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# U. S. COAST GUARD ENFORCEMENT REPORT

(IPHC Areas 2A, 2C, 3A, 3B, 4A, 4B, 4C, 4D and 4E)



## TO THE INTERNATIONAL PACIFIC HALIBUT COMMISSION

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*Prepared By:*

*Eleventh U.S. Coast Guard District (dre)*  
*Thirteenth U.S. Coast Guard District (dre)*  
*Seventeenth U.S. Coast Guard District (dre)*

## I. Coast Guard Resources in Pacific Northwest and Alaska

The U.S. Coast Guard (USCG) has three districts overseeing U.S. waters of the western coastal states, including Alaska. The Eleventh District (D11) area of responsibility includes the southern portion of IPHC Area 2A and all the waters off the coast of California out to 200 nautical miles. The Thirteenth District (D13) area of responsibility includes the northern portion of IPHC Area 2A and all waters off the coasts of Washington and Oregon out to 200 nautical miles, as well as Washington internal waters. The Seventeenth District (D17) area of responsibility includes all waters off Alaska out to 200 nautical miles, and encompasses the IPHC Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E. Resources used for fisheries enforcement include cutters, aircraft, and boats from coastal stations.

### Cutters:

- The 378-foot High Endurance Cutter USCGC DOUGLAS MUNRO and 282-foot Medium Endurance Cutter USCGC ALEX HALEY home-ported in Kodiak, AK regularly patrol the Bering Sea in addition to periodic patrols of North Pacific waters.
- 418-foot National Security Cutters and 378-foot High Endurance Cutters from California, Washington, and Hawaii are periodically assigned to patrol D13 and D17 waters or to monitor fisheries activity during transits to other operating areas.
- Six 225-foot buoy tenders conduct periodic law enforcement and are home-ported in San Francisco, Astoria, Sitka, Cordova, Seward, and Homer.
- Three 210-foot Medium Endurance Cutters are also occasionally assigned to dedicated patrols in D11's and D13's waters or to monitor fisheries activity. These cutters are home-ported in Astoria, OR and Port Angeles, WA.
- Five 110-foot patrol boats are stationed from Ketchikan to Homer, another two are stationed in Port Angeles and in Coos Bay, and one is stationed in San Diego.
- Nine 87-foot Coastal Patrol Boats located in Puget Sound and Strait of Juan de Fuca ports with an additional thirteen 87-foot Coastal Patrol Boats providing coverage along the California coast.
- Two 154-foot Fast Response Cutters (USCGC JOHN MCCORMICK and USCGC BAILEY BARCO) are expected to be delivered to Ketchikan, AK in the spring and summer of 2017.

### Aircraft:

- Fixed wing and rotary wing aircraft are based in air stations in Kodiak, Sitka, Port Angeles, Astoria, North Bend, Humboldt Bay, Sacramento, San Francisco, Los Angeles, and San Diego.

### Stations:

- D11 has nine coastal boat stations, two boat stations in California internal waters, and one boat station located in Lake Tahoe.
- D13 has eleven coastal boat stations in Washington and Oregon, as well as three stations in Washington internal waters and one on the Willamette River (Portland).
- Two additional seasonal stations are operated in Central and Southern Oregon during summer months with higher boating activity.
- D17 has three coastal boat stations in Ketchikan, Juneau, and Valdez.

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The primary at-sea fisheries enforcement assets are our cutters, ranging in size from the 87-foot patrol boats up to the largest cutters. Patrol boats are more limited in sea keeping abilities, and conduct the majority of enforcement inside of 50 nautical miles from shore. In D11 and D13, the 87-foot Coastal Patrol Boats have increased their fisheries enforcement presence over the past few years. This role is fulfilled by 110-foot patrol boats in Alaskan waters which provide regular law enforcement presence in the commercial, charter, subsistence, and recreational fishing fleets. However, in both instances, patrol boat operations offshore are limited by weather. These limitations are expected to be met with the introduction of the new Fast Response Cutters, which have increased operating parameters than the 110-foot patrol boats.

Beyond 50 nautical miles, we rely upon our larger cutters to enforce all federal fisheries regulations, with National Security Cutters and High Endurance Cutters from throughout the west coast assigned to patrol Alaskan waters. The 210-foot Medium Endurance Cutters are occasionally assigned to enforcement patrols within D13 waters and conduct fisheries enforcement while transiting through D11 waters.

