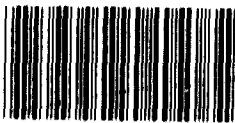


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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548



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STATEMENT OF
HENRY ESCHWEGE, DIRECTOR
COMMUNITY AND ECONOMIC DEVELOPMENT DIVISION

BEFORE THE
SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND
THE ENVIRONMENT
HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Hc 02702

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

WE ARE HERE AT YOUR INVITATION TO DISCUSS OUR SEPTEMBER 12,
1979, REPORT TO THE CONGRESS ENTITLED "ENFORCEMENT PROBLEMS HINDER
EFFECTIVE [IMPLEMENTATION OF NEW FISHERY MANAGEMENT ACTIVITIES]"
(CED-79-120).

UNDER THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976,
PLANS ARE BEING DEVELOPED TO MANAGE BOTH DOMESTIC AND FOREIGN
FISHING WITHIN 200 MILES OF THE U.S. COASTLINE. (THE U.S. COAST
GUARD AND THE NATIONAL MARINE FISHERIES SERVICE OF THE NATIONAL
OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) HAVE JOINT ENFORCE-
MENT RESPONSIBILITY UNDER THE ACT. THE COAST GUARD USES ITS
CUTTERS, PATROL BOATS, AND AIRCRAFT TO CONDUCT AT-SEA ENFORCE-
MENT. THE FISHERIES SERVICE ENFORCEMENT AGENTS ACCOMPANY
COAST GUARD PATROLS WHEN POSSIBLE AND ALSO CONDUCT DOCKSIDE
INSPECTIONS AND INVESTIGATIONS.

NINE FISHERY MANAGEMENT PLANS HAVE ALREADY BEEN APPROVED
AND IMPLEMENTED AND ABOUT 70 WILL ULTIMATELY BE DEVELOPED.

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OUR REVIEW OF TWO OF THE EARLIEST PLANS--ATLANTIC GROUND FISH AND SURF CLAMS AND QUAHOGS--SHOWED THAT ENFORCEMENT OF THE REGULATIONS HAS NOT BEEN EFFECTIVE FOR FOUR BASIC REASONS:

(1) THE NATURE OF THE REGULATIONS THEMSELVES MAKE THEM DIFFICULT TO ENFORCE, (2) ENFORCEMENT GOALS AND STRATEGIES HAVE NOT BEEN ESTABLISHED, (3) COORDINATION WITHIN THE FISHERIES SERVICE AND BETWEEN THE FISHERIES SERVICE AND THE COAST GUARD HAS BEEN INADEQUATE, AND (4) APPROPRIATE PENALTIES HAVE NOT BEEN ASSESSED IN A TIMELY MANNER.

UNLESS THESE PROBLEMS ARE ADDRESSED, THEY WILL BECOME WORSE AS ADDITIONAL PLANS ARE APPROVED AND ENFORCEMENT RESPONSIBILITIES ARE INCREASED.

REGULATIONS HAVE HAMPERED ENFORCEMENT EFFORTS

ONE OF THE BASIC PROBLEMS WITH THE REGULATIONS WE EXAMINED IS THAT THEY REQUIRE AN EXTENSIVE COMMITMENT OF RESOURCES TO PROVIDE ADEQUATE ENFORCEMENT COVERAGE. REGULATIONS REQUIRING ENFORCEMENT AT SEA RATHER THAN AT DOCKSIDE CONTRIBUTE TO THIS PROBLEM BY MAKING IT EXTREMELY DIFFICULT TO CATCH A VIOLATOR AND PROVE THAT A VIOLATION HAS OCCURRED.

