Conducting PSM Inspections in accordance with the Agreement

NOAA FISHERIES

DEPARTMENT OF CON

NOAA

NATIONAL

Office of Law Enforcement

SEAFDEC Regional PSM Inspector Training Bangkok, Thailand

22-26 July 2019

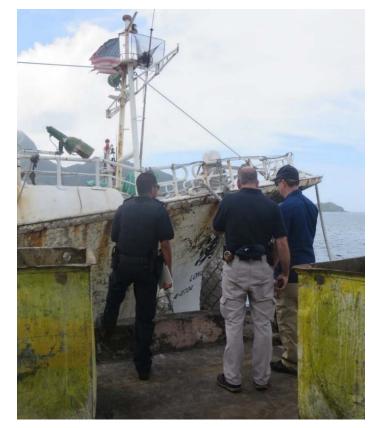
Health, Safety and Security Issues



Health, Safety and Security Issues

Inspector training should include:

- Safety training
- Developing boarding plans
- Coordinating boarding teams
- Conducting pre-boarding risk assessments





Personal Protective Equipment

- Body armor
- Intermediate weapon
- Handcuffs
- Personal flotation device (at sea)
- Latex gloves
- Protective gloves





Personal Protective Equipment Continued

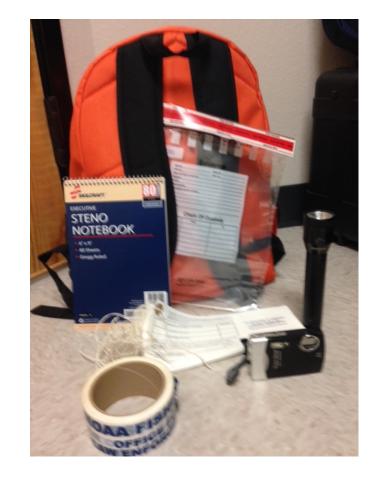
- Reflective wear
- Hard hat
- Steel toe boots
- Ear plugs
- Rain gear





Boarding kit

- Camera or Video Camera
- Watch
- Measuring tape
- Notebook
- Calculator
- Copy of applicable fisheries regulations
- Chart of local waters.
- Fish ID guide
- Plastic seizure bags for evidence.
- Seizure tag receipts
- Vessel VMS/AIS plot (if available)
- Identification
- Chart of Maritime Zones and EEZs
- Language Cards





Boarding Resources for Inspectors

Guide Books / Pocket guides that contain:

- National regulations
- Boarding checklist
- Translated RFMO guides
- Common/Major CMMs
- Species guides
- Vessel/gear type guides
- Translated materials
- FAO Alpha Codes



Boarding Officer Checklist



Inter-American Tropical Tuna Commission Conservation and Management Measures (CMMs) Guide

Pre-Boarding – Risk Assessments

- The risk assessment is an essential part of a preinspection briefing so that everyone in the boarding party knows their responsibilities.
- In addition to being responsible for each other, the boarding party also has a responsibility to the master and crew not to do anything that creates a potential health, safety, and security issue.



Pre-Boarding – Risk Assessments

The risk assessment should cover:

- Boarding and disembarking the vessel
- Moving around the vessel
- Slips, trips and falls
- Communication with the crew
- Conflict with crew
- Confined space entry and exit
- Searching activities
- Firearms or other weapons on-board





Pre-Boarding – Risk Assessments

- Instructions to master
- Risk Assessment:
 - Appearance of vessel
 - Normal compliance vessel vs. high risk
 - Location
 - Crowd
 - Activity/actions of persons on board (POB)
 - Environment

