

National Marine Fisheries Service
Office for Law Enforcement

ALASKA ENFORCEMENT DIVISION

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



FY2015 First and Second Quarters
October 1, 2014 to March 31, 2015

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

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

OLE ALASKA ENFORCEMENT DIVISION REPORT TO NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL

I. Permanent Law Enforcement Staffing Additions

Will Ellis – Assistant Director, Juneau

Nathan Lagerwey – Deputy Special Agent in Charge (DSAC), Anchorage

Robert Marvelle – Supervisory Enforcement Officer (SEO) SE Alaska, Juneau

Enforcement Officers – 4 new Enforcement Officers: 1 Petersburg, 2 Sitka (hiring process), 1 Kodiak (hiring process); Additional EO hires anticipated

II. Operational Highlights

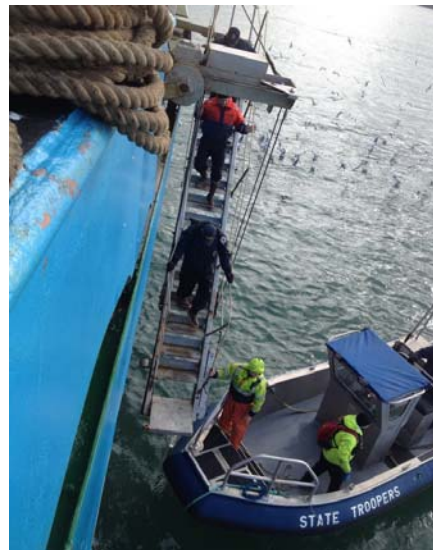
Togiak Area Trammer and Delivering Vessel Audits with State Partner

Two enforcement officers and a special agent conducted a joint patrol with Alaska Wildlife Trooper partners aboard the Trooper patrol vessel (P/V) STIMSON. The purpose of the patrol was to check trammers in the remote Togiak area and ensure legal import/export and accurate labeling of the seafood product.

Three trammers were boarded, all in the Togiak roadstead area. One was taking herring product from a floating processor. Two were taking yellowfin sole product from catcher processor trawl vessels. Vessel holds were inspected and the amount of product appeared to correspond with vessel papers.

Additionally, four H&G trawl catcher/processors were boarded and inspected for flow scale and video monitoring compliance. No violations were identified. Numerous tender vessels were checked for VMS compliance. One vessel was found not operating a VMS as required.

The P/V STIMSON was an excellent joint operation platform and the operation facilitated great team work between NOAA-OLE and the Wildlife Troopers. Based on the success of the operation, additional joint operations will be considered in conjunction with future Joint Enforcement Agreements.



Dutch Harbor Pulse Operation with US Coast Guard and State Partners

A team of AKD agents and officers, an Alaska Wildlife Trooper Public Safety Technician and two members of the USCG North Pacific Regional Fisheries Training Center (Fish School) boarded and/or audited multiple catcher/processor and catcher vessels in Dutch Harbor.



The primary purpose of the operation was to check catcher processors for compliance with flow scale and video monitoring regulations. Several catcher vessels were also targeted based on observer statements.

Of 27 vessels boarded, 21 had violations. One vessel was found to have over 10 metric tons of unreported catch; 2 others were found to have minor amounts (1-2 mt) of unreported catch. Several vessels were found to have insufficient video storage capacity. One vessel was found to be improperly releasing halibut.

Investigations Initiated

- Agent was assaulted during a routine investigation and was able to de-escalate the incident and avoid injury to all parties. A criminal proceeding resulted in a not guilty ruling.
- Agents initiated multiple catcher processor vessel investigations involving observer alleged harassment, coercion, and/or sample bias.
- Agent initiated an investigation involving undocumented harvest of halibut in excess of available quota. The case was initiated based on observer notes.
- A case was initiated involving a vessel crew member who allegedly harassed a female observer. OLE responded immediately to Dutch Harbor, conducted interviews, and seized physical evidence. A search warrant was obtained for additional evidence.
- Agent initiated an investigation involving retention of IFQ halibut without a permit holder onboard and transport of the illegally retained catch.