REGULATIONS IMPLEMENTING THE SURF CLAM PLAN SPECIFY THE NUMBER OF HOURS A VESSEL IS ALLOWED TO FISH DURING A WEEK AND REQUIRE AT-SEA MONITORING TO ENSURE COMPLIANCE. ALTHOUGH MOST ENFORCEMENT PERSONNEL BELIEVE THAT CLAM FISHERMEN ARE FISHING OUTSIDE OF THEIR AUTHORIZED TIME, THEY HAVE HAD DIFFICULTY DOCUMENTING SUCH VIOLATIONS BECAUSE THEY MUST ACTUALLY OBSERVE A VESSEL HARVESTING CLAMS IN THE FISHERY ZONE DURING AN

UNAUTHORIZED TIME. ENFORCEMENT PERSONNEL HAVE BEEN UNABLE TO DO THIS BECAUSE THE COAST GUARD VESSELS ARE NOT ALWAYS AVAILABLE WHEN NEEDED --ESPECIALLY AT NIGHT--AND WHEN VESSELS ARE AVAILABLE THEY CANNOT GET CLOSE ENOUGH TO OBSERVE VIOLATIONS WITHOUT BEING DETECTED.

FISHERY SERVICE PERSONNEL INFORMED THE MID-ATLANTIC MANAGEMENT COUNCIL AT ITS NOVEMBER 1978 MEETING THAT (EFFECTIVE ENFORCEMENT COULD NEVER BE ACHIEVED UNTIL THE PLAN WAS REVISED TO REQUIRE DOCKSIDE ENFORCEMENT AND TO IMPOSE RESTRICTIONS ON THE QUANTITY OF CLAMS THAT EACH VESSEL COULD LAND.

REGULATIONS FOR ATLANTIC GROUND FISH DIFFER IN THAT THEY GENERALLY ARE ENFORCED AT DOCKSIDE RATHER THAN AT SEA. NEVERTHELESS, THEY HAVE NOT BEEN EFFECTIVE BECAUSE QUARTERLY QUOTAS HAVE BEEN ESTABLISHED WHICH SPECIFY THE QUANTITIES THAT CAN BE HARVESTED FROM THE GULF OF MAINE AND FROM THE GEORGES BANK BY VARIOUS CATEGORIES OF VESSELS. THIS TYPE OF QUOTA CANNOT BE ENFORCED BECAUSE IT IS IMPOSSIBLE TO DETERMINE IN WHICH LOCATION THE FISH WERE CAUGHT WITHOUT CONTINUOUS SURVEILLANCE OF THE FISHING VESSELS. DOCKSIDE INSPECTIONS CAN VERIFY THE TOTAL QUANTITY BEING LANDED BUT NOT THE SOURCE.

DOCKSIDE ENFORCEMENT HAS BEEN FURTHER COMPLICATED BY WEEKLY QUOTAS RATHER THAN TRIP QUOTAS FOR COD AND HADDOCK.) THIS REQUIRES THAT AGENTS KNOW WHEN VESSELS LEAVE AND RETURN TO PORT AND CONSIDERABLE TIME IS SPENT IN PATROLLING THE DOCKS TO DEVELOP THIS DATA.

FREQUENT CHANGES TO REGULATIONS HAVE ALSO COMPLICATED ENFORCEMENT EFFORTS. AS OF MARCH 1979, THERE HAD BEEN ABOUT 35

CHANGES IN THE GROUND FISH REGULATIONS. SOME OF THESE INVOLVED THE QUOTA SYSTEM. IN MANY INSTANCES THE RATE AT WHICH A SPECIES WAS BEING CAUGHT MADE IT OBVIOUS THAT THE QUOTAS WOULD BE EXCEEDED. SOMETIMES THIS WOULD RESULT IN A FISHING CLOSURE BUT IN MOST CASES THE QUOTA WOULD BE INCREASED TO AVOID THE ADVERSE ECONOMIC IMPACT OF A FISHERY CLOSURE. ALSO, DAILY LANDING RESTRICTIONS WERE CHANGED TO WEEKLY LIMITATIONS, AND DIFFERENT QUOTAS AND LIMITATIONS WERE ESTABLISHED FOR DIFFERENT CLASSES OF VESSELS. NEEDLESS TO SAY, THESE FREQUENT CHANGES HAVE BEEN CONFUSING TO BOTH FISHERMEN AND ENFORCEMENT AGENTS.

