

C&P-Pacific comments on Draft Advisory Report (November 2004)

Pacific Salmon Selective Fishing Program Evaluation

(Audit and Review Directorate Project Number 60278)

General comments:

In my opinion, the report is often contradictory and it is not clear after having read the whole report, how the team arrived at the second (of two) recommendation:

“Train and engage DFO Conservation and Protection staff on the specific objectives of selective fishing to ensure that enforcing compliance with new rules and regulations is given a high priority.”

This recommendation is fundamentally flawed in four ways:

1. “...enforcing compliance...”: one can not enforce compliance. One can take enforcement action against non-compliant actions and contraventions of existing laws and regulations where/when such authority exists and appropriate powers are designated. Compliance is an outcome of a collection of behaviours which conform to laws and regulations. If there is a state of compliance, there is no enforcement action necessary.
2. “...train and engage DFO Conservation and Protection staff...”: The phrasing implies that C&P staff are not adequately trained and lack engagement and that has lead to inaction. I would be willing to debate this point at length.
3. “...new rules and regulations is given a high priority...”: (hence, effort related to old rules and regulations would, by necessity, have to become low priority). Giving a course in selective fishing objectives does not mean selective fishing then goes to the top of the list of relative priorities. It must demonstrate whether it warrants that position as a result of thorough risk assessment in concert with all other program demands. There has been a great deal of energy directed towards establishing longer-term Strategic Directions and annual Operational Priorities for C&P in Pacific region, and this process is expanding to include comprehensive risk assessment tools to assist in informed decisions regarding prioritization of the multitude of demands placed on C&P staff. Within the operational priority of “threatened stocks”, coho conservation has been given a very high priority for a number of years so it is unclear what this recommendation intends to change. It is impossible to devote 100% of C&P effort to one activity, and even if we did we could not provide the coverage implied here.
4. the premise that it is solely C&P’s responsibility to ensure compliance with selective fishing is unfair, unrealistic, and contrary to the principles of fisheries co-management and shared stewardship. What should be sought is a selective fisheries regime which places the responsibility on the harvesters to comply with selective fishing measures, with internal policing and sanctions. The harvesters as beneficiary of the resource have a responsibility to participate in the management

of the fishery. C&P can not place staff on every vessel and accompany every fisher on each expedition. Saying that C&P staff must assume a dictatorial role to ensure compliance of all participants in the salmon fishery is a big step backward in the evolution of the way we manage fisheries.

Specific comments:

Section 2.0 Methodology Page 4:

- sample sizes and criteria for selection:
 - 113 commercial, aboriginal, and recreational licence holders out of a population of over 200,000 – what is the statistical reliability of that data?
 - Of the 35 “key informants” there is no indication of the criteria used to select those informants or whether it reflects a balanced view.
 - I would like to know who from C&P Pacific was interviewed, and if no one, that might explain how the team arrived at recommendation 2.
- “...and 2 Pacific Resource Conservation Council representatives”
 - is this intended to mean Pacific Fisheries Resource Conservation Council (PFRCC) or is this another organization?

Section 3.3 Success Page 7:

- “While few violations were reported, there was no evidence to suggest fleet wide adoption of the new gear.”
 - This statement contradicts the earlier description of various selective fishing measures (brailing, revival tanks, etc.) which have become conditions of licence and are therefore compulsory requirements. Even the ‘key informants’ stated that these measures were being utilized on board the vessels (pg 6).
 - Our area staff have confirmed that they are seeing a marked change. For the most part the seine fleet, for example, is acutely aware that their sets are to be brailed and unauthorized bycatch released after time in the revival tanks. Our at-sea patrols continue to confirm that compliance is reasonable with respect to brailing, and when necessary, C&P staff remind the fleet of their responsibilities with respect to condition of licence.
 - As an aside, it is very possible that few violations were reported because the vast majority were in compliance – i.e. had adopted the new gear as required by condition of licence. If there was no evidence to suggest fleet wide adoption of the new gear, where is the evidence to suggest non-compliance with selective fishing measures? It would have shown up as a high number of violations. This statement is contrary to the actual experience in the field.
 - See also page 8, “**The PSSFP was successful in establishing and enforcing standards with regard to gear**” which would indicate that this new selective fishing gear had, indeed, been widely adopted by the fleet. Similarly the phrase (also page 8)...some selective gear and techniques became mandatory in 1998 *and were implemented*...

Section 3.3 Success Page 11:

- “Other more cost effective means of monitoring need to be considered such as on-board video cameras.”
 - This statement is made as if there is concrete evidence that on-board video cameras are more cost-effective. This subject area is presently under debate, and several fisheries are developing project proposals to test and evaluate the cost-benefit of such systems. There remain many unanswered questions, regarding who would track and maintain this data, the exception error reporting triggers, who/how to respond if error reports are received, costs incurred by industry to install equipment, incentives for using the system, and there is no way to anticipate that compliance with the implementation of a video surveillance system would be any higher than compliance rates existing now. It does not seem appropriate for an evaluation team to throw out this statement as a blanket solution without firm substantiation.

