



UNITED STATES DEPARTMENT OF COMMERCE
NOAA / National Marine Fisheries Service
Alaska Enforcement Division
P.O. Box 368
Dutch Harbor, Alaska 99692

AGENDA ITEM B-4
JUNE 1995

NATIONAL MARINE FISHERIES SERVICE ENFORCEMENT REPORT
FOR THE PERIOD APRIL 13, 1995 THROUGH JUNE 08, 1995

During the reporting period NMFS and the Coast Guard opened a total of 189 investigations. NMFS initiated 184 investigations.

Further actions were also taken on 58 pending case during the reporting period. Two investigations were closed as unfounded, three were closed due to lack of evidence, and four were dismissed for other reasons. Nine cases were handled with written warnings. Nineteen cases were settled through voluntary abandonment with forfeited proceeds and property valued at \$20,425. Five cases were referred to NOAA General Counsel. General Counsel issued five Notices of Violation assessing a total of \$19,583 in penalties. A total 11 Notices of Violation were settled by General Counsel with penalties totalling \$55,200.

VESSEL INCENTIVE PROGRAM CASES BROUGHT TO CLOSURE

On January 09, 1995, the NOAA Office of General Counsel came to settlement with the master (Stan Tenev) and owners (Alliance, Inc) of the F/V Alliance regarding a one count violation of the Vessel Incentive Program (VIP). The violation occurred in the Bering Sea Flatfish fishery in September of 1991. In settling the case, the owners agreed to pay a \$35,000 penalty.

On May 11, 1995 Administrative Law Judge, Peter Fitzpatrick, issued an initial ruling in a 1991 VIP investigation regarding the F/V Pacific Enterprise. In his decision, ALJ Fitzpatrick found the fishing master (Jarl Hogseth) and the owners (Arctic Alaska, successors in interest to Pacific Producers, Inc.) liable in the Bering Sea VIP violation. The \$50,000 penalty for the VIP violation was upheld in it's entirety as was the \$29,000 for the recordkeeping and reporting portion of the case. In particular, the ALJ found the entire observer sampling routine, science and statistics of the VIP program as valid and reasonable. In addition, the fishing master was found liable for the VIP violation vice the vessel master. This finding was particularly significant in light of the fact that in most admiralty law cases, the vessel master is legally liable for vessel matters.



Numerous other VIP cases remain under investigation with particular focus on 1993, 1994, and 1995 violations.

FISHING IN CLOSED AREA DRAWS JAIL SENTENCE

On June 07, 1995 the operator of the F/V Sunset, Kenneth R. Aase of Petersburg, AK. plead guilty to one count of making false statements to the U.S. government regarding illegal sablefish fishing in the Gulf of Alaska. These charges are the result of a Coast Guard seizure and an extensive NMFS investigation. The F/V Sunset was seized in April of 1993 in the Cape Yakataga area of the Gulf of Alaska. As a result of the plea agreement, Aase will serve 10 months confinement, pay a \$12,000 penalty, and have 2 years supervised release (probation). In addition, Aase has agreed to make a public service video on the importance of obeying fisheries laws and the penalties facing violators. Along with the seizure of the vessel, the Government seized and forfeited the illegal catch worth \$102,966.

IFQ PROGRAM

The Sablefish-Halibut IFQ program continues to run along. Considerable at sea and shoreside effort is being expended in monitoring all phases of the program. Boardings and inspections continue along with industry education and outreach. The vast majority of landings have been found to be within the parameters of the program. Some overages beyond the 10% management range have been detected and investigations are ongoing.

