

National Marine Fisheries Service  
Alaska Enforcement Division

**ENFORCEMENT REPORT**



January 01 – June 05, 2002

National Marine Fisheries Service  
Office for Law Enforcement  
P.O. Box 21767  
Juneau, AK 99802-1767

*This report can be viewed at:*

<http://www.nmfs.noaa.gov/ole/Alaska/>

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



## **FOR THE PERIOD 01/01/2002 THROUGH 6/5/2002**

National Marine Fisheries Service  
Alaska Enforcement Division

### **INTRODUCTION:**

This report covers the first half of 2002, and highlights our seven priorities as well as significant case resolutions. So far this year, the Alaska Enforcement Division has opened 332 new cases. We currently have 431 total open cases.

We are in the process of hiring 12 replacement agents and officers. We hope to hire 6 new agents and 6 new officers within the next couple of months.

Our VMS staff is in place. Guy Holt is the Program Manager, Jim Barr is the Computer Specialist, and Scott Gray is the Enforcement Technician. These three will be primary contacts for VMS related issues. They will help with technology implementation and troubleshooting transmission and reception problems. They will be helping agents with identifying illegal activity.

We are in the final stages of implementing a Joint Enforcement Agreement (JEA) with the Alaska Department of Public Safety, which we expect will enhance both of our enforcement programs.

### **INVESTIGATIVE HIGHLIGHTS:**

#### **1. OBSERVER-RELATED OFFENSES**

We initiated a case for physical sexual harassment of an observer by a vessel operator. The case was accepted by the U.S. Attorney's Office for criminal prosecution. This is an important case because of the level of harassment and because we believe it to be the first sexual harassment case to be criminally prosecuted under the Magnuson Act. Trial is set for September.

Peter Pan Seafoods settled a case we documented on observer sexual harassment at its King Cove plant. Peter Pan Seafoods Inc. agreed to pay \$40,000, with \$25,000 suspended, provided that Peter Pan does not violate the regulation prohibiting harassment of federal fisheries observers for three years. Peter Pan has agreed to increase training of its plant employees and to arrange for production of a training video addressing sexual harassment in the fish processing plant environment. When completed, that video will be made available to other interested persons and companies.

An observer contractor is presently involved in two separate NOVA cases for failure to notify the Agency of observers being harassed.

As reported earlier, during early 2001, we completed a study of compliance with observer coverage requirements in the 30% fleet. Our results revealed that for 1999 and 2000, approximately one-third of the vessels failed to get the required coverage. Approximately one-half the violations were minor, involving only one or two days. We focused on the significant violations consisting of serious shortages, or failure to obtain any required coverage. General Council dismissed a number of these cases because the vessels were otherwise compliant and were unable to obtain coverage due to unexpected changes in fishing. At present we do not intend to perform wholesale reviews of observer coverage but rather to focus on compliance on a quarterly basis during contacts with vessels. The remaining cases are moving forward as follows:

NOVAs have been issued to	
F/V GREEN HOPE, 12 days short;	F/V GINNY C, 8 days short;
F/V MAR PACIFICO, 5 days short;	F/V MAR DEL SUD, 2 days short;
F/V DEFIANT, 2 days short.	

These NOVAs total \$87,000 in proposed fines. An additional nine cases, representing 70 missing days of observer coverage are also proceeding.

A \$36,000 NOVA was issued to the F/V ROSELLA for observer harassment/presorting. A hearing has been requested. In an unrelated investigation, an additional observer harassment case was just referred to GC.

## 2. COOK INLET BELUGAS

We developed a Cook Inlet beluga whale operations plan for 2002 and effort began in earnest in May. Efforts to protect Cook Inlet beluga whales will continue to focus on outreach, education, and patrol. We expect to continue this effort through September. Two authorized takes are allowed this year under a cooperative agreement.

One investigation has been opened.

## 3. STELLER SEA LION PROTECTION MEASURES

No new critical habitat cases have been initiated this year.

## 4. SEABIRD AVOIDANCE

No significant enforcement actions occurred.

## 5. RECORD KEEPING AND REPORTING VIOLATIONS

We are proceeding with a case involving several individuals who conspired to violate the Magnuson Act by pre-sorting large amounts of prohibited species (halibut) from observed hauls. The case has been accepted by the U.S. Attorney's office for criminal prosecution. A similar case is being developed against a different vessel.

