



**NOAA Fisheries Office of Law Enforcement
Alaska Enforcement Division
Report to the International Pacific Halibut Commission**

DATE: 28 DECEMBER 2018

CONTRACTING PARTY: UNITED STATES OF AMERICA

AGENCY:

*NOAA Fisheries Office of Law Enforcement, Alaska Enforcement Division
Robert Marvelle, robert.marvelle@noaa.gov*

FISHERY SECTOR/S

ALL

IPHC REGULATORY AREA/S

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

DISCUSSION

Appendix I provides the NOAA Fisheries Office of Law Enforcement Alaska Enforcement Division report to the IPHC for 2018.

RECOMMENDATION

- 1) That the Commission NOTE paper IPHC-2019-AM095-AR16, which provided an overview of the activities of the NOAA Fisheries Office of Law Enforcement Alaska Enforcement Division relevant to the IPHC for 2018.

APPENDICES

Appendix I: NOAA Fisheries Office of Law Enforcement Alaska Enforcement Division Report to the International Pacific Halibut Commission, January 1, 2018 to December 1, 2018

**NOAA Fisheries Office of Law Enforcement
Alaska Enforcement Division
Report to the
International Pacific Halibut Commission**



January 1, 2018 to December 1, 2018

**NOAA Fisheries Office of Law Enforcement
Alaska Enforcement Division
P.O. Box 21767
Juneau, AK 99802
907-586-7225**

**TO REPORT VIOLATIONS:
Call 1-800-853-1964**

The NOAA Office of Law Enforcement, Alaska Enforcement Division (AKD) utilizes Enforcement Officers, Special Agents and partnerships with the Alaska Wildlife Troopers and the U.S. Coast Guard to enforce federal fishing regulations over 842,000 square miles of ocean, 6,600 miles of coastline, and 2,690 islands off of Alaska. Compliance is achieved by providing outreach and education, conducting patrols, monitoring offloads, and by investigating violations of civil and criminal marine resource laws.

In 2018 there were 3,391 IFQ halibut permits issued and 3,285 IFQ halibut vessel offloads, at 29 IFQ landing ports in Alaska. The Alaska IFQ halibut fishery had 734 IFQ overages reported in 2018, 48 of these exceeded the individual 10% limit. Additionally, there were 1066 charter halibut permits (578 in Area 2C, 488 in Area 3A) and 7,108 subsistence halibut permits.

Incidents

In 2018, AKD opened 1294 halibut related incidents that included outreach events, vessel boardings, and dockside monitoring. Of the 1294 incidents, officers identified 536 halibut related violations which were handled by Compliance Assistance, Summary Settlement or Written Warning.

Halibut Related Violations

	2016	2017	2018
Total Cases Opened	2873	3151	2667
Total Violations Documented	1741	1621	1257
Halibut Related Violations	602	523	536*

*includes violations pertaining to halibut in other non-halibut fisheries

Halibut Related Investigations

	2016 Violations Documented	2017 Violations Documented	2018 Violations Documented
Subsistence Halibut	33	26	58
Commercial Halibut	211	121	136
Charter Halibut	309	203	150
Sport Halibut	64	15	64
TOTAL	617	365	408

Patrol and Boardings

In 2018, AKD personnel spent over 5216 hours conducting patrols to provide a visible deterrence to potential violators; monitoring fishing and other marine activities; detecting violations; providing compliance assistance; and providing outreach and education. This is compared to 4,972 patrol hours in 2017, and 4,476 patrol hours in 2016.

Halibut Related Vessel Boardings

	2016		2017		2018	
	Vessel Boardings	Violations Discovered During Boarding	Vessel Boardings	Violations Discovered During Boarding	Vessel Boardings	Violations Discovered During Boarding
Subsistence Halibut	18	9	34	4	33	26
Commercial Halibut	550	65	231	27	473	160
Charter Halibut	197	56	185	24	190	67
Sport Halibut	368	59	248	12	168	45
Total	1133	189	698	67	864	298

2018 Halibut Related Violations:

58 Subsistence halibut fishing violations; most common violations included:

- Unqualified person applied for SHARC
- Subsistence halibut with sport caught, other than whole filets with skin on.
- Improperly or unmarked subsistence halibut fishing gear
- Subsistence halibut fishing without SHARC
- Exceeding vessel hook limit
- Fillet, mutilate, or otherwise disfigure subsistence halibut in any manner that prevents the determination of the number of fish caught, possessed, or landed (chunked halibut)
- Non-resident pulling subsistence halibut gear
- Subsistence halibut offered for sale.