On June 06, 1995 elements of the NMFS Alaska Enforcement Division and the USCG meet with Canadian Government officials in furtherance of cooperative enforcement initiatives regarding deliveries and shipments by U.S. fishermen under the IFQ program. This meeting, and others in the future, are expected to help maintain credibility and a good working relationship between US and Canadian fisheries enforcement entities.

attachment



NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY
DISTRICT OF ALASKA

ROBERT C. BUNDY
UNITED STATES ATTORNEY

222 West 7th Avenue, #9 • Room 253 • Anchorage, AK 99513 • 271-5071

FOR IMMEDIATE RELEASE
Wednesday, June 8, 1995

Contact: Bryan Schroder
Special Assistant U.S. Attorney

FISHING VESSEL MASTER PLEADS GUILTY TO PROVIDING FALSE STATEMENTS TO THE GOVERNMENT IN FISHERIES VIOLATION

Anchorage, Alaska - United States Attorney Robert C. Bundy announced that Kenneth R. Aase of Petersburg, Alaska pled guilty yesterday to one count of making false statements about his fishing activities in 1993 to government agencies charged with monitoring and enforcing fisheries laws in the North Pacific Ocean and Bering Sea. The charge stems from the 1993 seizure of the Fishing Vessel (F/V) Sunset and its cargo of over 50,000 pounds of illegally caught sablefish worth over \$102,000. Aase was the master of the F/V Sunset. The guilty plea, which was part of a plea agreement, was taken in Anchorage by District Court Judge H. Russel Holland.

The F/V Sunset was originally seized by the Coast Guard Cutter Storis on April 22, 1993 for catching sablefish in a closed area, a violation of the Magnuson Fisheries Conservation and Management Act. The criminal charge is based upon an extensive follow-up investigation conducted by Special Agents of the National Marine Fisheries Service, Alaska Enforcement Division. The National Marine Fisheries Service is an agency within the Department of Commerce and is charged with enforcing federal fisheries laws and regulations.

(more)

According to the plea agreement, in April 1993 the F/V Sunset fished for sablefish in the Gulf of Alaska, within the 200 nautical mile U.S. Exclusive Economic Zone (EEZ). At the time, the Gulf of Alaska was closed to fishing for sablefish. In an effort to cover up the vessel's illegal activity, Aase purposefully failed to log the catch and report to NMFS as required under implementing regulations of the Magnuson Act. When boarded by the Coast Guard, Aase further attempted to cover up the vessel's activities by making false statements about the vessel's fishing activities, including that the vessel had been fishing outside of the EEZ. In addition to seizing the vessel, the Government seized its illegally taken catch, worth \$102,966.20.

Under the terms of the plea agreement, the parties have agreed that the appropriate sentence for Aase is 10 months confinement, a \$12,000 fine, and 2 years supervised release. Aase has also agreed to make a public service video on the importance of obeying fisheries laws, and the penalties facing violators. The plea agreement represents the agreements of the parties and is subject to review and approval by the United States District Court.

Aase is scheduled to be sentenced on August 3, 1995.

This case is being prosecuted by U.S. Attorney Robert C. Bundy, Special Assistant U.S. Attorney Susan Auer, and Special Assistant U.S. Attorney Bryan Schroder.

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(907) 463-2231

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NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL
U. S. COAST GUARD LAW ENFORCEMENT REPORT
4/1/95 - 5/31/95