ANOTHER ENFORCEMENT PROBLEM IS THE FACT THAT MANY FISHERIES ARE FOUND AND HARVESTED BOTH WITHIN THE 3-MILE TERRITORIAL SEA UNDER STATE JURISDICTION AND THE 197-MILE FISHERY CONSERVATION ZONE. SOME STATES HAVE NO REGULATIONS FOR THEIR TERRITORIAL SEA AND OTHERS HAVE REGULATIONS WHICH DIFFER FROM THOSE ESTABLISHED FOR THE FISHERY CONSERVATION ZONE. AS A RESULT, ENFORCEMENT PERSONNEL MUST DETERMINE WHERE FISH WERE CAUGHT IN ORDER TO PROVE A VIOLATION--AN IMPOSSIBLE TASK. FOR EXAMPLE, MAINE IMPOSES NO RESTRICTION ON AMOUNTS OF COD, HADDOCK, OR YELLOWTAIL FLOUNDER THAT CAN BE TAKEN FROM ITS TERRITORIAL WATERS. MASSACHUSETTS HAS ESTABLISHED REGULATIONS BUT THEY DIFFER FROM THOSE UNDER THE ACT. IT IS POSSIBLE, THEREFORE, FOR VESSELS TO CATCH THOUSANDS OF POUNDS OF GROUND FISH ILLEGALLY IN THE FISHERY ZONE AND REPORT THAT THEY WERE CAUGHT IN TERRITORIAL WATERS OF STATES WHERE THERE ARE NO RESTRICTIONS, SUCH AS MAINE.

ENFORCEMENT GOALS AND STRATEGIES
NEED TO BE ESTABLISHED

THE FISHERIES SERVICE ENFORCEMENT PROGRAM IS ALSO AFFECTED BY THE LIMITED NUMBER OF PERSONNEL AVAILABLE AND THE LACK OF APPROPRIATE EQUIPMENT.) THE NORTHEAST REGION HAS LESS THAN 30 ENFORCEMENT AGENTS ASSIGNED TO STATIONS RANGING FROM ROCKLAND, MAINE, TO HAMPTON, VIRGINIA. (WITHIN THE STATE OF MASSACHUSETTS, FIVE AGENTS AND ONE SUPERVISOR COVER 1,600 MILES OF COASTLINE, APPROXIMATELY 40 PORTS, AND OVER 1,000 FISHING VESSELS.) AGENTS' ENFORCEMENT ARE FURTHER HAMPERED BY THE FACT THAT MOST OF THEIR VEHICLES ARE OLD, UNRELIABLE, STATION WAGONS THAT ARE NOT EQUIPPED WITH RADIO COMMUNICATIONS EQUIPMENT AND OFTEN BREAK DOWN DURING INVESTIGATIONS.

NEITHER THE FISHERIES SERVICE NOR COAST GUARD HAVE DEVELOPED SPECIFIC ENFORCEMENT GOALS, STRATEGIES AND TECHNIQUES TO ACHIEVE THESE GOALS, OR IDENTIFIED AND OBTAINED RESOURCES NEEDED TO CARRY OUT THE STRATEGIES. CURRENT ENFORCEMENT ACTIVITY CONSISTS MAINLY OF SPORADIC RESPONSES TO TIPS FROM INFORMANTS OR SPECIFIC CRISES AND VARIED INVESTIGATIVE APPROACHES DEVELOPED BY INDIVIDUAL AGENTS. AS A RESULT, THE DEGREE OF COMPLIANCE WITH THE REGULATIONS CANNOT BE DETERMINED AND THERE IS NO ASSURANCE THAT THE REGULATIONS ARE BEING ENFORCED UNIFORMLY IN ALL AREAS.

(THE FISHERIES SERVICE HAS NOT ESTABLISHED THE PERCENTAGE OF VESSEL UNLOADINGS THAT SHOULD BE INVESTIGATED OR THE FREQUENCY OF INVESTIGATIONS FOR VESSELS OR PROCESSORS. IN ADDITION, THE SERVICE HAS NOT DEFINED THE ROLE OF ITS AGENTS OR PROVIDED GUIDANCE

