

U.S. Department
of Transportation

United States
Coast Guard



Commander (ole)
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AGENDA ITEM B-4
December 1, 1989

U.S. COAST GUARD FISHERIES ENFORCEMENT FOR PERIOD
SEPTEMBER 16 TO NOVEMBER 15, 1989

1. Level of Effort:

- a. 2 High Endurance Cutters (HEC) patrolled for 70 days.
- b. 2 Medium Endurance Cutters (MEC) patrolled for 17 days.
- c. 1 buoy tender patrolled for 5 days.
- d. 4 patrol boats patrolled for 49 days.
- e. C-130 aircraft conducted 53 long-range surveillance flights for 414 patrol hours.
- f. H-3 helicopters conducted 17 coastal surveillance flights for 53 patrol hours.
- g. Enclosure (1) illustrates HEC/MEC and C-130 patrol areas in this two-month period. Enclosure (2) summarizes patrol effort for 1989 by month.

2. Enforcement Emphasis:

- a. Detect/deter poaching by foreign fishing vessels in the U.S. EEZ.
- b. Monitor activities of high seas squid driftnet vessels.
- c. Enforce fishing regulations for foreign vessels engaged in joint venture and fishing support operations in the U.S. EEZ.
- d. Monitor Canadian fishing vessel activity in Dixon Entrance.
- e. Enforce domestic fishing and International Pacific Halibut Commission regulations.

3. Results:

a. Foreign vessels:

Sightings:	289
Boardings:	13
Violations:	4

b. Domestic vessels:

Sightings:	952
Boardings:	87
Violations:	9

c. A summary of enforcement action is attached as enclosure (3).

4. Enforcement Issues:

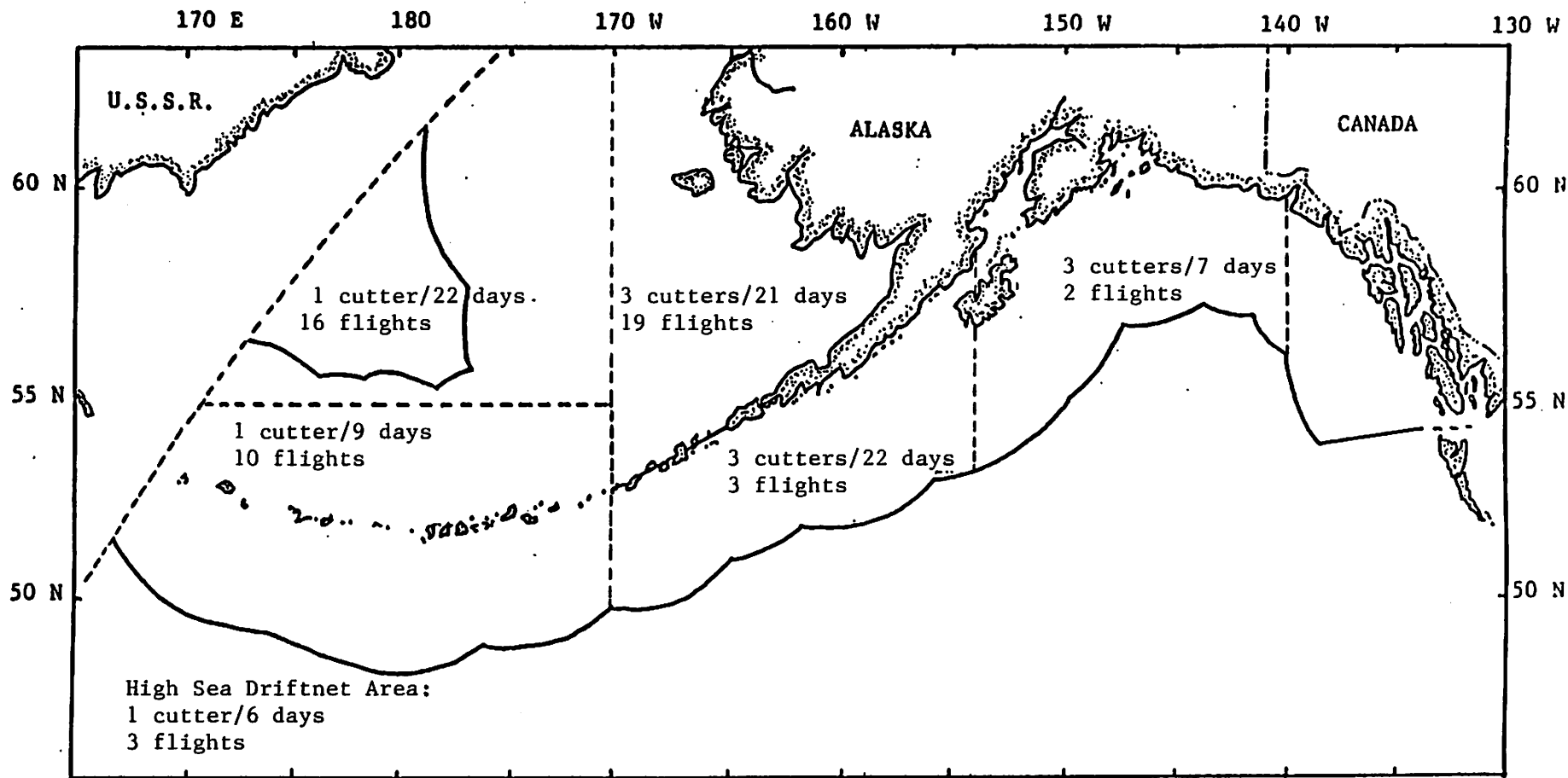
a. Foreign fishing in the Bering Sea "donut hole" and joint ventures in the U.S. EEZ continued during this period. There were 70 FFV sightings in the donut hole by Coast Guard Cutters and C-130 aircraft during this period. A chartlet showing these sightings is attached as enclosure (4).

