



ITEM C-1 supplemental
DECEMBER 2013
UNITED STATES DEPARTMENT OF COMMERCE
NOAA / National Marine Fisheries Service
Alaska Enforcement Division
P.O. Box 21767
Juneau, AK 99802

DATE: December 3, 2013

TO: Chris Oliver, Executive Director
North Pacific Fisheries Management Council

FROM: Matthew S. Brown, Acting Special Agent in Charge

RE: Enforcement Concerns on Annual Harvest Limit

The Charter Management Implementation Committee has recommended analysis of several potential management measures for charter halibut harvests in 2014. Two of the management measures recommended for analysis for Area 2C and one of the management measures recommend for analysis for Area 3A includes an annual limit on halibut harvested by charter vessel anglers in Alaska.

The Alaska Enforcement Division has concerns with its ability to effectively enforce an annual limit on charter harvested halibut in any area without an accurate annual accounting method implemented via regulation.

The method that has been offered to account for annual halibut harvests for charter vessel anglers is to require anglers to complete a harvest record that is located on the reverse side of a State of Alaska sport fishing license. Anglers not required to obtain a sport fishing license under Alaska law, e.g. Youths, PID card holders and senior citizens, would be required to complete a free harvest record card.

There are many ways that an angler that wants to exceed an annual halibut harvest limit could easily circumvent this cursory record keeping mechanism and successfully evade detection by enforcement personnel:

- An angler could inadvertently or intentionally fail to record their charter harvested halibut on their license or harvest record card until or unless they get checked by enforcement personnel from NOAA, the USCG or the Alaska Wildlife Troopers. If the angler isn't checked, they may never record harvests and no accounting is created.
- Many anglers obtain multiple fishing licenses throughout the year. The use of multiple fishing licenses (including duplicate licenses) by an individual angler doesn't allow for continuity of accounting for an annual limit throughout the

year. An angler could inadvertently or intentionally fail to record harvest records from previous fishing license(s) to a new fishing license(s) and there is no mechanism to audit or follow up on this practice during the current fishing year.

- Accounting for annual halibut limits for anglers that are not required to obtain a sport fishing license is even more problematic because the harvest record cards are not tracked or otherwise accounted for, and there is no continuity of accounting for anglers that use multiple harvest record cards throughout the year. ADF&G saltwater logbook data indicates that in 2012 there were approximately 11,790 charter vessel anglers that retained halibut from Area 2C and 3A but were not required to obtain a sport fishing license. In 2011 there were approximately 13,402. This is an estimate of the number of charter vessel anglers that would be required to use a harvest record card if an annual halibut limit were to be implemented. Given the uncontrolled nature of the harvest record card, anglers that want to exceed an annual limit on halibut would only have to complete a new harvest record card with each new fishing trip. This would effectively restart the accounting for an annual limit of halibut with each fishing trip and new harvest record card.
- If the CSP is implemented in 2014 with a provision for Guided Angler Fish “GAF”, GAF would not be counted towards a person’s annual halibut limit. This could further confuse the accounting for an annual halibut limit because GAF are not required to be recorded on the back of an angler’s license or harvest record card.

It has been suggested that NOAA OLE could audit annual harvest limits by matching licensing data with salt water logbook data. This is impractical for some of the reasons stated below:

- Licensing data is not available until after the end of the fishing season. This creates significant evidentiary problems in prosecuting an angler for exceeding their annual limit. The halibut and the license or harvest card would likely be either discarded or carried out of state by the angler, witnesses are unlikely to have a clear memory of relevant events that occurred months before, and it would be extraordinarily labor intensive and expensive to prosecute cases involving small numbers of halibut.
- The saltwater logbook data doesn’t contain information that individually identifies youth anglers and there is no licensing data at all for youth anglers. There is no mechanism to audit or follow up on youth angler harvests. In 2012 there were approximately 7,340 youth anglers that retained halibut from Area 2C or 3A and in 2011 there were approximately 8,886.

It has also been suggested that annual limits are best enforced at-sea while fishing for halibut is ongoing or at the dock at the end of a trip. This isn't entirely accurate. When an enforcement contact occurs at-sea or at the dock, the authorized officer can only verify compliance with the regulations for the activities that the authorized officer observes at that point in time. The authorized officer has no way of verifying that any halibut that was harvested by the charter vessel angler on previous days or trips was properly recorded on the license or harvest record, nor does the authorized officer have any mechanism to follow up on any fishing activity that occurs after the enforcement contact.

If anglers suspect that they are unlikely to be caught doing something unlawful or if they suspect that violations are not likely to be prosecuted, the threat of being fined becomes a weak deterrent to breaking the law.

For the reasons outlined above, NOAA OLE recommends that an annual charter halibut limit should not be implemented without a more accurate method to fully account for individual annual charter halibut harvests.

**NOTE: AKD Enforcement prepared the following comments to this paper independently since the enforcement concerns were separated from the analysis being conducted by Sustainable Fisheries and ADF&G. AKD OLE has not had the opportunity to review the analysis and reserves the right for further comment once that analysis has been released.*

