

National Marine Fisheries Service
Office for Law Enforcement

ALASKA ENFORCEMENT DIVISION

**SEMI-ANNUAL REPORT
TO
NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL**



FY2016

October 1, 2015, to March 31, 2016

To report fisheries violations,
call our National Hotline at 1-800-853-1964.

http://www.nmfs.noaa.gov/ole/ak_alaska.html

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1. MAJOR CASES

AK1201797 – Individuals were charged under the Marine Mammal Protection Act for wasteful takes of two beluga whales. A \$8,000.00 NOVA was issued. Case settled and individuals are on two-year probation.

AK1201773; F/V SUSAN – Operator was charged under the Endangered Species Act with anchoring a vessel within a 3-mile buffer zone of a Stellar sea lion rookery. A \$1,250.00 NOVA was issued. Case settled for \$1,136.72.

AK1300421; F/V NATURE – Owners and operators were charged under the Magnuson-Stevens Act for fishing for Pacific cod in a closed area. A \$9,873.84 NOVA was issued. Case settled for \$7,353.84.

AK1305027; F/V Aleutian Sable – Owner and operator were charged under the Magnuson-Stevens Act for multiple observer harassment, failure to notify observer, and safety violations, as well as for retaining IFQ halibut in excess of the total amount of unharvested IFQ halibut applicable to the vessel category and Regulatory Area 4A, in which the vessel deployed fixed gear and for which permits were held aboard the vessel. A \$156,091.00 NOVA was issued. Case pends.

AK1401705; F/V WONDER WORKER – Operator charged with a violation of 50 C.F.R. § 679.7(f)(4) for retaining approximately 1,666 lbs. of IFQ Halibut in Area 3A in excess of total amount of unharvested IFQ applicable to that regulatory area held by all IFQ permit holders onboard. Unlawful catch valued at \$8,642.40 was seized and forfeited. A NOVA was also issued for \$17,500. The NOVA case pends.

AK1401070; F/V COLLIER BROTHERS – Vessel owner and operator charged with two counts of submitting an inaccurate report to NMFS concerning the area of harvest of Pollock. A NOVA for \$30,000 was issued and settled for \$27,000.

AK1401072; F/V LESLIE LEE – Vessel owner and operator charged with negligently submitting an inaccurate report to NMFS concerning the area of harvest of Pollock. A NOVA for \$15,000 was issued and settled for that amount.

AK1401073; F/V MARATHON – Vessel owner and operator charged with submitting an inaccurate report to NMFS concerning the area of harvest of Pollock. A NOVA for \$17,500 was issued and settled for \$13,500.

AK1402001; F/V SAINT PETER – Owner, operator, and IFQ permit holders charged with a violation of 50 C.F.R. § 679.7(f)(4) for retaining Halibut in Area 4A in an amount that exceeded the total amount of unharvested IFQ currently held by all IFQ permit holders aboard the vessel

for the regulatory area in which the vessel was deploying fixed gear, to wit: they retained about 24,600 lbs. of Halibut in Area 4A and held only about 14,085 lbs. of Area 4A IFQ. The violation occurred in 2012. A NOVA for \$61,781 was issued and the case settled for \$49,000.

AK1402606; F/V SIERRA MAR – Owners and operator/permit holder were charged under the Magnuson-Stevens Act for retaining IFQ sablefish in excess of the total amount of unharvested IFQ sablefish applicable to the vessel category and Regulatory Area WY, in which the vessel deployed fixed gear and for which permits were held aboard the vessel. A \$39,002.32 NOVA was issued. Case pends.

AK1500564; F/V ALASKAN LEADER – Crewmember was charged under the Magnuson-Stevens Act for tampering with an observer's personal effects without the express consent of the observer. A \$2,000.00 NOVA was issued. Case settled for \$1,800.00. Paid in full

AK1501220; F/V BUCCANEER – Vessel owner and operator charged with unlawfully retaining undersized Pacific Halibut and making an IFQ Halibut landing other than directly to a registered buyer. Seventeen Pacific Halibut were seized and forfeited. A NOVA was also issued for \$21,000.

AK1502232; F/V RASCAL – Owner and operator were charged under the North Pacific Halibut Act for possessing undersized halibut and failing to land IFQ halibut to a registered buyer. A \$8,584.30 NOVA was issued. Case pends.