III. Notices of Violation and Assessment (NOVA) & Written Warnings - NOAA Office of the General Counsel Enforcement Section

- AK1004116; F/V SPICY LADY – Individuals charged under the Magnuson-Stevens Fishery Conservation and Management Act (“Magnuson-Stevens Act”) and Northern Pacific Halibut Act (“Halibut Act”) for retaining Individual Fishing Quota (IFQ) sablefish and IFQ halibut on a vessel in excess of the total amount of unharvested IFQ applicable to the IFQ regulatory area in which the vessel was deploying fixed gear, and that was currently held by all IFQ permit holders aboard the vessel. An \$85,630 NOVA was issued. (Settled)
- AK1101692; F/V Toni Marie - Individual was charged under the Magnuson-Stevens

Act for retaining IFQ sablefish on a vessel in excess of the total amount of unharvested IFQ applicable to the IFQ regulatory area in which the vessel was deploying fixed gear, and that was currently held by all IFQ permit holders aboard the vessel. A \$1,000 NOVA was issued. (Settled).

- AK1102634; F/V Alliance – Owner and operator charged jointly and severally with two counts of observer harassment. A \$60,000 NOVA was issued.
- AK1202410; F/V Wonder Worker - Owner and operator were charged jointly and severally under the Marine Mammal Protection Act for allowing the vessel to approach within 3 nautical miles of the Marmot Island Steller sea lion rookery site. A \$1,250 NOVA was issued.
- AK1202525; F/V Arcturus - Individual was charged under the Magnuson-Stevens Act for harassing an observer by conduct that had sexual connotations, had the purpose or effect of interfering with the observer's work performance, or otherwise created an intimidating, hostile, or offensive environment. A \$17,500 NOVA was issued and a civil trial held before an administrative law judge.
- AK1203569A; IFQ halibut permit holder charged under the Magnuson-Stevens Act and Halibut Act for not being aboard vessel during fishing trip. A \$30,500 NOVA was issued.
- AK1203569B; F/V Resolution – Operator charged under the Magnuson-Stevens Act for making an unlawful landing. A \$15,000 NOVA was issued.
- AK1203569C; F/V Butterfly – Operator charged under the Halibut Act with making false logbook entries. A \$15,500 NOVA was issued.
- AK1302816; F/V Ocean Oasis – Individual charged under the Magnuson-Stevens Act and Halibut Act for retaining IFQ halibut on a vessel in excess of the total amount of unharvested IFQ applicable to the IFQ regulatory area in which the vessel was deploying fixed gear, and that was currently held by all IFQ permit holders aboard the vessel. A \$59,901 NOVA was issued.
- AK1300319; F/V Lucky Island – Owner and operator charged jointly and severally under the Magnuson-Stevens Act for harvesting Pacific cod without having the proper endorsement on the license limitation program groundfish permit. A \$30,025.85 NOVA was issued.
- AK1303644; M/V L'ook - Owner, operator, and companies were charged under the Marine Mammal Protection Act for taking by harassment marine mammals (orcas) in waters under the jurisdiction of the United States. A \$4,480 NOVA was issued. (Settled).
- AK1303649; M/V L'ook - Owner, individual, and companies were charged under

the Endangered Species Act and Marine Mammal Protection Act for taking endangered humpback whales, by approaching within 100 yards of humpback whales. An \$8,750 NOVA was issued. (Settled).

- AK1303936; F/V Southern Seas - Owner and operator were charged under the Magnuson-Stevens Act for exceeding the vessel's IFQ sablefish vessel cap. A written warning was issued.
- AK1304501; F/V Hula Girl - Individual was charged under the Magnuson-Stevens Act and Halibut Act for retaining IFQ halibut on a vessel in excess of the total amount of unharvested IFQ applicable to the IFQ regulatory area in which the vessel was deploying fixed gear, and that was currently held by all IFQ permit holders aboard the vessel. A \$3,300 NOVA was issued.
- AK1305173; F/V Leslie Lee – Operator charged under the Magnuson-Stevens Act for exceeding maximum retainable amount of Pollock. A \$22,964.23 NOVA was issued. (Settled).
- AK1401323; F/V San Juan - Individual was charged under the Magnuson-Stevens Act for retaining IFQ halibut on a vessel in excess of the total amount of unharvested IFQ applicable to the IFQ regulatory area in which the vessel was deploying fixed gear, and that was currently held by all IFQ permit holders aboard the vessel. A \$1,000 NOVA was issued. (Settled).
- AK0700698, AK1101557, AK1200532; American Seafoods Company, LLC - The cases charged that personnel aboard ASC's catcher-processor vessels American Dynasty, Ocean Rover and Northern Eagle violated the Magnuson-Stevens Act and the American Fisheries Act by causing vessel flow scales to weigh inaccurately. Pursuant to a settlement agreement, ASC agreed to pay a combined civil penalty of \$1.75M.

