

Observations regarding compliance in the Halibut/Sablefish

IFQ program off Alaska. 1995 through 1999.

**Stephen A. Meyer
Special Agent-in-Charge
National Marine Fisheries Service
Alaska Enforcement Division
October 1, 1999**

Since the inception of the of the Halibut/Sablefish IFQ program (IFQ) off Alaska by the North Pacific Fisheries Management Council (NPFMC), in conjunction with the National Marine Fisheries Service (NMFS) and the International Pacific Halibut Commission (IPHC), enforcement issues have been one of several focal points. The NMFS Alaska Enforcement Division (AED) and the United States Coast Guard (USCG) have primary responsibility for enforcing the various provisions of the IFQ program. The result of these enforcement efforts are tracked and reported to a variety of entities including the NPFMC, IPHC, the parent agencies of the enforcement entities and others. Reports on compliance and related enforcement efforts are regularly made to the NPFMC in conjunction with their public meetings. In late 1997 and 1998, the author reported a growing concern that the number of boardings of fishermen and inspections of processor plants may not be frequent enough to present an adequate level of detection and deterrence within the regulated community to prevent widespread and/or serious violations. This concern was based upon several ideas and observations.

It is a well known and documented fact that compliance with any particular regulatory scheme is dependant upon the regulated communities perceptions of the fundamental fairness of the regulations, their agreement with the need for a particular regulation, the likelihood of detection and penalty for violations, and the idea that everyone is treated equally (the level playing field). In addition to the aforementioned considerations, potential violators of a particular regulation may also apply a "cost/benefit analysis" to determine whether they commit a particular violation. Many industry participants have expressed the concept that the benefits received by being part of the IFQ system are so valuable that that alone precludes most people from contemplating violation of the regulations for fear of losing their individual or collective rights. Others have opined that most penalties levied to date are so small in dollar amounts fined that many see them as merely a cost of doing business.

An actual review of boarding and violation statistics shows several important factors for consideration. In the December 1998 IFQ reports from AED and the USCG, data from the 1996, 1997, and 1998 seasons was listed. This data shows that the total number of dockside landings monitored by the AED and USCG combined has been level or declining (11%, 9%, 5%, and approximately 4.7% for 1999). The rate of violations detected by boardings have declined or remained level over the same time period (386, 299, and 196). Compliance by industry members in ports with permanent AED and/or USCG presence, during daylight hours, with the majority of regulations, is at a high level.

Recent operations at night and in ports without permanent AED and/or USCG personnel, as well as the general 1999 violations rate, show a different story. Several cases of fishing without permits, significant overages, possession of short halibut, falsification of landing or fishing records, and fishing with IFQ permits but in an area without authorized quota, have been detected. This trend has been increasing since the author raised his concerns in late 1997.

In the initial proposal for IFQ enforcement the AED, in conjunction with the USCG, was tasked with the responsibility to provide the level of enforcement necessary to make the program

successful. To monitor **all landings** would either require restricting offloads to a very few ports, having a serious negative impact on much of the existing processing infrastructure, or would involve the hiring of literally hundreds of enforcement/monitoring personnel which would be too costly to justify. It was therefore decided to staff the top traditional landing ports as identified by the records of the International Pacific Halibut Commission (IPHC). These landing ports constitute the vast majority of all halibut and sablefish landed (approximately 67% of all Halibut landings and 80% of all landings by U S fishing entities). NMFS-AED believed full time coverage of the major ports, performing audits of plants and vessels, plus routine, unannounced visits to the remaining ports, would provide adequate enforcement for the program. A minimum of 20% boardings was believed necessary to provide adequate detection and deterrence in the IFQ program. This number was derived from two sources, a federal government Agency's report on the interdiction of narcotics trafficking in the Central, western Atlantic ocean area, and through state and local studies of deterrence efforts in traffic enforcement in areas where traffic accidents, fatalities, and high risks (like school zones) existed.