TO THEM ON HOW TO USE THEIR TIME MOST PRODUCTIVELY. THE SERVICE FREQUENTLY TRANSFERS AGENTS FROM ONE GEOGRAPHICAL AREA TO ANOTHER TO RESPOND TO PROBLEMS AS THEY ARISE. THIS TAKES AWAY FROM THEIR ABILITY TO PROVIDE CONTINUOUS COVERAGE OF THEIR OWN JURISDICTIONS. BECAUSE OF THE NATURE OF ENFORCEMENT WORK, A REGULARLY SCHEDULED TOUR OF DUTY IS NOT PRACTICAL AND THE SERVICE'S OVERTIME POLICY RESULTS IN SPORADIC ENFORCEMENT. BECAUSE OF BUDGET RESTRICTIONS, OVERTIME IS AUTHORIZED ONLY FOR EMERGENCIES AND DURING FISHERY CLOSURES. IN SOME CASES AGENTS HAVE WORKED THEIR 40-HOUR WEEK BY WEDNESDAY AND NO ENFORCEMENT ACTIVITY TAKES PLACE DURING THE REMAINDER OF THE WEEK.

ENFORCEMENT HAS ALSO SUFFERED BECAUSE MANY COAST GUARD PERSONNEL ARE NOT TRAINED IN FISH IDENTIFICATION AND DO NOT UNDERSTAND THE REGULATIONS.

COORDINATION WITHIN THE FISHERIES SERVICE
BETWEEN THE SERVICE AND COAST GUARD

DIFFERENT GROUPS WITHIN THE FISHERIES SERVICE DO NOT ALWAYS WORK TOGETHER TO ACHIEVE THE GOALS OF THE ACT. THE STATISTICS BRANCH COMPILES CATCH STATISTICS FOR BOTH FOREIGN AND DOMESTIC VESSELS WHICH ENFORCEMENT AGENTS COULD USE TO DOCUMENT VIOLATIONS BUT NO PROCEDURES EXIST TO SHARE THE DATA. WE BELIEVE THAT THE ENFORCEMENT AGENTS NEED TO HAVE ACCESS TO THIS DATA IN ORDER TO IMPLEMENT AN EFFECTIVE ENFORCEMENT PROGRAM AND PROVIDE A CHECK ON THE ACCURACY OF THE DATA BEING SUBMITTED.

FISHERIES SERVICE AGENTS ASSISTED US IN ACTUALLY OBSERVING CATCH OFFLOADINGS OF SURF CLAMS IN VIRGINIA, MARYLAND, AND

NEW JERSEY AND COMPARING THE CATCH WITH THE QUANTITIES REPORTED BY THE VESSELS AND PROCESSORS TO THE SERVICE'S STATISTICS STAFF. THIS COMPARISON SHOWED THAT MANY FISHERMEN ARE UNDERREPORTING THE AMOUNT CAUGHT OR ARE NOT REPORTING AT ALL. OF THE 14 VESSELS OBSERVED OFFLOADING IN ONE MONTH IN 1978, EIGHT REPORTED CORRECTLY, THREE UNDERREPORTED THEIR CATCH, AND THREE DID NOT REPORT ANYTHING. THE PROCESSORS UNDERREPORTED THE AMOUNT PURCHASED FROM FOUR VESSELS AND DID NOT REPORT ANY PURCHASES FROM TWO VESSELS. THE RESULT OF THIS IS THAT THE SERVICE IS USING INACCURATE CATCH STATISTICS TO DETERMINE WHEN THE QUARTERLY ALLOCATION HAS BEEN CAUGHT AND WHEN TO CLOSE THE FISHERY.

ALTHOUGH DRAFT REGULATIONS WERE PUBLISHED ON JANUARY 9, 1978, TO PROTECT THE CONFIDENTIALITY OF THE STATISTICS PROVIDED TO NOAA, THEY HAVE NOT BEEN FINALIZED. FISHERIES SERVICE AGENTS WERE AT ONE TIME ALLOWED TO HAVE ACCESS TO THE DATA BUT NOAA RECENTLY DECIDED THAT ENFORCEMENT AGENTS IN THE NORTHEAST REGION WOULD NOT BE GIVEN ACCESS TO STATISTICAL DATA FROM LOGBOOK REPORTS SUBMITTED UNDER THE ATLANTIC GROUND FISH AND THE HERRING PLANS. A NATIONAL POLICY FOR THE LOGBOOK DATA COVERING ALL THE PERMITTED USES OF THE STATISTICS SUBMITTED UNDER THE OTHER MANAGEMENT PLANS AND THE PROCEDURES TO PROTECT THE CONFIDENTIALITY OF THE DATA HAS NOT YET BEEN DEVELOPED. THE ISSUE OF WHETHER OR NOT THESE STATISTICS CAN BE USED FOR ENFORCEMENT PURPOSES IS ALSO CURRENTLY IN LITIGATION.