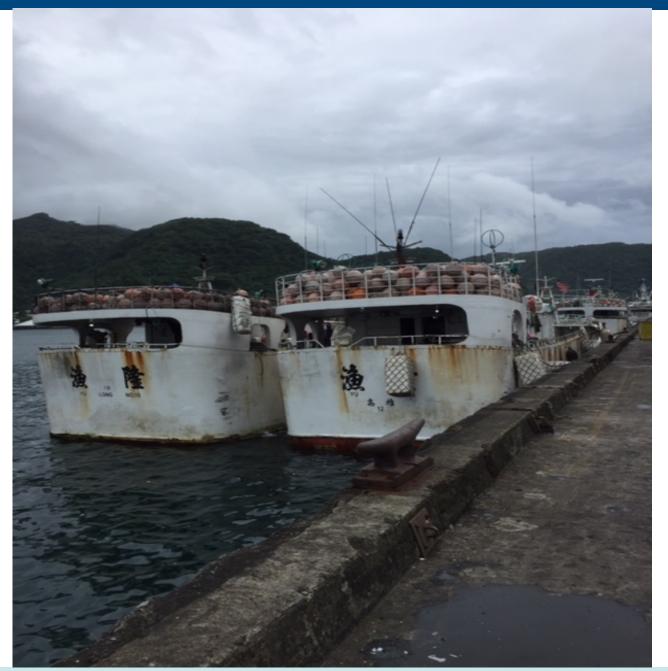




Dockside Considerations

- Moorings
- Tides
- Vessel configuration
- Surrounding vessels
 - People
 - Activity
- In-port activities
 - Mending nets
 - Cutting lines
 - Dressing/filleting fish



















Pre-Inspection Plan

- Every Effort shall be made by the boarding officer and team to be courteous and respectful to the crew
- At the same time it is essential that the crew realize and understand the Boarding Party's authority and duties.
- Your primary focus of the boarding is to ensure that the vessel is in compliance with the terms and conditions of their license agreements.
- After making a communication link with the crew, Lead Boarding officer will request ships documents from the captain for verification and inspection, as boarding team initiates inspection of gear, catch and spaces.



Boarding

Duties of the first team member to board

- Secure the embarkation point.
- Determine if it is safe for the rest of the team.
- Give the signal to board, if safe.
- Keep master and crew away from the embarkation point.
- Remain focused on security while the team embarks.
- If facing an immediate threat, take a defensive position or retreat to the small boat or dock.

Boarding

Team Embarkation

- Safety issues
- Who's 1st?

Positioning

- Contact/cover
- Line of fire
- Bunching
- Observation
- Triangulation





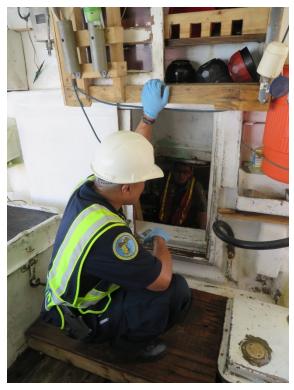
Conducting PSM Inspections





Inspection Requirements

- Inspections "sufficient to achieve the objectives" of the Agreement
- Establishes criteria for prioritizing vessels to be inspected
- Minimum standards for the conduct of vessel inspections including:
 - Required inspection of all relevant areas, gear, equipment, documents, etc. (Annex B)
 - Inspection reports (completion and dissemination) (Annex C)
 - Inspector training (Annex E)



Conduct of Inspections

- Annex B as minimum standard
- Qualified Inspectors
- Properly identification to master



 Inspect all relevant areas, fish onboard, gear, equipment, documents and records



Port State Inspection Procedures Continued

*Excerpt from Annex B

- a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c) verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex A;
- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or relevant regional fisheries management organizations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;



Port State Inspection Procedures

*Excerpt from Annex B

- e) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorizations;
- g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;



Port State Inspection Procedures Continued

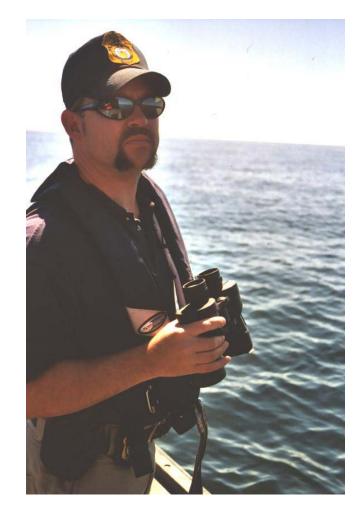
*Excerpt from Annex B

- h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and
- j) arrange, where necessary and possible, for translation of relevant documentation.