AK1502237; F/V HIGH VOLTAGE – Individual charged with unlawfully retaining Pacific Halibut without a valid IFQ permit. Unlawful catch valued at \$1,208.78 was seized and forfeited. A NOVA was also issued for \$1,000.

AK1502307; F/V ARICA – Vessel owner and operator charged with failing to file a vessel activity report before entering the Russian EEZ. A NOVA for \$2,000 was issued and settled for \$1,800.

AK1502314 – Charter vessel guide was charged under the North Pacific Halibut Act for conducting a guided fishing trip with anglers on board without a valid charter halibut permit. A \$1,000.00 NOVA was issued. Case settled.

AK1502657; F/V PEREGRINE – Owner and operator was charged under the Magnuson-Stevens Act for retaining IFQ sablefish in excess of the total amount of unharvested IFQ sablefish applicable to the vessel category and Regulatory Area SE, in which the vessel deployed fixed gear and for which permits were held aboard the vessel. A \$9,472.00 NOVA was issued. Case pends.

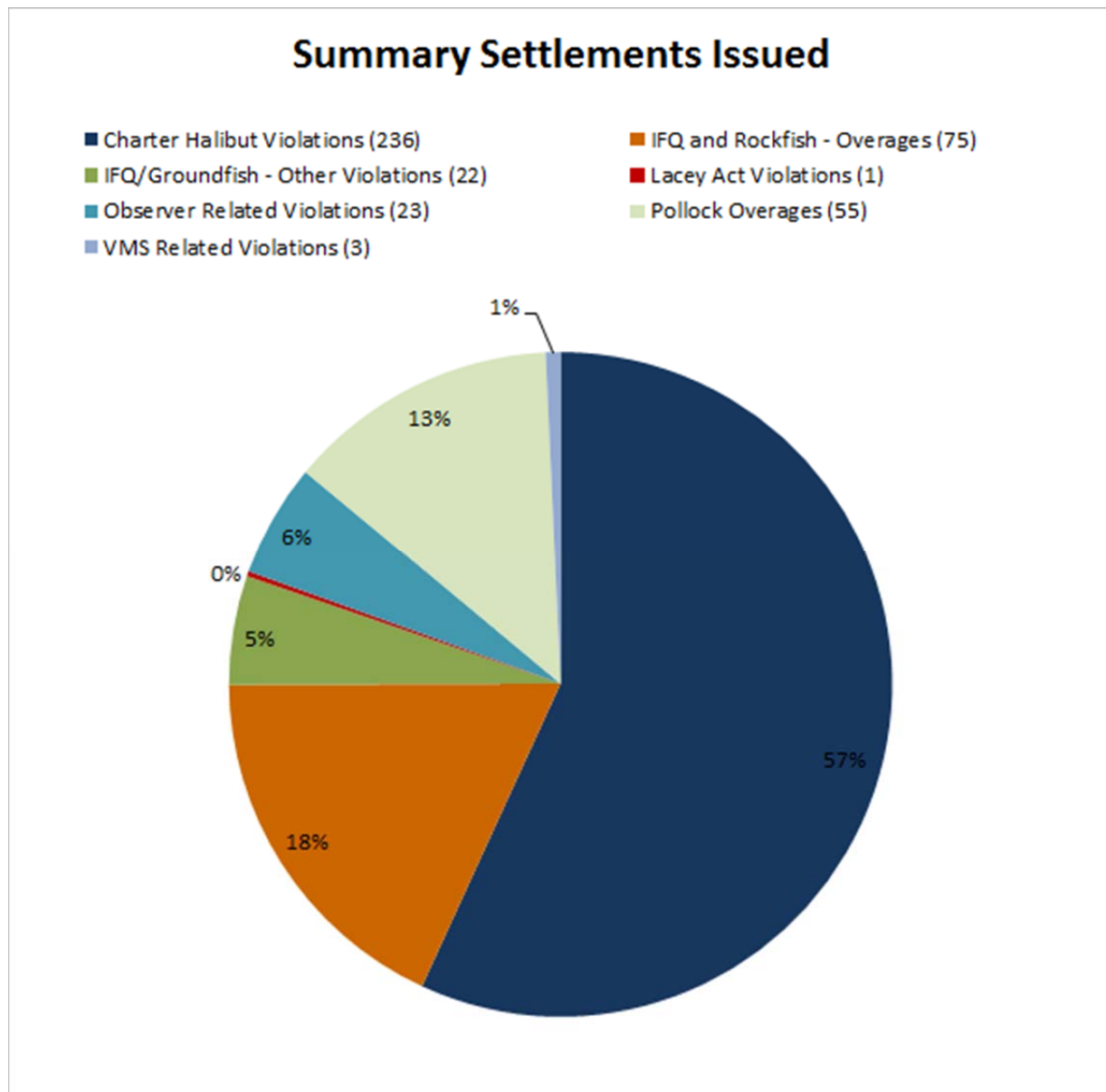
AK1503261; F/V JANIS M – Owner/operator charged with a violation of 50 C.F.R. § 679.7(f)(4) for retaining Halibut in Area 2C in an amount that exceeded the total amount of unharvested IFQ currently held by all IFQ permit holders aboard the vessel for the regulatory area in which the vessel was deploying fixed gear, resulting in an overage of approximately 1,458 lbs. Unlawful catch valued at \$9,686.15 was seized and forfeited. A NOVA was also issued for \$1,000 and settled for \$900.

