



NOAA FISHERIES



Office of Law Enforcement Alaska Enforcement Division

June Report To
North Pacific Fisheries Management Council



October 2022 to March 2023

Report fisheries or marine mammal violations,
call our National Hotline at 1-800-853-1964

<https://www.fisheries.noaa.gov/topic/enforcement>

NOAA Fisheries, Office of Law Enforcement, Alaska Division

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June 2023

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Alaska Enforcement Division

1. Enforcement Operational Highlights

From October 1, 2022, to March 31, 2023, the Office of Law Enforcement (OLE), Alaska Division (AKD) conducted extensive patrols for the purposes of enforcement and education. In addition to daily dockside and vessel patrols, AKD conducted several multi-day patrols. Patrols were often coordinated with partners including U.S. Customs and Border Protection (CBP), U.S. Fish and Wildlife Service (USFWS), U.S. Coast Guard (USCG), Alaska Wildlife Troopers (AWT), and National Park Service (NPS). Partnering with multiple agencies broadens enforcement and outreach opportunities and allows for mentoring across agencies.

Special Agents and an Enforcement Officer participated in US Fish and Wildlife Service's annual Operational Holiday Blitz in December. During this operation, random boxes being imported through the FedEx facility in Southcentral Alaska were inspected for items in violation of federal fishery and wildlife law. No fishery violations were detected. One item was seized for possible wildlife violations.

In January, a Special agent participated in two multi-day patrols with USCGC MUNRO in the Bering Sea and Aleutian Islands Region. The Team boarded seven vessels at sea participating in A Season Pollock Trawl, including one catcher processor (CP) and six catcher vessels (CVs) with no violations found. Additionally, the Special Agent coordinated with the Combat Information Center (CIC) to observe an aerial patrol by the Small Unmanned Aircraft System (SUAS) asset onboard to observe vessels actively fishing in the Red King Crab Savings Area.

A team of 4 special agents participated in the A-season observer operation in. The operation resulted in 47 investigations encompassing 170 statements – 35 statements resolved and 135 furthered through investigations. Out of the 35 resolved cases, 32 were addressed with compliance assistance, two were unfounded, and one was closed due to a lack of evidence.

In March, two Enforcement Officers conducted a 19-day patrol aboard the Alaska Wildlife Trooper large patrol vessel Stimson. The joint patrol covered over 1,570 nautical miles in the Western Gulf of Alaska and Bering Sea. 26 commercial fishing vessels were boarded, three processing plants were inspected, and contact was made with multiple deployed observers. The



patrol resulted in 57 investigations, with 13 summary settlement offers, and three incidents referred to GCES for civil prosecution.

2. Trawl Operation

In January 2023, OLE initiated Operation Bottom Trawl to inspect trawl vessels carrying Non Pelagic Trawl (NPT) gear in NPT restricted areas. In collaboration with the United States Coast Guard and Alaska Wildlife Troopers, OLE began boarding vessels targeting pollock in restricted areas in the Gulf of Alaska and Bering Sea Aleutian Islands.¹

Preceding the operation, OLE distributed an outreach letter and met with industry representatives regarding Gulf of Alaska closed areas and applicable gear restrictions. OLE also collaborated with industry and Sustainable Fisheries to add a regulatory exemption to the Pollock Trawl Electronic Monitoring Exempted Fishing Permit (EFP), allowing vessels fishing in GOA NPT closed areas to have NPT gear on board provided it was stowed and monitored. The goal was to test the utility of EM to record compliance with NPT gear closures. However, during the operation, OLE was unable to access the EM data to review for compliance.

