

**National Marine Fisheries Service
Office of Law Enforcement**

***West Coast Enforcement Division Report to
The International Pacific Halibut Commission***



January 2017 ~ December 2017

**NOAA Fisheries Office of Law Enforcement
West Coast Division
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Seattle, WA 98115**

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Office of Law Enforcement

West Coast Division Report to International Pacific Halibut Commission

Calendar Year 2017

January 1, 2017 – December 31, 2017

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West Coast Enforcement Division Overview

The West Coast Enforcement Division (WCD) provides marine resource enforcement and compliance assistance for the West Coast, primarily California, Oregon and Washington, but to also include Colorado, Idaho, Montana, North Dakota, South Dakota, Utah and Wyoming. Our staff includes special agents and enforcement officers stationed in California, Oregon and Washington. Our territory includes 1,500 miles of Canadian Border; 1,293 miles of rigorous Pacific Ocean coastline and 7,863 miles of tidal shoreline; five National Marine Sanctuaries, to include 290 Marine Conservation Areas; Puget Sound; 21 major international seaports; 18 international airports; 222,471 square nautical miles of Pacific Ocean; and 339,375 square miles of land encompassing numerous rivers and tributaries feeding into the Pacific Ocean. Our primary missions include compliance assistance and enforcing domestic fishing regulations under the Magnuson-Stevens Fishery Conservation and Management Act; protecting federally-listed marine species and critical habitats under the Endangered Species Act; ensuring species protection and preservation under the Marine Mammal Protection Act; monitoring imports and exports of marine products at international ports (air and sea), border crossings, and during commercial inspections under the Lacey Act; and protecting essential fish habitats.

Our responsibilities are carried out by a sworn staff comprised of special agents and enforcement officers, and an operations support staff comprised of program managers, enforcement technicians, systems administrators, and administration specialists. Additionally, we work closely and conduct joint operations with other federal partners; the U.S. Coast Guard (USCG), the Environmental Protection Agency (EPA), the United States Fish and Wildlife Service (USFWS), the United States Attorney's (USA) offices, and others, and our state partners; Oregon State Police Fish and Wildlife Division (OSP), the Washington Department of Fish and Wildlife, Enforcement Program (WDFW), and California Department of Fish and Wildlife (CDFW). Our state partners work under a Cooperative Enforcement Program. OLE's Enforcement Officer is the bedrock for our uniformed presence and the frontline in the enforcement and management of Pacific halibut for Washington, Oregon and California.

For CY 2017, the Office of Law Enforcement in the West Coast Division had numerous personnel changes. The Assistant Director for WCD OLE retired at the end of December 2016. The position was advertised and an offer has been made to a candidate, with a projected start date of January 2018. One special agent transferred from OEL/HQ to Newport, OR. A hiring announcement in the near future will advertise for five special agent positions to be filled in Long Beach, CA (x2); Monterey, CA; Santa Rosa, CA and Seattle, WA. Five new enforcement officers were hired and are located in Seattle, Bellingham and Westport, WA; Newport, OR and San Diego, CA. WCD OLE is currently in the process of hiring four additional enforcement officer positions for Long Beach, Monterey, and Santa Rosa, CA, and one in Astoria, OR.

The Office of Law Enforcement restructured the administrative program staff to better facilitate agency needs by creating two support groups. The Administrative Officer will lead a team of Mission Support personnel, including a secretary, three administrative assistants (Seattle, WA; Portland, OR and Long Beach, CA), two information technology analysts, and a program analyst for the West Coast Cooperative Enforcement Program. The VMS Program Manager has been assigned as a Program Manager for Investigative Support. That team consists of four VMS investigative assistants (Seattle, WA) and three operational investigative assistants (Seattle, WA; Astoria, OR and Long Beach, CA). Three administrative positions are vacant and under review for series and/or location changes to ensure effective staffing levels in all locations and within the Mission Support and Investigative Support teams.

Office of Law Enforcement - Cooperative Enforcement Program (CEP)

Under the Federally funded NOAA Cooperative Enforcement Program, OLE has ongoing formal Cooperative Enforcement Agreements (CEA) and Joint Enforcement Agreements (JEA) with all three West Coast States: California Department of Fish and Wildlife (CDFW) – Law Enforcement Division, Oregon State Police (OSP) – Fish and Wildlife Division, and Washington Department of Fish and Wildlife (WDFW) – Police. These agreements extend federal authority for state agencies to enforce specific federal laws and regulations as defined in specific agreed upon federal priorities within each agreement, including the enforcement of the Northern Pacific Halibut Act.

