



AGENDA ITEM B-4
June 25, 1990

U.S. COAST GUARD/NMFS JUNEAU FISHERIES ENFORCEMENT FOR PERIOD
April 1, 1990 to June 15, 1990

1. Accomplishments.

a. Seizures:

(1) On June 6, USCGC YOCONA seized the fishing vessel *Alaska Mist* southwest of St. Paul Island. The 166' longliner was seized because of information compiled during joint Coast Guard and National Marine Fisheries Service enforcement actions from March to August of 1989. An investigation by NOAA General Counsel revealed the following violations: Fishing for sablefish March 31, 1989, prior to the opening in the Gulf of Alaska; failure to send begin message prior to beginning fishing operations; failure to submit Alaska fish ticket within one week of landing; and exceeding 1 percent sablefish bycatch on July 31, 1989, and between August 3-5, 1989. Three additional violations were found during YOCONA's boarding and seizure: Certificate of exemption for marine mammal decal not posted; marker buoys not identified with name or number; and prohibited species not returned to sea with minimum damage. *Alaska Mist* was escorted to Dutch Harbor and eventually transferred to the custody of the U.S. Marshal. On June 15, the vessel was bonded out for one million dollars.

(2) On May 11, USCGC STORIS seized the Japanese fishing vessel *Koei Maru No. 20*. The 190' stern trawler was seized after STORIS discovered it conducting illegal fishing operations nearly two miles inside the EEZ along the southern border of the "donut hole". The Coast Guard boarding party found 320 metric tons of pollock aboard the vessel. *Koei Maru No. 20* was escorted to Dutch Harbor where custody was transferred to the U.S. Marshal. A bond hearing was held May 21 in Anchorage. Bond was set at \$1.125 million for the vessel and \$631,000 for the product aboard. On May 25, a settlement of \$900,000 was reached between the U.S. and the vessels owners.

(3) On April 26, USCGC YOCONA seized the Soviet stern trawler *Ilya Ilyin*. The vessel was tracked by YOCONA for one hour while it fished slightly over one mile in the EEZ along the eastern border of the "donut hole". YOCONA escorted the vessel to Kodiak where custody was transferred to the U.S. Marshal. Bond was set at \$500,000. On May 18, a settlement of \$260,000 was reached between the U.S. and the vessel's owners.

b. Significant aircraft sightings:

(1) On May 5, USCG Air Station Kodiak C-130 aircraft spotted the Polish stern trawler *SOFA* fishing in the U.S. EEZ along the southern boundary of the "donut hole". Fog prevented the identification of several other vessels nearby in the EEZ.

(2) On April 20, USCG Air Station Kodiak C-130 aircraft sighted three foreign stern trawlers fishing illegally one to two miles inside the EEZ along the eastern boundary of the "donut hole". The trawlers were identified as the Polish trawler *Indus*, South Korean trawler *Pung Yang Ho*, and Japanese trawler *Nisshan Maru No. 51*.

(3) On 16 April USCG Air Station Kodiak C-130 aircraft sighted three Japanese stern trawlers fishing illegally inside the U.S. EEZ along the eastern boundary of the "donut hole". The trawlers were identified as *Tenyu Maru No. 57*, *Ryujin Maru No. 21*, and *Hama Yoshi Maru No. 63*.

c. High Seas Driftnet sightings/treaty violations:

(1) On June 13, USCG Air Station Sacramento C-130 aircraft sighted the South Korean driftnetter *Dong In No. 55* fishing 3.9 miles north of the June authorized driftnet boundary. USCGC MELLON boarded the vessel and found no salmon or evidence of salmon. The vessel recovered its driftnet while MELLON boarding party observed and again no salmon were seen. The Korean patrol vessel *Busan 201* arrived on scene early June 14. After a joint USCG and Korean boarding, MELLON passed their evidence package to *Busan 201* for action.