On March 5, 2002, Judge Zilly granted the government's Motion for Summary Judgment in the litigation that involved FCA's challenge of the Agency's enforcement of the Vessel Incentive Program against two of FCA's vessels. FCA has appealed this decision to the 9th Circuit.

## 6. IFQ SPECIFIC VIOLATIONS

The IFQ season is in full swing and no significant enforcement actions have been initiated. We are actively supporting the test of Internet based landing transactions. We think that it will help keep the error rate down, benefiting both OLE and fishermen.

We are investigating allegations that an IFQ vessel fished its quota in the wrong area.

## 7. MARITIME BOUNDARY FOREIGN FISHING VESSEL SEIZURES

Settlement was reached concerning the Chinese Fishing Vessel MING CHANG that was seized in August 2000, for illegally trawling in the US EEZ. The owners agreed to pay \$721,350, which includes the value of the fish caught in the EEZ, plus costs for US Coast Guard and INS.

## **COMMUNITY-ORIENTED POLICING AND PROBLEM SOLVING (COPPS)**

We have continued our Community Policing and Problem Solving approach throughout the Division.

In anticipation of VMS becoming effective on June 10, 2002 for a significant number of vessels, we conducted 10 workshops throughout AK. More than 120 people attended. The largest attendance was at Kodiak and Homer. A final workshop is scheduled for King Cove.

We assisted in presentation of seabird avoidance workshops in Kodiak and Sitka Alaska to educate vessel operators on the new regulations.

We again staffed a booth at Comfish in Kodiak. More than 60 people stopped by to ask questions on a variety of subjects.

In May, Enforcement staff met with Norton Sound Economic Development Corporation in Nome. The meetings were with CDQ managers, registered Buyers, and permit holders, to discuss CDQ halibut fishing and landing regulations. Problems occurring during the 2001 fishery and recommendations for resolving those problems during the upcoming year were discussed. A similar session is scheduled for June for managers, registered buyers, processor personnel and permit holders for Aleutian/Pribilof Islands Community Development Association (APICDA), in Atka.

In spite of our efforts to address the problem in Homer with resident nuisance populations of Stellar Sea Lions, there are still issues to be resolved. Two tickets were written to fishermen for feeding the animals.

### **ENFORCEMENT AND OBSERVER AFFIDAVITS**

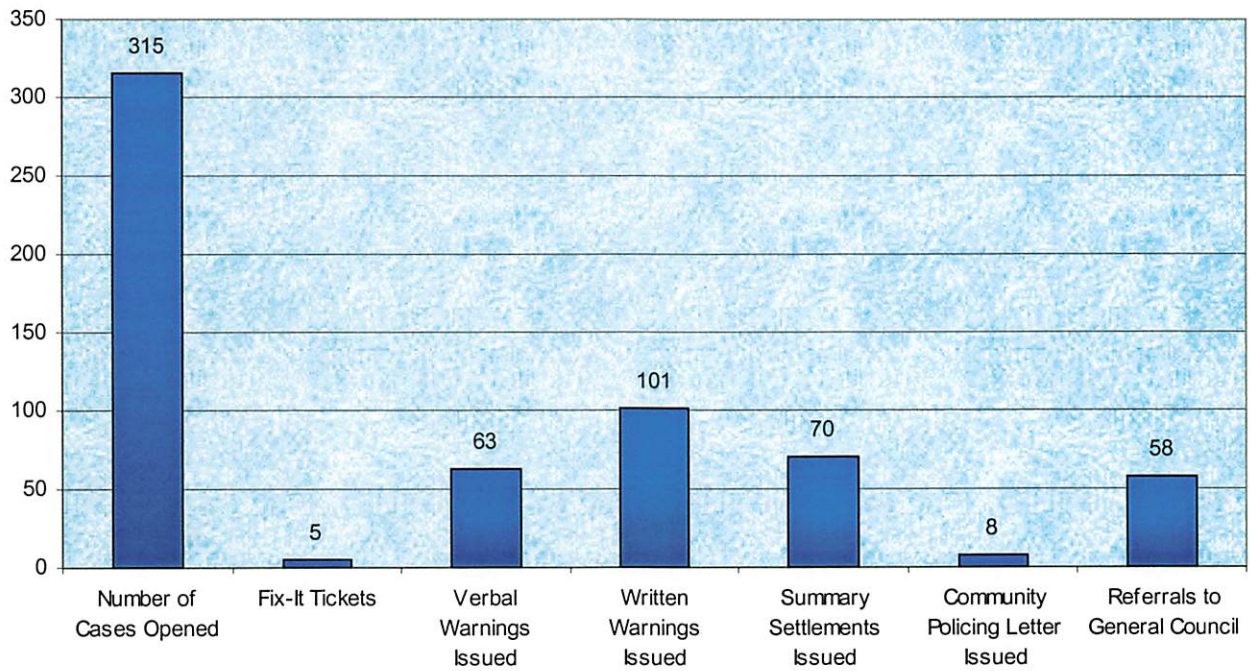
The following is an overview of the activities and issues that relate to observer investigations and AED/OPO liaison through May 2002.