In addition to providing reimbursement for direct federal fisheries enforcement work performed by state officers, wardens, and troopers in support of federal fisheries enforcement priorities, the agreements also provide funding for state administrative overhead and direct purchases of large assets (i.e., boats, vehicles, etc.) as well as small or portable assets (i.e., radios, plotters, computers, thermal imaging, cameras, etc.) and services (maintenance of equipment and vessels). The West Coast Cooperative Enforcement Program received \$2.71M for the 2016 agreements – the last of these agreements concluded August 30th, 2017; and \$2.24M towards the new 2017 agreements – this first of which commenced August 16th, 2017.

Within the framework of each agreement, under targeted enforcement there are defined marine law enforcement, compliance assistance, and living resource management responsibilities under assorted specific federal traditional priorities that each agency is tasked with responsibility for – these typically include land-based services and at-sea services, and may include air services if available within the agency and if determined necessary. With the 2017 agreements have a blend of traditional (25%) and targeted (or execution) priorities (75%). The traditional priorities operate the same as under prior agreements where each agency has

federal priorities that share a pool of defined hours for each of the services (sea, land, and air). All West Coast states have Northern Pacific Halibut enforcement and management as one of their executable priorities. Executable priorities are defined and very specific, they have a set amount funding, services, and timeframes, with very specific goals.

These agreements foster a cooperative environment; producing a viable collaborative approach to federal and state living marine resources enforcement and management. There is consistent ongoing cooperative efforts between Washington Department of Fish & Wildlife (WDFW) – Police, Oregon State Police – Fish and Wildlife Division (OSP), California Department of Fish and Game – Law Enforcement Division (CDFW), National Oceanic and Atmospheric Administration, Office of Law Enforcement (OLE), and the United States Coast Guard (USCG) for the enforcement, preservation, and management of living marine resources. The USCG is an excellent federal partner, providing premier at-sea and air resources and willingly supporting state partner and federal operations. WDFW Officers, CDFW Wardens, and OSP Troopers ensure comprehensive protection and compliance through the monitoring of directed and incidental commercial, recreational, and tribal fisheries. This is accomplished by conducting vessel boardings, monitoring off-loads, inspections of processors, wholesalers, dealers, markets, air and sea ports, and cold storage facilities, and through follow-up, surveillance, investigations, and collaborative operations inclusive of Halibut catch limits, quotas, size limits, and documentation inspection. The significant contributions of our West Coast Cooperative Enforcement Program Partners (CDFW, OSP, WDFW), and the USCG, formulate the foundation of coastal living marine resource protection and compliance.

California Department of Fish & Wildlife – Law Enforcement Division



CDFW responsibilities for Halibut enforcement for land-based activities includes conducting dockside patrols, off-load monitoring, licenses, incidental catch, compliance, verification checks, and collaborative enforcement efforts. CDFW at-sea responsibilities include patrolling the Pacific Ocean, conducting operations, collaborative enforcement, and inspecting at-sea vessels and personnel for licenses, federal permits, logbooks, marine permits and registration, and fish on board, with emphasis in the Exclusive Economic Zone. Most of their agency activities towards Halibut is regionalized to the North Pacific Ocean Coast.

Their agency is limited in their data management abilities as their agency has no centralized records management system and aggregating specifics in reporting data is challenging. Having said this, John Clithero, Program Analyst, has provided a summary of their agency's involvement in Pacific Halibut enforcement and management:

CDFW Enforcement:

For CY2017, CDFW committed fourteen commissioned staff towards Halibut enforcement activities, for a total of 251 operational hours. Their at-sea activities encompassed: 125 at-sea hours (79 at-sea near-shore vessel personnel hours and 46 at-sea near-shore vessel hours,). Their dockside activities encompassed 112 hours. CDFW approximate funding applied towards Halibut enforcement and management was \$24,911.56 (\$16,293.16 at-sea operations and \$8,618.40 for land-based operations). Wardens made 289 contacts – with full compliance and no enforcement actions taken.

