

National Marine Fisheries Service  
Office for Law Enforcement

ALASKA ENFORCEMENT DIVISION

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



FY2015  
April 1, 2015, to September 30, 2015

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

[http://www.nmfs.noaa.gov/ole/ak\\_alaska.html](http://www.nmfs.noaa.gov/ole/ak_alaska.html)

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## OPERATIONAL HIGHLIGHTS

### Kenai and Prince William Sound IFQ/Charter pulse operations

NOAA Fisheries Office of Law Enforcement (OLE) conducted four pulse operations to determine compliance by guided and unguided halibut sport fisher in response to regulatory changes, and a series of town hall public meetings.



The pulse operations were conducted in Seward, Homer, Ninilchik, and Valdez, Alaska. Most pulse operations covered a five day period using two or three OLE enforcement officers; sometimes supported by the U.S. Coast Guard, or the Alaska Wildlife Troopers. Additionally short ports visits of one or two days were conducted in Homer, Whittier, Clam Gulch, and Deep Creek .

The pulse operations accounted for over 250 charter and sport boat boardings that included some at-sea inspections. Less than a dozen violations were issued with the most numerous being halibut filleted contrary to the regulation. Overall, compliance was very good, with only a few sport boats over the catch limit. One shoreside processor and several commercial landings were inspected. (Photo above: OLE and USCG conduct an at-sea boarding).

### Enforcement Officer Heroism

EO Jerod Cook, Petersburg, AK assisted in the rescue of two men from the waters of Sumner Strait. The EO was on patrol with Alaska Wildlife Trooper, Cody Litster and U.S. Forest Service Officer, Joseph Boggs when they rescued the men from the water. The two victims stated their boat sank suddenly while fishing commercial halibut gear. They had no time to call for help or utilize flotation devices. After the men were brought onboard the P/V MOEN, the officers provided warm blankets and transported them to Petersburg for medical attention and support from family members. (Pictured right: top of sunken vessel)



## COMMUNITY OUTREACH AND EDUCATION

Agents and Officers attended a booth at The Great Alaska Aviation Gathering. The Gathering provided opportunities for education and outreach to over 20,000 people. Alaskan pilots are potential reporters of suspected fisheries and marine mammal activity that might otherwise go unnoticed.



A Ketchikan Special Agent (SA) worked with a biologist from University of Alaska, Fairbanks to teach a marine education session to local high school students. The class featured a seal necropsy that was performed by Sea Grant Biologist Gary Freitag (left).

An EO staffed the NOAA OLE booth at the 30th Annual Sport, Rec, and Trade Sportsman’s Show in Soldotna, AK. There were over 600 contacts made during the two day event that included the general public, fisherman from sport, commercial, and charter sections, as well as biologists, local politicians, council members, and former state and federal employees.

Two Anchorage EOs conducted charter halibut meetings in Valdez for vessel operators and local USCG personnel. The officers also met with Commissioner Folger, Alaska Department of Public Safety, Colonel Bear, and Trooper Beck to discuss mutual charter halibut concerns. An Enforcement Officer made a short sound bite on charter halibut topics at KVAK Radio Station for public broadcast.

The observer program Special Agent analyzed observer statements for violation trends. The Agent then used this information to send outreach letters addressing the recent uptick in record keeping and reporting complaints.

Event	Estimated Attendance	Location
Great Alaska Aviation Gathering	20,000	Anchorage, AK
High School Seal Necropsy	20	Ketchikan, AK
Sport, Rec, and Trade Show	600+	Soldotna, AK
Valdez Halibut Charter Meetings	20+	Valdez, AK
Observer Outreach Letter	50	Alaska

## MAJOR CASES

### **Magnuson-Stevens Fishery Conservation and Management Act**

A SA completed an investigation involving a catcher processor operating primarily in the Bering Sea/Aleutian Islands. The vessel operator allegedly committed multiple observer harassment, failure to notify observer, record keeping and reporting and observer safety violations. The case was referred to NOAA General Counsel Enforcement Section for a NOVA.

### **International Pacific Halibut Act**

An EO and Alaska Wildlife Troopers boarded a tender vessel that reportedly had illegally harvested halibut and king crab onboard. The boarding team discovered 55 pounds of halibut fillets and 396 pounds of red king crab legs which had been taken by non-residents. The investigation concluded halibut was taken unlawfully near Petersburg, AK. The King Crab was also taken from an area where retention is prohibited. The crab and halibut were seized and both State and Federal charges are pending.