(2) On May 1, April 24, and April 22, Air Station Kodiak and Sacramento C-130's sighted five North Korean driftnetters fishing around 48N. The vessels were identified as the *Won Ang No's 1, 3, 4, 5, and 6*. Photographs were taken of all five vessels and passed through Coast Guard Headquarters to the Department of State. In addition, on May 12, the CG Pacific Area Commander personally presented copies of the pictures to the Chief of the Soviet Border Troops who was in San Francisco aboard the Soviet icebreaker *Volga* for the CG bicentennial celebration. Soviet enforcement vessels seized 12 North Korean driftnetters between May 20 and 22 for illegally fishing for salmon of Soviet origin. Recent reports have suggested the North Korean driftnetters had strong ties with commercial interests in Japan and crews consisting almost entirely of Japanese.

(3) On April 23, USCG Air Station Kodiak C-130 sighted an unidentified large mesh Japanese driftnetter fishing well north of the April authorized squid driftnet boundary.

d. Other significant sightings, boardings and issues:

(1) On June 15, a new US/USSR convention line treaty went into effect in the Bering Sea. The new treaty concluded nine years of negotiations settling the boundary disputes in the North Pacific, Bering Sea and Arctic Ocean. The agreement requires ratification by the Senate before it can enter into force, but in the interim, both countries have agreed to abide by its terms. The agreed boundary is a compromise between the great circle line claimed by the U.S. and the rhumb line claimed by the Soviet Union. The negotiations pursued several objectives, among them was the desire to achieve as straight a line as possible and also to incorporate those areas within the EEZ claim of one country which would fall on the other country's side of the line. As a result, it was agreed that each country will exercise jurisdiction on its own side of the line. This will include the "special areas" noted in enclosure (1), where jurisdiction will not result from a direct EEZ claim, but

from the recognition by the other party (which does make an EEZ claim) that the first party may exercise jurisdiction. The U.S. will exercise jurisdiction over the three eastern areas while the Soviet Union will exercise jurisdiction over the western area. In the short term, the agreement eliminates any disputed zone; but until the treaty is ratified and implementing regulations are passed, both Soviet and third party vessels may fish in the eastern special areas. In the long term, when the treaty is ratified and implementing regulations passed, the U.S. will exercise sole jurisdiction over the eastern special areas.

2. Patrol Summary.

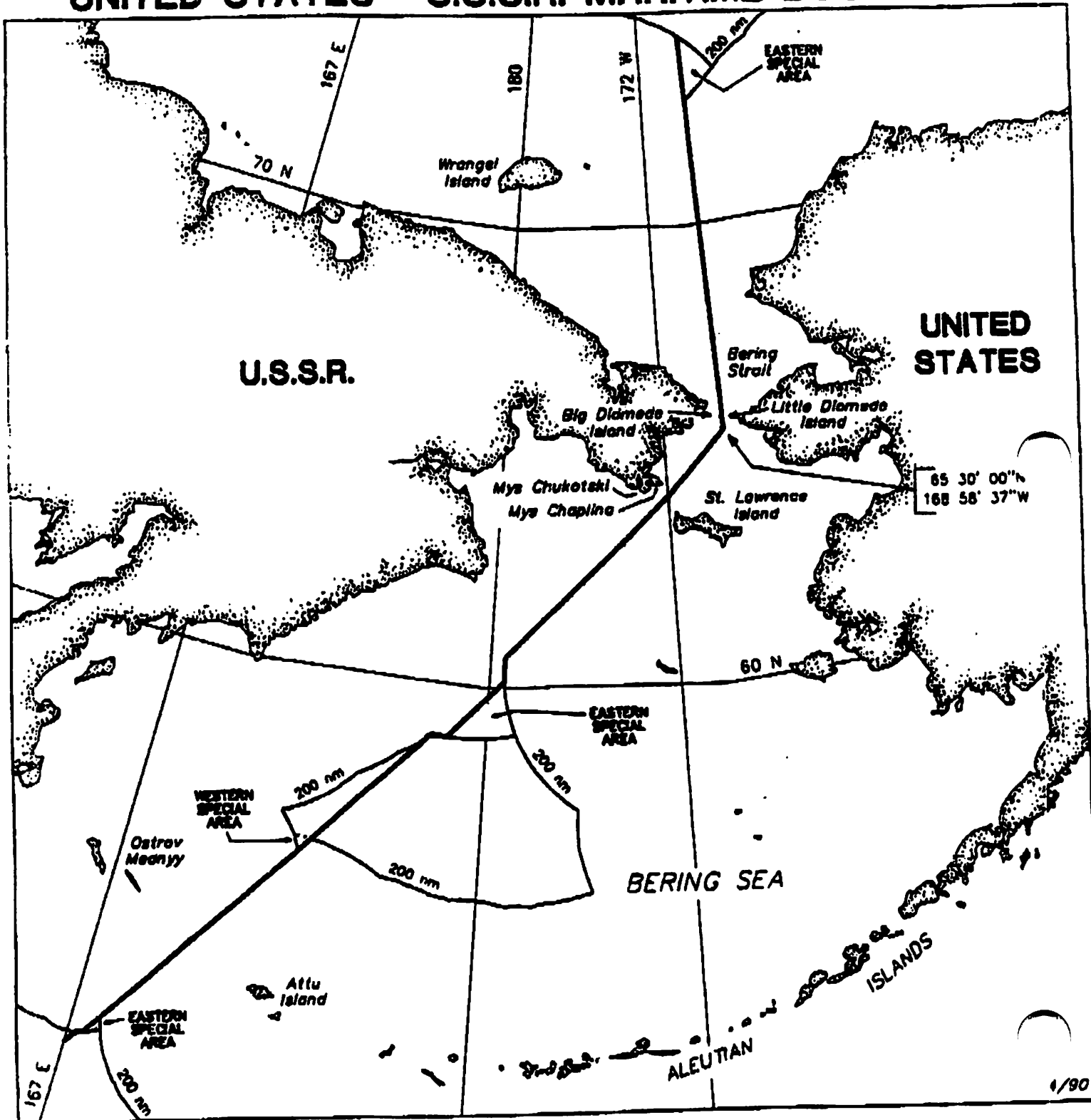
- a. 3 High Endurance Cutters (HEC) patrolled for 72 days.
- b. 2 Medium Endurance Cutters (MEC) patrolled for 75 days.
- c. 5 buoy tenders patrolled for 25 days.
- d. 4 patrol boats patrolled for 67 days.
- e. C-130 aircraft conducted 158 long-range surveillance flights for 1051 patrol hours.
- f. H-3 helicopters conducted 28 coastal surveillance flights for 94 patrol hours.