CDFW Enforcement Highlights:

During CY 2017, CDFW land-based and at-sea halibut patrols covered the major ports in Mendocino, Humboldt and Del Norte Counties (Pt. Arena, Albion, Noyo Harbor, Shelter Cove, Eureka, Trinidad, and Crescent City), and approximately 15 sport boat launch ramps. CDFW patrolled, contacted, and regularly checked eight party boats targeting halibut between Shelter Cove and Crescent City. Numerous dockside and at-sea contacts were made where halibut were present. Offshore halibut patrols were made in combination with salmon and rockfish patrols. The halibut catch rate was reported to be low in the Shelter Cove area in Northern California by Wildlife Officers working in that area. No enforcement actions were taken based on observed compliance with all applicable regulations.

CDFW Enforcement Comments:

Continual complaints from the public were received by CDFW Wildlife Officers working in the field relating that the recreational halibut regulations are too confusing.

Oregon State Police – Fish & Wildlife Division



OSP responsibilities for Halibut enforcement for land-based activities includes conducting dockside patrols, off-load monitoring, licenses, incidental catch, compliance, verification checks, and collaborative enforcement efforts. OSP at-sea responsibilities include patrolling the Pacific Ocean, conducting operations, collaborative enforcement, and inspecting at-sea vessels and personnel for licenses, federal permits, logbooks, marine permits and registration, and fish on board, with emphasis in the Exclusive Economic Zone.

OSP Enforcement:

For CY2017 OSP committed seventeen commissioned staff towards Halibut enforcement activities, for a total of 632 operational hours. Their at-sea activities encompassed: 475 at-sea

hours (231 at-sea near-shore vessel personnel hours, 115.50 at-sea near-shore vessel hours, 86 at-sea long-range vessel personnel hours, and 43 at-sea long-range vessel hours). Their dockside activities encompassed 156.50 hours. OSP approximate funding applied towards Halibut enforcement and management was \$40,526.30 (\$31,605.80 at-sea operations and \$8,920.50 for land-based operations). OSP Troopers contacted 979 anglers with 112 not being in compliance (for an 89% compliance rate), with one federal referral case.

OSP Enforcement Highlights:

In May, Senior Trooper O'Connor along with Troopers Olson and Reeder conducted a boat patrol for the All-Depth Halibut season out of Garibaldi. A charter boat was contacted with 16 people on board including the captain and deckhand. At the time of the contact, there were 14 halibut on board. Upon inspection of the harvest tags, it was determined that one of the anglers did not have a harvest tag. Six anglers, including the deckhand, had purchased "prepaid daily angling licenses" from the charter company and had failed to properly validate their license for their halibut because they had written the location/species code but not the month/day. Some of these licenses were missing the "valid for" date and one of them was missing the name, date of birth, signature and the "valid for" date. The captain was contacted and he stated that each angler purchases a license from the charter company when they arrive in the morning if they did not already have one. The captain stated the anglers leave the licenses blank until they get to the fishing grounds, this way they can get their money refunded to them in the event there are mechanical or weather problems. The captain had a supply of licenses that he admitted to selling from the boat while underway. A citation was issued to the deckhand for Failure to Properly Validate Angling Harvest Tag and another citation was issued to one of the anglers for No Angling Harvest Tag. One halibut was seized and donated to the County jail. Warnings were given to five of the customers for Failure to Properly Validate Angling Harvest Tag.



Troopers Van Meter and Hansen conducted offshore boat patrols out of Newport for the All-Depth Halibut season during May. Over the course of two days, the Troopers contacted 132 anglers and approximately 52 boats. One angler was contacted who was fishing for halibut but did not have his harvest tag with him. The Troopers did a check to determine if he had in fact purchased a tag and found that he did. It was also determined this angler had a warrant for his arrest. The angler was taken into custody without incident and put onboard the OSP patrol vessel. The angler was transported by boat to the USCG Station Yaquina Bay where he was then transported to the Lincoln County Jail by Senior Trooper Kehr and Trooper Adkins.

One angler was contacted at South Beach Marina with a halibut that was not recorded on a harvest card. The angler claimed he had fallen asleep and forgot to tag the fish. The angler was cited for Fail to Immediately Validate Harvest Card.



