

Recommendations and Comments to Prawn Industry Representatives, Arising Out of a DFO Conference Call, Jan. 6, 2005.

The following reflects discussions held among fishery management, Stock Assessment and Conservation and Enforcement personnel.

Commencement Date. May 2006 may be considered for introduction of a prawn pilot program. There is insufficient time to implement a pilot program in 2005.

Length of Pilot Program Season. The Department is concerned for the availability of internal resources to support an extended fishing season. Present season length fits well with other fisheries commitments and time requirements. Concern was expressed that if there were unforeseen problems in the implementation of a pilot program, a long season could increase the nature or cumulative impact of problems. For either pilot program proposal, it is recommended that the first year of the pilot program be limited to 4 months. There is a concern for observer availability. For example, in 2004, the season ended just before observers were switching to other commitments and salmon charter duties. For either pilot program proposal, industry is requested to seek and provide advice from J.O. Thomas to DFO regarding the feasibility of extending the pilot program to 4 months, throughout the coast.

Status Quo. DFO is of the opinion that there is a need for licence holders to demonstrate that a majority are in favour of testing changes in the fishery. DFO discussed the potential problems of either a double ballot process or of a triple question ballot, when it can become difficult to interpret the results. Two approaches were discussed. The first would be to confine the ballot to the question of which pilot program should be tested, with the understanding that any non-vote would be a vote for the status quo. This option runs the risk of counting non-returns from absent licence holders in favour of the status quo. The second option would be a 2 question ballot. The first question would be, are licence holders as votes in favour of testing changes in the fishery by means of a 2 year pilot program? The second question would be, if a pilot program proceeds which of the two alternatives would the licence holder prefer? It is proposed that if more than 50% of the licence holders respond favourable to the first question, then a pilot program would be recommended based on the greatest support demonstrated in the second question.

Ballot Tally. DFO favours a ballot tally by an independent 3rd party. DFO requests that the ballots be turned in to the Department following the tally, so that they may be reviewed for comments provided from licence holders. If industry has insufficient funds for a contract with an independent 3rd party, then DFO is willing to receive and tally the ballots.

New Trap Types. DFO discussed how introduction of new trap types could affect the pilot programs. There was no consensus. Trap types could alter the fishery, but the rate of introduction might be relatively low in which case the overall effect would be limited. DFO recommends that the trap inventory information collected by J.O. Thomas observers in the 2004 season

be reviewed, and seeks industry advice if the introduction of new trap types should be limited in any pilot program.

Enforcement. DFO noted that the IVQ proposal lacks information about enforcement. Three sources of concern were noted. Illegal offloads may be easy to accommodate as the product is small and valuable. For example, a single cooler holding 50 lbs. of tails could be valued at \$20/lb., and would be easy to transfer at times or locations other than when landing station validators are present. Concern was expressed that high grading at sea becomes more feasible when there is a price differential by product grade, a longer catch season and no race to fish limiting time or catch. Multiple hauling may occur if a fisher finds an area of preferred product and wants to harvest it before others arrive, or is in an isolated location, or wants to finish off their quota quickly. Multiple hauling can accelerate the rate of fishing outpacing spawner index monitoring. DFO is of the opinion that it is important to maintain the single haul management condition in both pilot program proposals and asks that the proposals be amended to include this in their descriptions.

We understand that the halibut pilot program was implemented with an enforcement plan. Also, the prawn trap limit pilot program implemented in 1995 included development and implementation of an enforcement plan. An enforcement plan should include cost estimates. Like halibut, funded C&P support is considered to be necessary. Also, a preliminary identification of dockside landing ports is necessary for DFO/C&P to consider what may be necessary to monitor landing stations and ensure that validation occurs, to prevent leakage.

In-Season Adjustment of Quota. Although described by quota advocates as essential, no means of providing this feature has been suggested within the pilot program proposal, and no means of accomplishing this has been considered or tested by DFO/StAD. In-season quota adjustment will not be provided in the pilot program. If the IVQ pilot proceeds, DFO will use the years of the pilot program to consider if there may be a means of achieving such adjustments in future. There is no guarantee that such a system can be developed.

Logbooks vs Fish Slips. Generally speaking, DFO considers the logbook data to be more accurate than fish slip data for all analyses of distribution of effort and catch by area and subarea. However, we recognize that most quota based allocation formula in the past have depended on fish slip data. Fish slip data may be more accurate in terms of a description of vessel based landings, as product is weighed instead of estimated. However, it is also known that fish slip data may be incomplete where there have been dock or direct public sales. There are weaknesses in both sources of data. DFO has requested fish slip data and will undertake a comparison to assess the of variability that may exist between these two sources of data.

Landing Year Cut-off. DFO affirms that 2004 landings shall be the cut-off for any quota allocation formula.

