



**UNITED STATES COAST GUARD
ENFORCEMENT REPORT
(IPHC Regulatory Areas 2A, 2C, 3A, 3B, 4A, 4B, 4C, 4D and 4E)**

DATE: 4 JANUARY 2019

CONTRACTING PARTY: UNITED STATES OF AMERICA

AGENCY:

United States Coast Guard

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FISHERY SECTOR/S

ALL

IPHC REGULATORY AREA/S

IPHC Regulatory Area 2A (USA: Washington, Oregon, California)

IPHC Regulatory Areas 2C, 3, and 4 (USA: Alaska)

DISCUSSION

Appendix I provides the U.S. Coast Guard enforcement report for 2018 for IPHC Regulatory Areas 2A, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E.

RECOMMENDATION

- 1) That the Commission NOTE paper IPHC-2019-AM095-AR03, which provided an overview of the activities of the U.S. Coast Guard relevant to the IPHC for 2018.

APPENDICES

Appendix I: U. S. Coast Guard Enforcement Report (IPHC Areas 2A, 2C, 3A, 3B, 4A, 4B, 4C, 4D and 4E) to the International Pacific Halibut Commission, January 2019

**U. S. COAST GUARD
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**TO THE
INTERNATIONAL PACIFIC HALIBUT
COMMISSION**

January 2019

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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 from California and Hawaii and 378-foot High Endurance Cutters from Washington 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, Kodiak, 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.
- Seven 110-foot patrol boats conduct routine law enforcement and are home-ported in Port Angeles, Coos Bay, Petersburg, Juneau, Valdez, Seward, and Homer.
- Seven 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.
- Three 154-foot Fast Response Cutters, two of which are home-ported in Ketchikan, AK and conduct routine law enforcement throughout eastern Alaska. One Fast Response Cutter is home-ported in San Pablo, CA and patrols the Southwest coast of the United States.

Aircraft:

- Fixed wing and rotary wing aircraft are based out of air stations in Kodiak, Sitka, Port Angeles, Astoria, North Bend, Humboldt Bay, Sacramento, San Francisco, Point Mugu, 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 during higher boating activity.
- D17 has three coastal boat stations in Ketchikan, Juneau, and Valdez.

The primary at-sea fisheries enforcement assets are our cutters, ranging in size from the 87-foot patrol boats up to 418-foot cutters. Patrol boats are 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 patrol boats have increased their fisheries enforcement presence over the past few years. This role is fulfilled by 154-foot Fast Response Cutters and 110-foot patrol boats in Alaskan waters which provide regular law enforcement presence in the commercial, charter, subsistence, and recreational fishing fleets. However, patrol boats are limited in offshore operational effectiveness by weather. Since the commissioning of the two new FRC's in 2017, boarding rates have increased by 40%. This is due in large part to the FRCs increased capabilities for operating further offshore and in greater sea state conditions, allowing for more contact with the IFQ fleet. By 2023, D17 anticipates the addition of four more FRC's throughout Alaska that will eventually completely replace the 110ft patrol boat fleet and greatly enhance the boarding capabilities.

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. 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 frequently conducted from air stations in Kodiak, Sitka, Port Angeles, Astoria, North Bend, Humboldt, San Francisco, Point Mugu, and San Diego using a variety of assets from fixed wing HC-130 and HC-27J 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.

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 2018, 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. 2017 & 2018 Geographic Distribution of Boardings on Vessels Targeting Halibut

IPHC Area	2017 Boardings	2018 Boardings
2A	68	246
2C	330	395
3A	195	327
3B	2	15
4A	11	11
4B	4	1
4C	0	0
4D	1	6
4E	1	0

In Area 2A, three ten-hour non-tribal commercial halibut derbies took place during the 2018 season - June 27th, July 11th, and July 25th. 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. Table 2 gives an overview of the assets dedicated to monitoring the derbies.

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. Vessel Monitoring System (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.

The USCG continued the policy of timing at-sea boardings to avoid impeding fishing operations during the ten-hour derbies. Boardings are typically conducted after derby hours unless specific safety or fisheries-related violations are observed. Table 2 summarizes efforts during the 2018 commercial halibut derbies and associated 72-hour pre-season closures in IPHC Area 2A.