In June, Senior Trooper Herman and Recruit Likens conducted a boat patrol on the ocean at Astoria Canyon during the one day North of Falcon recreational halibut season. The troopers checked multiple halibut anglers. Four citations were issued for Fail to Validate Harvest Card, including one boat with three halibut on board, none of which were tagged. Five warnings were also issued for Fail to Properly Validate Harvest Card, and one for Unlawful Possession of Lingcod. One lingcod was seized.

In June, Senior Trooper Cutsforth and Senior Trooper Farrar conducted a boat patrol on the Siuslaw River and Pacific Ocean during the last All-Depth Halibut season. During the patrol, they contacted numerous boats and sport anglers near Heceta Banks and one commercial fisherman who was fishing for Salmon near the commercial Salmon cut off at the Siuslaw River South Jetty. No violations were observed and the catch rate was slow. The Troopers also checked the Cape Perpetua Marine Reserve for any unlawful activity, with none being detected.

Trooper Roberts performed an evening surveillance at the port of Bandon checking halibut anglers. Six different anglers were contacted that had retained halibut. All of the anglers had tagged their catch but had not fully validated the length of their catch on their combined angling harvest cards. All of the subjects stated that they did not have measuring devices onboard their vessels. The six subjects were warned for Fail to Properly Validate Combined Angling Harvest Card.

In June, Senior Trooper Farrar checked commercial halibut fisherman and their vessels during the 2017 Commercial Halibut Derby, and after the closure between Florence and Coos Bay. Several boats were contacted at the various ports and no violations were observed.

While observing commercial halibut offloads in Port Orford, Senior Trooper Keeler became suspicious of a vessel that appeared to not match the length on its halibut permit. According to the state vessel license, the vessel is 33 feet in length. According to the Coast Guard, the vessel is 35.9 feet and according to the halibut permit the vessel is between 36 and 40 feet. The vessel landed well over the limit of halibut for vessels under 36 feet. Information was gathered and forwarded to NOAA Office of Law Enforcement for follow-up.

In July, Sergeant Thompson and Senior Trooper Van Meter checked the Newport commercial halibut fleet as they returned to port after the first halibut derby for 2017. The catch rate was low. One boat was contacted who had a crew member who did not have his 2017 individual commercial fishing license and the boat didn't have enough crew licenses to cover the extra crew member. The crew member was cited for No 2017 Individual Commercial Fishing License.



During August, Senior Trooper Van Meter partnered with Lincoln County Marine Patrol Deputies for an offshore halibut patrol for the first weekend of the summer All-Depth season.

Fishing pressure was high due to excellent ocean conditions. Numerous boats were checked and the following angling offenses were found:

A boat with three halibut anglers was contacted, with one of the anglers stating as the Trooper made initial contact, that they had just caught a fourth fish that they were going to give to their friends in another boat. The Trooper boarded the vessel and found a cooler full of halibut on the back deck. One of the anglers said that the fish on top had just been caught and was so slimy and flopping around that it flopped around the deck, into the boat cabin and then flopped right into the cooler. The angler claimed the fish had just been caught and happened right as the Trooper's boat was pulling up. The angler said the fish was still alive and "I should just release it". The Trooper stared at the lifeless halibut in the cooler for several minutes and determined it wasn't going to swim away. The Trooper seized the fish from the cooler and noticed there were four additional halibut still in the cooler. When asked about the extra fish, the angler said he had no idea how that fish got there and must have miscounted. The Trooper seized that fish as well. The three anglers were cited for Fail to Validate Harvest Card for the fish they were allowed to keep. One angler was also cited for Exceeding Daily Limit of Halibut. Both seized halibut were later donated to the Lincoln County Food Share.

Senior Trooper Van Meter and Trooper Adkins conducted an offshore boat patrol out of Newport for an All-Depth Halibut sport fishery during September. Two boats were contacted fishing within the Stonewall Banks Yelloweye Rockfish Closure Area. One of the boats possessed a halibut that the Troopers determined had been caught inside of the closure area by locating coordinates from the boats GPS plotter. Both boats were cited for Angling Closed Area; Stonewall Banks YRCA. The halibut was seized and the angler that caught it was cited for Unlawful Possession of Halibut; Closed Area. Two other citations were issued for Failure to Immediately Validate Harvest Card.

