

ENFORCEMENT REPORT FOR THE PERIOD 10/1/2000 THROUGH 12/5/2000

National Marine Fisheries Service
Alaska Enforcement Division

During the reporting period, NMFS initiated 184 investigations.

Further action was taken on 117 pending cases during the reporting period. Twenty-four investigations were closed as unfounded, four investigations were closed due to lack of evidence, three investigations were closed due to lack of Enforcement resources, and five investigations were dismissed for other reasons. Seven cases were referred to other Regions or other agencies. Seventeen cases were handled with written warnings or Fix-it tickets. Twenty-three cases were handled with payment of summary settlement penalties totaling \$28,306. Twenty-seven cases were settled through voluntary abandonment of forfeited proceeds or property valued at \$12,674. Eleven cases were referred to NOAA General Counsel. General Counsel issued NOVAs in six cases for a total of \$44,300 in penalties and also settled six cases for approximately \$34,600 in penalties.

Foreign Fishing Vessel Cases

In the year 2000, five foreign vessels were seized, one for illegal high seas drift net fishing, and four for trawling in the U.S. EEZ (these four are the incursions over the Maritime Boundary Line). The sale of the ARCTIC WIND, plus penalties paid by those seized for MBL violations, totaled over \$1.4 million so far this year.

FF/ MING CHANG - This is the only case still open involving foreign vessels trawling in the U.S. EEZ. The MING CHANG posted a \$1.5 million bond and was released. Settlement discussions continue with the Chinese owners.

FF/V ARCTIC WIND - The ARCTIC WIND sold at auction for \$226,500. This is the vessel that was seized for illegal high seas drift net fishing and forfeited to the U.S.

Stellar Sea Lions

Critical Habitat - Six special agents were assigned to investigate incursions into the Critical Habitat Areas which were closed pursuant to an injunction by U.S. District Court Judge Thomas Zilly. A total of 37 cases have been initiated to investigate trawlers which were believed to have violated the injunction. Sixteen of these cases were closed as unfounded, leaving twenty-one open cases at this time. NMFS Enforcement appreciates the cooperation of all the vessel owners involved in these cases in providing documents and access to employees with information.

Cases Involving Observers

Two Notice of Violation and Assessments (NOVA's) were issued as the result of an investigation concerning observer harassment. Peter Pan Seafoods, King Cove, was assessed a penalty of \$50,000 for sexual harassment of an observer and theft of the observer's equipment. The Observer Contractor, Saltwater, Inc. was assessed a penalty of \$10,000 for failure to report the observer harassment within 24 hours after they became aware of the problem.

IFQ Effort

Kenai Customs, James Hill, Sr, and James Hill, Jr. were indicted in September on one count of conspiracy and four counts of Lacey Act violations. The investigation turned up evidence that \$42,000 was paid for illegal halibut by Kenai Customs in 1997. The evidence shows that Kenai Customs concealed the payments for the illegal purchases by writing checks for services not rendered by the fisherman. Trial is scheduled for the week of January 2, 2001.

Dockside Boardings and Compliance. During this past IFQ season, there were 611 boardings by NMFS Officers and agents in all ports. 531 of the boardings were in eight manned ports (Anchorage was excluded). We tried to avoid boarding the same vessels more than once, and made an effort to contact as many different vessels as we could. Statewide, we boarded 414 unique vessels. There were 1599 unique vessels offloading state wide. This means 26 % of all vessels offloading IFQ fish this year were boarded.

This year we made a better effort to document compliance rates in the IFQ fishery. We based compliance on the number of violations discovered during boardings. Compliance in these eight ports was very good. Not including Fix-it Notices, Verbal Warnings, Written Warnings and state violations, there was an overall compliance rate of 95% in the eight manned ports. The violations discovered were mostly overages and log book violations.

