



CANADIAN REPORT
TO THE
INTERNATIONAL PACIFIC HALIBUT COMMISSION
ON
2017 HALIBUT FISHERY ENFORCEMENT ACTIVITIES

COMPLIANCE ISSUES AND STRATEGIES

Overview

Fisheries and Oceans Canada (DFO) is a natural resource management organization with an infrastructure necessary to support professional law enforcement activities. The enforcement policies and activities of DFO with respect to regulatory compliance of aboriginal, commercial and recreational fisheries, is the responsibility of the Conservation and Protection (C&P) program. The program is delivered through a three pillar enforcement approach which includes:

- Promotion of compliance through education and shared stewardship;
- Monitoring, control and surveillance activities; and,
- Management of major cases/special investigations in relation to complex compliance issues.

C & P, Pacific Region, is responsible for providing monitoring, control and surveillance activity along a coastline of 27,000 kilometers extending from the southern tip of Vancouver Island to northern British Columbia and the Yukon Territory.

Management of the groundfish fisheries off the west coast of Canada is described within the Groundfish Integrated Fishery Management Plan (IFMP). The IFMP is not enforceable; rather, fishery officers rely on conditions of licence, variation orders and acts and regulations for enforcement purposes.



There are approximately 142 fishery officers in the Pacific Region, the majority of which are located within four distinct operational Areas and the Aquaculture Enforcement unit. These areas/units are supported by the National Fisheries Intelligence Service.

More information about DFO Compliance and Enforcement is available at the following website: <http://www.dfo-mpo.gc.ca/fm-gp/enf-loi/index-eng.htm>

Sanctions and Deterrence

DFO's C&P program pursues violations of fisheries legislation and regulations in three ways.

1. For violations that are considered minor, an officer may issue warning letters or tickets that will form part of the fisher's compliance history and will be considered when investigating future occurrences.
2. Restorative Justice (RJ), a community based approach, may be used as an alternative measure to the court process for people faced with fisheries offences and conflict in an inclusive and meaningful way.
3. Finally, serious or repeat offenders are dealt with through the provincial and federal courts where sentencing may include significant fines, prohibitions, licence suspensions and jail time.

MONITORING, CONTROL AND SURVEILLANCE

National Aerial Surveillance Program in Pacific Region

C &P operates a coastal air surveillance program utilising a specially configured aircraft with a fishery officer on board all flights. Close monitoring of the halibut fleet for compliance with hail-out, use of seabird avoidance gear, and area closures such as Rockfish Conservation Areas is an integral element of all patrols. Patrol coverage also monitors vessel activity within Canada's Exclusive Economic Zone. Air surveillance resources are utilized weekly throughout the year subject to weather conditions and conflicting requirements.

Information collected on the flights is available to fishery officers via an internet-based flight information system.



Fisheries Patrol Vessels

Inshore and near shore patrols are conducted by fishery officers using program vessels, which are primarily rigid hull inflatable boats, 7.33, 7.53, 8.5 and 10 metres in length.

Marine Patrol Program

There are two Canadian Coast Guard (CCG) mid-shore patrol vessels (MSPV) based in the southern and northern patrol areas. Each of the ships is dedicated to the C&P program and annually conduct 22 patrols each, resulting in between 286 to 309 operational days per year. There are two to three fishery officers on each patrol.

The National Aerial Surveillance Program and the Marine Patrol Program work together to ensure effective and efficient use of C&P assets.

Fisheries Observer Programs

Additionally, certified fisheries observers, both dockside and at-sea, are designated under Section 39. (1) of the *Fishery (General) Regulations* and perform duties related to monitoring of fishing activities, examination and measurement of fishing gear, collection of biological samples, recording of scientific data, monitoring of the landing of fish and verification of the weight and species of fish caught and retained. Fisheries observers are not armed and do not have authority to enforce the law. They perform an observe, record and report function.

In 2017, dockside monitoring program fisheries observers attended 100% of all hailed-in commercial landings in the commercial halibut fishery.

TRANSFORMATION OF THE CONSERVATION AND PROTECTION PROGRAM

C&P continues to develop into a fully integrated, risk-based and intelligence-led program.

National Fisheries Intelligence Service (NFIS) and Major Case Management

In 2017 NFIS continued to develop its intelligence-led program. In the Pacific Region this program will improve C&P's ability to set priorities and make



decisions which focus on activities that are most harmful to fisheries and ocean resources.

The application of Major Case Management principles and practices will enable the C&P program to focus its resources on investigations that lead to successful prosecutions and sanctions.

NFIS has developed a national verification program and several fishery officers from across Canada have been trained in the fall of 2017. In 2018 fishery officers will begin verifying that dockside and at-sea fisheries observers are carrying out their duties as required by regulation and national and regional policies and procedures.

This national initiative along with the Marine Patrol Program and Aerial Surveillance Program round out C&P's commitment to improved compliance monitoring and enforcement.