Article 13 – Conduct of Inspections

- All necessary assistance from vessel master
- Avoid undue delays to vessel
- Facilitate communications (interpreter where possible)
- Fair, non-discriminatory inspection
- Not interfere with communications





Before the Boarding

- Check for vessel priors
- Check relevant RFMO Record of Vessel and IUU Vessel Lists
- Owner information
- Catch history
- Criminal history if master or crew are known.



Before the Boarding: General Observations

- Vessel flag / nationality /name
- Vessel type
- Vessel location
- Gear in the water (take photos)
- Fish on deck
- Number of crew on deck
- Unusual hull markings
- Electronics

OAA FISHERIES



Before Boarding the Vessel

- Document vessel name and markings.
- Take photos of vessel and gear.
- Vessel markings may include:
 - U.S. Documentation number.
 - Port of Registry.
 - IMO number.

If no markings: look for engine ID plate.



Vessel Markings





Boarding the Vessel

- Ask the master to muster the crew on deck.
 - Secure the crew.
- The lead officer or inspector goes to the bridge while team members perform a vessel security check.





Boarding the Vessel: Meet with Master

- Show your identification and introduce yourself.
- Explain what you and the boarding team will be inspecting.
- Ask the master for relevant documents.





Inspection Procedures

Use a Vessel Boarding Checklist - a tool which:

- Prevents the officer or inspector from missing relevant information.
- Ensures consistency...same procedure is used when boarding every vessel.





Boarding

- □ Identify yourself to the vessel master, provide your credentials, and explain your reason for boarding (e.g., all foreign vessels are subject to the Port State Measures Agreement (PSMA) Act.
- □ Board and survey the vessel for safety
- $\hfill\square$ Muster and Control the crew
- □ Inspect the vessel for relevant RFMO
- \Box Interview the vessel master (captain)
- \square Ask the master lots of questions about their trip and activities.
- \Box Where did they fish?
- \Box How many sets did they do?
- \Box Did they catch as much as they expected?
- \Box What was the weather like
- □ Request and examine the following documents from the vessel master:
- □ Crew List and passports
- □ Masters Name and address
- □ Fishing Master's name and address
- $\hfill\square$ Names and nationalities of the crew
- □ Vessel Agent name and contact Information
- Document all indications of ownership and ownership interests:
- \Box RFMO records
- □ Vessel documents
- □ Fishing / transshipment authorizations
- \Box Any corporate documents
- □ Information on joint ventures and other companies with an interest in the vessel or licenses and permits
- □ **Verify that ownership information is consistent on all documents
- □ Analyze logbook data and verify positions against electronic data.
- \Box Other Documents to examine:
- □ Captain's Notebook
- □ Fish Master's Journal
- □ FAD Log (purse seine)
- □ Engine Room Log
- □ Freezer Log
- Bunker Receipts
- □ Mate's Receipts
- 🛛 Radio Log
- □ Crew Bonus Log