#### **Enforcement Cases / Statistics:**

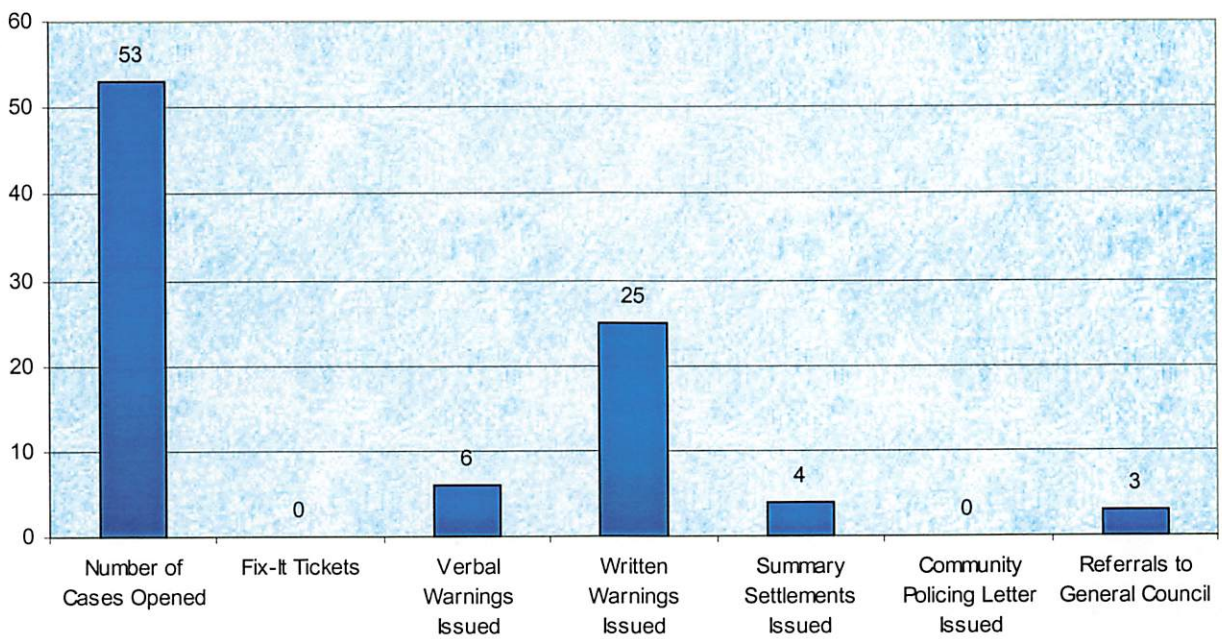
There have been a total of 83 affidavits generated to date. Fifty-one cases have been opened. Two observer misconduct issues were forwarded to the observer program in Seattle. Six have been closed. Twelve have been transferred to the USCG. The following is a breakdown by the category of alleged violations.

Accommodations	6
Failure to Notify	9
Harassment-of any kind	12
Improved Retention/Utilization	6
Marine Mammal Feeding/harassment	5
Marpol	8
Multi-Species CDQ	4
Prohibited Species Mishandling/retaining	19
Safety	8
Sample Bias	5
Sample Bias Seabirds	1
<b>Total</b>	<b>83</b>