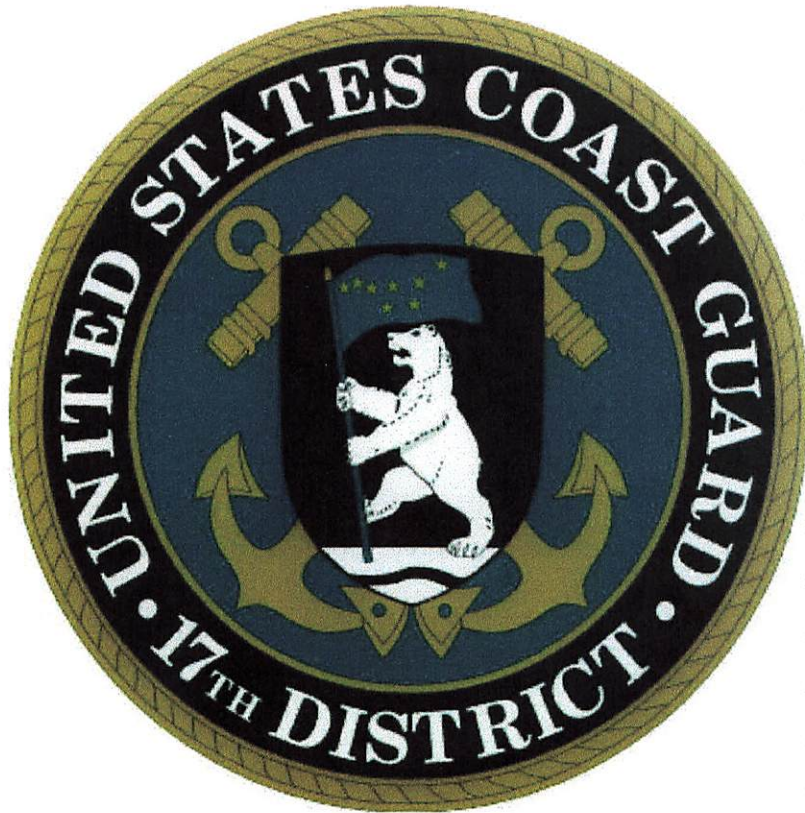
Record Keeping and Reporting Effort

The Fishing Company of Alaska is on trial this week in Seattle for three of their vessels illegally offloading fish to foreign trampers. The offenses occurred in 1998 when the transfer of fish occurred in other than a port or roadstead. The two foreign trampers have already paid fines of \$50,000 each.

Community Oriented Policing and Problem Solving (COPPS)

Enforcement Officers from Alaska and the Northwest Region manned a booth at Fish Expo in November. The Officers report that they received many positive comments from the public and enjoyed talking to industry members in this setting. They had approximately 500 visitors.

**17th COAST GUARD DISTRICT
ENFORCEMENT REPORT**



01 OCT - 30 NOV 00

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Report Available At:

NPFMC Web Site: www.fakr.noaa.gov/npfmc/newsletters/newsltr.htm

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List of Abbreviations

| | |
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| CFVS – Commercial Fishing Vessel Safety | HH65/60 – CG helicopter |
| FF/V – Foreign Fishing Vessel | HSDN – High Seas Drift Net |
| GOA – Gulf of Alaska | PRC – People’s Republic of China |
| HC-130 – USCG Fixed-Wing Aircraft | MBL – US/Russian Maritime Boundary Line |
| SAR – Search and Rescue | P/V – Patrol Vessel |
| FBS - Russian Federal Border Service | L/E – Law Enforcement |
| SAR – Search and Rescue | |
| WHEC/WMEC – High/Medium Endurance Cutters | |

I. High Seas Drift Net Enforcement

No illegal HSDN activity was reported during this period. LT Governor of Alaska, Mrs. Fran Ulmer, led a US delegation, including Coast Guard District 17 members, to the North Pacific Anadromous Fish Commission's Annual Meeting in Tokyo Oct 30-Nov 02, 2000. Highlights include:

- Participation by agencies directly involved in enforcement including first ever attendance by representatives from the Russian Northeast Region Directorate Federal Border Service
- Canada committed to continued aircraft surveillance in 2001
- Parties agreed to form a centralized command and control center that will provide a common operations and strategic site. Coast Guard District 17 will host the group
- Parties agreed to a mid-2001 season evaluation in Petropavlosk-Kamchatsky

II. US/Russian Maritime Boundary Enforcement

The Coast Guard continued to provide a high level of effort patrolling the US-RS MBL this period. Figures 1&2 provide scatter plots of foreign fishing activity during the peak activity days for October and November along the MBL. Figures 3&4 show comparative data on incursions and vessel sightings. For the reporting period, the following details apply:

- Coast Guard C130's flew 30 sorties totaling 225 hours
- Coast Guard HEC/MECs patrolled the MBL for 27 days
- 3 vessels were visually confirmed to be fishing in US waters and 1 vessel was suspected of fishing in US waters.
- 1 vessel was jointly boarded by the Coast Guard and seized by Russia FBS
- 1 vessel was given a verbal warning
- Case information submitted to Russian FBS for other incursions

On October 8, an HC-130 detected FF/V EKARMA-3 (RS) fishing 400 yards inside the US EEZ. Hot pursuit was initiated and handed over to CGC JARVIS. A joint boarding was conducted with FBS P/V VOLGA. District 17 coordinated the seizure of the vessel by P/V VOLGA with FBS Headquarters. Vessel was subsequently taken to Petropavlosk-Kamchatsky.