136 Commercial IFQ or CDQ halibut; most common violations included:

- 48 IFQ halibut overages greater than 10% in 2018
 - 34 IFQ halibut overages greater than 10% in 2017
 - 33 IFQ halibut overages greater than 10% in 2016
- Record keeping or reporting violations (Prior Notice of Landings, Landing Report, Logbook, Product Transfer Reports, Production Reports)
- Gear marking violations
- Retain undersized halibut, or discarding legal sized halibut
- Hired skipper and permit holder violations
- Vessel cap overages
- Misreporting IFQ area fished or fishing in an area with no IFQ available
- Fishing without a Federal Fisheries Permit (FFP)

150 plus charter halibut fishing violations were documented; most common violations included:

- Logbook violations-
 - Fail to ensure charter halibut anglers sign the Alaska Department of Fish and Game (ADFG) logbook
 - Fail to record Charter Halibut Permit (CHP) in the ADFG logbook/invalid CHP
 - Report inaccurate information
- Guided Angler Fish (GAF) reporting violations- Failure to report GAF in the required time, submitting inaccurate information
- Illegal guiding - No CHP
- Halibut other than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with a patch of skin on each piece, naturally attached (chunked halibut: filleting, mutilating or skinning halibut onboard a vessel).
- Exceeding bag limit; possession limit; size limits or annual limits
 - Over annual limit
 - Crew retaining charter halibut
- Fishing on closed days
- Charter fishing without a CHP

64 Sport halibut fishing violations were documented; most common violations included:

- Sale or attempted sale of sport caught halibut
- Exceeding bag and/or possession limits
- Halibut other than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with a patch of skin on each piece, naturally attached (chunked halibut: filleting, mutilating or skinning halibut onboard a vessel).
- Fishing without a license/permit
- Using illegal gear
- Sport caught halibut onboard with commercial caught salmon

43 Commercial groundfish violations involving halibut; most common violations included:

- Fail to carefully release halibut or allow halibut to contact a crucifer or hook stripper.
- Release halibut caught with longline gear by any method other than— positioning the gaff on the hook and twisting the hook from the halibut straightening the hook by using the gaff to catch the bend of the hook and bracing the gaff against the vessel or any gear attached to the vessel.
- Puncture the halibut with a gaff or other device

Outreach and Education

In 2018, AKD personnel dedicated over 1493 hours providing outreach and education with marine resource users. This is a decrease from 1983 hours in 2017, and 1711 hours in 2016. Outreach efforts occurred at a number of organized events as well as contacts in communities, ports, and at sea. The goal of OLE outreach efforts was to ensure that the most current and accurate regulatory information was widely distributed and understood by resource users.

Partnerships

NOAA OLE works closely with the U.S. Coast Guard (USCG) and the Alaska Wildlife Troopers (AWT) to accomplish common goals and priorities by working together on a daily basis to maximize compliance with marine resource laws and regulations.

Three AKD enforcement officers collaborated with USCG and AWT officers to conduct patrols in Cook Inlet and Kachemak Bay during Memorial Day Weekend onboard the OLE Patrol Vessel P/V Cape Elizabeth. Officers contacted 336 individuals and boarded and inspected commercial, sport, charter, and subsistence vessels. The operation resulted in 36 boardings. Cases included logbook violations; operating a charter halibut vessel without a valid Charter Halibut Permit on board; failure to log retained halibut on fishing licenses; and subsistence halibut fishing in a closed area. Additionally, AWT initiated eight cases including failure to record retained charter halibut on fishing licenses and fishing without a license. The USCG addressed 22 safety violations.

An enforcement officer completed a 16-day joint patrol with the AWT onboard the P/V Enforcer. They patrolled northern Southeast Alaska and as far north as Yakutat, Alaska. This patrol resulted in the issuance of numerous State citations with one Federal Notice of Violation and Assessment (multiple charges) case pending. While in Yakutat six charter halibut guide violations were identified. Other violation found were using more than one pole and failing to log catch. Participants then worked through Cross Sound/Icy Straits. A large seizure of chunked halibut, 68 Packages totaling 333.68 lbs. was seized from a leased/chartered vessel.