1. ENFORCEMENT/SAFETY SUMMARY.

A. INTERNATIONAL FISHERIES.

1.) HIGH SEAS DRIFTNETS. THE COAST GUARD IS CONTINUING TO MONITOR ACTIVITY IN THE NORTH PACIFIC TO ENSURE COMPLIANCE WITH THE UNITED NATIONS' MORATORIUM ON THE USE OF LARGE-SCALE PELAGIC HIGH SEAS DRIFTNETS (HSDN). SURVEILLANCE AND MONITORING TO DATE HAVE DETECTED NO INDICATION OF HSDN ACTIVITY. SCHEDULED AIR AND CUTTER PATROLS THIS YEAR HAVE BEEN REDUCED CONSISTENT WITH THE LOW THREAT OF ILLEGAL ACTIVITY. THE COAST GUARD IS COORDINATING ITS EFFORTS CLOSELY WITH ENFORCEMENT REPRESENTATIVES OF THE NORTH PACIFIC ANADROMOUS FISHERIES COMMISSION (U.S., JAPAN, CANADA, AND THE RUSSIAN FEDERATION). OF PARTICULAR NOTE IN 1995 IS A JOINT PATROL WE HAVE JUST COMPLETED INVOLVING COAST GUARD AND RUSSIAN FEDERAL BORDER SERVICE PATROL UNITS. THE PATROL COVERED THE HIGH SEAS AREA OUTSIDE OUR EXCLUSIVE ECONOMIC ZONES AND INCLUDED AN EXCHANGE OF SHIP'S OFFICERS AND DAILY COMMUNICATION AND COORDINATION BETWEEN UNITS. THIS JOINT PATROL WAS THE RESULT OF RECENT INITIATIVES THE COAST GUARD HAS TAKEN TO DEVELOP CLOSER WORKING RELATIONSHIPS WITH THE RUSSIAN FEDERATION. THESE EFFORTS WILL CONTINUE THRU STAFF VISITS AND VESSEL PORT CALLS, SCHEDULED IN 1995. ADDITIONALLY SHIPRIDERS FROM THE PEOPLE'S REPUBLIC OF CHINA (CH) ARE RIDING COAST GUARD HIGH ENDURANCE CUTTERS ASSIGNED TO THIS MISSION. THE SHIPRIDER PROGRAM IS IN RESPONSE TO THE U.S/CH MEMORANDUM OF UNDERSTANDING (MOU) FOR EFFECTIVE COOPERATION IN IMPLEMENTING THE UNGA MORATORIUM ON HSDN. THE SHIPRIDER PROVIDES CUTTERS ON PATROL THE MEANS TO FACILITATE ANY INCIDENTS INVOLVING CH HSDN VESSELS.

2.) DIXON ENTRANCE. THE COAST GUARD EXPECTS THE SUMMER AHEAD WILL BE BUSY. ON 5-6 JUNE REPRESENTATIVES FROM COAST GUARD DISTRICT SEVENTEEN, GROUP KETCHIKAN, AND THE NMFS SAC FOR ALASKA REGION HELD OUR ANNUAL ENFORCEMENT MEETING WITH CANADIAN OFFICIALS (DFO, CG, RCMP) IN PRINCE RUPERT. THIS MEETING HAS BEEN HELD ANNUALLY PRIOR TO THE START OF US/CA SUMMER SALMON FISHING IN ORDER TO FORECAST EXPECTATIONS OF FISHING, PATROL EFFORT, AND IN SEASON POINTS OF CONTACT BETWEEN CG AND CA DEPT OF FISHERIES AND OCEANS IN THE REGION. INITIAL INFORMATION INDICATED WE CAN EXPECT INCREASED CA FISHING EFFORT IN DIXON ENTRANCE THIS YEAR OVER LAST DURING BOTH NET AND TROLL FISHERIES. THE FIRST GILL NET OPENER WAS EXPECTED 12 JUN WITH THE TROLL FISHERY TO OPEN 1 JULY.

COAST GUARD GROUP KETCHIKAN WILL BE USING ITS THREE 110 FT PATROL BOATS, SUPPLEMENTED BY HELO SUPPORT FROM AIR STATION SITKA, TO PREVENT CA ENCROACHMENT INTO UNDISPUTED U.S WATERS. AN ADDITIONAL WPB FROM SOUTH CENTRAL ALASKA WILL BE PROGRAMMED TO ADD SUPPORT DURING PEAK FISHING PERIODS IN RESPONSE TO THE INCREASED FISHING EFFORT EXPECTED. LAST YEAR THE COAST GUARD SEIZED THREE CA GILLNETTERS FOR FISHING IN U.S. WATERS. INITIAL REPORTS FROM U.S. FISHERMEN WERE INSTRUMENTAL IN LEADING TO 2 OF THE 3 SEIZURES.

3.) CENTRAL BERING SEA (DONUT). THE DONUT HAS BEEN ALL QUIET. MONITORING AND LIMITED COAST GUARD PATROL EFFORTS HAVE SHOWN NO ACTIVITY INCONSISTENT WITH THE MORATORIUM ON FISHING.