3. Results.

- a. Foreign vessels:
Sightings: 1557
Boardings: 4
Violations: 10
- b. Domestic vessels:
Sightings: 2339
Boardings: 159
Violations: 62
- c. See enclosure (3) for detailed list of violations.
- d. See enclosure (4) for plot of donut hole sightings.
- 4. Enclosure (5) is a summary of MFS enforcement action.

- Encl: (1) US/USSR Maritime Boundary
(2) Vessel Sightings by Nationality
(3) List of Violations
(4) Donut Hole Sightings
(5) Summary of Enforcement Action (MFS)

UNITED STATES - U.S.S.R. MARITIME BOUNDARY



FISHING VESSEL SIGHTINGS* FOR PERIOD

| | APR | MAY | JUN** | TOTAL |
|-------------------------|------|-----|-------|-------|
| JA | 429 | 147 | 19 | 595 |
| KS | 138 | 56 | 17 | 211 |
| UR | 20 | 27 | 102 | 149 |
| PL | 212 | 164 | 1 | 382 |
| CH | 0 | 0 | 0 | 0 |
| TW | 1 | 0 | 0 | 1 |
| CA | 0 | 3 | 0 | 3 |
| US | 928 | 507 | 904 | 2339 |
| OTHER/UN- IDENTIFIED | 133 | 27 | 56 | 216 |
| Total | 1866 | 931 | 1099 | 3896 |