HALIBUT ENFORCEMENT OVERVIEW

Fisheries observers and electronic monitoring (EM) systems perform a key role in observing and documenting fishing-related occurrences. Fishery officers have access to EM and observer data for enforcement purposes.

Fishery officers conduct inspections both dockside and at sea for compliance with licence conditions. Directed enforcement effort on the Halibut fishery is dependent on work load and the priorities identified by the respective C&P Area Chiefs.

The hook and line halibut fishery has 100% monitoring through the use of sophisticated GPS and video imaging equipment, logbooks and dockside observers. This along with significant court sanctioned penalties has resulted in a high rate of compliance.

Licence Categories

A Commercial Halibut category 'L' or Communal Commercial Halibut category 'FL' licence is required to participate in the directed commercial Pacific Halibut fishery.

Category 'L' Halibut eligibilities are limited entry and vessel-based. Category 'FL' eligibilities are party-based; an indigenous group or organization is the licence



eligibility holder and the eligibility must be designated to a commercially registered fishing vessel.

Vessels are permitted to conduct combined Halibut 'L' or 'FL' and Sablefish 'K' or 'FK' trips. These vessels are required to identify their intentions at the time of hail-out.

HALIBUT COMPLIANCE AND ENFORCEMENT - COMMERCIAL HALIBUT SUMMARY 2017

2017 Halibut Fishery

The 2017 commercial halibut fishery commenced 12:00 hours local time, March 11, 2017 and closed at 12:00 hours local time, November 7, 2017. A total of 167 vessels and 557 fishing trips were recorded during the 2017 commercial halibut fishing season.

Compliance and Enforcement Priorities - 2017

Groundfish, including commercial halibut, enforcement priorities for 2017 were identified in the Groundfish Integrated Fisheries Management Plan and by the Groundfish Enforcement Coordinator as follows:

- Investigate occurrences of closed area fishing such as Rockfish Conservation Areas (RCAs), sponge and coral reef marine protection areas, and marine conservation areas.
- Continue to enforce compliance with hail-out, hail-in and other elements of the Dockside Monitoring Program (DMP) and At-Sea Observer Program (ASOP).
- Investigate occurrences where groundfish is caught, retained or possessed without the authority of a licence. Priority will be placed on retention of groundfish for the purpose of sale.
- Enforce compliance with conditions of licence for dual fishing, where dual fishing is defined as 'fishing for and retaining groundfish under the authority of a Commercial Groundfish Licence and a Communal Food, Social, Ceremonial (FSC) Groundfish Licence during the same fishing trip'.



- Enforce compliance with the electronic monitoring (EM) conditions of licence, especially time gap occurrences.
- Investigate false and misleading information provided to dockside observers.
- Investigate allegations of dockside observers not carrying out their duties.

HALIBUT COMPLIANCE AND ENFORCEMENT - OCCURRENCE SUMMARY 2017

Occurrences

Occurrences are reported or observed incidents which are potential violations of any Act or Regulation which falls under the mandate of a Canadian fishery officer.

Table 1: Commercial Halibut Fishery Occurrences - January 1, 2017 to December 15, 2017¹

Occurrence Type (not all are found to be violations)	Number of Occurrences
Dual fishing	27
Area/Time (closed area)	6
Illegal Buy/Sell/Possess	4
Gear Illegal/Used Illegally	3
Partial Offload – Not Authorized	1
Registration / Licence	9
Prohibited Species	3
Release Rockfish	13
Reporting	1
Species/Size Limit	1
Total	68

¹ Source: DFO Departmental Violations System (DVS) and Archipelago Marine Research Ltd. Portal for Clients



Table 2: Recreational Halibut Fishery Occurrences - January 1, 2017 to December 15, 2017²

Occurrence Type	Number of Occurrences
Reporting	9
Quota/Bag Limits	12
Gear-Illegal/Used Illegally	1
Area/Time	4
Species/Size Limit	5
Registration/Licence	4
Illegal Buy/Sell/Possess	9
Illegal Transportation	2
Total	46

Table 3: Aboriginal Halibut Fishery Occurrences - January 1, 2017 to December 15, 2017³

Occurrence Type	Number Of Occurrences
Illegal Buy/Sell/Possession	24
Registration/Licence	4
Area/Time	2
Species/Size Limit	1
Total	31

² Source: DFO Departmental Violations System (DVS)

³ Source: DFO Departmental Violations System (DVS)



HALIBUT COMPLIANCE AND ENFORCEMENT - FISHERY OFFICER ENFORCEMENT EFFORT SUMMARY 2015/2016/2017

Table 4: 2015, 2016, 2017, C&P Fishery Officer Groundfish enforcement hours for aboriginal, commercial, and recreational Halibut fisheries and recreational hours comparing halibut to finfish and salmon in tidal waters⁴