U.S. Attorney Karen L. Loeffler announced that a father and son from Wrangell, Alaska, were sentenced in Juneau federal court on charges related to violations of the Lacey Act while fishing for halibut in the Gulf of Alaska. Both defendants admitted their crimes and pled guilty in October before Chief U.S. District Judge Timothy M. Burgess. Between June 28, 2010, and May 20, 2013, the father and son conspired to falsify fishing locations on Alaska Department of Fish and Game (ADF&G) Longline Fishery Logbook entries, IFQ landing permits, and ADF&G Halibut Tickets. These reports indicated that they fished in IFQ Area 3A, when in fact; they had only fished Area 2C. The defendants had illegally caught halibut in Area 2C valued over \$23,000 and falsified IFQ records. The father pled guilty to a single felony count of conspiracy to falsify IFQ records and was sentenced to pay a \$90,000 fine and placed on probation for five years. The son pled guilty to a single misdemeanor count for violating the Lacey Act by falsifying IFQ records and was sentenced to pay a \$10,000 fine and placed on probation for five years. Both defendants agreed to install and pay for a VMS for the vessel used by the defendants or any other vessel who is fishing on behalf of the family corporation.

An Alaskan Special Agent completed the investigation in which the owner of a vessel was purchasing sport and subsistence halibut from three fishermen and selling the halibut in his restaurant. All four subjects plead guilty to Lacey Act misdemeanor violations. The owner was fined \$5000, the sport fisherman was fined \$3500, and the subsistence fishermen were fine \$5000 and \$3500 and also forfeited their subsistence fishing permits while on probation. All parties were placed on probation.

2. Summary Settlements Issued

From October 1, 2015 to March 31, 2016 there were a total of 415 summary settlements issued



by AKD, with the majority being issued as a result of a charter halibut audit.

3. Operational Highlights

Patrols

Alaska Division conducted two Joint Enforcement Agency patrols. The focus of the first patrol was conducting at sea boardings and inspections of state and federal commercial fishing vessels and processors operating in the Gulf of Alaska from Kodiak to Dutch Harbor. The enforcement

component consisted of: 2 Alaska Wildlife Troopers, 1 Public Safety Technician, and NOAA Enforcement Officer. The ten day at sea patrol aboard the P/V STIPMSON covered over 1296 nautical miles, with over 100 cod pots hauled and inspected, 35 commercial vessels boarded and inspected, and 4 seafood processors audited. Additionally, over 226 people were contacted, including 4 deployed federal observers. These contacts and inspections resulted in 8 federal violations and 13 state violations.

Working together jointly with the Alaska Wildlife Troopers (AWT) for the enforcement of both state, and federal regulations was a success. Through the utilization of the P/V STIMSON's satellite phone and internet capability, OLE was able to maintain communications with land based assets enabling us to get updated vessel locations, movements, and information. The P/V STIMSON's crew and Trooper's knowledge of the area and fisheries was instrumental in finding higher concentrations of vessel activities.