Two enforcement officers completed a 21-day joint patrol with the AWT onboard the P/V Stimpson patrolling the GOA and BSAI. 2,771 total miles were patrolled along the Aleutian Island chain. Six remote ports were visited and three federal shoreside processors were inspected during the patrol. 22 vessels were boarded two of which were foreign vessels. Two summary settlements, two written warnings and one fix-it ticket were issued. The Alaska Wildlife Troopers issued six citations for state violations.

An enforcement officer completed a four day joint patrol onboard the USCGC Bailey Barco. The patrol covered the inside waters of Southeast Alaska. Three vessel were boarded, with one of vessels possessing chunked halibut onboard.

An enforcement officer completed a four-day joint patrol onboard the USCGC John McCormick. The cutter departed from Sitka and patrolled north to Dry Bay and back down to Juneau. 11 IFQ vessels were boarded offshore while actively fishing. Three violations of federal regulations were detected.

An enforcement officer conducted a nine-day joint patrol in the Bering Sea onboard the USCGC MELLON. During the patrol, multiple IFQ vessels were boarded and inspected. Seven fisheries violations were detected resulting in two Summary Settlements, four Written Warnings, and one Compliance Assistance.

A Kodiak enforcement officer conducted a three-day patrol aboard the USCGC HEALY (Arctic Ice Breaker) along the east side of Kodiak Island by the 3A/3B line to monitor IFQ vessels. The enforcement officer worked with USCGC HEALY boarding team on vessel and fish identification, vessel contact information, boarding procedures, and completed a tour/inspection of the remote Ocean Beauty seafood plant in Alitak.

Adjudicated Significant Investigations

A Charter Operator was issued a \$9,750.00 Notice of Violation and Assessment (NOVA) for exceeding the charter halibut permit angler endorsement 23 times. Additionally, on three occasions, the operator failed to ensure that a charter angler who retained halibut signed the Alaska Department of Fish and Game saltwater logbook. Also, on nine charter fishing trips the guide reported a sportfish guide number that was not his.

An IFQ Halibut permit holder was issued a \$5000.00 NOVA for having more IFQ halibut on board the vessel than IFQ quota available for the IPHC regulatory area being fished on three trips. The permit holder also failed to enter required fishing information in his IPHC logbook during nine separate fishing trips and submitted inaccurate information at the end of one trip

Photos Documenting Chunked Halibut

68 packages of chunked halibut, totaling 333 pounds was seized. The operator was also feeding this to his passengers. (Still under investigation).



Seizure of chunked sport and subsistence halibut onboard a vessel



Another example of chunked halibut onboard a sport vessel



New OLE Patrol Vessels Highlights

In May OLE received four new near shore patrol vessels. Two 33 foot patrol vessels (Natoma Bay and Sitkoh Bay), built by North River, were stationed in Petersburg and Ketchikan, Alaska. Two 37 foot patrol vessels (Cape Elizabeth and Kingfisher), built by Bay Weld Boats, were stationed in Homer and Kodiak, Alaska.

An Enforcement Officer and a Special Agent completed a multi-day patrol onboard the P/V Natoma Bay beginning in Ketchikan, AK. The patrol covered 1063 nm and multiple areas of Southeast Alaska. Officers followed up on four investigations, boarded 35 vessels, and initiated 17 new cases (state and federal). Officers seized chunked charter halibut, an illegal sized charter halibut, a subsistence halibut skate with too many hooks, and a subsistence halibut used for bait. Investigations included: a charter vessel without a CHP and logbook; an IFQ vessel with unmarked buoys and no IPHC logbook; and an operator who was in possession of sport and subsistence halibut onboard the same vessel. OLE also forwarded several state violations to the Alaska Wildlife Troopers.



OLE officers patrolled 950 nautical miles in the Gulf of Alaska and Prince William Sound onboard the P/V Cape Elizabeth. Two NOAA Enforcement Officers and an Alaska Wildlife Trooper contacted 284 individuals and boarded 29 vessels - 6 commercial, 8 charter, and 15 recreational. Officers also inspected five fish processing plants. Five federal and two state investigations were initiated as a result of the patrol. Additionally, officers provided community outreach and education in Seward, Cordova and Chenega.