Administrative Law Judge Initial Decisions

AK1200300; F/V Pacific Challenger - Owner and operator were charged with three counts of directed fishing for Pacific cod in the Western Gulf Regulatory Area of the Gulf of Alaska without authorization based on three fishing trips that were conducted without a valid License Limitation Program Groundfish License. On February 9, 2015, the administrative law judge found respondents liable for all three counts, and assessed a penalty of \$223,905.00. Both NOAA and the respondents have filed appeals challenging parts of the Initial Decision.

AK1103886; F/V Catita II - The operator of the M/V Catita II, an 85-foot long former U.S. Army vessel, applied for and was denied a federal permit to become a charter halibut operator. After the denial, he took seven paying customers on a trip through

Southeast Alaska. He alleged he merely navigated the vessel and provided a crew services while responding to the directions of customers. Evidence revealed that he unlawfully provided “sport fishing guide services” without a permit because he and the crew member helped clients with their fishing activities. The administrative law judge assessed a civil penalty of \$6,800 for the charter halibut violation and an additional \$2,550 for chunking halibut prior to landing.

General Counsel Award

Two AKD agents were awarded the 2014 General Counsel’s Award for work on flow scale cases in the Alaska Division: "For successfully investigating and prosecuting an exceptionally large and complex enforcement case involving the systematic underweighing of pollock catch by the largest company in the nation's largest fishery."

IV. Community Outreach, Education, and Compliance Assistance

AKD agents and officers participated in the following organized events.

Event	Estimated Attendance	Location
Whale Festival	370	Sitka
Pacific Marine Expo 2014	8,500	Seattle
Alaska Harbor Seal Commission	15	Anchorage
JBER In-Service Training	15	JBER
Great Alaska Sportsmen's Show	25000	Anchorage
Compliance Assistance Patrol	70	St. Paul Island
Comfish	2500	Kodiak



V. Observer Program Compliance and Liaison Activities

Outreach and Education

- AKD staff participated in Observer Program outreach meetings in Homer and Sitka.
- AKD staff trained 344 new and returning observers on compliance monitoring topics.

Program Development and Publications

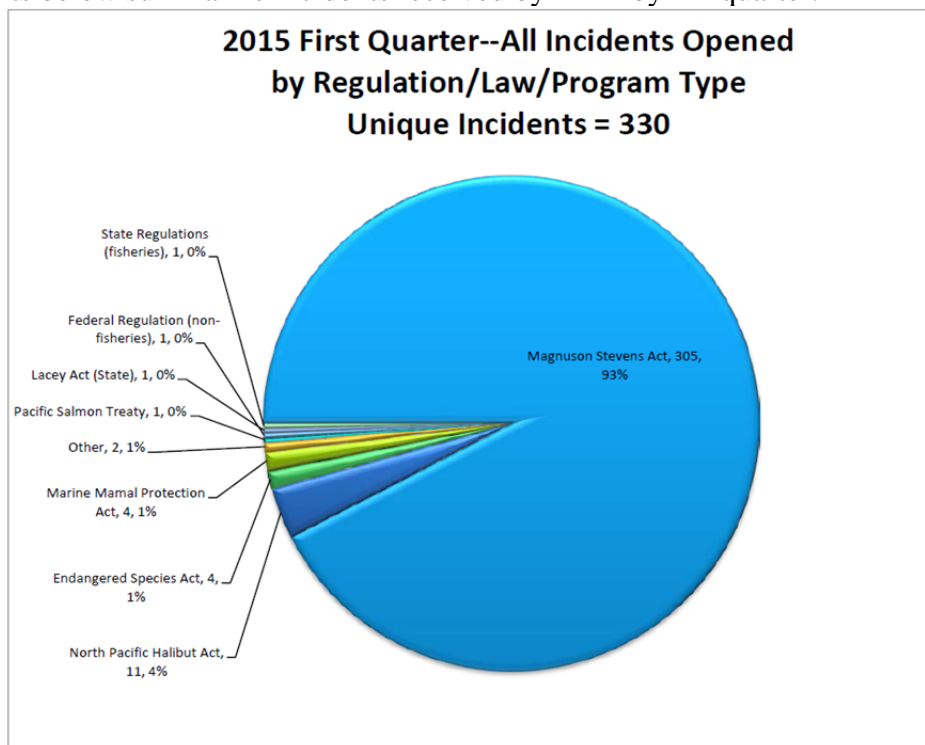
- AKD agent and contractor composed the compliance section of the 2014 Observer program Annual Report to the NPFMC.
- AKD contractor had proposals accepted for presentation at the American Fisheries Society Observer symposium. Presentations will be provided on observer victim and safety topics.