- Wastewater Log
- □ Radio Log
- $\hfill\square$ Check that VMS unit is on.
- \Box Examine the catch onboard and compare to the logbooks (records)
- □ Conduct an inspection of the vessel's holds, fridges, freezers, deck and below decks area to assess the quantity and type of catch on-board.
- □ Check the general layout of the vessel and the dimensions of holds and look for any evidence of hidden holds or hidden compartments within holds.
- \Box Records quantities of non-target catch and prohibited catch or fish parts.
- □ Verify against your inspection notes concerning catch onboard the vessel and from the offload.
- □ Ask questions about any discrepancies or unusual findings or observations.
- Determine the total catch obtained using fishing logs and transshipment data (received catch).
- Determine the total catch offloaded and/or retained by the vessel.
- \Box Compare the two quantities to ensure accurate reporting by:
- □ Species
- □ Weight
- □ Product types
- □ Ensure gear is properly stowed
- □ Search for RFMO Conservation & Management Measures (CMMs) such as, but not limited to:
- □ Fishing Authorizations/Permits (WCPFC, CMM 2013-10)
- □ Transshipment permits and records (WCPFC, CMM 2009-06 and IOTC 14/06)
- □ VMS (WCPFC, CMM 2014-02 and IOTC 15/03)
- U Vessel markings and identification (WCPFC, CMM 2004-03), (FAO).
- □ Daily catch and effort reporting (IOTC 15/01) applies to all vessels \rightarrow WCPFC is purse seine only
- □ Data buoys (WCPFC, CMM 2009-05 and IOTC 11/02)
- □ FAD closures and catch retention (WCPFC CMM 2009-02 and IOTC 15/08)
- □ Gear Markings (IOTC 15/04)
- □ Sharks (WCPFC, CMM 2010-07 and IOTC 13/05, 13/06)
- □ Oceanic Whitetip Sharks (WCPFC, CMM 2011-04) WCPFC only
- □ Silky Sharks (WCPFC, CMM 2013-08) WCPFC only
- □ Regional Observer Program (ROP) Requirements(WCPFC, CMM 2006-08 & 2007-01 and IOTC 11/04)
- □ Conservation and management measure addressing the impact of purse seine activity on cetaceans- dolphins, whales, and porpoises (WCPFC, CMM 2011-13 and IOTC 13/04)
- □ Whale Sharks(WCPFC, CMM 2011-04 and IOTC 13/05) (purse seines only)
- \Box No shark fins on board

References

- □ WCPFC: <u>https://www.wcpfc.int/conservation-and-management-measures</u>
- □ IOTC: http://www.iotc.org/



Interview the Master

Possible Questions:

- When did you leave port?
- Where is your next port stop?
- Who owns the vessel?
- What species have you been targeting?



• Did you transship any fish?

*Follow the boarding form but think beyond the form.

Documents to Review

- Certificate of Registration
- Crew List
- Ship's Particulars
- Fishing Licenses/Permits
- Catch Report
- Ship's Log
- Master's personal logbook

Note: If you are unsure of what you are looking at, take a photograph!



Certificate of Registration

FFA Cert	Register ificate of Registratio
tegistration as at 26 August 2010	A A A
his is to certify that the following vesse tegister	el has achieved good standing on the FFA Vessel
Vessel details	
Vessel Identifier (FFA VID) Name of vessel in English Flag Vessel Type	Longline
International Radio Call Sign Flag State Registration number Length Overall (m)	18.02
Gross Tonnage Current Status	15.65 19.00 Good Standing
FFA VMS Mobile Transceiver Unit	
Inmarsat Mobile Number (IMN) Manufacturer Make	443200224 Furuno Inmarsat-C MES Transceiver
Make Model Unit Serial Number FFA Registration Scal Serial Number	Felcom 16 3534-7781
Applicant details	
Company name	
Address	



Crew List

U.S. Department of Justice Immigration and Naturalization Service

Passenger List - Crew List

Prior to annual in the United States, complete a separate form for a) working crew, and ful passengers and supernumeranes. In addition to its initial completion, the crew hat shall be updated to reflect crew changes and other relevant estivity (or fack thereof) unit the vessel departs the United States.

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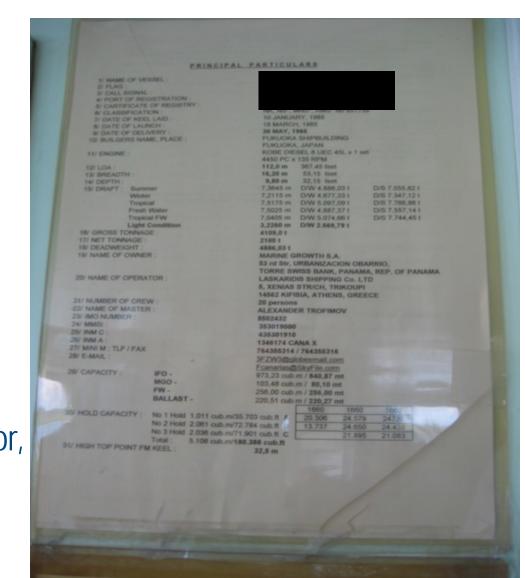
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recorded in the Data Joined column. The Data Separated column must be used when a listed crewman is approacted from the vessel while it is in the United States. Any cremmen designaled as "REFUSED" in the "Covernment Use Only" column is to be detained on the vessel at all times.