*May be multiple sightings of one vessel
**Through June 18, 1990

USCG ENFORCEMENT ACTION
APRIL 1 - JUNE 15 1990

| <u>VSL NAME</u> | <u>DATE</u> | <u>VIOLATION</u> | <u>UNIT</u> |
|-------------------|-------------|--|-------------|
| EVENING STAR | 04 APR | 1) NO VALID FEDERAL FISH PERMIT O/B 2) FAILURE TO CHECK IN/OUT W/ NMFS | CGC ANACAPA |
| ARICA | 05 APR | 1) FAILURE TO MAINTAIN DAILY FISH LOG (WRITTEN WARNING) | CGC YOCONA |
| KODIAK ENTERPRISE | 06 APR | 1) FAILURE TO MAINTAIN DAILY FISH LOG | CGC YOCONA |
| DONNA C | 08 APR | 1) FAILURE TO MAINTAIN DAILY FISH LOG | CGC MIDGETT |
| OCEAN ROVER | 09 APR | 1) FAILURE TO MAINTAIN DAILY FISH LOG | CGC YOCONA |
| NOOTKA | 09 APR | 1) NO VALID FEDERAL FISH PERMIT O/B 2) NO DAILY FISH LOG ONBOARD | CGC MIDGETT |
| NORTHERN GLACIER | 10 APR | 1) FAILURE TO MAINTAIN DAILY FISH LOG | CGC YOCONA |
| SHIRLEY | 10 APR | 1) RETENSION OF PROHIBITED SPECIES | CGC MIDGETT |
| OCEAN PROWLER | 10 APR | 1) FAILURE TO MAINTAIN DAILY FISH LOG | CGC MIDGETT |
| ASSURANCE | 11 APR | 1) RETENSION OF PROHIBITED SPECIES 2) FAILURE TO MAINTAIN DAILY FISH LOG | CGC MIDGETT |
| SPECULATOR | 11 APR | 1) NO FEDERAL FISH PERMIT O/B | CGC MIDGETT |
| CREST | 11 APR | 1) FAILURE TO MAINTAIN DAILY FISH LOG | CGC MIDGETT |
| ROYAL SEA | 12 APR | 1) FAILURE TO MAINTAIN DAILY FISH LOG | CGC YOCONA |
| DESTROYER | 12 APR | 1) NO VALID FEDERAL FISH PERMIT O/B 2) FAILURE TO MAINTAIN DAILY FISH LOG | CGC MIDGETT |
| SEA DANCER | 12 APR | 1) FAIL TO RETURN PROHIBS W/ MIN INJURY 2) FAILURE TO MAINTAIN DAILY FISH LOG | CGC MIDGETT |
| MICHELLE ANN | 12 APR | 1) NO VALID FEDERAL FISH PERMIT O/B | CGC MIDGETT |
| VIGOROUS | 12 APR | 1) FAILURE TO MAINTAIN DAILY FISH LOG | CGC MIDGETT |
| CLIPPER SURPRISE | 12 APR | 1) FAILURE TO MAINTAIN DAILY FISH LOG | CGC MIDGETT |
| DEEP PACIFIC | 13 APR | 1) NO VALID FEDERAL FISH PERMIT O/B 2) FAILURE TO MAINTAIN DAILY FISH LOG | CGC MIDGETT |
| ALASKAN HERO | 15 APR | 1) UNSAFE BOARDING LADDER | CGC YOCONA |