Table 2. 2018 Commercial Halibut Derby Enforcement Resource Allocation

Enforcement Resource Allocation	June 27th	July 11th	July 25th
Large Cutter Days	0	0	0
Patrol Boat Hours	129	50.5	182
Small Boat Hours	4.3	0	0
Aircraft Hours	17.5	14.5	1.2

In Areas 2C through 4E, the commercial fishery is rationalized with the 2018 season lasting from March 24th to November 7th. D17 law enforcement assets routinely patrolled the fishing grounds, often conducting joint boardings with or in collaboration with NOAA OLE. Our 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 operations with NOAA OLE were conducted throughout the season from the Bering Sea to Southeast Alaska. Joint, pulse operations with NOAA and state fisheries enforcement personnel were conducted during Operation Flatfish Frenzy, centered on the commercial derbies off Oregon and Southern Washington in June and July. This included NOAA Enforcement Officers, Washington Department of Fish and Wildlife, and Oregon State Police embarking on CG cutters during the June 27th derby. Joint 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. 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. The need for patrols

is amplified when market forces and/or fair weather conditions cause an increase in fishing activity.

Participants in the commercial halibut fishery only make up a portion of the hook and line vessels on the fishing grounds. During 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 2018, 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. 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. This year's recreational fishery resulted in numerous incidents ranging from disabled vessels to boat capsizing's. One fatality occurred during the recreational halibut fishery off Neah Bay, WA.

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. Station Yaquina Bay, OR documented an YRCA incursion which included illegal retention of Yelloweye Rockfish.

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 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 2018 were conducted on the recreational and charter vessels.

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 1,001 vessels and detected 17 IPHC violations. Violations were documented and referred to NOAA OLE or Alaska Wildlife Troopers (for violation detected on recreational vessel) for final action. Table 3 compares at-sea boardings and violations between 2017 and 2018.

Table 3. 2017 & 2018 Boarding and Violation Summaries by Industry Sector

2017 Boardings/Violations	2018 Boardings/Violations
Total At-Sea Boardings..... 612	Total At-Sea Boardings..... 1,001
Commercial 129	Commercial 184
Charter 97	Charter 105
Recreational/Subsistence..... 386	Recreational/Subsistence 712
Fisheries Violations..... 11	Fisheries Violations..... 17
Commercial 8	Commercial 7
Charter 1	Charter 3
Recreational/Subsistence..... 2	Recreational/Subsistence 7
Fisheries Compliance Rates98.2%	Fisheries Compliance Rates98.3%
Commercial93.8%	Commercial96.2%
Charter99.0%	Charter97.2%
Recreational/Subsistence.....99.5%	Recreational/Subsistence.....99.9%

In Area 2A, three suspected IPHC violations were documented during the June 27th derby. One vessel illegally retained 08 halibut without a state fishing license. Oregon State Police responded and seized the catch. One vessel was documented with gear in the water before the season started and one vessel was documented with gear inside the RCA. Information was forwarded to NOAA OLE for investigation which revealed mechanical or weather related causes for the gear issues. No IPHC violations were documented during the July 11th or July 25th derbies.

In Area 2C, one commercial vessel was cited for failing to properly maintain its fishing logbook. One subsistence vessel was cited for fishing set line gear in restricted area.

In Area 3A, one charter vessel was cited for logging caught halibut and the master was cited for not having a Charter Halibut Permit on board. (joint USCG / NOAA OLE/ AWT boarding). One recreational vessel was cited for discharging a firearm at Steller Sea Lions and fishing without a state issued sport fishing license (referred to Alaska Wildlife Troopers). One commercial vessel was cited for not having IFQ permit on board. One recreational vessel was cited for mutilating halibut at sea, preventing determination of the number of halibut caught (joint USCG / NOAA OLE boarding).

The violations described above by their IPHC Area are listed below in Table 4 by violation type. This summary of IPHC and federal violations compares 2016 and 2017 violations detected by USCG units.