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Ships Particulars

- Vessel Name
- Flag, Call Signal
- Port of Registration, Certificate of Registry
- Classification, Builder Name
- Engine Type, LOA, Breadth, Draft, Gross Tonnage, Net Tonnage
- Names of Owner, Operator, Master, Crew
- IMO Number
- Hold Capacity





Ships Particulars

中國驗船中心 ——hina Corporation Register of ShippingORIGINAL

ESTABLISHED UNDER THE AUTHORITY OF MUNISITY OF TRANSPORTATION AND COMMUNICATIONS, REPUBLIC OF CHIMA

HEAD OFFICE STMPL ISS NAMENG BALT ROAD ALCTION I TAIPES IN, TAIWAR REPUBLIC OF CHINA

2.

TEL: 605-2-25002111 FAX: 600-2-25014722

Repúblic

REPORT OF GENERAL CONDITION SURVEY

REF. NO. 719-07-044

SHIP'S NAME:F/V.HUNG JIE WEI NO.2(EX.CONCHITA VIII) THIS IS CERTIFY That the undersigned surveyor.did a general condition survey afloat/slipway at Puntarenas of Costa Rica. the request of owner's with Agency, and based ship's plans and information provide and the general condition observed as follows

1. PRINCIPAL PARTICULARS

Name of Vessel Port of Registry Registration Number Call Sign IMO Number Type of Vessel Material of Hull Gross Tonnage Net Tonnage Principal Dimensions Year of Built Builder Main Engine Aux.Engine Ref.Compressor Complement Service

Fishing vessel LL. F.R.P. 79.00 24.00 L=23.80 B=5.00 D=2.00 2002 SHING SHENG FA BOAT BUILDING. CUMMINS KTA19-M3/400PS. 6D16T/132KW x 2set. 5H80/2set/carrier. 15P. 10.05 Knots

CONDITION SURVEY REPORT Hull Machinery Navigational Equipment Radio Equipment Life Saving Appliances Fire Fighting Equipment Cargo Spaces Accommodations Other(Specify)

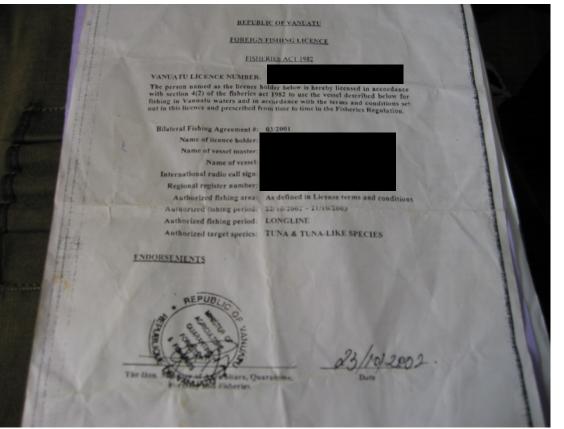
Satisfactory condition. Satisfactory condition. Operating condition. Satisfactory condition. Satisfactory condition. Good condition. Satisfactory condition. Steering Gear Good condition. on report NO.719-07-044,

3.REMARKS: The undersigned surveyor on report NO.719-07-044, concluded that vessel "F/V.HUNG JIE WEI NO.2" WAS found in SERVICEABLE CONDITION.