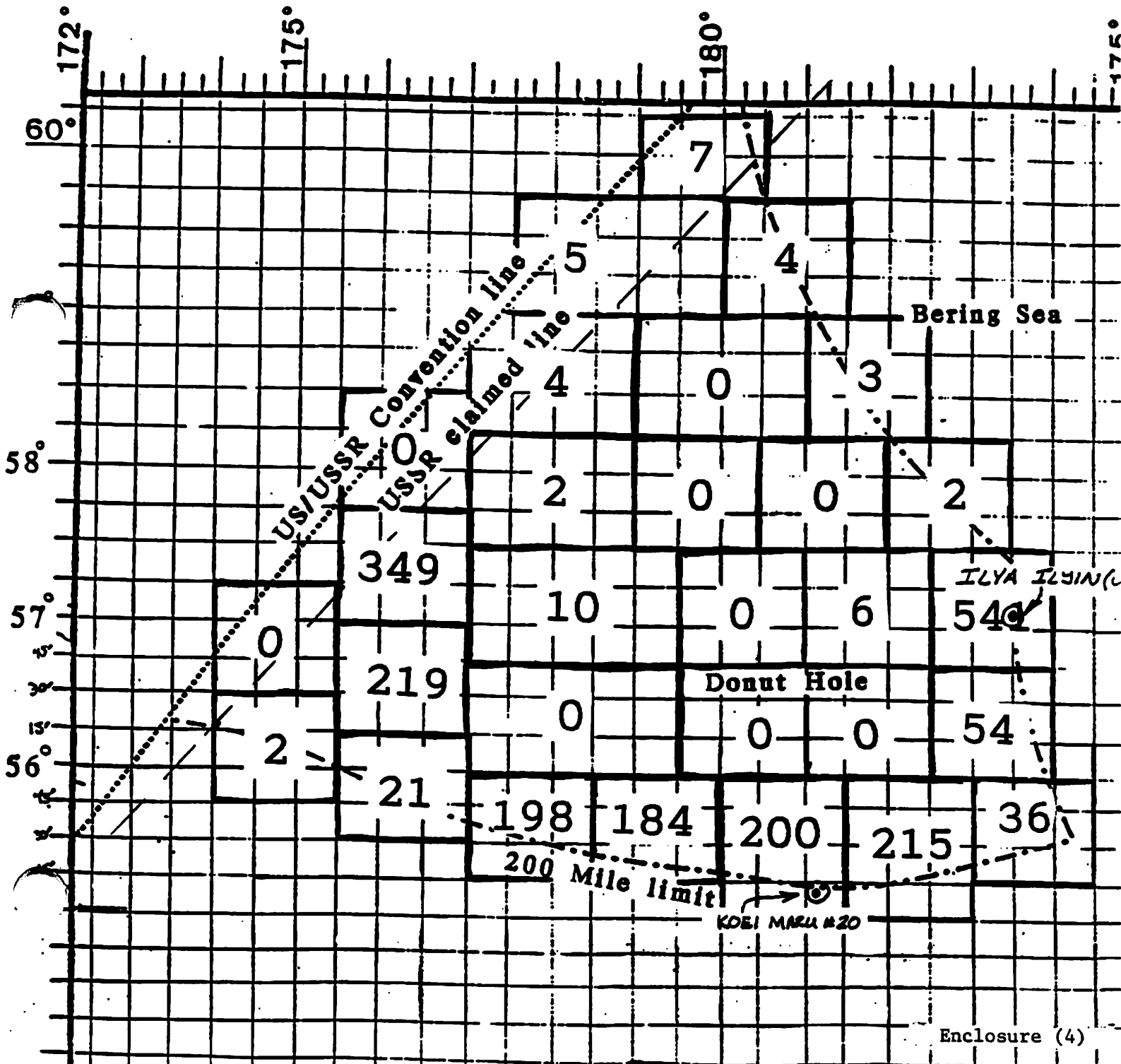
| | | | |
|--------------------|--------|---|---------------|
| UNKNOWN(JBDQ)(JA) | 17 APR | 1) FISHING IN US EEZ W/O A PERMIT | AIRSTA KODIAK |
| UNKNOWN(JBSO)(JA) | 17 APR | 1) FISHING IN US EEZ W/O A PERMIT | AIRSTA KODIAK |
| UNKNOWN(JBSL)(JA) | 17 APR | 1) FISHING IN US EEZ W/O A PERMIT | AIRSTA KODIAK |
| NISHIN MARU 51(JA) | 21 APR | 1) FISHING IN US EEZ W/O A PERMIT | AIRSTA KODIAK |
| INDUS(SQGR)(PL) | 21 APR | 1) FISHING IN US EEZ W/O A PERMIT | AIRSTA KODIAK |
| PUNG YANG HO(JA) | 21 APR | 1) FISHING IN US EEZ W/O A PERMIT | AIRSTA KODIAK |
| ILYA ILYIN(UR) | 26 APR | 1) FISHING IN US EEZ W/O A PERMIT | CGC YOCONA |
| TREMONT | 01 MAY | 1) UNSAFE BOARDING LADDER 2) FAILURE TO MAINTAIN DAILY LOG | CGC LIBERTY |
| ANNE MARIE | 02 MAY | 1) RETENTION OF UNDERSIZED HALIBUT 2) IMPROPERLY MARKED HALIBUT GEAR | CGC ANACAPA |
| LITTLE DIPPER | 03 MAY | 1) RETENTION OF UNDERSIZED HALIBUT 2) IMPROPERLY MARKED HALIBUT GEAR | CGC ANACAPA |
| NORWESTER | 03 MAY | 1) AUTOMATIC HOOK STRIPPER O/B | CGC ANACAPA |
| SONIA | 03 MAY | 1) HALIBUT POSSESSION IN CLOSED PERIOD | CGC ANACAPA |
| IRAY | 03 MAY | 1) HALIBUT POSSESSION IN CLOSED PERIOD | CGC ANACAPA |
| NORTHWYN | 04 MAY | 1) NO IPHC PERMIT O/B 2) FAILURE TO MAINTAIN IPHC LOG | CGC ANACAPA |
| AVALON | 04 MAY | 1)NO VALID FEDERAL FISH PERMIT O/B | CGC ANACAPA |
| REKIN(SQFA)(PL) | 06 MAY | 1) FISHING IN US EEZ W/O A PERMIT | AIRSTA KODIAK |
| KOEI MARU 20(JA) | 11 MAY | 1) FISHING IN US EEZ W/O A PERMIT | CGC STORIS |
| ALASKAN COMMAND | 16 MAY | 1) EXCESS BYCATCH RETENSION (GR TURBOT) 2) FAILURE TO MAINTAIN DAILY FISH LOG | CGC STORIS |
| OCEAN LEADER | 18 MAY | 1) NO VALID FEDERAL FISH PERMIT O/B 2) FAILURE TO MAINTAIN DAILY FISH LOG 3) NO MARINE MAMMAL LOG O/B | CGC STORIS |
| ALEUTIAN SPEEDWELL | 18 MAY | 1) NO VALID FEDERAL FISH PERMIT O/B 2) FAILURE TO MAINTAIN DAILY FISH LOG | CGC STORIS |
| JUSTNA DEANNA | 25 MAY | 1) FAILURE TO MAINTAIN DAILY FISH LOG | CGC ANACAPA |
| NORD | 27 MAY | 1) FAILURE TO MAINTAIN DAILY FISH LOG | CGC ANACAPA |
| MIGRANT | 05 JUN | 1) GEAR IMPROPERLY MARKED | CGC YOCONA |