The boat stations primarily focus on recreational, subsistence, and charter halibut activity in their regions, although this does not preclude them from boarding commercial vessels sighted in the course of normal duties.

Fisheries law enforcement flights are conducted daily from air stations in Kodiak, Sitka, Port Angeles, Astoria, North Bend, Humboldt, San Francisco, Los Angeles, and San Diego using a variety of assets from fixed wing HC-130 to MH60 and MH65 helicopters. Additionally, fixed-wing aircraft from Sacramento, California may conduct surveillance flights along the entire west coast and throughout the Eastern Pacific. During 2016, Air Station Sacramento completed the transition from HC-130 aircraft to a new fixed-wing platform, the HC-27J, which will continue to conduct medium range flight patrols.

All units involved in fisheries enforcement receive training from the Coast Guard's North Pacific Regional Fisheries Training Center in Kodiak, Alaska or the Coast Guard's Pacific Regional Fisheries Training Center in Alameda, California prior to patrolling a specific region. NOAA Office of Law Enforcement (OLE) agents and state fisheries enforcement officers routinely participate in the training, as well as riding on cutters and aircraft during fisheries enforcement patrols. The success of USCG fisheries enforcement operations is enhanced by collaboration with our enforcement partners from NOAA OLE and the states of California, Washington, Oregon, and Alaska.

## II. Commercial Halibut Enforcement

In 2016, the USCG distributed its enforcement assets throughout the IPHC Areas, with boarding amounts listed in Table 1. The USCG enforcement focus is to protect the resource in accordance with the fishery management plan, to ensure equal economic opportunity for all participants, and to enhance safety at sea.

**Table 1. 2015 & 2016 Geographic Distribution of Boardings on Vessels Targeting Halibut**

IPHC Area	2015 Boardings	2016 Boardings
2A	64	28
2C	247	256
3A	35	178
3B	2	2
4A	14	17
4B	3	8
4C	0	1
4D	0	3
4E	0	0

In Area 2A, three ten-hour non-tribal commercial halibut derbies took place during the 2016 season - June 22<sup>nd</sup>, July 6<sup>th</sup>, and July 20<sup>th</sup>. The USCG placed a high priority on monitoring activity with dedicated cutter and aircraft patrols during the derbies, as well as during the associated pre-season closures.

USCG enforcement efforts during the commercial halibut derbies focused on IPHC regulations, such as: (1) ensuring vessels fishing during the pre-season closures did not participate in the derbies without first undergoing a state hold inspection, (2) ensuring vessels were properly permitted to participate and ensuring their permits were onboard during the derbies, (3) inspecting catch for compliance with size restrictions and overall catch limits, (4) ensuring fishing gear was in compliance, and (5) ensuring vessels were not fishing after the derby closure if they had halibut on board. Finally, the USCG focused on ensuring vessels complied with federal commercial fishing vessel safety regulations.

In addition to IPHC regulations, west coast Non-Trawl Rockfish Conservation Areas (RCAs) have been closed to the use of fixed-gear to retain groundfish, including Pacific Halibut, since 2002. VMS carriage requirements have been in place to monitor the RCAs since 2003 and the carriage requirements were expanded significantly in 2008 to encompass open access groundfish vessels, which includes many of the participants in west coast commercial halibut derbies. The

Non-Trawl RCA is a high enforcement priority during commercial halibut derbies. No RCA violations associated with commercial halibut derby activity have been detected since 2013.

In Areas 2C through 4E, the commercial fishery is rationalized with the 2016 season lasting from March 19<sup>th</sup> to November 7<sup>th</sup>. D17 law enforcement assets routinely patrolled the fishing grounds in addition to surging effort during high fishing activity. For these pulse operations, the partnership with NOAA OLE and Alaska Wildlife Troopers is integral to successfully allocating law enforcement assets in the areas of the highest fishing activity, ensuring consistent presence on the fishing grounds and at offload sites.

Joint pulse operations with NOAA OLE were conducted in mid-March, May, June, July, August, and September from the Bering Sea to Southeast Alaska and with NOAA and state fisheries enforcement personnel during commercial derbies off Oregon and Southern Washington during June and July. These operations included at-sea boardings, aircraft patrols, and dockside inspections. The joint agency efforts are a regular and important aspect of law enforcement coordination as they enable the broadest contact rate with the fishing fleets in order to compel compliance with federal regulations while also providing the most accurate and complete picture of fishing activity on the fishing grounds and at catch offload sites.