4.) U.S./RS CONVENTION LINE. THERE HAS BEEN NO ACTIVITY NOTED ALONG THE INTERNATIONAL BOUNDARY. COAST GUARD CUTTER AND AIRCRAFT PATROLS WILL BE STEPPED UP AS RUSSIAN AND JAPANESE TRAWL ACTIVITY PICKS UP IN THE RUSSIAN ZONE. HISTORICALLY THIS HAS STARTED MID SUMMER AND RUN THRU THE FALL.

B. DOMESTIC FISHERIES.

1. IFQ HALIBUT/SABLEFISH. COAST GUARD PATROL EFFORT IN THE GOA HAS INCREASED THIS YEAR OVER PREVIOUS YEARS IN RESPONSE TO THE IFQ FISHERY. THE DECREASED THREAT OF HIGH SEAS DRIFTNETTING HAS ALLOWED THE COAST GUARD TO REPROGRAM SOME OF ITS PATROL RESOURCES INTO THIS VERY IMPORTANT DOMESTIC FISHERY. IFQ PATROLS IN THE BSAI ARE BEING CONDUCTED IN CONJUNCTION WITH OTHER GROUND FISH PATROL EFFORT. ALL SIGHTING AND BOARDING INFORMATION IS RECORDED IN THE COAST GUARD'S LAW ENFORCEMENT DATABASE. THIS INFORMATION IS BEING SHARED WITH NMFS ENFORCEMENT DAILY SO THAT FISHING ACTIVITY ON THE GROUNDS CAN BE CROSS REFERENCED WITH REPORTED LANDINGS. THE MAJORITY OF BOARDINGS REFLECT EARLY SEASON COMPLIANCE. THE COAST GUARD HAS RECORDED NO SINKINGS OR LOSS OF LIFE THUS FAR ON VESSELS PARTICIPATING IN THE IFQ FISHERIES. SIGHTINGS AND BOARDINGS INDICATE QS HOLDERS, WHO NOW CONTROL THEIR OWN DESTINY ON WHEN TO FISH THEIR IFQ, ARE RESPECTING THE WEATHER AND NOT PUTTING THEMSELVES IN HARM'S WAY.

2. PATROL STATISTICS.

- a. 5 High Endurance Cutter (HEC) patrolled for 110 days.
- b. 2 Medium Endurance cutters (MEC) patrolled for 53 days.
- c. 5 Patrol boats patrolled for 90 days.
- d. C-130 aircraft conducted 90 long-range surveillance flights for 642.5 hours.
- e. HH60/65 aircraft conducted 69 surveillance flights for 169.1 hours.
- f. Foreign vessels:

02 = Sightings
01 = Boardings
00 = Violations

g. Domestic vessels:

1695 = Sightings
158 = Boardings
24 = Violations (Fishery)
29 = Violations (Safety)

Encl: (1) List of fishing vessels boarded with no fishery violations.
(2) List of fishing vessels boarded with fishery violations.