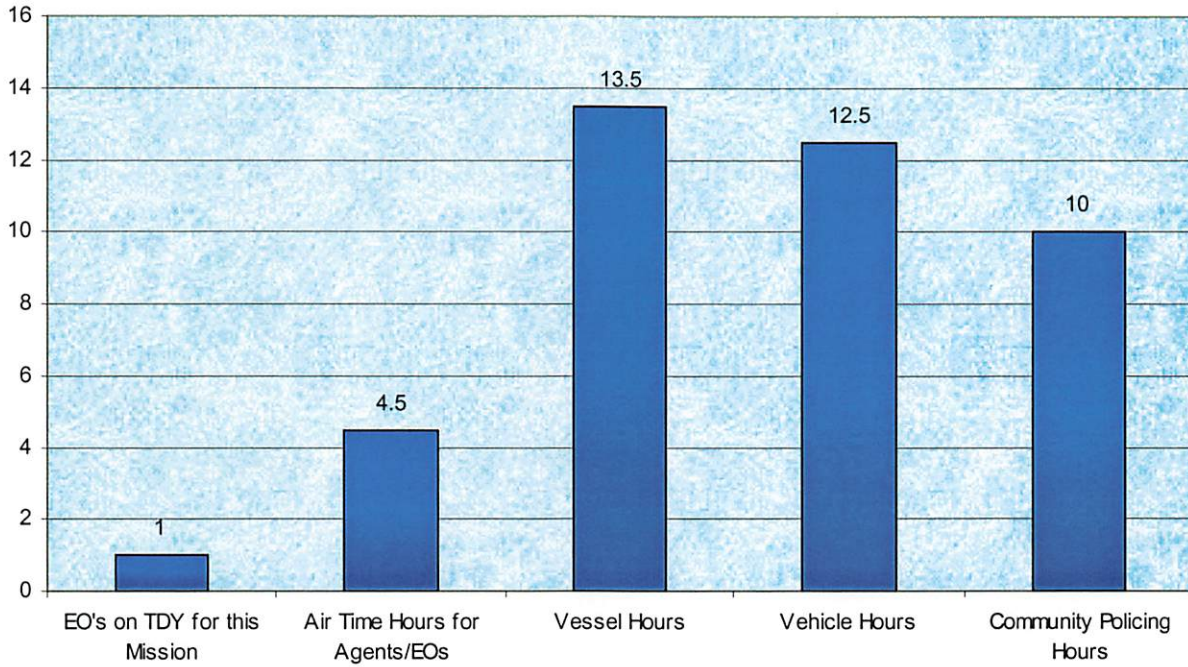
**Alaska Region Case Actions for All Cases  
January 01, 2002 - June 05, 2002**



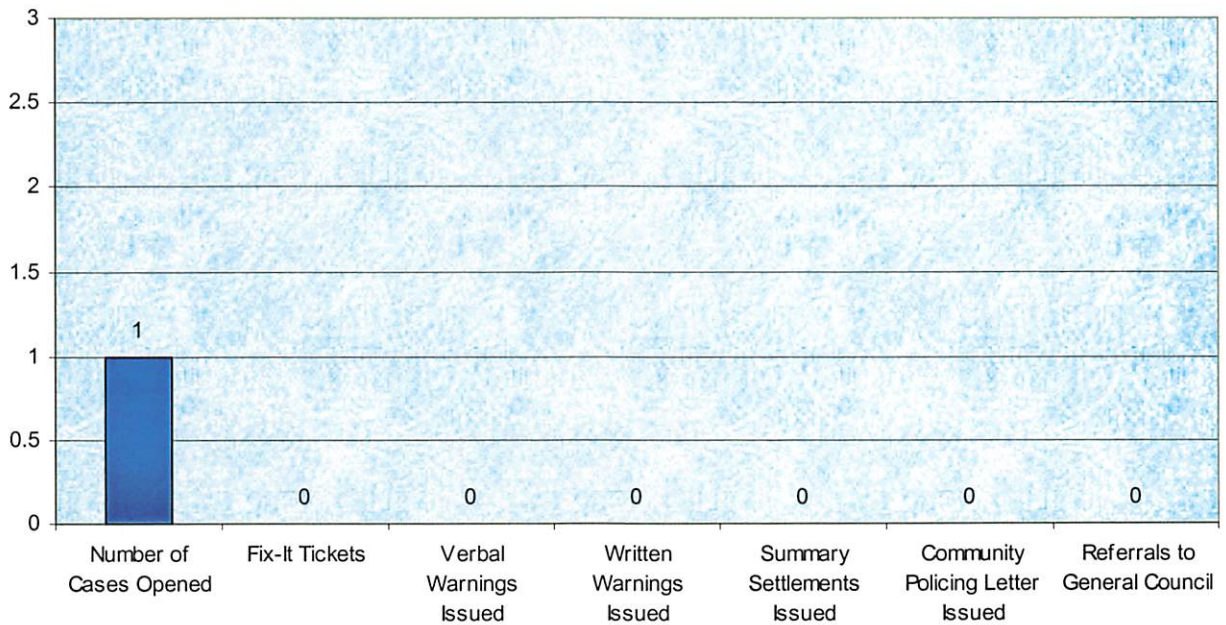
**Alaska Region Case Actions for Observer Cases  
January 01, 2002 - June 05, 2002**