Figure 1. 03 Oct 2000 MBL Scatter Plot of Aircraft Sightings

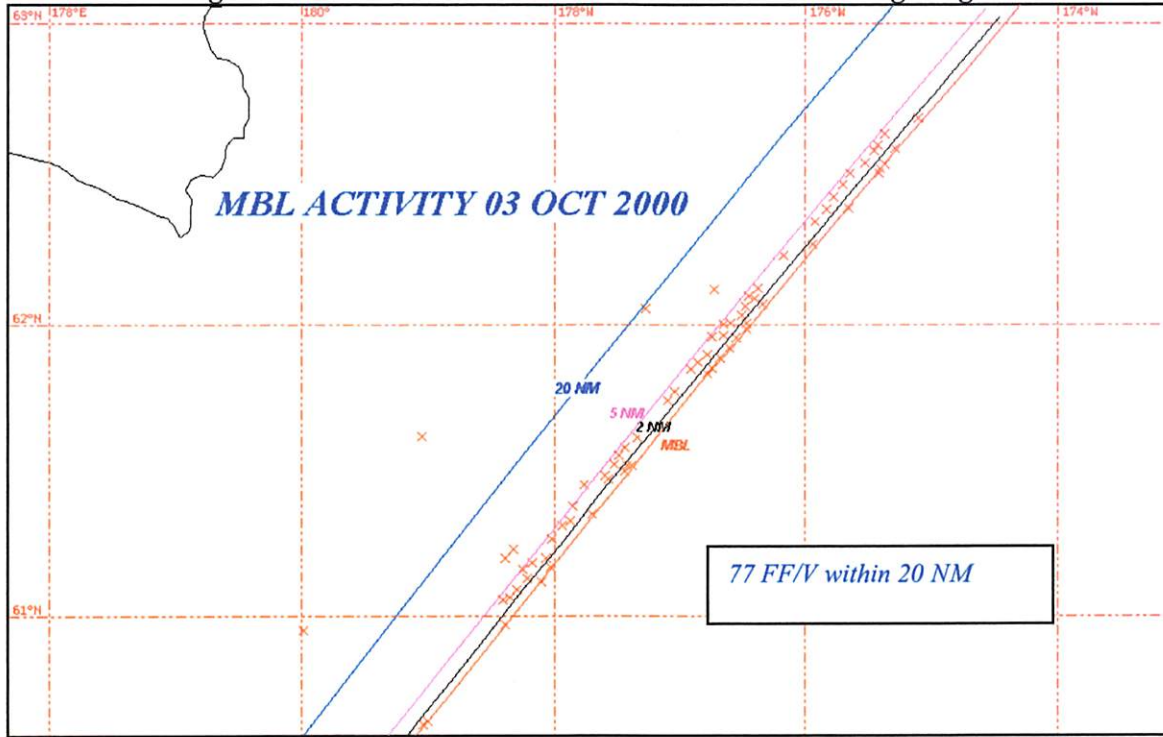


Figure 2. 06 Nov 2000 MBL Scatter Plot of Aircraft Sightings