Washington Department of Fish & Wildlife – Police



WDFW responsibilities for Halibut enforcement for land-based activities includes commercial off-load monitoring, compliance, and verification checks, and recreational emphasis and inspections of key coastal ports, to ensure compliance of limits, size, and gear restrictions. WDFW at-sea enforcement includes patrolling, conducting operations, and vessel inspections, illegal trafficking in sport caught halibut, unreported/undocumented catch, and selective gear restrictions, with emphasis in the Exclusive Economic Zone.

WDFW Patrol Officers conducted halibut related compliance inspections on the water, at the dock, and in the market place along the Washington Coast, Strait of Juan de Fuca, and Puget

Sound. Officers patrolled during the open commercial and recreational seasons and during closures to provide protection throughout the entire year.

WDFW Enforcement:

WDFW committed 16 commissioned staff toward halibut enforcement, for a total of 763 hours. Their at-sea activities encompassed: 555 at-sea hours (370 at-sea personnel hours and 185 at-sea long-range vessel hours). Their dockside activities encompassed 208 hours. WDFW approximate funding applied toward halibut enforcement and management was \$56,420.10 (\$44,502.95 at-sea operations and \$11,917.15 for land-based operations). WDFW Officers accomplished 2,095 recreational contacts and 109 commercial contacts, issued 201 warnings and 46 citations.

WDFW Overview:

Halibut can be found throughout Puget Sound and offshore waters. This resource is shared among four user groups in Washington State: recreational, directed non-Indian commercial, non-Indian incidental, and Tribal fishermen. Washington Department of Fish and Wildlife (WDFW) police developed a patrol plan for 2017 that provides comprehensive protection throughout the entire year.

As halibut seasons and habitats overlap with other fisheries, directed halibut patrols often reveal federal and state violations related to other species. Conversely, halibut violations were also found during patrols intended to maintain compliance in other fisheries. Common halibut violations include mutilation of fish so that size or species could not be determined, failure to account for catch, fishing for and possession of rockfish or halibut in closed areas, closed-season fishing, exceeding limits, failing to submit catch for inspection (hidden fish), and fishing without a license.



WDFW Strategic Planning:

The Patrol Plan's focus areas include:

Elevating enforcement presence at-sea and shore side during halibut-directed fisheries or when halibut can be legally retained incidental to other fisheries;

Ensuring compliance with halibut hot spots that are closed to fishing during open halibut seasons (intended for yellow eye and canary rockfish protection);

Providing a presence on the halibut grounds during season closures, to include during non-halibut fisheries in locations where halibut could be intercepted;

Monitoring commercial off-loads;

Inspecting wholesale and retail sellers to ensure lawful origin of halibut in commerce;

Ensuring the safety of all persons engaging in commercial and recreational fisheries; and

Conducting joint patrols with partner agencies such as Tribal, United States Coast Guard and local sheriffs' offices in order to expand patrol coverage.

WDFW Enforcement Highlights:

Recreational Season:

Three detachments conducted saturation patrols in Marine Areas 1, 2, 3, 4 and 5 prior to and during the recreational and commercial coastal halibut openers. WDFW police committed four patrol boats and deployed officers on United States Coast Guard (USCG) and Clallam County Sheriff's vessels to expand the at-sea presence. In addition to WDFW officers detecting recreational and commercial fishing violations, USCG boarding teams terminated several vessels voyages due to a lack of required safety equipment. Some highlights include:

A number of halibut-directed patrols resulted in high compliance with halibut rules, however, groundfish-related violations by halibut anglers were still observed. For example, one vessel kept a dozen rockfish (five different species) that were illegal to possess in addition to three undersized lingcod. At least one person in the group understood how much trouble they were in upon seeing the patrol vessel approach and started to throw fish overboard. Since rockfish with distended swim bladders fail to sink, they were easily retrieved and the fishermen were cited accordingly.



Officers Davidson, Branscomb, Summit and Sergeant Rosenberger, with assistance from USCG, emphasized presence in the La Push area. The first open fishing day yielded violations which included one boat fishing halibut in a closed area and in possession of two closed-season Canary Rockfish. With the assistance of the USCG helicopter, WDFW Police were able to contact a vessel fishing for halibut in the Yellow Eye Conservation Area, which is closed to halibut fishing.