Fishing License







Fishing License

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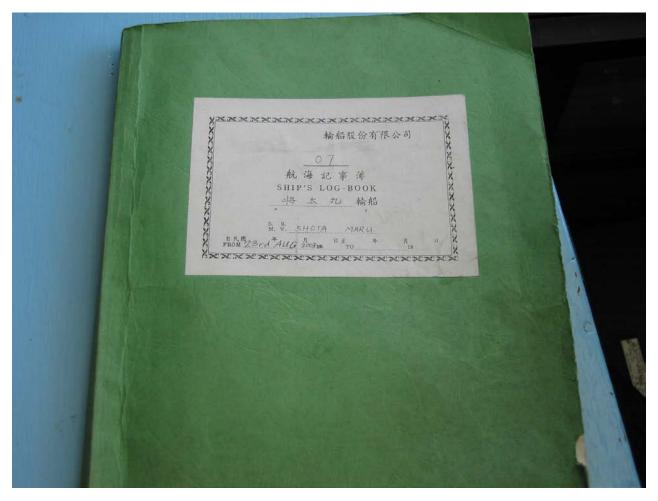


Catch Report

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Ship's Log





Evaluate and Compare Records

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INTERNATIONAL FISHING LOG

Ask the master lots of questions about their trip and activities. Where did they fish? How many sets did they do? Did they catch as much as they expected? What was the weather like?

There may be substitutes for the real records, so <u>always</u> be on the lookout for hidden /duplicate logbooks or catch records.

Compare other records, such as FAD logs, engineering logs, captain and fish master logs/journals to official logbook records.

Other Documents of Potential Interest

- Captain's Notebook
- Fish Master's Journal FAD Log
- Engine Room Log
- Ice /Bait Receipts
- Bunker Receipts
- Mate's Receipts
- Radio Log
 Crew Bonus Log
 Wastewater Log



MARPOL Pollution / Oily water discard Record real locations and catch harvests, may be different from official logs

Transfer of fuel & supplies, indicating length of trip & time on fishing grounds, Transfers of catch

Crew's pay is often based, at least partially, on the quantity of fish caught. Some crewmembers may keep records / notes of how much fish was caught and when it was caught.









Analyze logbook data and verify positions against electronic data



Does geographic and positional data from the vessels electronics and documents match up?

Compare:

- Plotter,
- VMS,
- Logbooks,
- Unofficial logs and notebooks,
- Other submitted reports (entry/exit),
- Vessel Officers Statements,
- Observer Records



Radar and VMS Antenna





Fishing Gear

- Examine all fishing gear onboard for compliance with applicable regulations.
- Check features such as: mesh size, configuration of nets, pots, dredges, hook sizes and numbers.





Fish

- Examine the fish to determine species composition.
- If observers are on board, ask them questions about the catch.





Report of the results of the inspection

PSMA Annex C Port State Inspection Form

1. Inspection rep	ort no					2. Por	t State					
3. Inspecting aut	hority											
4. Name of princ	ipal insp	ector		ID								
5. Port of inspect	ion											
6. Commenceme	n	YYY	Y		MM	DD	HH					
7. Completion of	on		YYYY			MM	DD	HH				
8. Advanced noti	fication	receiv	ed			Yes		2	No			
9. Purpose(s)	LAN	T	RX	P	RO	OT	H (specify)					
10. Port and Sta of last port call	. Port and State and date last port call						YYYY	MM	DD			
11. Vessel name												
12. Flag State												
13. Type of vesse	ī —											
14. International	Radio C	Call Si	gn									
15. Certificate of												
16. IMO ship ID,												
17. External ID ,												
18. Port of regist	ry											
19. Vessel owner	(s)											
20. Vessel bene known and diff owner												
21. Vessel operat from vessel owne		differ	ent									
22. Vessel master	r name a	nd na	tional	lity								
23. Fishing maste	er name	and n	ation	ality								
24. Vessel agent												
25. VMS	No		Yes:	Nation	al	Yes: RI	FMOs	Type:				
26. Status in RFM undertaken, incl				0		ng relate	ed activitie	es have b	een			
Vessel identifier	RFM	0		g State tatus	V		authorized sel list		el on IUU ssel list			
					_							