ENFORCEMENT ACTIVITY – Comparison of years 2015, 2016 and 2017 (January 1, 2017 to December 15, 2017)						
HALIBUT DEDICATED HOURS and % of TOTAL ENFORCEMENT EFFORT FOR PACIFIC REGION						
	2015	2015	2016	2016	2017	2017
FISHERY TYPE	HOURS	% TOTAL ENF. EFFORT	HOURS	% TOTAL ENF. EFFORT	HOURS	% TOTAL ENF. EFFORT
ABORIGINAL HALIBUT	717.25	1%	481.25	1%	427.5	0.6%
COMMERCIAL HALIBUT	1845	2%	1297.5	1%	592.25	0.8%
RECREATIONAL HALIBUT	705.5	1%	445	0%	500.5	0.7%
TOTAL	3267.50	4%	2223.75	2%	1520.5	2%
RECREATIONAL HOURS and % of TOTAL ENFORCEMENT EFFORT FOR PACIFIC REGION						
RECREATIONAL HALIBUT	705.25	1%	445	0%	500.5	0.65%
RECREATIONAL FINFISH – TIDAL WATERS	1713.25	1%	1082.25	1%	1366.25	1.77%
RECREATIONAL SALMON – TIDAL WATERS	6707.50	3%	5607.5	6%	5025.5	6.5%
TOTAL	9126.00	5%	7134.75	7%	6892.25	8.92%

NOTE: The recreational patrols are typically conducted on a “multi species” or “multi fishery” basis with the predominant effort in recreational tidal directed toward salmon and other finfish as the primary purpose. Halibut checks are conducted on these multi-species/multi fishery trips so the effort identified as

⁴ Source: DFO Fisheries Enforcement Activity Tracking System (FEATS)



specific to “Rec. Salmon Tidal” and “Rec. Finfish Tidal” (typically Rockfish species) are included as they are relevant to understand the totality of fishery officer enforcement efforts toward recreational halibut compliance.

HALIBUT COMPLIANCE AND ENFORCEMENT - AERIAL SURVEILLANCE PATROL SUMMARY 2014/2015

Table 5: 2017, 2016, 2015 C&P Aerial Surveillance Patrols – number of missions, total hours spent flying, and number of halibut vessels viewed during missions⁵

AERIAL SURVEILLANCE PROGRAM (ASP) ACTIVITY			
<u>Air Patrols</u>	<u>Missions</u>	<u>Hours</u>	<u>Total Halibut Vessels Recorded Per Year</u>
January 1, 2017 – December 15, 2017	166	879.49	500 (461 L, 39 FL)
January 1, 2016 – December 15, 2016	154	876.04	388 (338 L, 50 FL).
January 1 - December 15, 2015	160	973.56	402 (360 L, 42 FL)

L = commercial halibut licence

FL= communal commercial halibut licence

HALIBUT COMPLIANCE AND ENFORCEMENT – VIOLATION SUMMARY 2013/2014/2015

Table 6: 2014, 2015, 2016 and 2017 Violations for Aboriginal, Commercial and Recreational Halibut – Charges Laid, Charges Pending/Under Review, and Ticket/Warning Issued⁶

PACIFIC/PACIFIQUE REGION

VIOLATIONS	2014	2015	2016	2017	GRAND TOTAL
ABORIGINAL GROUND FISH – HALIBUT	23	12	6	14	55
CHARGES LAID	1				1
CHARGES PENDING/UNDER REVIEW		5	4	13	22
TICKET ISSUED		1			1

⁵ Source: Provincial Aerospace Limited - Surveillance Information System (SIS)

⁶ Source: DFO Departmental Violations System (DVS)



WARNING ISSUED		5		1	6
COMMERCIAL GROUND FISH - HALIBUT	38	44	27	25	125
CHARGES LAID	1		1		2
CHARGES PENDING/UNDER REVIEW	15	14	11	5	45
TICKET ISSUED	1			7	8
WARNING ISSUED	7			13	20
RECREATIONAL GROUND FISH - HALIBUT	103	78	51	80	446
CHARGES LAID	11	3	5	8	27
CHARGES PENDING/UNDER REVIEW	2	20	5	10	37
TICKET ISSUED	29	12	20	26	87
WARNING ISSUED	55	42	21	36	154
GRAND TOTAL	164	134	84	119	626

⁶ Source: DFO Departmental Violations System (DVS)

SIGNIFICANT CONVICTIONS:

- **2017** – Closed Area: -Marine Protected Area - \$45,000.00
-Rockfish Conservation Area - \$25,000.00

SIGNIFICANT 2017 INVESTIGATIONS:

- Two closed area – Northern Reef Marine Protected Areas and Rockfish Conservation Areas.
- One illegal sales of halibut to seafood businesses – charges laid.
- One unauthorized FSC fishing during dual fishing halibut trip.

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