Results:²

- OLE reviewed 802 trips demonstrating carriage and or use of trawl gear in waters that prohibit use or possession of NPT gear.
 - 702 in BSAI RKCSA
 - 100 in GOA (40 Type I/II; 24 Marmot; 36 GOA Slope HCA)
- 26 vessels possessed installed flotation in excess of buoyancy authorized to accommodate a net-sounder, primarily in the codend.
- 12 vessels had metallic components other than connectors or net-sounder aft of fishing circle (e.g. chain riblines in the codend and/or forward of mesh >5.5”).
- 39 investigations

¹ Applicable regulations (list not exhaustive) at:

- 50 CFR 679.2 “[Authorized fishing gear](#)” (1) **Bottom contact gear**, (13) **Nonpelagic trawl**, and (14) **Pelagic trawl gear**;
- 50 CFR 600.10 “[Codend](#)”;
- § 679.22 **Closures**: [50 CFR 679.22\(a\)](#) and [50 CFR 679.22\(b\)](#);
- § 679.7 **Prohibitions**: [50 CFR 679.7\(a\)\(14\)](#) **Trawl gear performance standard**;
- § 679.24 **Gear limitations**: 50 CFR 679.24(b)--> **Gear restrictions** [\(3\)](#) and [\(4\)](#);
- 50 CFR [679.21\(f\)\(12\)\(iii\)\(E\)\(11\)](#)

² For the purposes of this report, results through mid-April are presented.

- 32 in BSAI Red King Crab Savings Area (RKCSA)
 - 5 fully compliant
 - 26 no action – primarily gear configuration
 - 1 referred to GCES
- 7 in GOA Slope Habitat Conservation Area
 - 5 no action - primarily gear configuration
 - 1 summary settlement
 - 1 referred to GCES

During the operation, OLE encountered challenges with monitoring for bottom contact and NPT gear restrictions³. While applicable national definitions at 50 CFR 600.10 include the codend within the definition of the trawl net, it's unclear whether the codend was intended to be regulated within the Alaska fisheries definitions at 50 CFR 679.2.

Enforcing for the pelagic trawl gear performance standard at sea requires a large expenditure of OLE and partner agency resources. Monitoring also imposes significant intrusions into fishing operations – one complete haulback was monitored at sea during the operation.

Historically, OLE has learned of trawl gear performance standard potential violations exclusively from observers. 54 incidents were reported during 2009 – 2020 and about 80% involved high numbers of crab in the forward portions of trawl nets. From the complaints received, OLE investigated at least 28 trawl gear performance standard cases and issued only 2 written warnings. Most cases had to be closed because elements of the violation could not be proven (crab onboard at any particular time, total crab count, and size associated with each crab). Issues recorded by observers included prioritization of duties, dangers on deck, lack of crew cooperation, limited view of the trawl during haulback, and fragmented crab. Crab in the forward nets fell outside the observer sample population, and crab recorded within observer sample populations (limited to the codend) were most often limited to the crab in samples, not total catch. The requirement for vessels to discard prohibited species catch immediately with a minimum of injury further limited of crab onboard “at any particular time”. OLE noted that while pelagic trawl gear does contact the bottom, it is not defined as Bottom Contact Gear and it is not restricted in Habitat Conservation and Protection Areas (e.g. Coral, Slope, Seamount areas).

³ Detailed discussion in the [Bristol Bay Red King Crab analysis](#), Section 4.

3. Outreach and Education Highlights

NOAA OLE outreach and education efforts facilitate and encourage responsible and sustainable uses of marine resources. NOAA agents and officers visit industry representatives and communities throughout Alaska using multiple online and in-person venues to deliver a strong message of resource protection.

With our Joint Enforcement (JEA) partners, AKD provided resources and outreach at local and virtual events. OLE continued to work extensively with industry leaders and representatives by hosting virtual meetings to discuss reported potential compliance issues. To learn more about these meetings or request a meeting, please contact Compliance Analyst Alex Perry at 907-271-3021 or alex.perry@noaa.gov. The table below provides a summary of formal outreach efforts from October 1, 2022, to March 31, 2023.



4. Notice on Preventing Observer Harassment

NOAA recently published this [Notice on Preventing Observer Harassment](#) as a reminder to vessel owners and operators about their responsibilities in ensuring a safe work environment for observers. The Notice discusses how to prevent, respond to, and report incidents involving the harassment of observers.