PSMA Annex C Port State Inspection Form

27. Relev	ant f	ishin	g authoriza	tion(s)		_				
Identifier			Issued by	Validity	v	Fisi	hing	area(s)	Specie.	s Gear
28. Relev	ant t	ranss	shipment a	uthorization	1(s)					
Identifier			•	Issued by	Ì		Va	alidity		
Identifier				Issued by			Va	alidity		
29. Tran	sship	ment	informatio	on concerni	ng de	onor v	esse	ls		
Name	me Flag State ID no.		Spe	ecies		roduct form	Catch area(s)	Quantity		
30. Evalı	iatio	n of o	ffloaded ca	tch (quanti	ty)		I			
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31. Catch	ı ret:	ained	onboard (c	(uantity)				,		
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35. Туре	of ge	ear us	sed							
36. Gear accordan of Annex	ice w		in aragraph ej) Yes N	0	Comm	ents			
37. Findi	ngs l	oy ins	pector(s)							
38. App instrume			fringement	t(s) noted	inc	ludinş	g r	eference	e to rele	evant leg:





39. Comments by the master	
40. Action taken	
41. Master's signature	
42. Inspector's signature	



Prior to Disembarking

- Quick team meeting
- Gather boarding materials/evidence
- Return items to master/crew
 - ID
 - Vessel document
 - Permits





Be Prepared...

Any information you obtain about the vessel before the boarding will:

Save time, increase safety, and help you know what to expect.

Use Your Time Wisely...

Be thorough while on board. Once you leave the vessel, evidence may be destroyed.



Detection of IUUF Violation and Denial of Port Services



Article 11 – Use of Ports

Deny use of port for:

- Landing, transshipping, packaging & processing of fish not previously landed
- Other port services refueling, resupplying, maintenance and dry-docking







Deny Use of Port if:



Invalid authorization for fishing or fishing related activities required by:

- Flag State
- Coastal State



Deny Use of Port if:

- Clear evidence fish on board taken in contravention of applicable requirements.
- Flag State does not confirm within reasonable time (upon request of port State) fish onboard was taken in accordance with applicable requirements.

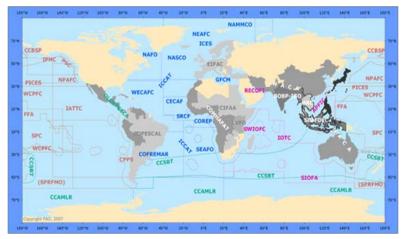




Deny Use of Port if:

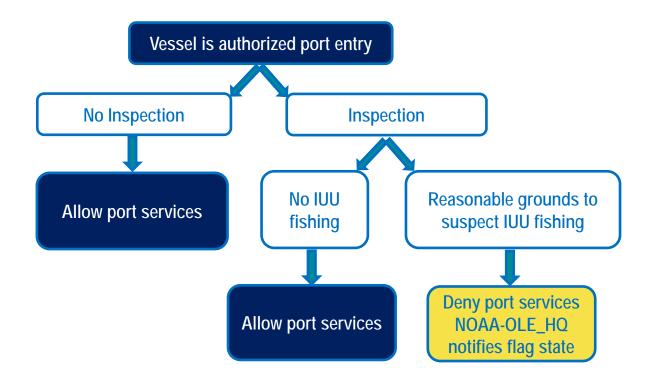
There are reasonable grounds to believe a vessel was engaged in IUU fishing or fishing related activities in support of such fishing *unless* the vessel can establish:

- Activities consistent with conservation measures.
- In the case of provisioning, the vessel provisioned was not an IUU vessel at the time.





Port State Inspection Procedures



*Required to allow access to port services, where appropriate, for the scrapping of the vessel may not be denied.



Denial of Port Services

If, as a result of an inspection, there are reasonable grounds to suspect that a vessel has engaged in IUUF (or fishing-related activities in support of IUUF), what is the process for ceasing/denying port services?
Who has the authority to deny port services?
How is the denial of port services implemented and enforced?

• How is the decision to deny port services communicated to other relevant authorities?

• Who is responsible for communicating port service denials to the flag State, and other relevant entities in accordance with the PSMA?



Denial of Port

Services

"No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it."

--Theodore Roosevelt