Routine patrols are essential to maintain awareness of halibut fishing activity. The long duration of the commercial season relieves the pressure to fish during inclement weather that would risk safety at sea. However, this also gives participants the opportunity to spread their effort throughout the season as well as their permitted area. The lack of a universal requirement for fishing vessels targeting halibut to be equipped with VMS on board means there is not a centralized means to assess fishing activity in Areas 2C through 4E. Time intensive patrols by surface and aviation assets are the primary means to identify where vessels are fishing for halibut as well as the number of vessels out at sea for a specific period of time. The need for patrols is emphasized from May through September when conditions are the most conducive to halibut fishing.

Participants in the commercial halibut fishery only make up a portion of the hook and line vessels on the fishing grounds and the USCG strives to apply enforcement focus on all halibut fishery participants and sectors. During patrols and boardings of the hook and line vessels, USCG enforcement efforts focus on (1) adherence to permit requirements for area and individual quota, (2) safe release of halibut bycatch by other commercial vessels, (3) consistent use of seabird avoidance gear, (4) indicators of high-grading catch, (5) retention of rockfish and Pacific cod, (6) complete offload of catch, and (7) timely compliance with all recordkeeping requirements.

### **III. Recreational Halibut Enforcement**

The Area 2A recreational near-shore halibut season occurred in various areas off Washington and Oregon between May and October 2016, with staggered opening and closing dates. The primary USCG emphasis for the sport halibut fishery is monitoring openers, due to safety concerns, similar to the derby-style fisheries concerns noted in the commercial section above.

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Specific cutter, small boat station, and aircraft patrols were scheduled during the openers, as recreational vessels will transit 30-40 miles offshore to participate in the fishery. The USCG focus is to address our concerns that these vessels may be ill equipped and inadequately prepared for offshore operation. Fortunately, no significant search and rescue cases occurred during the 2016 openers.

Throughout the recreational halibut season, units also monitored four Yelloweye Rockfish Conservation Areas (YRCAs) that are closed to sport fishing for halibut and groundfish at all times. This area consists of a C-shaped YRCA off NW Washington, the South Coast and Westport YRCAs off SW Washington, and the Stonewall Bank YRCA off Central Oregon. The threat of illegal fishing in these areas is especially prevalent during the recreational halibut openers. No YRCA incursion violations have been documented since the 2012 season.

Recreational activity occurs in Areas 2C, 3A, and 3B in the form of individual and charter fishing. The season lasts from 01 February to 31 December but is most prevalent from May through September. USCG assets increase fisheries patrols during this time to focus on presence on popular fishing grounds in Southeast Alaska, Prince William Sound, Cook Inlet, and the Gulf of Alaska. The majority of boardings accomplished by D17 assets in 2016 were completed on the recreational and charter fleets.

During boardings, emphasis is placed on compliance with licensing and charter operation requirements as well as requirements which determine the size and number of halibut allowed to be caught. Overall enforcement presence in the sport fishing fleet detects a high rate of compliance with IPHC regulations.

#### IV. Violations and Enforcement Summary

Overall, USCG assets boarded a total of 502 vessels and detected 10 IPHC violations. Violations were documented and referred to NOAA OLE for final action. Table 2 compares at-sea boardings and violations between 2015 and 2016.

**Table 2. 2015 & 2016 Boarding and Violation Summaries by Industry Sector**

2015 Boardings/Violations	2016 Boardings/Violations
Total At-Sea Boardings..... 365	Total At-Sea Boardings..... 502
Commercial ..... 100	Commercial ..... 94
Charter ..... 63	Charter ..... 55
Recreational/Subsistence ..... 202	Recreational/Subsistence ..... 353
Fisheries Violations..... 22	Fisheries Violations..... 10
Commercial ..... 17	Commercial ..... 6
Charter ..... 4	Charter ..... 2
Recreational/Subsistence ..... 1	Recreational/Subsistence ..... 2
Fisheries Compliance Rates ..... 94.0%	Fisheries Compliance Rates ..... 98%
Commercial ..... 83%	Commercial ..... 93.6%
Charter ..... 93.7%	Charter ..... 96.4%
Recreational/Subsistence..... 99.5%	Recreational/Subsistence..... 99.5%