ANOTHER PROBLEM IN COORDINATION STEMS FROM THE FACT THAT

FISHERIES SERVICE AND COAST GUARD ENFORCEMENT PERSONNEL HAVE NOT ALWAYS BEEN NOTIFIED OF CHANGES IN THE REGULATIONS IN A TIMELY MANNER, AND AS MENTIONED PREVIOUSLY, THESE CHANGES HAVE BEEN FREQUENT. FOR EXAMPLE, THE SURF CLAM PLAN AUTHORIZES THE FISHERIES SERVICE REGIONAL DIRECTOR TO CHANGE ALLOWABLE FISHING HOURS BASED ON THE RATE AT WHICH THE QUOTA IS BEING CAUGHT. HOWEVER, COAST GUARD AND SERVICE AGENTS WERE BEING NOTIFIED UP TO 1 WEEK AFTER THE CHANGE OCCURRED AND WERE BOARDING VESSELS AND ERRONEOUSLY ISSUING CITATIONS. SUCH ERRORS TEND TO DISCREDIT THE ENFORCEMENT EFFORT.

PENALTY SYSTEM HAS NOT BEEN A DETERRENT TO VIOLATIONS

THE ADMINISTRATION OF THE CIVIL PENALTY SYSTEM HAS NOT ENHANCED THE EFFECTIVENESS OF THE ENFORCEMENT PROGRAM BECAUSE THE PENALTIES IMPOSED DO NOT DETER VIOLATIONS. ALTHOUGH THE ACT AUTHORIZED PENALTIES UP TO \$25,000 PER VIOLATION AND FORFEITURE OF THE VESSEL AND ITS CATCH, SUCH PENALTIES HAVE NOT BEEN ASSESSED OR COLLECTED IN A TIMELY MANNER. MANY CASES FROM 1977 ARE STILL PENDING, AND IN THE FEW CASES THAT HAVE BEEN SETTLED, THE VIOLATORS PAID VERY SMALL PENALTIES.

UNDER THE TWO-STEP PROCESS FOR ADMINISTERING THE PENALTY SYSTEM, THE FISHERIES SERVICE ISSUES A NOTICE OF VIOLATION DESCRIBING THE VIOLATION AND IDENTIFYING THE PROPOSED PENALTY. THE RESPONDENT MAY EITHER REQUEST RELIEF, DISPUTE THE CHARGE, OR EXPLAIN ANY EXTENUATING CIRCUMSTANCES BEFORE THE SERVICE IMPOSES THE PENALTY WITH A NOTICE OF ASSESSMENT.

THE SERVICE TOOK 6 MONTHS TO REVIEW CASES AND SEND OUT NOTICES OF THE FIRST VIOLATIONS UNDER THE GROUND FISH REGULATIONS. IN ONE CASE A VESSEL OPERATOR WAS FOUND USING ILLEGAL GEAR ON MAY 14, 1977, BUT DID NOT RECEIVE A NOTICE OF VIOLATION UNTIL NOVEMBER 1977. HE FILED A PETITION FOR RELIEF AND FINALLY PAID A COMPROMISE PENALTY IN JULY 1978--14 MONTHS AFTER THE VIOLATION.

MANY CASES ARE STILL OPEN BECAUSE THE VIOLATORS DID NOT ACCEPT THE COMPROMISE PENALTY OFFERED BY THE SERVICE AFTER THE NOTICES OF VIOLATION WERE ISSUED AND THE SERVICE HAS MOVED VERY SLOWLY IN ISSUING THE NOTICES OF ASSESSMENT. AS A RESULT, NONE OF THE ATLANTIC GROUND FISH VIOLATION CASES HAVE BEEN THROUGH THE ENTIRE ADMINISTRATIVE PROCESS.

