

**NOAA Fisheries Office of Law Enforcement
Alaska Enforcement Division
Report to
The North Pacific Fishery Management Council**



January 2008 to June 2008

**NOAA Fisheries Office of Law Enforcement
Alaska Enforcement Division
P.O. Box 21767
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**TO REPORT VIOLATIONS:
Call
1-800-853-1964**



INTRODUCTION:

The Alaska Enforcement Division (AKD) opened 281 cases so far this year. These cases were mainly recordkeeping and reporting violations in the groundfish fisheries, but there were also many in the halibut and sablefish IFQ program.

All AKD agents and officers attended one of three National In-Service training sessions during January and February. This training involved topics such as civil and criminal legal updates, firearms, first aid/CPR, policy updates, and ethics.

HIGHLIGHTS OF PRIORITY ISSUES:

On May 2, 2008, Susan Auer, NOAA Office of General Counsel, lead a Prioritization meeting in Juneau. Participating were Doug Mecum, acting Regional Administrator, and staff from Sustainable Fisheries and Restricted Access Management, as well as representatives from the Observer Program and Coast Guard. The group discussed and then amended the enforcement priorities as indicated in the following section.

1. OBSERVER-RELATED OFFENSES

The total number of affidavits received from observers has decreased slightly over the last year and a half. Many of the allegations reported by observers are minor in nature or mitigated by the vessel operator and/or company. AKD utilizes these complaints to address violation trends and to compel compliance at the lower levels of enforcement action.

On April 18th in Captain's Bay, Unalaska, our Special Agents arrested a crew member off the F/V Aleutian Spray, a catcher processor vessel, for sexually harassing an observer. The defendant was released on May 7 pending trial. Trial is expected to be set for late June or early July.

2. COOK INLET BELUGAS

The decision to list the Cook Inlet beluga under the Endangered Species Act has been deferred until fall 2008.

The AKD enforcement agents and officers began patrolling in late May and will continue through mid-September 2008. All permitted Cook Inlet beluga hunts have been suspended for 2008, however, a co-management agreement may be signed between NMFS and the Cook Inlet Marine Mammal Council in 2008 for conservation measures.

Community outreach and education began in late January with the Anchors Aweigh Boat Show, April with the Great Alaska Sportsman Show, and the Alaska Aviation and Trade Show in May. Sightings of groups of belugas from Turnagain Arm to the Port of Anchorage have been reported to the NOAA National Hotline.

3. STELLER SEA LION PROTECTION MEASURES

The Lady Kathryn, a small Kodiak-based longline vessel, was investigated for directed fishing for Pacific cod inside the Marmot Island SSL 10 nm area, which is closed to directed fishing for Pacific cod with longline gear. An investigative report was forwarded to NOAA GC for prosecution.

Numbers of violations of the SSL "No-transit" areas remain at a generally consistent level. The areas near Unimak Pass represent a very high percentage of these violations. Vessel owners and operators are requested to insure they are aware of these no-transit areas, and operate accordingly. A table defining these areas may be obtained at the Alaska region website.

For this reporting period there were 19 incursions into Stellar Sea Lion No-Transit Zones in Alaska. The Summary Settlement for this is a Endangered Species Act (ESA), Category II with a \$2500 fine.

4. RECORD KEEPING AND REPORTING

On February 21, 2008, during a second superseding indictment, Robert Becker was indicted by a Federal Grand Jury in Anchorage on twelve counts of violating federal fisheries laws. Between November, 2004 and January, 2005, Becker made three unlawful fishing trips to the Fairweather Grounds in the Gulf of Alaska and caught approximately 17,000 pounds of fish. During these three fishing trips, all of the East Yakutat Section was closed to directed fishing for Demersal Shelf Rockfish (DSR). Becker falsified his fish landing tickets and his DSR logbook to reflect that the fishing took place in the Northern Southeast Inside (NSEI) and Southern Southeast Inside (SSEI) state areas which were open to directed fishing for DSR. One consequence was that DSR was over harvested by approximately 25% in East Yakutat (EYKT) area. Another was that the state received reports that the 17,000 pounds of DSR was caught in NSEI and SSEI.