To achieve and/or maintain compliance, personnel were assigned in eleven new or existing duty stations from northwestern Washington State to far western Alaska. Those stations were: Bellingham, WA (4EOs), Ketchikan (2 EOs)(new), Petersburg(2EOs)(new), Sitka (2EOs), Juneau (1 ASAC, 4 SAs,) and Yakutat (2 EOs)(new) in southeast Alaska, Cordova (2EOs)(new), Seward (2EOs)(new), and Homer (2 EOs) in south central Alaska, and Kodiak (2EOs) and Dutch Harbor (2EOs) in western Alaska. Subsequently, government downsizing and reductions in funding resulted in the closing of the Yakutat and Cordova duty stations and the loss of several officers in various ports.

From January to June, 1999, AED had 2 EO's in the field. One in Ketchikan and one in Homer. In June, five EO's graduated from training and reported to their field stations. They began training under our FTO program. This consists of three, two-week, sessions. The two experienced EO's each spent 6 weeks as FTO's, training the new hires. Agents and supervisors were also called upon to perform duties as FTO's. This training ended in late August. The FTO's were sometimes required to travel to the trainee's office to train them in their area. The trainees were sometimes required to travel away from their assigned ports to get a variety of experience.

In the two ports with the two experienced EO's and the most coverage, these are the boarding rates.

PORT	# EO's	# Offloads	# Boardings	Boarding Rate	# Seizure Cases
Homer	2*	838	111	13.3%	20
Ketchikan	1	188	80	42.6%	12

* Two EO's cumulative numbers are used even though one EO was new.

In 1999, Petersburg, Dutch Harbor, and Seward had one officer each selected, but they spent 21 weeks in 1999 in training outside Alaska. These three officers also had 6 additional weeks in the FTO program.

Kodiak - Has one EO in training and one EO vacancy

Dutch Harbor - Has one EO finished training August 14, 1999. A second EO assigned, but is still in training

Sitka - Now has two EO's assigned, but they are still in training

Petersburg - Has one EO finished training. A second EO is assigned, but is still in training

Ketchikan - Has one EO and one agent assigned. No vacancies

Seward - One EO assigned, one vacancy. The EO has been completed training since August 20, 1999

Homer - Has two EO's assigned. One EO completed all training August 27, 1999

Juneau - One EO selected and will complete initial training late November. VCP EO has been covering this port.

Anchorage - One EO vacancy

A five tiered approach to enforcement was developed for the IFQ program. These tiers are: Patrol, Monitoring, Audits, Investigations and Education. AED works closely with the USCG, State of Alaska-Division of Fish & Wildlife Protection, Canadian Department of Fisheries and Oceans, and the NMFS Northwest Enforcement Division to coordinate enforcement effort, target suspects, and exchange information and intelligence.

The following are the primary tasks of the IFQ law enforcement program

- Outreach efforts through public meetings
- Random monitoring of landings.
- Random inspection of shipments.
- Random monitoring of transshipments
- authorizing and inspecting Vessel Clearances
- Surveillance and detection of illegal landing, sale and shipment of IFQ fish
- Enforcement of resource regulations including IFQ and routine management measures
- Investigation of fraudulent applications for and transfers of quota shares and bona fide crewmen status
- Investigation of ownership cap violations
- Investigation of illegal marketing, shipping or sale of IFQ fish

- Complex audits of landing and shipping records

Minor record keeping and reporting violations are not given high priority for the limited enforcement resources available to AED and the USCG. The focus is on areas where major resource damage can occur, vast illegal profits can be made, or gross inequity in operations will create an "un-level playing field"

With reduced numbers of personnel and boardings, the author remains concerned that significant violations are increasing and that detection of these violations will be difficult. The author prepared a report on a proposed weighmaster program to supplement the monitoring of landings through out Alaska. The program to date has not been adopted and this may be due to the large numbers of personnel and costs associated with the proposal. In addition, some industry and government personnel have stated that there is not enough evidence of wide spread violations to justify a weighmaster program.

In the final analysis, increasing personnel in the AED and shifting work times and locations, may provide enough to turn around the current increases in significant violations. The author believes it will take a combination of some reduced weighmasters and increased government personnel to fully achieve the goals of the enforcement portion of the IFQ program.