The second joint patrol with the State involved a Special Agent and Enforcement Officer with the Alaska Wildlife Troopers on board the P/V STIMPSON. The primary purpose of the operation was to inspect foreign trampers in the vicinity of Togiak, Alaska for IUU activity. During the patrol, several boardings were conducted with no violations being detected. The STIPMSON traveled from Kodiak to Togiak and anchored in Togiak Bay. The STIMPSON's small boat was then used to transfer OLE and AWT personnel to trampers, trawlers, and other vessels of opportunity. While at anchor, walrus transit areas were monitored using radar and AIS. Also, during the transit to and from Togiak, Steller sea lion no-transit zones were checked and IFQ vessels were queried.

A Northern Fur Seal Patrol on St. Paul Island, Alaska was conducted by two Enforcement Officers. During the two week patrol, utilizing ATVs and side-by-sides the EOs monitored 13 federal rookeries and haul-outs on the island in an effort to stop poachers from further depleting the Fur Seal population.

First Annual OLE Fisheries Enforcement Basic Training

USCG North Pacific Regional Fisheries Training Center (NPRFTC) instructors and other subject matter experts from NOAA Fisheries provided training as part of the AKD Basic Pilot Training program for new OLE Enforcement Officers, USCG, and Alaska Wildlife Troopers at the NPRFTC in Kodiak. The first two days of training were a basic introduction to Alaska Fisheries, while the remainder of the week was NOAA OLE specific. AWT, USCG, NOAA OLE, Observer Program and Sustainable Fisheries all had staff in attendance.

The training covered subjects ranging from vessel and gear types, observer related duties and responsibilities, and Standing Together Against Rape (STAR) awareness. Instruction was provided by the USCG NPRFTC Staff and Alaska OLE staff. OLE presented on observer reported violations, suggested penalties, and observer victim crimes. Roleplay scenarios were

also conducted, with Enforcement Officers and Alaska Wildlife Troopers acting out scenarios loosely based on previous observer complaints for the benefit of situational sensitivity and education.

4. Charter Logbook Audit and Scheduled Outreach

During the first half of 2016, NOAA OLE engaged in numerous outreach events to address significant changes in the charter halibut regulations. Similar outreach efforts were made during 2015. Outreach events began with ComFish in Kodiak, AK (attended by more than 2,500 people), continued with the Great Alaska Sportsmen's show (attended by 25,000+ people), and were followed by about a dozen scheduled community meetings throughout Alaska. Additionally, OLE officers engaged in significant and extensive daily outreach during boardings, patrols, and routine conversations. These contacts are integral to OLE daily activities and could not be quantified here.

Ten community outreach events were scheduled for April and May of 2016. OLE community meetings were geared primarily for charter halibut lodges and guides. Alaska State Troopers and IPHC staff attended many meetings in conjunction with OLE. The outreach efforts sought to educate and gain voluntary compliance from the charter halibut participants. Meetings were attended by prior and new attendees eager to listen and discuss new regulations, changes for 2016, and the impact of changes from 2015.

