little or no quota.
- Accompanying regulations such as ownership limitations are difficult and resource intensive to enforce.
- For some high value species, potential for illegal/unaccounted for landings at remote locations is increased.

Recommendations:

- Effectiveness of enforcement depends on technologies deployed and monitoring of landings.

Electronic reporting provides real time debiting of an IFQ account which benefits enforcement, fisherman, and the data and fisheries managers.

- Consider electronic monitoring technologies (VMS features, sensor, and video) at sea to detect and deter area fished quota violations.
- If at-sea quota debiting is allowed, the use of certified scales, observers, and video monitoring is necessary to ensure accuracy.

5.8 Catch Shares/Limited Access Programs

Goal—Ensure timely and accurate reporting so that sectors fish within their annual catch entitlement (ACE) and annual catch limits (ACL). Sectors are very dependent on quota monitoring, which is best enforced dockside or through fishery data review.

Advantages:

- Sectors/Sector Managers are responsible for ensuring that vessels within their sector do not exceed their ACE.
- Monitoring of fish landings is effective for monitoring reporting by vessels and dealers.
- Observers record the actual catch and quotas can be managed on a daily/vessel basis.
- Industry performs primary management effort while the agency validates and enforces limits.

Disadvantages:

- Significant comparative analysis is required to cross-check landings against vessel/dealer, VMS, observer, and electronic monitoring data.
- Failures of required systems (scales or video monitoring systems) require a vessel to cease fishing until repairs can be made.
- Heavy reliance on observer data to enforce allocated limits of target and prohibited species catch (PSC) may result in scale tampering and observer interference, coercion, and harassment.
- Accompanying regulations such as sideboards and ownership limitations can be complex and difficult to enforce.

Recommendations:

- Consider the addition of dockside monitors with authority to conduct hold checks.
- Clearly identify prohibitions against fishing activity when monitoring measures fail.
- Regulations must be strong to protect observers and observer work environments, sample areas, and data.

5.9 Recordkeeping and Reporting Requirements

Goal—to require fishermen to keep records of specified information on board the vessel to facilitate enforcement of the regulations. As technology permits, the data from records could be transmitted to managers for decision-making depending on the fishery and the requirement for catch or effort information. Depending on the nature of reports, recordkeeping and reporting requirements can be enforced by various methods.

Advantages:

- At-sea boarding can verify the presence and use of logbooks and other records and dockside monitoring of offloads can verify accuracy of landing data.
- Electronic logbooks have been demonstrated to reduce logging errors, especially where GPS and sensor data are integrated.
- Often provides best evidence of a fisheries violation, especially in catch share programs.
- Electronic reporting allows for some monitoring in season during fishing activity.
- Accurate and applicable electronic logs can provide enforcement near real-time data before or during a boarding. This helps to prioritize effort and creates boarding efficiencies.

Disadvantages:

- Full and accurate accounting of catch at-sea can be difficult for vessel personnel and enforcement boarding parties due to species mixing, limited access to holds, icing, and crew safety concerns.

Recommendations:

- Regulations must identify the timeframes required for completing reports and entering data into logbooks (e.g. per set, daily, end of trip). This allows enforcement to better determine whether to focus effort at-sea or dockside.
- Require the use of gear-specific electronic reports. Where possible, involve industry in development of electronic reports to ensure they are understandable and potentially useful for industry applications.
- Consider existing report formats and integrated reporting where possible. Where industry standard reports are used, consider requiring those rather than duplicative reports (e.g. mate's receipts in lieu of transfer report).

5.10 Permits

Goal—to permit allowable gear type, fishing areas, and/or species, which may be retained onboard a vessel or to a specific party. Depending on the nature of the permit, these can be enforced by various methods. Permits are largely used by enforcement to identify allowable fishing activity.

Advantages:

- Easy to track and identify, especially with the use of technology (e.g. online permits, enforcement access to databases, etc.).
- Revocation or suspension of permit is an effective penalty provision
- Easy method for enforcement to determine lawful operations.

Disadvantages:

- The process for issuing, amending or re-issuing a permit creates a system where mistakes can be made by industry or agency staff. Fishermen may not be able to wait for errors to be processed before fishing or they may capitalize on such mistakes.

Recommendations:

- Electronic, real-time permit records should be made readily available to industry and enforcement to simplify enforcement verification of permits, eliminate the need for original copies onboard, and improve industry access to permits.

- Permit transfers must follow strict guidelines and should require adequate notification to enforcement agencies.

DRAFT