VESSELS BOARDED WITH NO FISHERY VIOLATIONS

APRIL 01, 1995 TO MAY 31, 1995

ADELINE	051995	JULIE ANN	040795	SEA ANGEL	05129
ALEUTIAN BEAUTY	053195	KAARE	041495	SEA POWER	04219
ALICE H	042595	KAMILAR	042495	SEAWOLF	041395
ALRITA	042595	KARIEL	042495	SEEKER	040595
AMERICAN EAGLE	041295	KATIE J	051095	SHADRACK	050295
AMERICANUS	050795	KAVKAZ	041295	SHIRLEY	051995
AMUR	041195	KEVELEEN K	041195	SILVER SPRAY	053095
ANGELIQUE	051195	KIMBO	051895	SILVER SWORD	051695
ARCTIC EAGLE	051995	KISKA	042695	SLAVA II	041295
ARCTIC SEA	051795	KYLE DAVID	042595	SPECTRE	040195
ARTIC LADY	050895	LAST ONE	041895	STARWARD	041395
AUGUSTINE	051695	LAURA S	051595	SUNRUNNER	051695
AUGUSTINE	040195	LEA	052295	SWAN	052195
AVALON	051295	LILLI ANN	050195	TALAPUS	040295
BALLARD	052795	LONE STAR	040695	TANI REA	051295
BALTIC	051695	LORELEI II	051495	TIFFANY	052595
BEAUTY BAY	050595	LUALDA	051595	TORDENDKJOLD	041395
BERING STAR	051195	LUCKY STAR	041795	TRAIL BLAZER	040495
BIG BLUE	040595	MAD GAFFER	042495	TURPIAL	051395
BOLD PACIFIC	051695	MAJOR	051495	VANSEE	041495
BRISTOL ENTERPRISE	042195	MALAGA	041595	VERDAL	050395
CAPE CAUTION	042595	MAR DEL SUD	051695	VESTERAALEN	040295
CAPE HORN	042195	MARIA ANN	050195	VIEKODA BAY	040395
CAPE RELIANT	051295	MICHELLE	050395	VIGOROUS	051895
CAROL M	041795	MIDNITE SUN	051295	VIKING	040695
CASCADE	051195	MISS CORINNE	051295	VIS	05039
CHENA	052895	MISS LEONA	040495	VOSHTE LYNN	05129
CLIPPER SURPRISE	050595	MISS LORI	051795	YUKON QUEEN	050195
COMMANDER	051995	MYSTERY MAID	051295	⊗	
COMMODORE	040795	NANCY	050395		
CONQUEST	041895	NANCY H	051395		
CONSTELLATION	050395	NEW STAR	052295		
CURRENT	041895	NORDIC SPIRIT	050295		
CYPRESS	042495	NORQUEST	040595		
DESTINATION	040395	NORTHERN	041395		
DOLPHIN	041895	NORTHERN STAR	041495		
DOMINATOR	052995	NORTHERN VIKING	050895		
ESKIMO PRINCESS	040395	NORTON SOUND	051295		
FRONTIER EXPLORER	051595	NOWHAL	052595		
FRONTIER MARINER	041995	OCEAN DAWN	051295		
FRONTIER SPIRIT	051495	OCEANIC	040495		
GOLD RUSH	040495	PACIFIC KNIGHT	041295		
GOLDEN CHALICE	041995	PACIFIC MARINER	052995		
GOOD HOPE	051295	PACIFIC PRINCE	050395		
GRANT	041595	PIONEER	041895		
GULF MAIDEN	051495	PRIMUS	042595		
HALF MOON BAY	040295	PROVIDENCE	040195		
HERITAGE	041295	QUEST	051195		
HOOVER	041795	REPUBLIC	052295		
HUSKY	051795	RETRIEVER	052495		
IRENE H	051795	ROSIE G	053095		
ISLAND TRADER	050495	ROYAL AMERICAN	041195		
IVER P. NORE	040795	ROYAL ALANTIC	041195		
JUDI B	040795				

VESSELS BOARDED WITH FISHERY VIOLATIONS

ALASKAN	21MAY95	CHASE	1-NO FISH LOG ONBOARD
ALASKAN LEADER	05MAY95	BOUTWELL	1-IMPROPER LOG KEEPING
ALEUTIAN MARINER	24MAY95	YOCONA	1-GEAR VIOLATION
AMERICAN NO1	02MAY95	BOUTWELL	1-IMPROPER LOG KEEPING
AMERICAN WAY	19APR95	BOUTWELL	1-IMPROPER LOG KEEPING
ATLANTICO	01MAY95	BOUTWELL	1-FAILURE TO MAINTAIN LOGS
BILLY D	05MAY95	YOCONA	1-FAILURE TO MAINTAIN LOGS 2-IMPROPER DISCARDS
CLAYMORE SEA	21APR95	BOUTWELL	1-IMPROPER LOG KEEPING
CLIPPER ENDEAVOR	18MAY95	ROANOKE ISL	1-IFQ PERMIT NOT ONBOARD 2-NO HALIBUT LOG
DEEP PACIFIC	05MAY95	BOUTWELL	1-FAILURE TO REPORT PRODUCT TRANSFER 2-IMPROPER LOG KEEPING