**Enforcement Effort for Beluga Patrols  
January 01, 2002 - June 5, 2002**



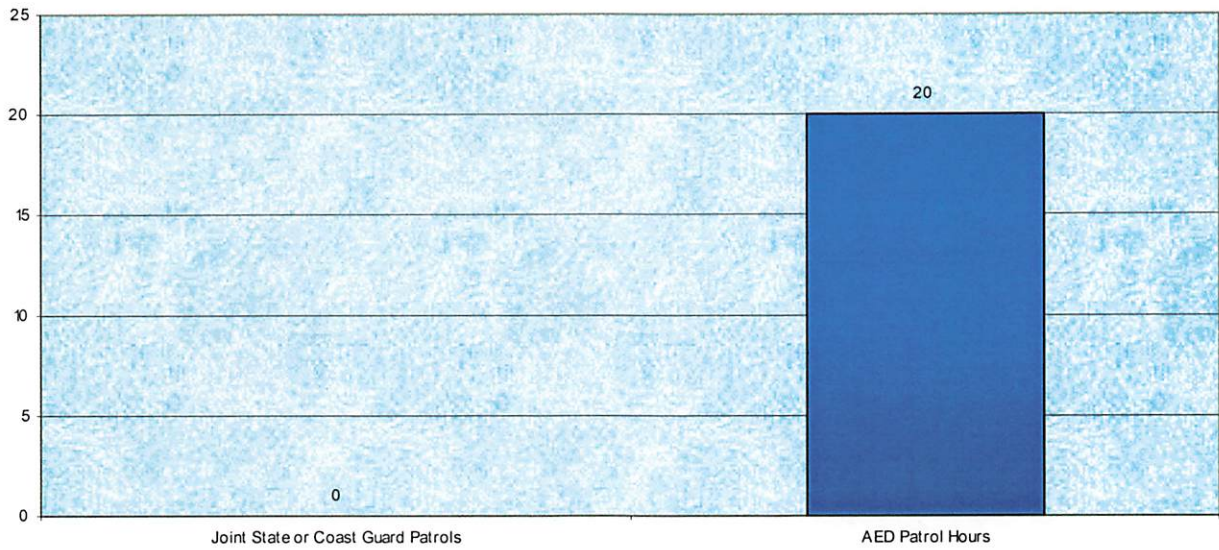
**Alaska Region Case Actions for Beluga Cases  
January 01, 2002 - June 5, 2002**