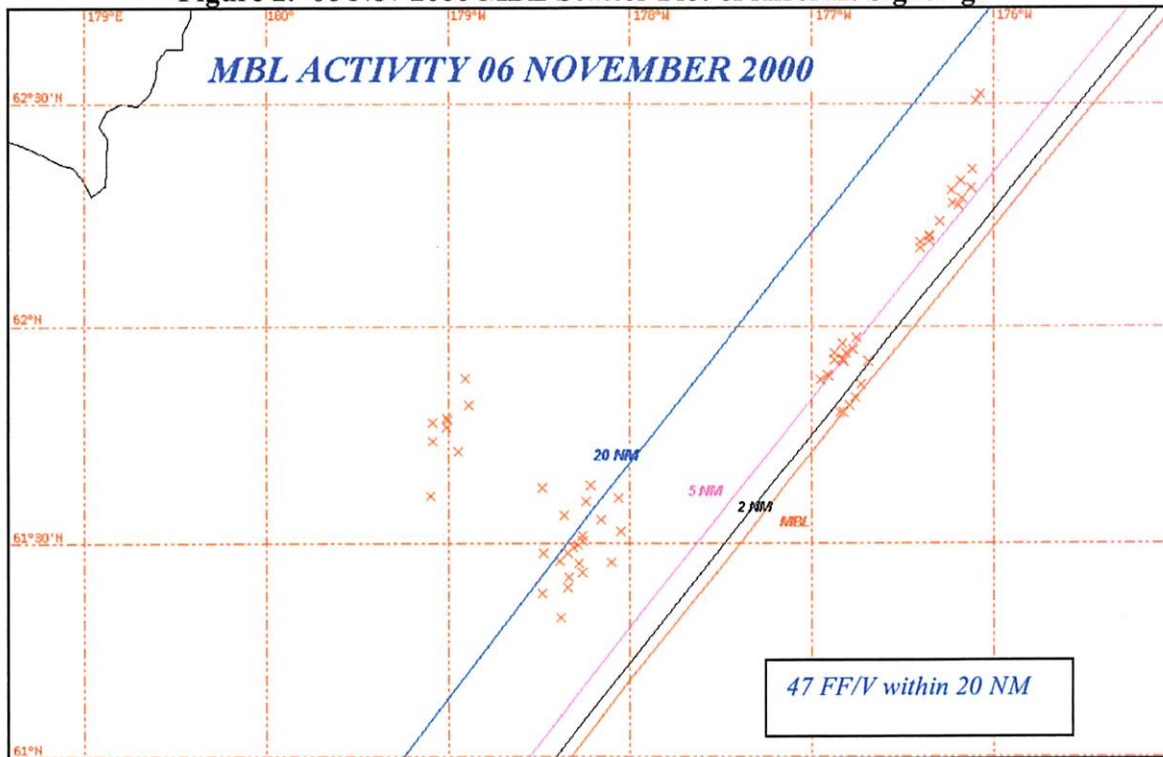
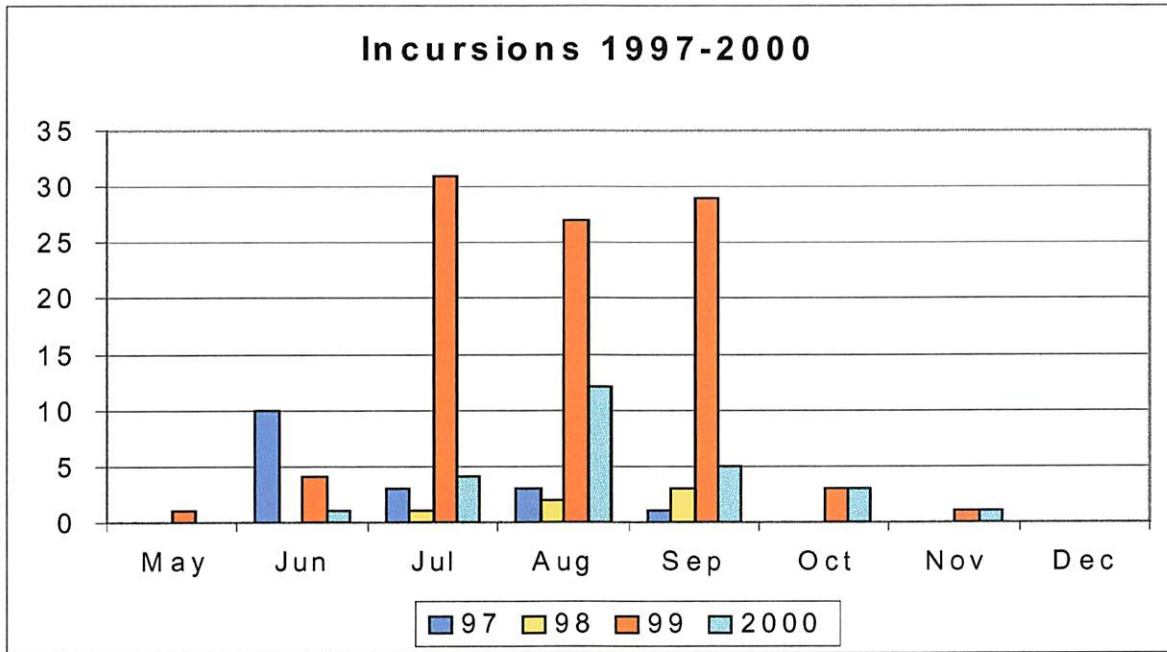
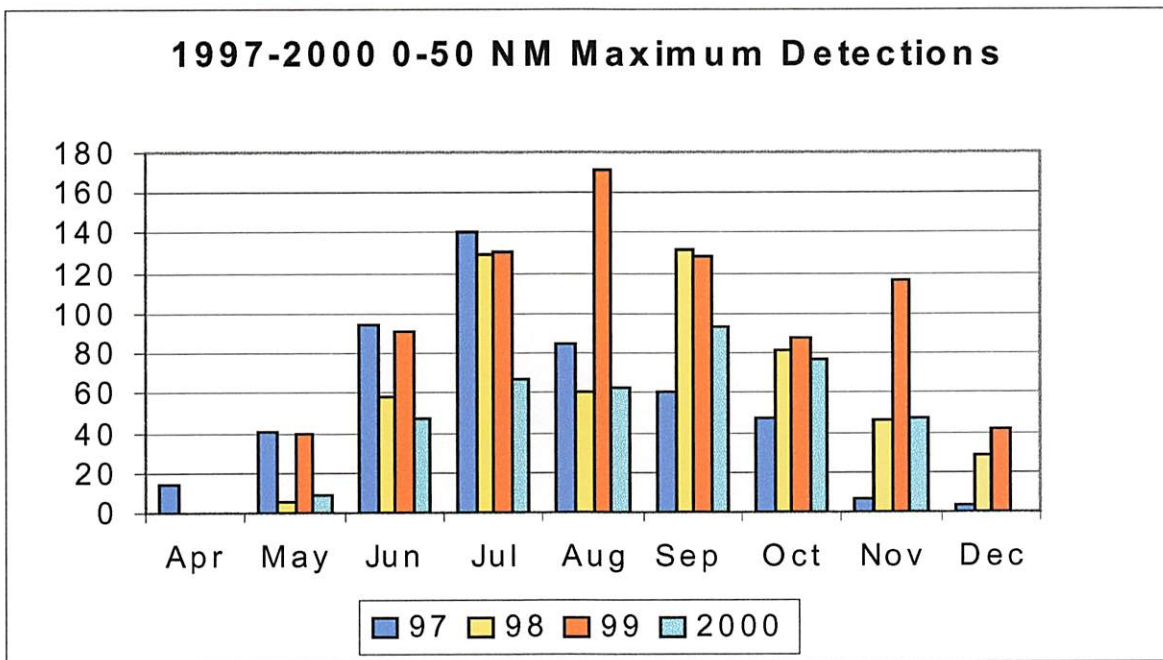