| | | | |
|----------------|--------|--|-----------------|
| | | 2) GEAR IMPROPERLY MARKED | |
| NIGHT WATCH | 06 JUN | 1) FAILURE TO MAINTAIN DAILY FISH LOG 2) GEAR IMPROPERLY MARKED | CGC YOCONA |
| PANDAD | 06 JUN | 1) IMPROPERLY MARKED HALIBUT GEAR | CGC YOCONA |
| PACIFIC LADY | 07 JUN | 1) RETENTION OF UNDERSIZED HALIBUT | CGC MUSTANG |
| ALICE H | 08 JUN | 1) FAILURE TO MAINTAIN HALIBUT LOG | CGC WOODRUSH |
| DONG IN 55(KS) | 14 JUN | 1) HIGH SEAS DRIFTNET VIOLATION | CGC MELLON |
| ALASKA MIST | 06 JUN | 1) FISHING BEFORE 01 MAR 89 SABLEFISH OPENING 2) FAILURE TO SEND BEGIN MESSAGE 3) FAILURE TTO SUBMIT AK FISH TICKET 4) EXCEEDING SABLEFISH BYCATCH 31 JUL 89, 03 AUG 89, 04 AUG 89, 05 AUG 89 5) MARINE MAMMAL DECAL NOT POSTED 6) IMPROPERLY MARKED BUOY 7) FAILURE TO RETURN PROHIBS WITH MINIMUM INJURY | CGC YOCONA/NMFS |

FFV SIGHTINGS BY USCG IN BERING SEA "DONUT HOLE"

APRIL 1 - JUNE 15, 1990

2,062 TOTAL SIGHTINGS





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NATIONAL MARINE FISHERIES SERVICE ENFORCEMENT FOR
THE PERIOD APRIL 1 THROUGH JUNE 15, 1990

During the period April 1 through June 15, 1990, NMFS Office of enforcement in Alaska expended 261 agent days in direct support of U.S. Coast Guard air and surface patrol efforts. Agents accompanied eight cutter patrols for a total of 112 days. Agents also accompanied 149 air surveillance flights. The flights included 66 high seas driftnet patrols, 38 donut hole boundary patrols, 11 domestic groundfish patrols, and 30 halibut patrols. A NMFS agent from Seattle also accompanied four Canadian high seas driftnet air patrols in the Gulf of Alaska. NMFS agents from other regions have been temporarily assigned to Alaska to augment air and surface patrol efforts. These agents accounted for 38 surface patrol days and 43 air patrols.