In Area 2A, three suspected IPHC violations were documented during the June 22<sup>nd</sup> derby, all of which were documented on one vessel during joint efforts with an embarked NOAA fisheries enforcement officer, as follows: 1) mutilation of catch (use of a “crucifier”); 2) retention of undersized halibut; and 3) destruction of evidence. In addition to the IPHC violations documented at sea, District Thirteen shore stations conducted post-derby dockside checks to monitor fisheries offloads in conjunction with NOAA. An investigation was initiated into a vessel possessing an IPHC permit with a designation for a greater vessel length than the documented length of the vessel, therefore increasing available quota for the vessel; two citations were issued for possession of undersized halibut; and a warning was issued for a vessel having a crucifier, which was observed while the vessel was at the dock, but not observed in use. No IPHC violations were documented during the July 6<sup>th</sup> or July 20<sup>th</sup> derbies.

In Area 2C, two recreational halibut vessels were retaining subsistence halibut without a license or permit. In a joint USCG/Alaska Wildlife Trooper boarding, one charter halibut vessel was not completing logbook entries as required.

In Area 3A, one commercial vessel was cited for discarding Pacific cod/Rockfish while having an IFQ species on board. One charter halibut vessel was cited for anchoring within a 3 NM no entry zone. One commercial vessel was cited for failure to accurately maintain a halibut logbook.

The violations described above by their IPHC Area are listed below in Table 3 by violation type. This summary of IPHC and federal violations compares 2015 and 2016 violations detected by USCG units.

**Table 3. 2015 & 2016 Description of Fisheries Violations in All Sectors**

2015	2016
Lack of IPHC permit.....6	Retention of undersized halibut.....1
Fishing inside a closed area/time period.....3	Destruction of evidence.....1
Retention of undersized halibut.....2	Mutilation of catch.....1
Retention of reverse slot limit halibut.....1	Fishing without valid license.....2
Illegal retention of halibut.....1	Anchoring within a no entry zone.....1
Mutilation of catch.....1	Failure to maintain IFQ logbook.....1
Fishing without valid license.....3	Failure to maintain charter logbook..... 2
Fishing without required VMS.....1	Discarding Pcod/Rockfish.....1
Failure to maintain IFQ logbook.....3	
Failure to maintain charter logbook.....1	

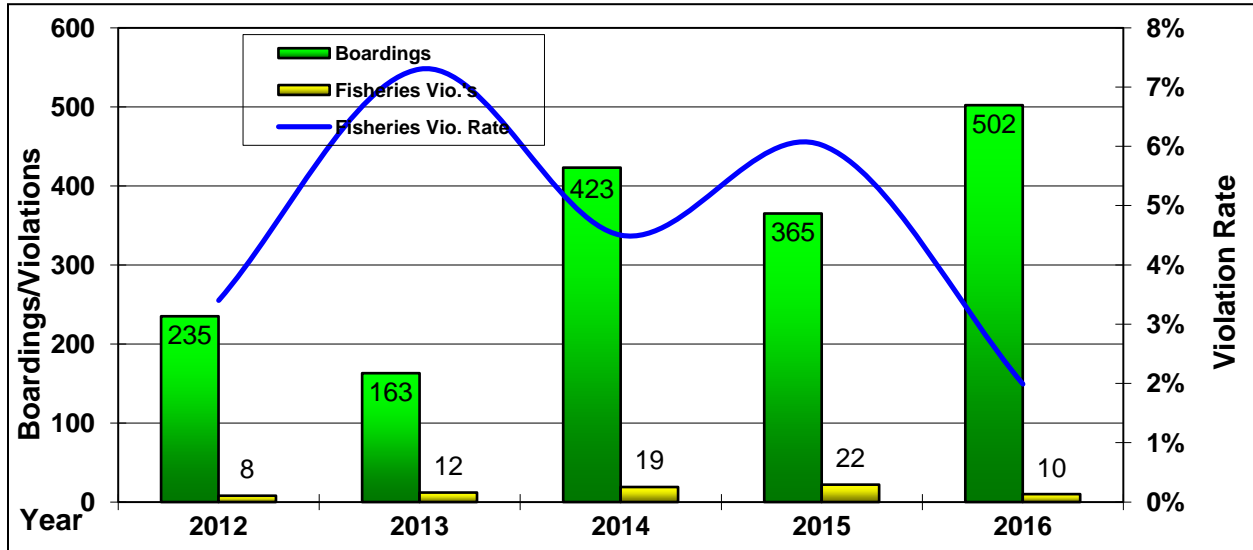
The USCG remains concerned about the safety of derby-style fisheries. The USCG has provided specific comments in this regard to the Pacific Fishery Management Council. These concerns are mitigated to some extent through taking weather forecasts into account during scheduling decisions; however, this does not eliminate the safety risks due to unpredicted adverse weather conditions. Fortunately, no significant search and rescue cases occurred during the 2016 derbies. However, a motor lifeboat from CG Station Depoe Bay responded to one vessel participating in the June 22<sup>nd</sup> derby with a crewmember on board reporting apparent heart attack symptoms. Conditions did not allow for safe transfer of the individual at sea, so the motor lifeboat escorted the vessel into Depoe Bay, where the individual was transferred to local EMS.