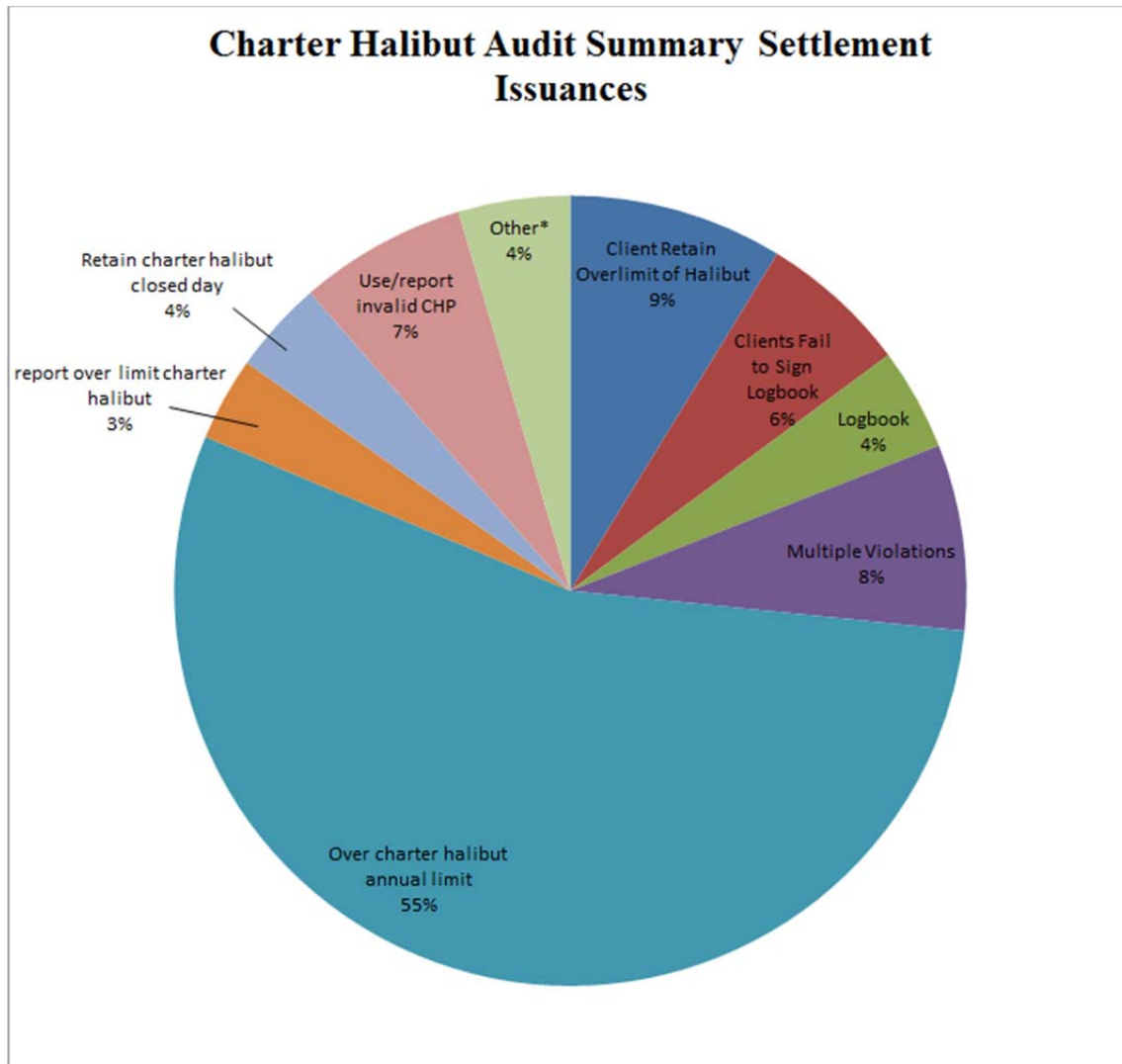
Most recently, two Enforcement Officers led a charter halibut outreach in Seward which was attended by 10 people. The two EOs had the opportunity to review and discuss 50CFR300 and to answer questions about changes for 2016.

In 2016, OLE conducted an audit of Charter Halibut Logbook data submitted to the State of Alaska for charter fishing during January 1, 2015 to July 31, 2015. The logbook audit identified 263 incidents which resulted in approximately 200 summary settlements, 15 verbal warnings, and 5 written warnings.

Violations included:

- Clients retaining over the annual limit (144)
- Charter Halibut Guide allowing clients to retain over the annual limit. (23)
- Charter Halibut Guide failing to ensure client sign the charter logbook when retaining halibut. (16)
- Retaining charter halibut on a closed day. (10)
- Use/report invalid Charter Halibut Permit in logbook. (18)
- Submitting inaccurate or false information in the charter halibut logbook.(11)
- Other or multiple violations (41)

The number and type of the violations were noted and will serve as a benchmark to measure future compliance trends. The chart below summarizes the number of Summary Settlement penalties that issued in each violation category.



* Other includes: CHP invalid for 3A, Crew/guide retain halibut, Fish CQE permit not out of Hoonah, Inaccurate reporting of CHP, Submit false catch information

5. Observer Program Activities

The Alaska Enforcement Division and the North Pacific Observer Program collaborated to better categorize several observer reported potential violation types. Previously, if an observer experienced hostility, coercion, pressure, intimidation, harassment, sample biasing, etc. this was reported to OLE as "Harassment - Intimidate/Interfere" based on the single regulation cite. This violation type has been split into three categories beginning in January 2016. Observers now report actions that affect or may affect their sampling duties as "Interference/Sample Bias" and

any behavior directed towards them that has the effect of intimidating, coercing or creating a hostile work environment as "Intimidation, Coercion, Hostile Work Environment". Additionally, observers now report resolved issues as 'Disruptive/Bothersome Behavior - Conflict Resolved'. This category separates resolved issues that may be addressed by outreach and/or tracked for future compliance. In many cases, 'Disruptive/Bothersome Behavior - Conflict Resolved' statements demonstrate industry and observers working together to mutually resolve conflict.