During the reporting period NMFS and the Coast Guard opened a total of 97 investigations. NMFS and the Coast Guard concurrently opened 38 investigations. NMFS independently initiated 33 investigations. NMFS initiated investigations included 15 MFCMA investigations, one Lacey Act investigation, three Marine Mammal/Endangered Species Act investigations and 14 Pacific Halibut Act investigations. NMFS Office of Enforcement in Juneau additionally reviewed and processed 36 NMFS and USCG case investigation files. NMFS agents conducted 122 dockside boardings, contacted 827 individuals in furtherance of case investigations, and responded to 498 information requests during the reporting period.

Summary of NMFS Initiated Enforcement Actions:

1. Groundfish Violations (MFCMA):

(a) On April 3, 1990, the hook & line vessel ALEUTAIN MIST was issued a written warning for improper log maintenance and improper gear marking.

(b) On April 5, 1990, the hook & line vessel VAN ELLIOTT was cited for failure to maintain a logbook (Count 1) and no federal fisheries permit (Count 2). Operator was offered a \$4,500 summary settlement penalty (\$3,750 for count 1 and \$750 for count 2).

(c) On April 10, 1990, the trawler VALIANT was issued a written warning for improper log maintenance.



(d) On May 8, 1990, the hook & line vessel MISS ALISON was cited for failure to maintain a logbook (Count 1) and failure to carry a federal fisheries permit on board (Count 2). The operator was offered a \$4,125 summary settlement penalty (\$3,750 for count 1 and \$375 for count 2).

2. Pacific Halibut Act Violations (IPHC):

(a) On May 2, 1990, the hook & line vessel ST. KATHRYN was cited for failure to mark set line gear. Operator paid a \$1,575 summary settlement penalty. (Penalty is based on the number of unmarked buoys.)

(b) On May 2, 1990, the hook & line vessel PRIMUS was cited for failure to mark set line gear. Operator paid a \$375 summary settlement penalty. (Penalty is based on the number of unmarked buoys.)

(c) On May 2, 1990, the trawler/hook & line vessel GREEN HOPE was cited for possession of two undersize halibut taken in the halibut opening. Operator was offered a \$300 summary settlement penalty. (Penalty is based on the number of undersize fish.)

(d) On May 2, 1990, the operator of the Pacific Pearl Processor (Kodiak) was cited for possession of eight undersize halibut. Case disposition is pending.

(e) On May 2, 1990, the hook & line vessel DONNA ANN was cited for no IPHC license. Operator paid a \$750 summary settlement penalty.

(f) On May 3, 1990, the hook & line vessel KITTI H was cited for possession of 45 lbs. of halibut fillets of undeterminable length (Count 1). Vessel was also cited for failure to maintain a halibut log (Count 2). Operator paid a \$1,500 summary settlement penalty (\$1,125 for count 1 and \$375 for count 2). (Penalty is based on the number of undersize fish when determinable and poundage when number of fish is undeterminable.)

(g) On May 3, 1990, the hook & line vessel CELTIC LADY was cited for possession of 84 lbs. of halibut fillets of undeterminable length. Operator paid a \$1,500 summary settlement penalty.

(h) On May 7, the operator of the John Cabot Company (Anchorage) was cited for failure to record IPHC license numbers of fish tickets. Operator was offered a \$4,500 summary settlement penalty. (Penalty based on number of tickets without IPHC license numbers.)

(i) On June 5, 1990, the hook & line vessel WIDGEON was cited for possession of 32 halibut fillets of undeterminable size. The operator was offered a \$1,200 summary settlement penalty.

(j) On June 8, 1990, the hook & line vessel DELIVERANCE was cited for failure to carry a IPHC license on board. Operator was offered a \$375 summary settlement penalty.

3. Endangered Species Act Violations (ESA):

(a) On June 4, 1990, the vessels AUGUSTINE (a tender) and GOOD NEWS (a hook & line vessel) were observed anchored within the 3 mile buffer area of the sea lion rookery at Chirikof Island by a USCG/NMFS air surveillance flight. The operators were subsequently cited by NMFS for entering the buffer area. Each operator was offered a \$2,500 summary settlement penalty.