Figure 3. 1997-2000 MBL Incursions into U.S. EEZ



Note: In 2000, 25 FF/V's were detected within the U.S. EEZ

Figure 4. 1997-2000 Max Detections along MBL by Coast Guard in one HC-130 flight 0-50 NM inside RS EEZ



III. Donut Hole

Two vessels conducted trial fishing in the Donut Hole during the period. The Coast Guard did not board these vessels nor was any information received regarding fishing results. The FF/V KAI CHUANG (PRC) is scheduled to conduct trial fishing in the month of December.

IV. Dixon Entrance Enforcement

There were no significant Coast Guard L/E operations in the area due to the low level of fishing activity.

V. IFQ At-Sea/Dockside Enforcement

Halibut and Sablefish IFQ seasons closed on November 15. Coast Guard units continued to patrol through November 17 to ensure participants returned safely to port. No significant IFQ violations were detected during this period. The Coast Guard conducted the following enforcement activity:

- 37 IFQ boardings were conducted at-sea (193 for the year)
- 13 dockside offloads were monitored (161 for the year)
- 242 surveillance hours, (1222 hours for the year)
- 64 days were spent by cutters patrolling at-sea
- 16 sorties for a total of 74.8 aircraft hours from Kodiak and Sitka were flown in support of IFQ enforcement

VI. Bristol Bay Red King Crab Fishery

For the first time in the history of the fishery, the opening was delayed (24 hours). ADF&G delayed the opening to allow a weather front bringing high winds and seas to clear the area for the fishery. ADF&G made the decision to delay the opening after consulting with the National Weather Service and the Coast Guard, who provided an assessment of its ability to mount effective SAR operations in the observed and predicted weather conditions. The Coast Guard's proactive efforts included:

- Pre-staging of an HH-60 helicopter in Cold Bay for quicker SAR response
- Positioning of an WHEC with an embarked helicopter to provide SAR coverage
- Providing safety training and pier-side safety boardings in Dutch Harbor

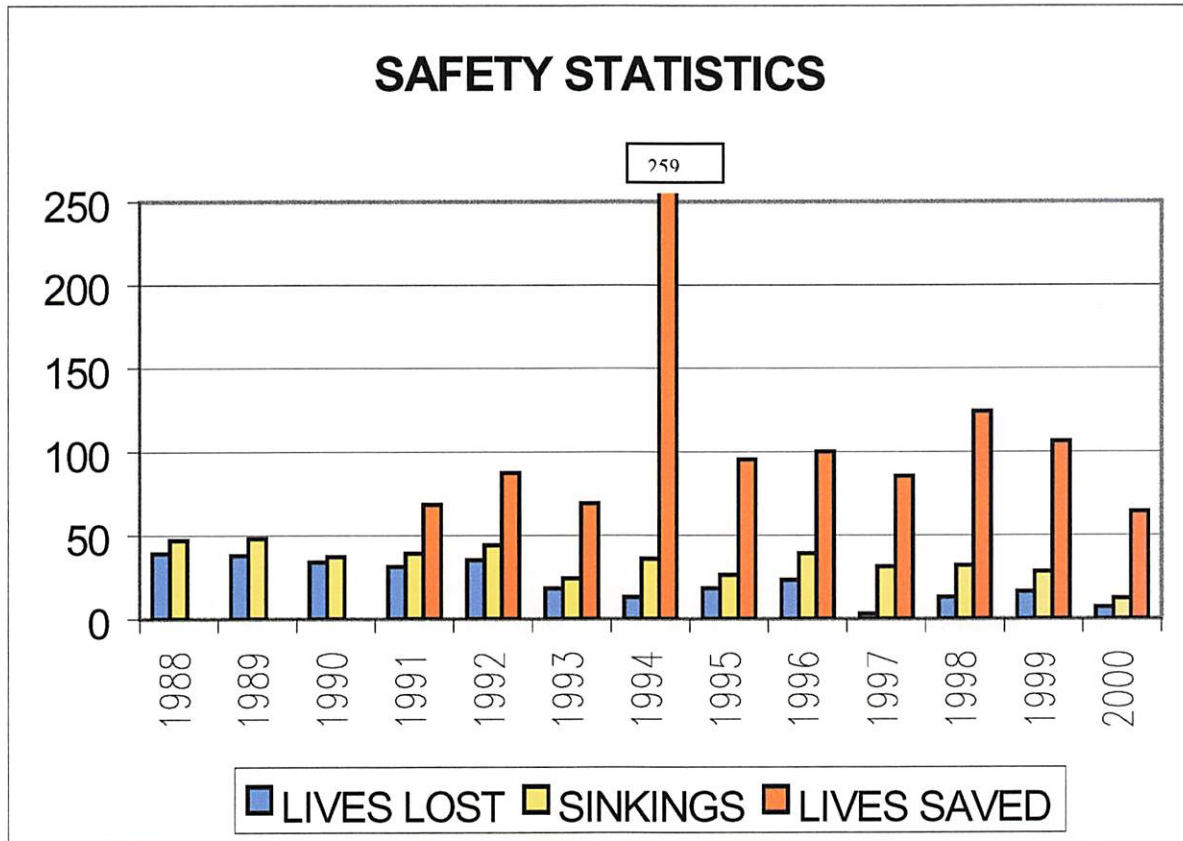
The only reported injury during the fishery involved a crewmember getting his hand caught in a bait chopper. He was medevaced by a Coast Guard helicopter.