VESSELS BOARDED WITH FISHERY VIOLATIONS

ENDURANCE	20APR95	BOUTWELL	1 - IMPROPER LOG KEEPING 2 - MARINE MAMMAL PROTECTION ACT
INDEPENDENCE	17MAY95	ROANOKE ISL	1 - IMPROPER DISCARDS
KATRINA EM	11MAY95	YOCONA	1 - FAILURE TO SUBMIT LOGS ON TIME 2 - FAILURE TO LOG DISCARDS
KRUZOF	22MAY95	CHASE :	1 - IMPROPER DISCARDS 2 - EXCEEDING THE ALLOWABLE BYCATCH QUOTA
MORIAH	29MAY95	CHASE	1 - FAILURE TO MAINTAIN LOGS
NORDIC FURY	13APR95	BOUTWELL	1 - IMPROPER LOG KEEPING
NORTHERN VICTOR	17APR95	BOUTWELL	1 - IMPROPER LOG KEEPING
POSEIDON	06APR95	MORGENTHAU	1 - IMPROPER LOG KEEPING
SOUTHEAST	15MAY95	CHASE	1 - IMPROPER GEAR MARKINGS
SPIRIT OF THE NORTH	26MAY95	RUSH	1 - NO BOARDING LADDER ON-BOARD

VESSELS BOARDED WITH FISHERY VIOLATIONS

STARFISH	03MAY95	BOUTWELL	1-FAILURE TO LOG TARGET SPECIES
RANGER	20MAY95	YOCONA	1-TRANSITING IN A ROOKERY
RED BARON	11MAY95	YOCONA	1-NO FEDERAL PERMIT ONBOARD 2-IMPROPER LOG KEEPING 3-IMPROPER GEAR MARKINGS
TUXEDNI	03APR95	MORGENTHAU	1-IMPROPER LOG KEEPING
WESTERN QUEEN	27MAY95	CHASE	1-IMPROPER GEAR MARKINGS

NEWS RELEASE (95-56)
Steven Pennoyer
907-586-7221

May 19, 1995
4:00 p.m.
For Immediate Release

On May 11, a U.S. Administrative Law Judge for the National Oceanic and Atmospheric Administration issued a decision fining Arctic Alaska Fisheries Corporation, owner of the fishing vessel, PACIFIC ENTERPRISE, \$50,000 for violating the Vessel Incentive Program, and another \$29,000 for other violations of the Alaska groundfish regulations. Upon referral from the NMFS Office of Enforcement, the NOAA Office of the General Counsel had charged the owner of the vessel with exceeding the halibut bycatch rate standard established by the National Marine Fisheries Service. The Notice of Violation was issued on June 23, 1992, and hearing held in December of 1993. After reviewing all the evidence presented by the parties, the ALJ determined that the F/V PACIFIC ENTERPRISE had a halibut bycatch rate for the month of May in 1991 that was seven times the allowable halibut bycatch rate and that the penalty proposed by the Agency of \$50,000 was reasonable. In making his decision, the ALJ reviewed the requirements of the vessel incentive program and approved of the observer sampling procedures established by the program regulations. Significantly, the ALJ also determined that the fish master on board the PACIFIC ENTERPRISE, could be charged with violations of the vessel incentive program because he exercised a leadership role in directing the fishing operations. Steve Pennoyer, the Regional Director of the Alaska Region of the

National Marine Fisheries Service stated, "...this decision validates the Vessel Incentive Program and the sampling methodology currently employed by the NMFS Observer Program. I see this as a significant step in further reducing halibut bycatch in the Alaska groundfish fishery..."