### **Lacey Act**

A SA received a report that a resident of West Virginia (WV) had harvested sport caught halibut and was selling the fish commercially. The investigation revealed that the WV resident legally harvested sport caught halibut while vacationing in Petersburg, Alaska. He then transported the halibut to his home in WV and attempted to sell the seafood product at his business, "The Hampton Seafood Market." A NOVA was issued for \$4,000.00.

### **Marine Mammal Protection Act**

On June 1, the Office of Law Enforcement received a report of several dead Steller sea lions on a beach near Cordova, Alaska. A SA and an EO traveled to Cordova to investigate. Efforts were coordinated with Protected Resources Development, NOAA biologists, and the USCG. A total of 15 Steller sea lions, 3 harbor seals, 1 harbor porpoise and 1 grey whale were found dead spread over a 20 mile area on the sandbars of the Copper River Delta. NOAA officials continue to seek information from anyone with details. NOAA and the Cordova District of Fishermen United are offering a reward of up to \$7,500 for information leading to a conviction.



### **International**

A Special Agent completed an investigation involving a US catcher processor that operated in Russian waters. After entering the Russian EEZ for a brief period of time, the vessel turned and made its way back toward the U.S. EEZ.

The owner of Russian-flagged vessel was charged under the Magnuson-Stevens Act for fishing in the U.S. EEZ without a valid permit and operating in the U.S. EEZ while the vessel's fishing gear was not properly stored - additional details in section below.

## **NOTICES OF VIOLATION AND ASSESSMENT - NOAA Office of the General Counsel Enforcement Section**

**AK1201797** – Individuals were charged under the Marine Mammal Protection Act for wasteful takes of two beluga whales. A \$8,000.00 NOVA was issued.

**AK1300421; F/V Nature** – Owners and operators were charged under the Magnuson-Stevens Act for fishing for Pacific cod in a closed area. A \$9,873.84 NOVA was issued.

**AK1400410; F/V Butterfly** - Owner/operator was charged under the Magnuson-Stevens Act for exceeding the maximum retainable amount of an incidental catch species (skates) as a proportion of the basis species (Pacific cod). A \$1,169.73 NOVA was issued. Respondent defaulted; referred to U.S. Treasury Department for collection.

**AK1401070; F/V Collier Brothers** – Owner and operator were charged under the Magnuson-Stevens Act with two counts of submitting inaccurate information to the National Marine Fisheries Service by reporting that the operator harvested Pollock in statistical area 640 when he actually harvested in statistical area 630. A \$35,000 NOVA was issued.

**AK1401072; F/V Leslie Lee** – Owner and operator were charged under the Magnuson-Stevens Act with one count of submitting inaccurate information to the National Marine Fisheries Service by reporting that the operator harvested Pollock in statistical area 640 when he actually harvested in statistical area 630. A \$17,500 NOVA was issued.

**AK1401073; F/V Marathon** - Owner and operator were charged under the Magnuson-Stevens Act with one count of submitting inaccurate information to the National Marine Fisheries Service by reporting that the operator harvested Pollock in statistical area 640 when he actually harvested in statistical area 630. A \$17,500 NOVA was issued.