28 mariners attended safety training in Dutch Harbor prior to the Red King Crab opener. They received instruction on damage control, life raft deployment, and proper donning of

immersion suits. The training was in support of Operation Arctic Safeguard, Operation Safe Return and District 17's Ready for Sea Initiative. 12 fishing vessel dockside safety exams were conducted. In addition, 87 fishing vessels were boarded and inspected by Marine Safety Office personnel. 50% of the vessels had significant safety discrepancies with their primary life saving equipment; most notable was the improper installation of life rafts. All discrepancies were corrected prior to the season opener.

VII. Commercial Fishing Vessel Safety/ Search and Rescue Cases

Figure 5. Historical Overview of CFVS Statistics



Note: There were 0 lives lost, 17 lives saved, and 0 vessels lost for the reporting period.

TABLE 1

| Date | Vessel Name | Gear Group | Fishery | POB | Deaths | Vessel Loss | Survival Equipment | Cause | Summary |
|----------|-----------------|------------|--------------------|-----|--------|-------------|--------------------|----------|---|
| 10/12/00 | Katherine | Pot | Crab | 5 | 0 | N | Immersion Suit | Flooding | Vessel took on water. Crew abandoned ship and was rescued by sister ship, F/V Buccaneer . Two crewmembers returned to Katherine to dewater vessel. Vessel escorted safely by Buccaneer to King Cove. Airsta Kodiak launched HH60 and C-130 to assist if needed |
| 11/14/00 | American Viking | Pot | Crab | 7 | 0 | N | N/A | Fire | Vessel's generator caught fire 124 nm east of Adak. Crew was able to extinguish fire. F/Vs Arctic Dawn and Storfjord assisted vessel back to Nazan Bay. Airsta Kodiak launched HH60 and 2 C-130's. CGC Alex Haley diverted to assist if needed |
| 11/20/00 | Provision | Trawler | Deepwater Flatfish | 3 | 0 | N | N/A | Fire | Vessel caught fire 35nm east of Kodiak. Crew discharged halon system successfully and was assisted back to Kodiak by F/V Green Hope . Airsta Kodiak launched HH60 to assist if needed |

VIII. CG District 17 Boarding Statistics

The following charts show boarding and fishery violation trends over the last five years. Domestic fisheries boardings this year were consistent with this period last year. Appendix B&C contain a complete list of boardings for the reporting period.

Figure 6. Boardings By Year

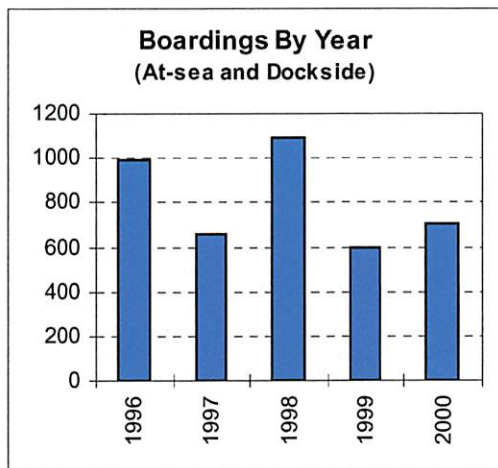
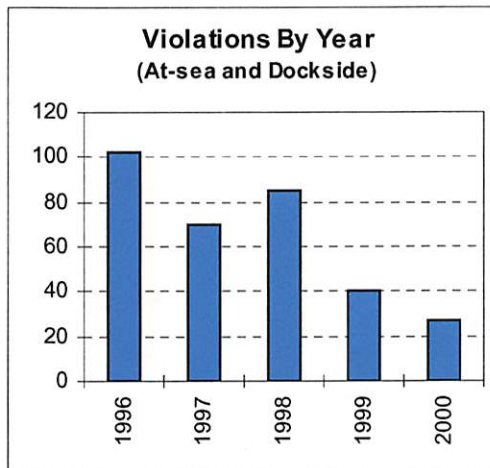


Figure 7. Violations by Year



OCT- NOV 1999

F/V Boardings (at sea): 57
 IFQ Monitors (dockside): 11
 Boarding/monitor w/fisheries vio's: 1
 Violation Rate: 1.5%