In February and March, 2005, Becker conspired with others to falsify Individual Fishing Quota (IFQ) records, and did falsify an IFQ Prior Notice of Landing and an IFQ Landing Report for 4,000 pounds of halibut. Becker reported the fish on the quota of another IFQ cardholder who was not on board during the fishing as required by Federal law. The total wholesale value of Becker's unlawfully caught fish was nearly \$25,000.

On April 29, 2008, Becker pled guilty to three felony level Lacey Act counts and is awaiting sentencing on July 10, 2008.

The American Dynasty, an AFA C/P, is being investigated for tampering with its flowscale to cause the flowscale to inaccurately weigh the total catch. The recorded weight of the total catch for each haul measured by the flowscale is alleged to be less than what it actually is. This was accomplished through both direct manipulation of the flowscale and through falsification of the records. As a result, the C/P harvested and processed more fish than was allocated. The investigation covers allegations during the 2007 and 2008 pollock 'A' seasons. Case agent is currently working with AUSA and NOAA GC regarding the investigation.

In September 2007, Island Seafoods, an entry level rockfish processor in Kodiak, failed to report 79,041 pounds of Northern rockfish landed by a trawler fishing in the Entry level Rockfish Pilot Program. The trawler's discards were also not included on the electronic landing report. It is unlawful for an eligible rockfish processor to process fish harvested in the entry level fishery. A total of 164,776 pounds of Northern rockfish was transferred to International Seafoods of Alaska, (an eligible processor), for processing, and then transferred back to Island Seafoods. Island Seafoods personnel failed to submit a Product Transfer Report (PTR) documenting the transfer of the Northern rockfish to ISA, within the applicable reporting period. ISA personnel also failed to submit Product Transfer Reports documenting the receipt and transfer of Northern rockfish between themselves and Island Seafoods.

Three AFA catcher/processor vessels, the American Dynasty, Northern Eagle and Northern Hawk are being investigated for exceeding maximum retainable amounts of rock sole in March 2008. The total amount of unlawful rock sole is approximately 201 metric tons.

AKD is investigating several IFQ holders for exceeding IFQ halibut and sablefish use caps by putting IFQ permits in the names of individuals who act as proxies but receive no benefit from the IFQ.

During inspections of landings, a Kodiak officer noted extremely high numbers of PSC halibut being delivered and discarded shoreside from the Epic Explorer, a trawl vessel. The officer contacted the operator and determined that this was the first time this skipper had fished in the Gulf of Alaska (GOA). The subsequent landing contained even higher amounts of PSC halibut landed shoreside. The two consecutive trips reported at-sea discards of 542 halibut, and 2,490 halibut (for 19,325 pounds) discarded at the plant. The vessel operator was cited for discard of a prohibited species and failure to sort. This case will be forwarded to NOAA GC.

During the GOA "A" season pollock fishery, numerous trawl vessel operators experienced extremely high bycatch of eulachon; a forage species. AKD staff worked with industry principles to try to limit these overages. Pollock fishermen are strongly encouraged to make efforts to reduce bycatch of forage species in future pollock landings.

5) NON-COMMERCIAL HALIBUT PROGRAMS

In Southeast Alaska, numerous investigations involving Subsistence Halibut have been opened involving non-residents who are unlawfully applying for, and receiving, Subsistence Halibut

permits (SHARC permits). In most instances, the violators are living in Washington and Oregon during winter months and then go to Sitka in the summer months where they apply for resident fishing permits in both states in violation of state law. There may also be federal violations for applying for a SHARC permit, which similarly to state law, requires twelve consecutive months of residency in a rural community. These investigations are ongoing.

6) CLOSED AREA VIOLATIONS

The closed areas we monitor include coral habitat areas, pinnacles, habitat conservations zones, seamounts, and boundaries between state and federal waters.