In addition to the IPHC violations summarized in Tables 3 and 4, vessel safety issues encountered by our law enforcement assets across all halibut sectors included insufficient lifesaving equipment, improper navigation equipment, and missing documentation. The USCG continues to pursue increased at-sea boarding opportunities to promote compliance with both safety and fisheries regulations.

The USCG continues to maximize joint enforcement efforts and information sharing with federal and state fisheries enforcement partners to optimize operations. Similar to recent seasons, USCG field commands held pre-season meetings with federal and state partners to coordinate efforts. The USCG focused allocation of patrol assets during the early season derbies when more participation was anticipated. The USCG assisted Washington State and the Pacific Northwest Treaty Tribes with monitoring activity in the tribal, commercial, ceremonial, and subsistence halibut fisheries, both offshore and within Puget Sound waters. Finally, the USCG also worked with IPHC staff to coordinate Pacific halibut survey activity, including providing relevant information in Local Notices to Mariners.



Figure 1. 2012-2016 Boardings and Fisheries Violations



The halibut fisheries violation rate averaged 4.6% over the last five years. The USCG continues to pursue a steady focus on compliance across IFQ, derby, charter, subsistence, and recreational fisheries by maximizing boarding opportunities and detecting violations where they occur.

## V. Enforcement Plans for 2017

The USCG will continue joint pulse operations with NOAA and state enforcement partners to focus enforcement efforts across the commercial, charter, subsistence, and sport sectors of the halibut fishery.

To respond to the increased number of commercial and recreational halibut vessels fishing in Northern California, D11 plans to conduct joint targeted enforcement operations during the 2017 commercial halibut derbies with California Department of Fish and Wildlife and NOAA.

The USCG will continue to focus fisheries enforcement and safety efforts on commercial derbies in Area 2A, with specific emphasis on early derbies when the highest level of activity is expected. USCG enforcement resources will also monitor IPHC regulations associated with Pacific halibut bycatch in other fisheries throughout the year. Due to safety concerns, the primary USCG emphasis for the 2A sport halibut fishery is monitoring all-depth openers, which have staggered opening and closing dates. Specific cutter, boat station, and aircraft patrols will be scheduled during the all-depth openers to address concerns that these vessels may be ill-equipped and inadequately prepared for offshore operation.

On 15 October 2015, it became a regulatory requirement for fishing vessels operating more than 3 nautical miles offshore to obtain a dockside safety exam. Commercial Fishing Vessel Safety

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inspectors have been educating the industry about this requirement and facilitating dockside exams to bring vessels into compliance.

In March 2016, a new requirement also went into effect for AIS units to be operational on all commercial vessels 65 feet or greater. This requirement under 33 CFR 164.46 applies to fishing industry vessels. USCG units have engaged with vessels meeting the requirement criteria to ensure they are broadcasting on AIS. A vessel which fails to broadcast on AIS may receive a notice of violation if the deficiency is observed during a Coast Guard safety inspection or at-sea boarding.

The commercial and recreational halibut fisheries in Alaskan waters continue to draw high national and international interest. D17 will continue to actively patrol throughout the season and emphasize joint pulse operations with our federal and state partners at NOAA, Alaska Department of Fish and Game, and Alaska Wildlife Troopers.

By sustaining effort to patrol all areas where halibut fisheries occur, in either derbies or seasonal fishing, the USCG will strive to continue to promote a level playing field for all participants and enhance safety at sea. Our goal is consistent and targeted enforcement presence applied fairly across all commercial, charter, subsistence, and recreational fleets.