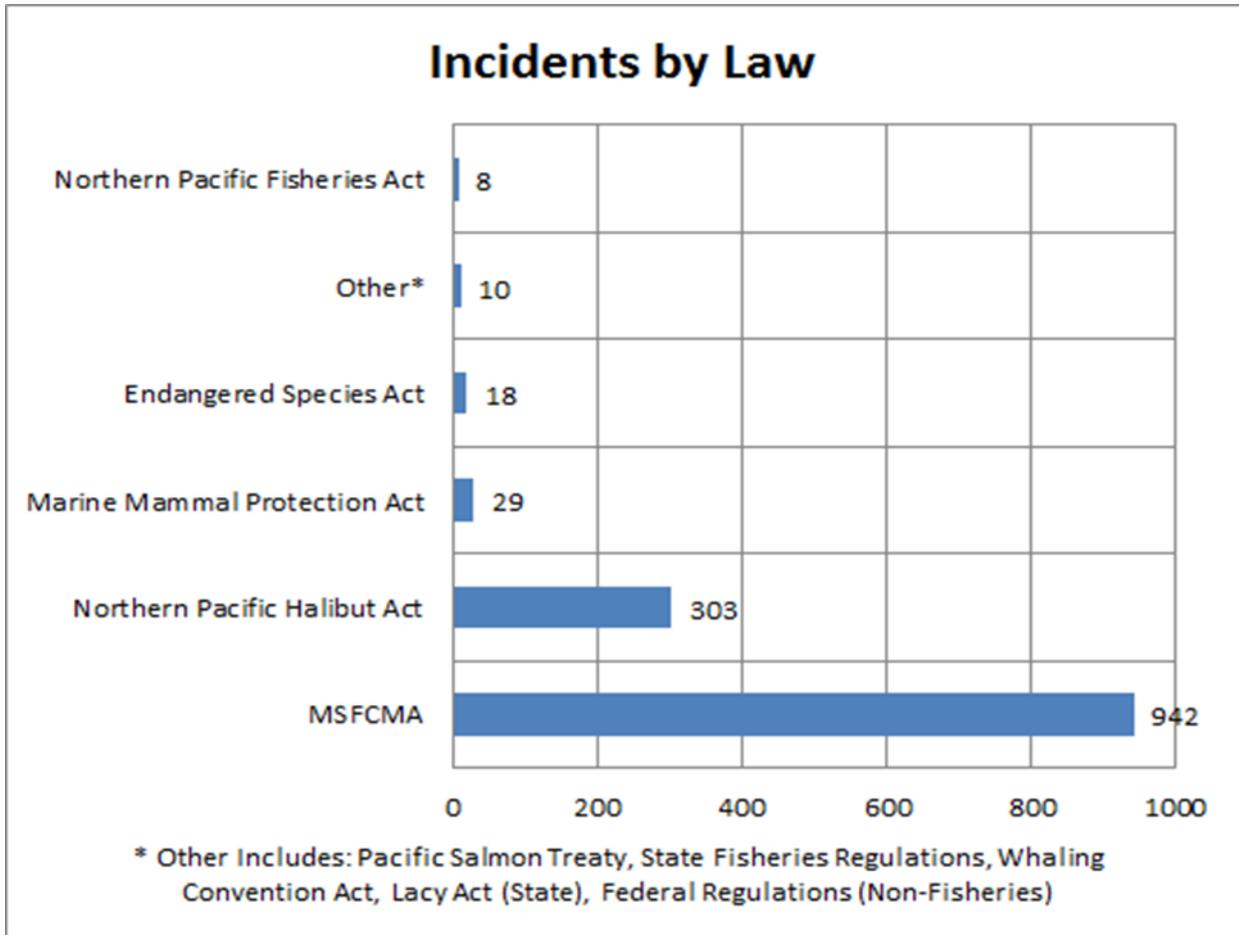
**AK1402606; F/V Sierra Mar** - Owners and operator/permit holder were charged under the Magnuson-Stevens Act for retaining IFQ sablefish in excess of the total amount of unharvested IFQ sablefish applicable to the vessel category, regulatory area, and permits aboard the vessel. A \$39,002.32 NOVA was issued.

**AK1403590; F/V Admiral Kolchak** – Owner of Russian-flagged vessel charged under the Magnuson-Stevens Act for fishing in the U.S. EEZ without a valid permit and with fishing gear not stored below deck or in an area on deck where it was not normally used or readily available for fishing. A \$100,000 NOVA was issued.

**AK1502314** – Charter vessel guide was charged under the North Pacific Halibut Act for conducting a guided fishing trip with anglers on board without a valid charter halibut permit. A \$8,000.00 NOVA was issued.