Quota - is 2001 Early Enough? DFO notes that the current years chosen for the quota allocation formula include 2 years of record landings, and only 1

year that may be considered as an average year. Using records prior to 2000 would be difficult due to the pattern of multiple hauling that existed prior to implementation of single haul, and likewise the use of 2000 data may be difficult as there was a mixed regime of single haul and multiple haul based on area licencing that year.

Overage and Underage. A system for overage/underage has not been suggested within the current IVQ proposal. It would be difficult to establish an overage/underage scheme across year-end because the question would arise what to do at the end of the second year of the pilot program when there is no guarantee that the quota system would continue. It would also be difficult to establish a overage/underage transferability scheme within a fishing year as it would turn into a large data management exercise and amendment of licence conditions in-season that DFO cannot manage within existing personnel resources. If proposed, this will require additional resources. Measures for tracking quota in-season need description. It is anticipated that overages will occur, opening the question of what should be done particularly if it appears to be substantial or deliberate. DFO cannot require relinquishment. Voluntary relinquishment may work, otherwise, legal action is the only avenue open to the Department.

Low Cycle Years. DFO discussed the potential need for adjusting the quota base in subsequent years if there is a low year of abundance similar to 1999. It is not needed for conservation that is managed by the spawner index. It may be a bigger issue for the fleet and their industry representatives, as fishers' expectations will not be met if the majority or all the coast closes prior to all parties fishing their quota allocation. As well, it may be of concern to other harvest sectors. If it were to occur and persist, a mechanism for base quota reduction may be necessary.

Confidentiality of Logbook or Fish Slip Data. The present IVQ proposal makes allowance for 20% of stacked licence landings to be assigned to the originating licence tab from which the trap allocation was transferred. The suggestion has been made that DFO will provide these numbers to the persons holding the originating licence tabs. However, this will automatically provide the originating licence tab holder with an accurate account of the receiving vessel's reported landings in the year of transfer, as the receiving vessel's landings are 5 times the amount reported back to the originating tab. This will also provide a reasonably accurate estimate of the receiving vessel's earned income. This may contravene the confidentiality requirements for protecting landings and income information. DFO is seeking advice from persons who have had extensive involvement with Privacy Act issues related to landing records. We may be obliged to request a legal opinion on this question. The alternative is to seek approval from each and every licence holder who received a trap transfer, asking if they are willing to have their landing information divulged.

Other Landing History Issues. It was noted that there may be instances where vessels did not stack and did not fish. Further, the present quota proposal is based solely on prawn landings. The proposal is quiet on the topic of vessels that have humpback or coonstripe shrimp landings. Quota proponents are asked to comment on these matters.

Landing validation costs. It appears to DFO that landing validation costs are underestimated. A more detailed explanation as to how they were arrived at, will be of assistance.

STRING HAUL QUOTAS

In the course of discussions, additional comments were brought forward relative to the string haul quota proposal, as follows:

String Haul Cameras. A legal opinion has been requested on several matters related to DFO's ability to require cameras on all participating vessels, by condition of licence. This opinion has not yet been received. It was noted that other fisheries are establishing similar requirements. However, in those fisheries, it remains that a choice has been provided. Vessels may have a camera system on board, or may choose to have an observer on board. Pending receipt of the legal opinion, provision of an alternative choice to cameras may be necessary.

Enforcement Plan For String Haul Quotas. Concern was expressed for the large volumes of data that may be generated by an electronic monitoring program. The Area A crab fishery was noted as an example where the electronic monitoring identifies infractions, it imposes a substantial work load burden on C&P personnel for data recovery and preparation of litigation. String haul quota advocates are invited to include an enforcement plan section, and to consider what resources may be made available to support C&P in preparing legal actions.

MAIL OUTS AND CONSULTATION

There appears to be a significant level of apprehension and in some cases misinformation among the fleet. DFO recommends that a mail out should continue to be targetted for the end of January, indicating among other things, that 2005 will be status quo and that a ballot will be provided. Some fishers believe that DFO is advocating a quota option and that it is a done deal as a result of the Pearse-McCrae report. It should be pointed out that the Minister has not formally responded nor adopted that report's recommendations, and at this time is only considering implications for the salmon fishery. A mail out should also indicate who are the main industry contacts for each proposal, for fishers seeking additional information on the proposals. The mail out can include the draft pilot program proposals or they can be provided in a second mail out when they are finalized, with a ballot.

DFO also notes that there is an obligation on the Department to undertake consultation with other stakeholders. In particular, the draft fishing plan will indicate that pilot programs have been proposed, and the general nature of those proposals. The first draft of the 2005 fishing plan will be completed near month end, at which time coastal First Nations and other stakeholders will be invited to comment on the 2005 plan, and will be informed of the development of pilot projects which may commence in 2006.

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