EVEN WHERE PENALTIES HAVE BEEN IMPOSED, THEY HAVE BEEN INADEQUATE WHEN COMPARED TO THE SERIOUSNESS OF THE VIOLATION. FOR VESSELS HARVESTING EXCESS FISH, THE PENALTIES HAVE BEEN MUCH SMALLER THAN THE VALUE OF THE ILLEGALLY CAUGHT FISH. BECAUSE OF DIFFICULTY IN PROVING VIOLATIONS OF SURF CLAM REGULATIONS, ONLY ONE MINOR PENALTY HAS BEEN COLLECTED.

EVEN WITH THE LOW COMPROMISE PENALTIES, COLLECTION HAS BEEN POOR. OF THE 84 VESSELS INVOLVED IN VIOLATIONS FROM MARCH 1977, THROUGH FEBRUARY 1978, ONLY 38 ACCEPTED THE COMPROMISE OFFER. THE REMAINING CASES WERE STILL UNRESOLVED AS OF JUNE 1979.

BOTH OF THE AGENCIES AS WELL AS THE STATES COMMENTING ON OUR REPORT AGREED THAT PROBLEMS DO EXIST AND THE REGULATIONS ARE DIFFICULT TO ENFORCE.

WE MADE A NUMBER OF RECOMMENDATIONS FOR IMPROVEMENT INCLUDING, AMONG OTHER THINGS, SUCH MATTERS AS:

- REVISING EXISTING PLANS TO RECOGNIZE DOCKSIDE ENFORCEMENT, TRIP LIMITATIONS, AND SINGLE QUOTAS,
- REQUIRING THAT FUTURE PLANS TAKE INTO ACCOUNT THE ENFORCEMENT PROBLEM,
- ENCOURAGING STATES TO REGULATE FISHING IN THEIR TERRITORIAL WATERS,
- DEVELOPING SPECIFIC ENFORCEMENT GOALS AND STRATEGIES TO ACHIEVE THESE GOALS, AND
- IMPOSING STIFFER PENALTIES FOR VIOLATIONS

A NUMBER OF ACTIONS ARE ALREADY BEING TAKEN. FOR EXAMPLE, NOAA ADVISED THAT IT HAS UNDERTAKEN AN EFFORT TO ESTABLISH SPECIFIC GOALS AND STRATEGIES FOR ENFORCEMENT AND THE COAST GUARD ADVISED THAT A CONTRACT IS BEING LET FOR A STUDY TO PROVIDE A REVISED MODEL FOR THE COAST GUARD'S FISHERIES LAW ENFORCEMENT.

FOREIGN ENFORCEMENT

ALTHOUGH OUR BRIEF LOOK AT FOREIGN FISHING IN THE FISHERY CONSERVATION ZONE SHOWED THAT IT IS BEING CONTROLLED, WE IDENTIFIED SOME AREAS WHERE MORE CAN BE DONE TO STRENGTHEN THE ENFORCEMENT PROGRAM IN THE NORTH ATLANTIC. UNDER THE EXISTING APPROACH, NEITHER THE SERVICE NOR THE COAST GUARD CONFIRMS THE ACCURACY OF CATCH STATISTICS REPORTED BY FOREIGN VESSELS. SUCH CONFIRMATION IS NEEDED TO ENSURE THAT FOREIGN VESSELS ARE NOT

EXCEEDING THEIR QUOTAS. ALTHOUGH STATISTICAL CATCH DATA IS COMPILED BY SERVICE OBSERVERS ABOARD FOREIGN VESSELS AND IS READILY AVAILABLE, SERVICE AGENTS DO NOT USE IT TO CHECK THE ACCURACY OF THE VESSEL REPORTS. OTHER PROBLEMS THAT WEAKEN THE ENFORCEMENT EFFORT INCLUDE HIGH OBSERVER TURNOVER, UNTIMELY PROCESSING OF VIOLATIONS IDENTIFIED BY OBSERVERS, AND THE LACK OF SUFFICIENT TRAINING FOR COAST GUARD ENFORCEMENT PERSONNEL IN IDENTIFYING AND DOCUMENTING VIOLATION CASES. ALSO, A MORE VIGOROUS PENALTY ASSESSMENT SYSTEM IS NEEDED FOR FOREIGN VIOLATIONS.