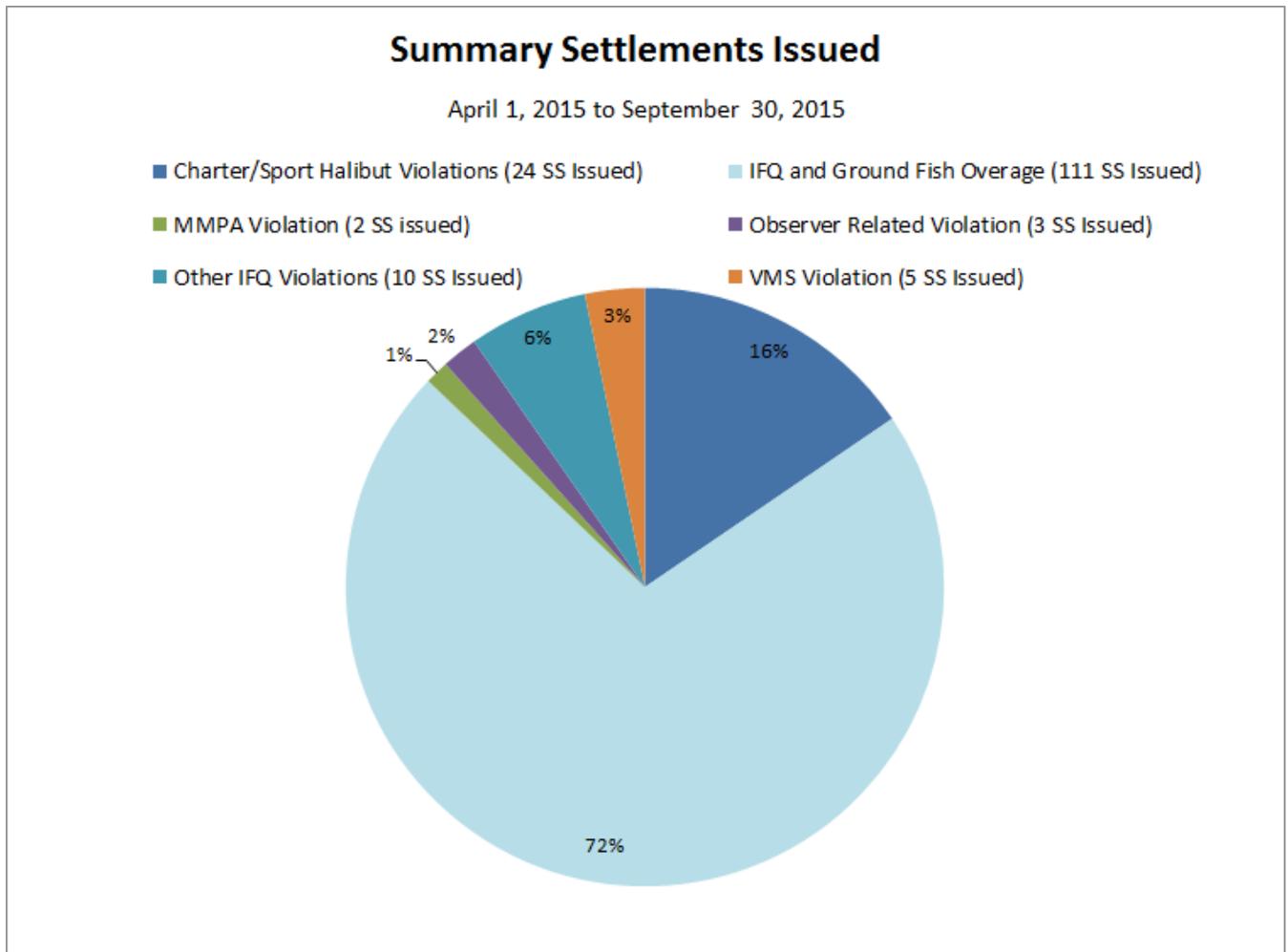
## INCIDENTS AND CASE INFORMATION

From April 1, 2015 to September 30, 2015 NOAA OLE Alaska division opened 1310 unique incidents including 274 cases. Of the 274 cases, 156 remained open or awaiting adjudication (hearing, payment of a NOVA, Summary Settlement, expiration of Written Warning, etc), 118 cases were closed, and 15 were transferred to another agency. In total, 76 cases resulted in multiple violations. The below table demonstrates incidents by Law.