Observer Training

The Alaska Enforcement Division has a Special Agent and an Enforcement Liaison who provide training to every observer coming through the program. Recent changes to the training include a roleplaying portion which allows observers to think ahead to potential conflicts and attempt to find ways to resolve them while deployed.

The Alaska Enforcement Division partnered with the Alaska non-profit, Standing Together Against Rape (STAR) to provide extensive training to OLE officers and agents and to develop training incoming observers. New observers now practice the concept of "target hardening", which encourages the new observers to be aware of their surroundings and take extra precautions. Special Agent, Smith has been meeting with a STAR trainer to discuss development of a sexual harassment presentation that will be offered to industry and industry groups. "Victim blaming" attitudes are frequently noted during interviews with owners, operators, and with subjects. Special Agent Smith has also noticed that while many companies prohibit sexual harassment, there is little to no training on what sexual harassment looks like. Providing simple explanations and examples of sexual harassment will be a starting point for the industry focused training.

Outreach Events

Alaska Enforcement Division, with Sustainable Fisheries and the Observer Program, participated in several observer program outreach meetings in various ports. Outreach topics included changes to deployment selection, Observer Declare and Deploy System (ODDS) instruction, electronic monitoring pre-implementation, and challenges of observer deployment in the small vessel fleet. Additionally, the public was invited to ask questions and provide input and recommendations.

In November, Alaska Division staff attended the 2015 Pacific Marine Expo in Seattle, WA. The team gave a presentation on recordkeeping and reporting and on support for and collaborations with the Observer Program. They also tended a booth to conduct outreach to all Expo visitors. During the event, OLE interacted with approximately 200 people, answering questions about compliance issues and the Observer Program.

Outreach Letters

OLE reviews all complaints received from the Observer Program to identify violations or require outreach and education. Many first offenses or low level infractions may be handled by

compliance assistance or issuance of a warning. OLE also utilizes observer complaints to track compliance trends. Analysis of these trends allows OLE to target and prioritize enforcement and education efforts. As a result of trend analysis, OLE sent two outreach letters to industry in the past six months.

The first addressed an upward trend of potential record keeping and recording violations. Between January to June 2013, there were 61 potential recording keeping and reporting violations, compared to 181 potential violations between January and June 2015. On December 1, 2015 an Information Bulletin was published reminding Owners, Operators, and managers of recordkeeping requirements and to allow for voluntary compliance of minor infractions.