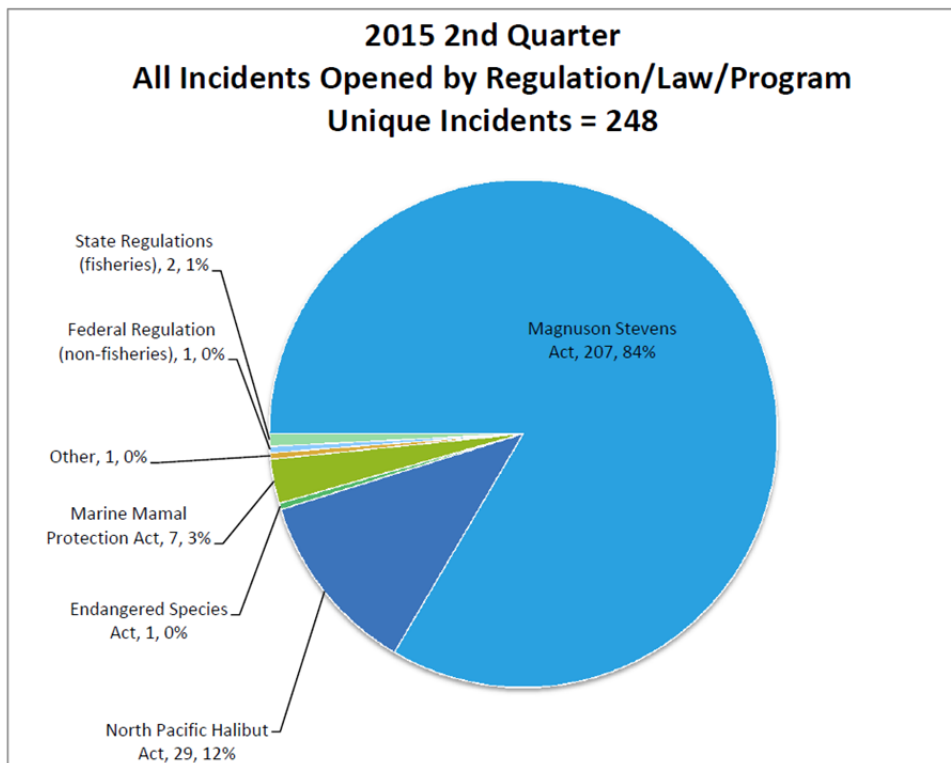
Investigative Assistance

- An AKD contractor evaluated more than 440 statements of potential compliance information reported by observers and Observer Program staff. About 61 observer related incidents were forwarded to agents and officers for investigation.

VI. Compliance Trends

The charts below summarize incidents received by AKD by FY quarter.





- During the reporting period, AKD continued to monitor reports of failure to deploy seabird avoidance gear based on an upward trend in violations and potential threat to short-tailed Albatross.
- Based on previously reported trends, AKD has initiated several investigations and placed a high priority on complaints involving harassment, coercion, interference and sample bias from observers deployed on vessels in PSC limited vessels.