(OBSERVERS ARE ASSIGNED TO FOREIGN VESSELS FOR PERIODS RANGING FROM A FEW DAYS TO SEVERAL WEEKS.) DURING 1978, OBSERVERS WERE ASSIGNED TO 97 OF THE 110 FOREIGN VESSELS IN THE NORTHWEST ATLANTIC. THIS REPRESENTED COVERAGE OF 88 PERCENT OF THE VESSELS BUT ONLY 20 PERCENT OF THE TOTAL FISHING DAYS. VARIOUS PROPOSALS FOR THE LEVEL OF OBSERVER COVERAGE HAVE BEEN DISCUSSED BUT A FINAL DECISION HAS NOT YET BEEN MADE. WE BELIEVE IT WOULD BE UNNECESSARY TO HAVE AN OBSERVER ON EACH FOREIGN VESSEL FOR THE ENTIRE TIME IT IS IN THE ZONE BECAUSE MANY OF THE COUNTRIES HAVE A GOOD REPUTATION FOR SUBMITTING ACCURATE DATA. IN ADDITION, IT WOULD BE IMPRACTICAL TO EMPLOY ENOUGH OBSERVERS TO PROVIDE TOTAL COVERAGE BECAUSE THE NUMBER OF VESSELS FLUCTUATES SIGNIFICANTLY DURING THE YEAR. THE EXTENT OF THE COVERAGE IS NOT AS IMPORTANT AS THE QUALITY OF THE COVERAGE AND THE ASSURANCE THAT THE RESULTS OF THE OBSERVERS' SURVEILLANCE WILL BE EFFECTIVELY UTILIZED FOR ENFORCEMENT PURPOSES. WITH

THIS IN MIND WE RECOMMENDED THAT THE ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

--IMPROVE THE OBSERVER PROGRAM BY REDUCING THE TURNOVER RATE OF THE OBSERVERS SO THAT THEY CAN DEVELOP PROFICIENCY TO PERFORM BOTH THE BIOLOGICAL SAMPLING AND THE COMPLIANCE FUNCTION AND BY ASSURING THAT FOREIGN VIOLATIONS IDENTIFIED BY OBSERVERS ARE PROCESSED IN A TIMELY MANNER.

--REQUIRE THAT OBSERVER REPORTS BE USED ON A ROUTINE BASIS TO VERIFY THE CATCH REPORTED BY FOREIGN VESSELS.

--ASSURE THAT PENALTIES FOR VIOLATIONS ARE ASSESSED AND COLLECTED PROMPTLY.

THE FISHERIES SERVICE ADVISED US THAT A NUMBER OF METHODS ARE AVAILABLE WHICH WHEN USED IN CONCERT, WILL INSURE THAT FOREIGN ALLOCATIONS ARE NOT EXCEEDED. THE SERVICE STATED THAT THESE METHODS WERE NOT APPLIED ROUTINELY IN THE NORTHEAST REGION BECAUSE FOREIGN FISHING WAS SO TIGHTLY CONTROLLED DURING 1977 AND 1978 THAT FOREIGN FISHERMEN WERE UNABLE TO HARVEST A SIGNIFICANT QUANTITY OF THE FISH ALLOCATED TO THEM.

THE SERVICE ALSO DISAGREED WITH OUR ASSERTION THAT THE TURNOVER RATE AMONG OSERVERS SIGNIFICANTLY AFFECTED ITS ABILITY TO ACCOMPLISH PROGRAM GOALS.

WE ALSO RECOMMENDED THAT THE SECRETARY OF TRANSPORTATION DIRECT THE COMMANDANT OF THE U.S. COAST GUARD TO ASSURE THAT

PERSONNEL ENGAGED IN FOREIGN ENFORCEMENT RECEIVE ADEQUATE TRAINING IN IDENTIFYING VIOLATIONS OF THE ACT AND DOCUMENTING VIOLATION CASES.

MR. CHAIRMAN, THIS CONCLUDES OUR TESTIMONY. WE SHALL BE PLEASED TO RESPOND TO ANY QUESTIONS YOU MAY HAVE.