Section 3.3 Success Page 12:

- “When regulatory monitoring decreased, compliance went down as well.”
 - Where is the proof for this statement? If monitoring was decreased, how could a conclusion have been drawn as to the rates of compliance? Lack of compliance would only become apparent with monitoring.
 - “Compliance officers have observed...” what is a compliance officer? A resource manager? An observer? A fishery officer? This lacks credibility when the source of these observations is unclear.
- “There was not enough existing evidence to demonstrate that monitoring and enforcement activities were effective towards increasing selectivity.”
 - So where is the existing evidence that monitoring and enforcement activities were ineffective? Why is this the default position? It indicates a bias in the evaluation methodology.
 - We have evidence to support enforcement efforts. We have tracked effort directed towards selective fishing, in the Fisheries Enforcement Activities Tracking database. We continue to record such effort today, with 85 hours so far in the year 2004 Commercial Salmon – Selective Fishing work element, as well as some activity which correlates (directly or indirectly) to selective fishing which is also tracked under other categories (for example, if there is a violation of condition of licence in a commercial salmon fishery).
 - It is critical to separate monitoring from enforcement. Resource Management is responsible for monitoring, including hail ins, log books, catch monitoring, closures of fisheries as a result of bycatch triggers being reached, encounter rates, mortality rates, etc. It is the responsibility of Resource Management to alert C&P staff when they need to request follow-up response by Fishery Officers, and investigation of potential violations under selective fishing or any other regulation / condition of licence. Fishery Officers can not enforce voluntary measures which may be taken by the fleets. Thus, if there is a lack of monitoring and a lack of involvement of C&P by Resource Management staff, it is not the fault of C&P staff.

- “Long term alterations in the behaviour of harvesters were not achieved and the monitoring and enforcement components did not bring about long term changes in the habits of harvesters.”
 - This conclusion contradicts the earlier description of various selective fishing measures (brailing, revival tanks, etc.) which have become conditions of licence and are therefore compulsory requirements. Even the ‘key informants’ stated that these measures were being utilized on board the vessels (pg 6).
 - Our area staff have confirmed that they are seeing a marked change. For the most part the seine fleet, for example, is acutely aware that their sets are to be brailed and unauthorized bycatch released after time in the revival tanks. Our at-sea patrols continue to confirm that compliance is reasonable with respect to brailing, and when necessary, C&P staff remind the fleet of their responsibilities with respect to condition of licence.
 - A C&P Area Chief offers the following comments: from my perspective nothing could be farther from the truth. Witness the changes in behaviours of the seine fishing fleets in regards to mandatory brailing of all catch and the use of revival tanks. Sure there still remains some who continue to keep coho, however, the change from pre-1998 is remarkable. Very few coho are landed today compared to what was landed pre-1998. The highest landing for coho this year was 65 pieces from a seine landing (Stock Assessment would be able to provide more exact numbers), and we are following the established protocol of investigating cases where more than 6 coho were landed as bycatch in a seine offload.
 - See also page 8, “**The PSSFP was successful in establishing and enforcing standards with regard to gear**” which would indicate that this new selective fishing gear had, indeed, been widely adopted by the fleet and that enforcement efforts were both sufficient and successful in bringing about changes in harvesting behaviours.
 - Another error within the report, where on page iii and page 14 there is reference to “difficulties in tracking violators”. There is no difficulty. Every violation encountered by C&P staff is recorded and tracked through the national DVS database.
 - Various other statements within the body of the report which contradict this conclusion:
 - Page 9 “**The allocation principle was regarded by interviewees as effective in promoting selective fishing strategies...and changing the behaviour of harvesters...**”
 - Page 10 “**Scientists observed attitude changes while working with harvesters who were willing to change and apply new fishing techniques.**”
 - The commitment of gillnet vessel owners was acknowledged on page 11
 - Page 13 “**With regard to selective fishing gear, DFO managers have observed that project participants changed their fishing**

habits and used the gear. Harvesters in general have altered their vessel set ups and have added to and modified their fishing gear as required.”

- If this conclusion was the basis of recommendation 2, it is essential to separate out responsibilities for monitoring which lie with Resource Management. If both monitoring and enforcement were deemed unsuccessful by the evaluation team, why is there no recommendation regarding training and engagement of Resource Management staff on the monitoring front?

Section 5.0 Lesson Learned Page 17:

- “Determine which results will be achieved through direct expenditures, indirect expenditures and which results will be achieved through other means such as enforcement and compliance.”
 - Enforcement is not free. This statement that results are achieved by expenditures OR enforcement perpetuates the misconception that enforcement is something that just gets done without any expenditures. Enforcement costs money too, as does compliance promotion (education, incentives, etc.).
 - Compliance is not an activity but rather an outcome of conformant behaviours. Is this supposed to mean results achieved through promotion of compliance / improved compliance / compliance incentives? It indicates a lack of understanding of the concept of compliance. Compliance is not a “means”, it is an “end”.

In summary, this draft report is in need of revision.

C&P has been made the scapegoat for a program over which we have very little input or authority. After reading the body of the report, one is surprised to find the second recommendation, as there is little in the report to highlight deficiencies in the training or engagement of C&P staff. There are several contradictions and apparent bias in this draft report, which pulls into question the motivation of the evaluation team.

C&P executive is advised to actively follow-up on the revision of this draft report, to ensure necessary clarifications and substantiations are incorporated, or full corrections undertaken.