OCT – NOV 2000

F/V Boardings (at sea): 58
 IFQ Monitors (dockside): 13
 Boarding/monitor w/fisheries vio's: 1
 Violation Rate: 1.4%

IX. Steller Sea Lions and Critical Habitat Enforcement

The Coast Guard has significantly increased surveillance of Steller Sea Lion Critical Habitat by routing cutters through Critical Habitat areas while enroute other missions. The Coast Guard continued to patrol Steller Sea Lion Critical Habitat with both cutters and aircraft to ensure compliance with the ban on trawling.

| DATE | A/C SORTIES | A/C HOURS | CUTTER HRS. |
|-------------------------|-------------|-----------|-------------|
| Aug 8- Sep 30 (51 days) | 43 | 200 | 84 |
| Oct 1 – Nov 30 | 36 | 151 | 1212 |

X. Miscellaneous Admin

The Seventeenth Coast Guard District Commander, RADM Tom Barrett, hosted an official visit by Lt. Gen. Nikolai Lisinsky, Chief, Northeast Region Directorate Federal Border Service (FBS), and members of his staff Oct 15-21, 2000. The purpose of the visit was to strengthen Coast Guard - FBS relations and continue to improve on operational enforcement cooperation. During the visit, the delegation had the opportunity to conduct a joint MBL patrol, meet and discuss mutual operational issues, and tour various Coast Guard and military facilities in Kodiak, Juneau and Anchorage. Both sides committed to continue cooperative enforcement efforts and signed a Plan for Joint Activity for 2001, including a prototype program for RS FBS personnel to participate in training at the North Pacific Regional Fishing Training Center in Kodiak beginning early next year. This visit was significant in that it was during LT GEN Lisinsky's third week in command, indicating a strong commitment from the FBS to continue the cooperation strategy adopted by his predecessor.

Coast Guard District 17 personnel participated in the North Pacific Anadromous Fisheries Commission Annual Meeting and the Annual Meeting for the Convention for the Management of Pollock Resources in the Central Bering Sea.

Coast Guard District 17 personnel also staffed two booths at Fish Expo in Seattle Washington. The Coast Guard provided information on communications, law enforcement and commercial fishing vessel safety. Coast Guard communications personnel conducted a survey regarding emergency radio communications throughout Alaska to gather data that will support improvements to the system.

Appendix A

2000 MARITIME BOUNDARY ACTIVITY

- 07 Oct** An HC-130 detected **FF/V VLADIMIR STARZHINSKY (RS)** fishing 190 yards inside the US EEZ. Hot pursuit was handed over to CG 6505 before CGC JARVIS arrived on scene to assume hot pursuit. Vessel fled into the RS EEZ and stated intent to rendezvous with FBS P/V VOLGA. The vessel was issued a warning by JARVIS and was released. Case information was submitted to P/V VOLGA for further prosecution.
- 08 Oct** An HC-130 detected **FF/V EKARMA-3 (RS)** fishing 400 yards inside the US EEZ. Hot pursuit was initiated and handed over to CGC JARVIS. A joint boarding was conducted with FBS P/V VOLGA. District 17 coordinated the seizure of the vessel by P/V VOLGA with FBS Headquarters. Vessel was subsequently taken to Petropavlosk-Kamchatsky.
- 08 Oct** CGC JARVIS detected **FF/V AERONAVT (RS)** 500 yards inside the US EEZ by radar. CG 6505 deployed to identify the vessel and confirm its activity but vessel was back in the Russian EEZ before hot pursuit could be initiated. Incursion information passed to FBS.
- 10 Nov** CGC ALEX HALEY detected **FF/V MEKHANIK BRYZGALIN (RS)** 275 yards inside the US EEZ by radar. The vessel returned to the Russian EEZ before ALEX HALEY could visually confirm that any fishing activity was taking place. CGC ALEX HALEY terminated pursuit.