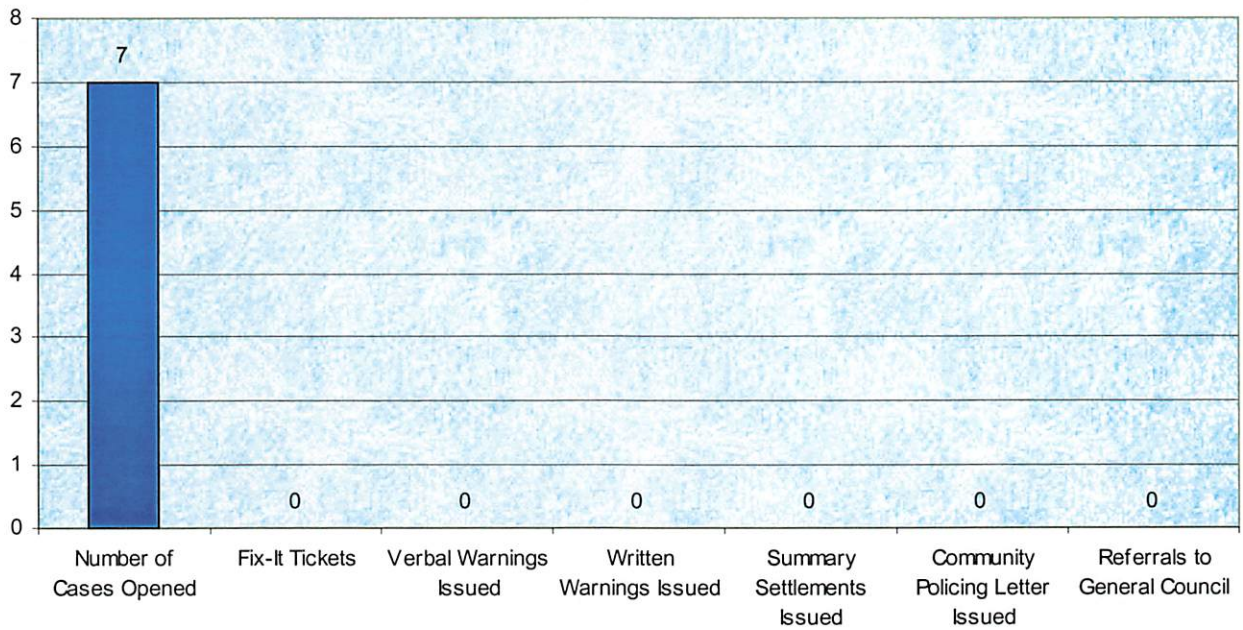
The above cases reflect the following violation description:

- Unlawful take/harassment of beluga whale(s)

**Enforcement Effort for Stellar Sea Lions  
January 01, 2002 - June 05, 2002**



**Alaska Region Case Actions for Stellar Sea Lion Cases  
January 01, 2002 - June 05, 2002**



The above cases reflect the following violation description:

- Unlawful take/harassment of Stellar Sea Lion(s)
- Unlawful feeding of Stellar Sea Lion(s)



**Alaska Region Enforcement Patrol and Inspections**

January 01, 2002 - June 05, 2002

	Total	Atlitak	Anchorage	At-Sea	Auke Bay	Bellingham	Cordova	Craig	Dutch Harbor	Gustavus	Homer	Hoonah	Juneau	Ketchikan	Kodiak	Pelican	Petersburg	Sand Point	Seward	Sitka	St. Paul	Whittier	Wrangell	Yakutat
<b>Boardings and Inspections</b>																								
No. of Vessel Boardings By Port	123							2	9		23			3	40		1	1	40	1		3		
No. of Boardings with Violations	30							0	1		7			0	3		0	0	16	1		2		
Compliance Rate (excluding state violations)	76%							0%	89%		70%			100%	93%		100%	100%	60%	0%		33%		

No. of Plant Inspections By Port	19	1	10				7	1																
No. Inspections with Violations	10	0	6				3	1																
Compliance Rate	47%	100%	40%				57%	0%																

No. of Community Policing Visits	9	1	1				1		2		1							1	2					
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**Alaska Region Enforcement Effort with Patrol Vessels**

January 01, 2002 - June 05, 2002

**Vessel Patrols**

No. of Vessel Trips Taken	24
No. of Hours on the Water	154
No. of Boardings/Inspections	23

No. of Unmanned Port Visits	7
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No. of Violations Detected on Patrol	8
Compliance Rate	66



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

AGENDA B-4

JUNE 2002

Supplemental

May 20, 2002

RECEIVED

MAY 23 2002

N.P.F.M.C

Mr. David Benton, Chairman  
North Pacific Fishery Management Council  
605 West Fourth Avenue, Suite 306  
Anchorage, AK 99501-2252

Dear Dave:

This is to inform you that Mr. Jay Ginter will serve as my alternate only for the upcoming June 2002 meeting of the Council in Dutch Harbor, Alaska. Currently, I anticipate attending this meeting in its entirety, however, if my arriving flight is delayed or I must depart to attend other business before the end of the Council meeting, Mr. Ginter will serve in my place to represent NMFS and the Alaska Region. Normally, Ms. Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries (SF), serves as my alternate at Council meetings. She will not be attending the June 2002 Council meeting, however, and Mr. Ginter, SF Operations Branch Chief, will be serving in her place.

Sincerely,



James W. Balsiger  
Administrator

cc: C. Oliver, NPFMC  
L. Lindeman, GCAK