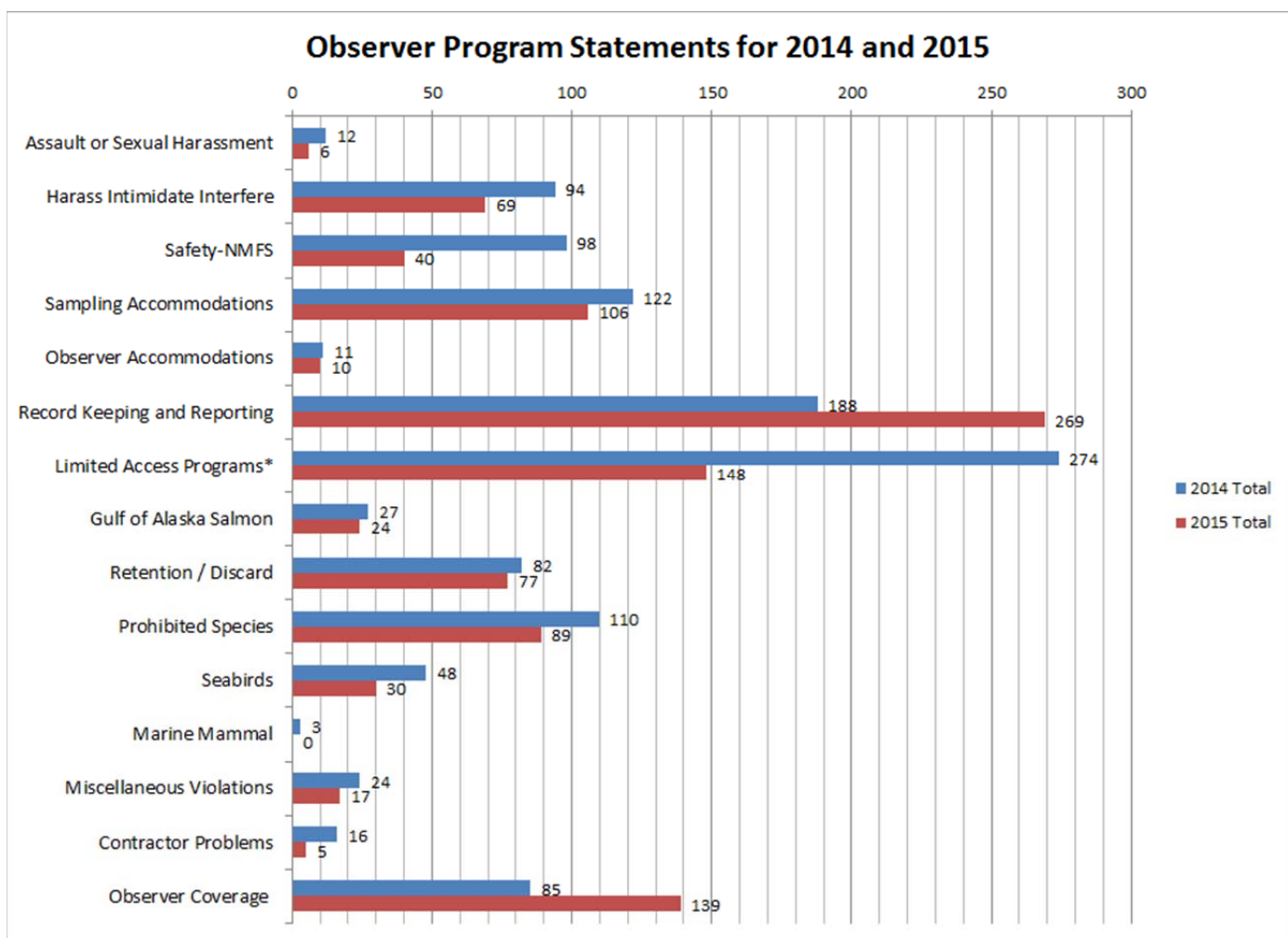
The second outreach letter was sent by an Information Bulletin and targeted Catcher Processor fleets and Co-op Managers. The letter addressed multiple areas of concern including observer sample interference, prohibited species requirements, record keeping and reporting, and observer safety. The goal of this notice was to advise of compliance concerns and to improve voluntary compliance through education.

The tables below show trends of observer complaints by coverage, sector, and subject matter.

Complaint Type	Partial Coverage		Full Coverage		Total**		Trend
	2014	2015	2014	2015	2014	2015	
Assault or Sexual Harassment	4	0	8	6	12	6	↓
Harass, Intimidate, Interfere	25	13	69	56	94	69	↓
Safety - NMFS	43	11	55	29	98	40	↓
Sampling Accommodations	37	29	85	77	122	106	↓
Observer Accommodations	2	3	9	7	11	10	↓
Record Keeping and Reporting	84	129	104	140	188	269	↑
Limited Access Programs*	0	0	274	148	274	148	↓
Gulf of Alaska Salmon	27	24	0	0	27	24	↓
Retention/Discard	54	49	28	28	82	77	↓
Prohibited Species	36	28	74	61	110	89	↓

Seabirds	38	24	10	6	48	30	↓
Marine Mammal	1	0	2	0	3	0	↓
Miscellaneous Violations	8	4	16	13	24	17	↓
Contractor Problems	0	0	16	5	16	5	↓
Observer Coverage	85	139	0	0	85	139	↑
Total	444	453	750	581	1194	1029	↓

* Excludes IFQ fisheries.



** Total includes both partial and full coverage in 2014 compared to 2015

OLE will continue to strengthen enforcement, education, and outreach efforts with the goal to move observed vessel compliance rates in a positive direction.

6. Community Outreach and Education

Community Outreach

Two Enforcement Officers staffed the OLE booth at the 2016 Great Alaska Sportsmen's Show, in Anchorage, Alaska. AKD officers educated the public on charter halibut, marine mammal parts, and fisheries. The officers also made time to contact the 15 charter halibut operations on site to advise of and provide information on updates on the 2016 regulatory changes.