Appendix B Boardings Without Violations

| DATE | VESSEL NAME | Vessel Type | Species | AREA |
|----------|--------------|--------------|-------------------|-------|
| 11/2/00 | ANNE | Longliner | Sablefish | SE |
| 10/20/00 | ARCHANGEL | Longliner | Halibut | 2C |
| 10/30/00 | BLUE PACIFIC | Longliner | Pacific cod | 509 |
| 10/18/00 | BUTTERFLY | Longliner | Halibut | 3A |
| 11/6/00 | BYNG | Troller | No Product | SE |
| 10/4/00 | C-WARD | Pot Boat | No Product | AK |
| 10/19/00 | CONFIDENCE | Longliner | Halibut | 2C |
| 10/18/00 | CONQUEST | Longliner | Halibut | 3A |
| 10/19/00 | CORAL LEE | Longliner | Sablefish | AK |
| 11/15/00 | CYPRESS | Longliner | Halibut | 3A |
| 11/14/00 | DAKOTAH | Longliner | Halibut | 2B |
| 10/21/00 | EMILY NICOLE | Longliner | Halibut | 2C |
| 10/18/00 | EVE | Longliner | Halibut/Sablefish | 2C |
| 11/1/00 | FOG | Longliner | Halibut | 2C |
| 10/18/00 | FOREIGNER | Longliner | Halibut | 3A |
| 11/12/00 | FURY | Troller | No Product | SE |
| 10/10/00 | HEATHER KAY | Longliner | Halibut | 2C |
| 10/20/00 | HELEN T | Longliner | Sablefish | AK |
| 10/20/00 | ICY QUEEN | Longliner | Halibut | 2C |
| 10/20/00 | JOE MEL | Longliner | Halibut/Sablefish | 3A/CG |
| 11/8/00 | KAPITAN | Longliner | Halibut/Sablefish | 3A/CG |
| 10/20/00 | KRISTINA | Longliner | Halibut | 2C |
| 10/11/00 | LEGAL TENDER | Troller | Salmon | SE |
| 11/2/00 | LINDY | Longliner | Halibut/Sablefish | 2C |
| 10/16/00 | MARAUDER | Pot Boat | No Product | AK |
| 11/7/00 | MIDDLE PASS | Longliner | Sablefish | AK |
| 10/9/00 | MIRACLE | Shrimp Boat | Shrimp | 2C |
| 10/18/00 | MONKS HABIT | Longliner | Halibut | 3A |
| 11/7/00 | OUTCAST | Longliner | Halibut | 659 |
| 11/2/00 | PACIFIC DAWN | Longliner | Halibut/Sablefish | 2C |
| 10/4/00 | PAT-CII | Multi-rigged | No Product | N/A |
| 11/20/00 | PATHFINDER | Longliner | No Product | BS |
| 11/14/00 | REPUBLIC | Longliner | Halibut/Sablefish | 2C/SE |
| 10/21/00 | RUSLAN | Longliner | Halibut/Sablefish | 3A/CG |
| 10/21/00 | STJIBLE | Longliner | Halibut | 2C |
| 11/7/00 | STJILBE | Longliner | Halibut | 2C |
| 10/17/00 | SUNSET | Longliner | Halibut | 3A |
| 11/8/00 | TRADEWIND | Pot Boat | No Product | AK |
| 10/16/00 | TRAVELER | Longliner | Halibut | 3A |
| 10/18/00 | TUMAN | Longliner | Halibut | 3A |
| 10/18/00 | UNITED | Longliner | Halibut | 3A |
| 11/14/00 | VICTORY | Longliner | Sablefish | AK |
| 11/7/00 | VOYAGER | Longliner | Halibut | 2C |

Appendix C - Boardings With Violations

| DATE | VESSEL NAME | Vsl Type | Species | AREA | Termination | VIOLATION NOTES |
|----------|----------------|-----------|------------|------|-------------|--|
| 10/17/00 | CAPT'N ART | Longliner | Halibut | 3B | N | EXPIRED EPIRB |
| 10/19/00 | FALCON | Troller | No Product | N/A | N | EXPIRED FLARES, NO IMMERSION SUIT |
| 11/10/00 | KATRINA | Longliner | Halibut | 2C | N | IMPROPER RELEASE METHODS AND LOG BOOKS |
| 10/3/00 | KATRINA LOUISE | Longliner | Halibut | 2C | N | EXPIRED FLARES |
| 11/14/00 | LONER | Longliner | Halibut | 3A | N | EXPIRED PERSONNEL MARKER LIGHT ON IMMERSION SUITS |
| 10/11/00 | PACIFIC | Longliner | Sablefish | SE | N | EXPIRED FLARES, NO LIGHT ON SURVIVAL SUIT |
| 11/11/00 | RASCAL | Troller | No Product | N/A | N | EXPIRED FLARES |
| 10/12/00 | SABLE | Longliner | Sablefish | SE | Y | EXPIRED FLARES & INSUFF FIRE EXTINGUISHERS |
| 11/12/00 | SAILOR | Pot Boat | No Product | N/A | N | NO MARKER LIGHT ON IMMERSION SUITS, INOPERABLE FIRE EXTINGUISHERS |
| 10/11/00 | SEVEN BRO'S | Troller | Salmon | N/A | N | EXPIRED EPIRB, LIGHT ON PFD INOPERABLE |
| 11/13/00 | SHANNON | Longliner | Halibut | 2C | N | NO APPROVED LIFE RING, EXPIRED FLARES, NO LIGHT ON IMMERSION SUITS |
| 10/4/00 | SNARK | Troller | No Product | N/A | N | NO FLARES |
| 10/12/00 | VICTORY | Longliner | Sablefish | SE | Y | INSUFFICIENT IMMERSION SUITS, HYDRAULIC OIL LEAK ON MAIN DIESEL ENGINE |
| 11/6/00 | ZACK | Longliner | Halibut | 2C | N | NO FLARES OR FIRE EXTINGUISHERS |
| 10/19/00 | ZAREMBO | Longliner | Halibut | 2C | N | EXPIRED FLARES, UNSERVICEABLE LIFE RING, NO INJURY PLACARD, ETC. |