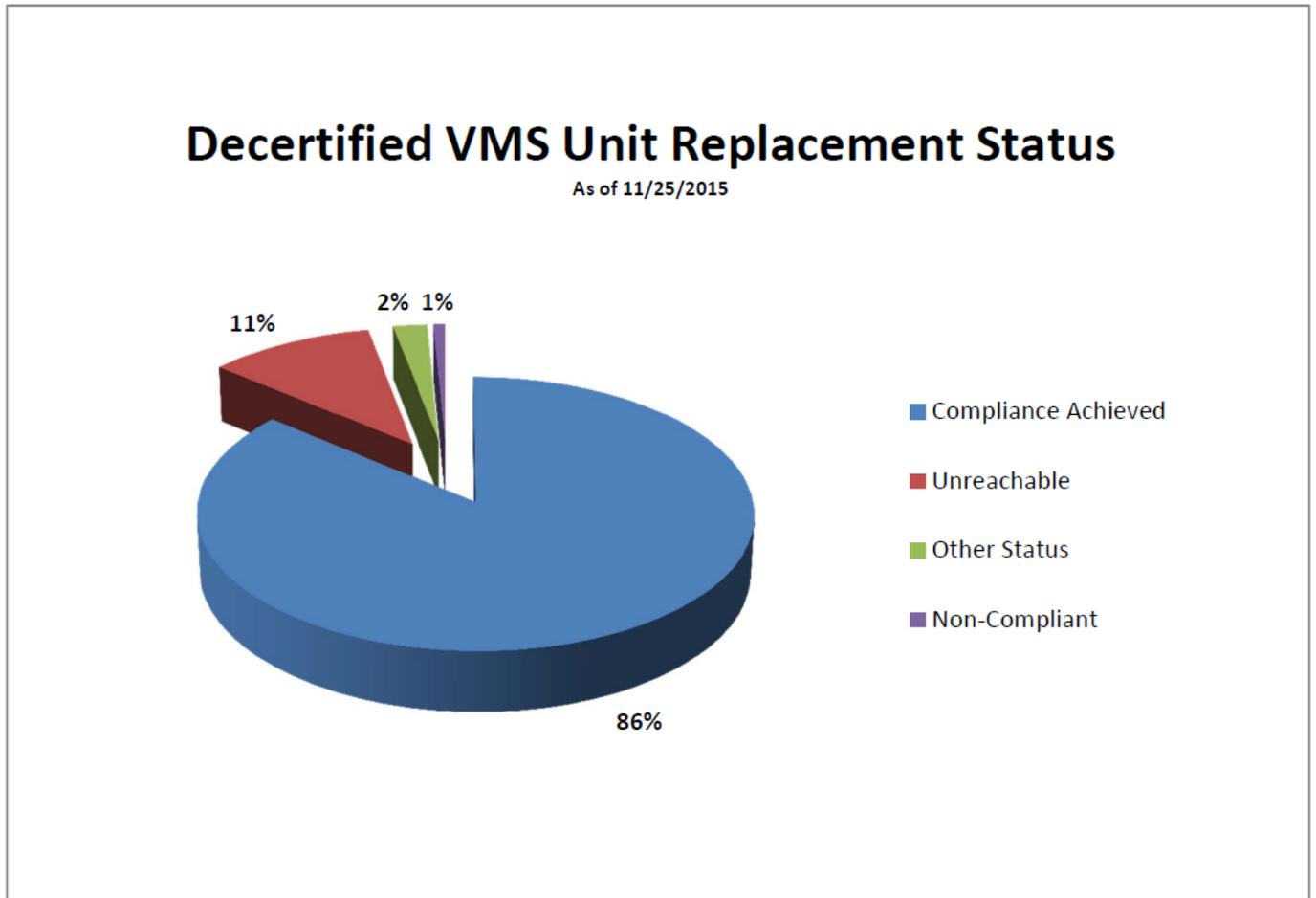


## Summary Settlement Information

OLE agents and officers initiated 80 summary settlement cases during the reporting period. The chart below depicts violation types by category.



## VMS



Total of 642 vessels with VMS units operating in Alaska.

266 of those vessels had old decertified Skymate VMS units.

229 of the 266 old Skymate VMS units have been replaced

29 vessels unreachable/not fishing still have old decertified Skymate VMS units

6 vessels in lay-up with approved extensions

2 vessels non-compliant and in process of replacement by 12/31/15

## OBSERVER PROGRAM

During this reporting period, observers deployed on 2,289 trips for 27,935 sea days. Approximately 73% of all observed trips were completed without a compliance statement reported.

NOAA OLE received a total of 625 observer statements during the reporting period and each report was reviewed for potential action. The table below summarizes the observer related complaints received. Additionally, OLE conducted more than 1660 hours of observer liaison work.