Officer Summit assists an angler at his request:



In the Strait of Juan de Fuca, Sergeant Rosenberger teamed up with the Clallam County Sheriff to patrol waters between Sekiu and Neah Bay. Three men aboard a boat were contacted and told the Sergeant that they did not have any fish on board and that it was a slow fishing day. As the deputies conducted a vessel safety inspection, Sergeant Rosenberger could hear a fish flopping within a fish well and saw drops of blood on the deck. Sergeant Rosenberger told the men that he knew there was a fish aboard and requested that they provide it for inspection. They men again denied having a fish, just as the fish started to thrash. The Sergeant asked to see the inside of a fish well the suspect was standing on and discovered a halibut, which was very much alive. The suspect told the Sergeant that he had not recorded the fish on his catch record card, and that is why he had not told the truth. The Sergeant informed the man that he had taken what is a lesser violation and made it into a gross misdemeanor offense by lying. He was cited accordingly. Over-limits for bottomfish and retaining rockfish in closed areas were also addressed through additional angler inspections.

WDFW Police went undercover and observed an over-limit of four halibut retained on board a vessel for hire. Small halibut, both alive and dead were hi-graded in favor of larger fish. When confronted, the captain(s) and crew had a hard time telling the truth for quite some time, but finally admitted to the violations. Ultimately a search warrant was served on the charter boat company office as officers had cause to believe that hi-grading and exceeding limits was

routine. After interviewing numerous witnesses on prior fishing trips, additional violation counts have been added to the original case.

Local charter suspected of 'high-grading' prized halibut

Natalie St. John

Published on July 18, 2017 3:51PM



Incidental Halibut Fishery:

Commercial salmon troll areas overlap halibut grounds. Trollers may legally retain halibut incidental to the salmon fishery, however limits apply. Commercial trollers are routinely inspected to ensure compliance. No violations were found.

Fish Company Inspections:

Wholesale fish dealers and processors are inspected throughout the season to ensure proper catch accounting and enforce possession limits. One commercial vessel was discovered to have delivered two hundred and eighteen pounds of halibut in excess of the limit. The overage was seized and state citations were issued to the captain. Officers also conducted vessel patrols during each of the open-directed commercial halibut fisheries. No violations were found.



Office of Law Enforcement – West Coast Division Investigations & Patrols

Investigations

Enforcement Officers monitored an offload of Pacific halibut subsequent to the IPHC Area 2A halibut opener. A commercial fishing vessel was found to be 224 pounds over quota limits. The owner/operator agreed to forfeit the halibut. He was offered a summary settlement in the amount of \$1,176.00. The offer was accepted.

Enforcement Officers monitored an offload of Pacific halibut subsequent to the IPHC Area 2A Halibut opener. A commercial fishing vessel was found to be 317 pounds over quota limits. The owner/operator agreed to forfeit the halibut. He was offered a summary settlement in the amount of \$1,664.25. The offer was accepted.

A supervisory enforcement officer and special agent assisted Washington Department of Fish and Wildlife (WDFW) serve a search warrant on a charter fishing company in Ilwaco, WA. Evidence was collected in support of the WDFW investigation into suspected high-grading and waste of halibut during charter fishing trips. Investigation continues.

Enforcement officers conducted multiple dockside boardings during the commercial halibut fishery in the area of Coos Bay, OR and Ilwaco, WA. Several violations were observed, including improperly marked gear, failure to maintain fish receiving tickets, and failure to maintain vessel log.

Patrols

Enforcement Officers in Astoria and Charleston, Oregon and Ilwaco, Washington boarded 17 commercial fishing vessels participating in the IPHC Area 2A halibut opener on June 28, 2017. The vessels were inspected to ensure compliance with IPHC regulations including complete offload, catch shares, size limits, and proper logbook and permits.

A supervisory enforcement officer conducted a shoreside patrol of Garibaldi, OR in conjunction with the IPHC Area 2A, 10-hour commercial halibut fishery. He conducted a meeting with the local Coast Guard station personnel, visited processing facilities, performed inspections of recreational vessels landing halibut and monitoring of commercial vessel activity.

A supervisory enforcement officer and enforcement officers conducted patrols in Washington and Oregon in support of a 10-hour commercial halibut opener. Patrols were coordinated with U.S. Coast Guard and JEA partners to monitor for early/late fishing, careful release of undersized halibut, and compliance with landing requirements.

Vessel Monitoring Staff:

VMS enforcement technicians monitored vessel positions before and during the halibut openings and no incidents were found.