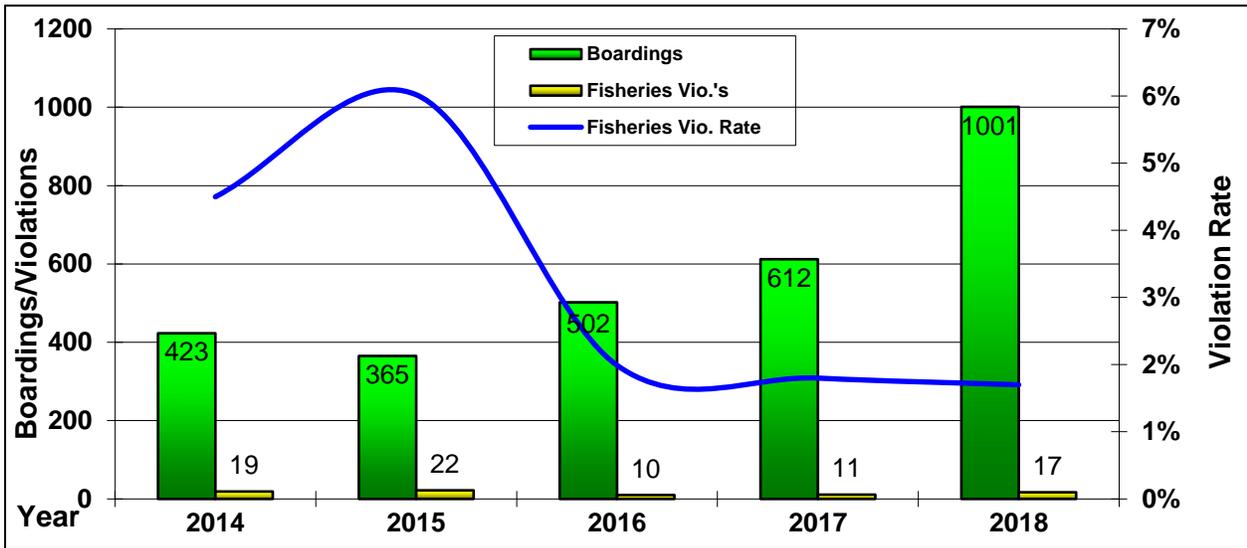
Table 4. 2017 & 2018 Description of Fisheries Violations in All Sectors

2017	2018
Failure to use careful release methods.....1	Mutilation of catch.....1
Mutilation of catch.....1	Failure to maintain charter logbook/CHP.....3
Failure to maintain IFQ logbook.....2	Copy of IFQ permit not ready for inspection.....2
Failure to maintain charter logbook..... 1	Not recording sport halibut catch.....1
Copy of IFQ permit not ready for inspection.....2	No pilot ladder.....2
Sport fishing without permit.....1	Fishing in a restricted area.....2
Catch overage.....3	Fishing during closed season.....1
	Fishing without license.....4
	Discharging firearm at Steller Sea Lions..... 1
Total.....11	Total.....17

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.

Figure 1. 2014-2018 Boardings and Fisheries Violations



The halibut fisheries violation rate averaged 3.6% 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 2019

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 surge operations during the 2019 commercial halibut derbies to focus on expanded enforcement efforts when fleets enter the area for the derbies.

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.

The USCG will continue to enforce new regulatory requirements which became effective in 2015 and 2016; mandatory dockside Commercial Fishing Vessel Safety Examinations (CFVSE) for all vessels which operate beyond three nautical miles from shore, and the carriage of AIS units for vessels over 65 feet in length. Commercial Fishing Vessel Safety inspectors continued to educate

the industry about both requirements and have facilitated dockside exams to bring vessels into compliance. Vessels which operate beyond three nautical miles without a CFVSE or which fail to meet applicable AIS carriage requirements may receive a notice of violation if the deficiency is observed during an 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 operations with our federal and state partners, NOAA OLE and the Alaska Wildlife Troopers.

By sustaining effort to patrol all areas where halibut fisheries occur, in either derby or seasonal fishing, the USCG will strive to continually 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.

With the continued replacement of the 110 ft cutters with Fast Response Cutters, there will be higher contact rates with the fishing fleets. The longer range and better sea keeping abilities will allow the FRCs to stay on scene longer and more effectively monitor the fisheries.