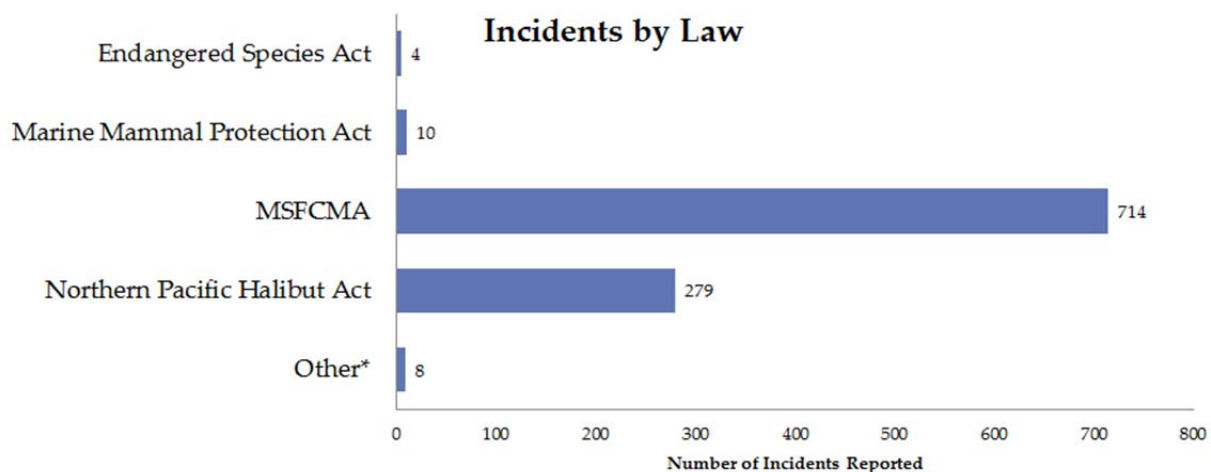
OLE addressed public concerns about an aggressive Steller sea lion frequenting a fish cleaning station in Sitka, Alaska. OLE received multiple reports of anglers feeding sea lions and a call from a resident who had been charged by a sea lion at the station. A Special Agent went to the cleaning station to investigate and encountered an aggressive Steller. Arrangements were made with local authorities to video surveil the station. OLE also worked with NOAA Protected Resources Division and local law enforcement to post OLE signage around the station and to address the community through media and outreach events.

7. PSD and OLE Donations

OLE currently lacks clear authority to donate fish that is seized in the course of investigations. It is the OLE desire to donate fish that is seized, cannot be sold, and is not required for evidence. OLE is pursuing a simple regulatory addition to 679.26 to allow clear authority to enter seized halibut and salmon into the PSD program.

8. Incidents Reported

1015 unique incidents were created between October 1, 2015 and March 31, 2016. 70% of these incidents were investigated under the MSFCMA law, with the second largest being the Northern Pacific Halibut Act, which account for 27% of all incidents recorded.



*Other Includes: State Fisheries Regulations, Lacey Act (Tribal), Federal Regulations (Non-Fisheries)

10. New OLE Staffing Plan

In 2015, OLE hired a contractor, RiVidium, to conduct an office wide staffing analysis. RiVidium conducted surveys and interviews with a variety of OLE stakeholders and analyzed historic caseloads, OLE jurisdiction, fisheries data, and data from the timesheets of sworn law enforcement members on OLE staff.

In order to understand OLE's customers' true demands, RiVidium talked with more than 200 individuals and organizations (e.g., NMFS/NOS program owners, industrial stakeholders, and NGOs). Once the research was completed, RiVidium produced a list of program demands and estimated the number of investigative, patrol, outreach, and response hours that would be required to adequately cover each program demand. Finally, RiVidium provided an initial estimate of how many Enforcement Officers and Special Agents OLE would need in order to meet those demands based on a review of historical time-keeping records and an understanding of which types of investigative activities were more appropriate for each work role.

Results

An OLE Leadership Team, consisting of Assistant Directors from all Divisions assessed the program demands and assumptions used by RiVidium in order to "ground truth" the level of effort that would be needed to address the identified demands. In addition, the Team considered OLE's National and Divisional Enforcement Priorities 2012-2017 to ensure that all OLE Priorities were addressed. The following table and graph show the final staffing model for AKD and Alaska historical staffing levels since 2010.