The International Pacific Halibut Commission has expressed concerns about accurate reporting of area of harvest for halibut. AKD staff have increased scrutiny of both halibut and sablefish IFQ landings to insure area of harvest is accurately reported. AKD recently concluded an investigation alleging the operator of the F/V TRIDENT falsely reported areas fished for IFQ sablefish on five landings during 2006 and 2007. The value of the falsely reported sablefish was approximately \$500,000. The case has been forwarded to NOAA General Counsel.

7) CRAB RATIONALIZATION PROGRAM

AKD investigated 12 IFQ overages for the 2007/08 year, compared with 23 for the 2006/07 year. Overages notwithstanding, the TAC was not exceeded in any fisheries. AKD is investigating one case involving failure to report IFQ crab in St Paul, AK.

NOAA Office of General Counsel has approved a Summary Settlement Schedule for crab overages not exceeding 5%. (Summary Settlement Schedule is found at the following website: www.gc.noaa.gov/enforce-office3.html)

8) INTERDICTION OF ILLEGAL FOREIGN FISHING ACTIVITY

The peak season for illegal High Seas Drift Net (HSDN) activity is typically April-June of each year. As in years past, AKD is participates jointly with the Canadian Department of Fisheries and Oceans, the Canadian Department of National Defense (CDND) and the U.S. Coast Guard (USCG) to apprehend HSDN violators. Due to aircraft availability the CDND will only be able to support the latter part of the season. The USCG will increase their flights to cover the spring time frame. NOAA will have an Enforcement Officer assigned to the patrol with the Canadian aircraft out of Shemya, Alaska sometime in the fall (Time frame will be determined at a later date) in approximately September.

Two Special Agents are assigned as duty agents from April 13 through October 25 to assist in the boarding, seizing, and investigation of any vessel believed to have violated the HSDN ban. In addition, these duty agents will respond similarly to Maritime Boundary Line (MBL) cases generated during their duty.

The threat of HSDN activity targeting on salmon in the Pacific Ocean during this time frame will be determined by the USCG. Many factors such as market conditions and previous enforcement successes will likely affect activity. This year new information will be used to aid in detecting the most active periods of potential IUU fishing.

In early April 2008, USCG identified a number of vessels in the unidentified vessels in the US EEZ. NOAA Enforcement personnel flew on a Coast Guard C-130 patrol out of Shemya, AK to investigate possible foreign fishing in the U.S. EEZ. By the time the USCG was able to get out to the area where the vessels were spotted, they had already departed. Monitoring continues.

COMMUNITY RELATIONS

Fifteen Special Agents and Enforcement Officers staffed enforcement information booths around Alaska at six different shows. The major areas of crime prevention were marine mammal issues, commercial fishing, halibut charter and sport fishing, and crab. Approximately 20,000 contacts were made with the public and industry. During March, Kodiak Office staff represented NOAA OLE at ComFish Alaska, in Kodiak by staffing an information booth.

During April, Kodiak staff presented the always-popular "bone table" at the kick-off of "Whale Fest" in Kodiak. Children and adults alike were able to have hands-on experience with various marine mammal bones, teeth and baleen. While staffing the booth, information on collection of marine mammal hard parts and marine mammal viewing guidelines were discussed and distributed.

During March, AKD staff met with fishermen and community representatives in Dillingham, Naknek and King Salmon, in conjunction with BBEDC staff. These meetings were in response to allegations of unlawful groundfish fishing within Northern Bristol Bay. Local area fishermen discussed their concerns, and were educated on the regulations governing the groundfish fisheries within Bristol Bay. Local fishermen were also instructed on actions to take when a possible closed waters fishing incident was observed. AKD staff conducted a radio interview with a reporter from KDLG to publicize the local concern. Kodiak AKD staff are currently working with USCG units to increase patrol of this area during higher threat periods.

AKD staff attended and taught at an "E-landings" workshop for CDQ group managers and Registered Buyers.