b. The U.S. catcher-processor BERING 1 was seized by the USCGC VENTUROUS on October 6. The vessel had been bottom trawling in the Western Gulf of Alaska (MFCMA Area 61) during the period August 31 through September 27 and again from October 1 - 4. The Gulf of Alaska was closed to bottom trawling on September 2. The nationality of the vessel's crew was checked and found to meet the manning standards as required by the Anti-Reflagging Act. The crew consisted of 5 U.S. citizens, 12 South Korean resident aliens, 2 South Korean nationals, and 5 Polish resident aliens. The vessel was escorted to Kodiak and released after the owner had paid \$630,000 in bond and over \$8000 in Coast Guard seizure costs.

c. The U.S. catcher-processor ALASKAN HERO was seized by the USCGC JARVIS on October 19. The vessel had been bottom trawling the Western Gulf of Alaska (MFCMA 61) during the period September 26 through October 15. The Gulf of Alaska was closed to bottom trawling on September 2. While in the area, the vessel also retained prohibited species on board (sablefish). The nationality of the vessel's crew was checked and did not meet the manning standards as required by the Anti-Reflagging Act. The crew consisted of 17 U.S. citizens, 5 Japanese resident aliens, 2 Filipino resident aliens, and 12 Japanese nationals. Investigation by Marine Safety Office (MSO) Anchorage determined that the vessel was under control of a non-U.S. citizen and the vessel's certificate of documentation was considered invalid. Also, the MSO has initiated proceedings against license of the U.S. Master of the ALASKAN HERO for the manning and MFCMA violations. The vessel was escorted to Kodiak and released after the owner paid \$1,000,000 in bond, over \$36,000 in Coast Guard seizure costs, and fair market value of catch on board when sold.

d. The last major IPHC opening was held during this period (October 10-11). Two medium endurance cutters, one buoy tender, three patrol boats, C-130 aircraft, and H-3 helicopters conducted patrols prior to and after this opening. Cutters patrolled 31 days and aircraft conducted 19 surveillance flights (68 hours). During this opening, there were five IPHC violations detected. A summary of enforcement action is included in enclosure (3).

Encl: (1) Cutter and C-130 Activity
(2) Patrol Effort
(3) Summary of Enforcement Action
(4) FFV Sightings in Bering Sea Donut Hole



CUTTER PRESENCE AND C-130 FLIGHTS
 IN FISHING AREAS OFF ALASKA
 SEPTEMBER 16 - NOVEMBER 15, 1989

USCGC FISHERIES PATROL EFFORT FOR 1989

	HEC/MEC PATROL DAYS	WPB PATROL DAYS	WLB PATROL DAYS	C-130 PATROL HOURS	H-3 PATROL HOURS
JAN	31	22		166	6
FEB	61	16		104	3
MAR	79	28		215	24
APR	45	28		245	20
MAY	59	40		383	65
JUN	52	44	4	341	35
JUL	41	40		333	33
AUG	58	36		215	20
SEP	66	36	9	205	40
OCT	54	31	5	210	50
NOV*	16	12		103	-
TOTAL	562	333	18	2,520	296

FISHING VESSEL SIGHTINGS** FOR 1989

	JA	KS	UR	PL	CH	TW	CA	US	TOTAL
JAN	157	62	113	55	10			394	791
FEB	37	15	9	46	3			241	351
MAR	59	21	84	56	6			767	993
APR	34	12	60	53		9		521	689
MAY	16	34	115	69		17		903	1154
JUN	160	42	103	35		15	4	931	1290
JUL	159	23	13	23	7	7	59	738	1029
AUG	194	17	23	4	8	1	20	358	625
SEP	61	44	8	31	1	2	2	853	1002
OCT	52	27	9	20	2		7	740	857
NOV*	70	31	11	6	3			138	259
TOTAL	999	328	548	398	40	51	92	6,584	9,040

*Through November 15

**Sightings may be multiple sightings of one vessel.

FISHING VESSEL BOARDINGS FOR 1989

	JA	KS	UR	PL	CH	TW	CA	US	TOTAL
JAN	7	0	0	1				15	23
FEB	2	2	2	7	1			48	62
MAR	13	4	21	4	2			124	168
APR	0	0	0	0		1		67	68
MAY	0	0	1	1				158	160
JUN	8	2	1	0		1	2	154	168
JUL	7	0	2	2			2	74	87
AUG	15	0	0	0				87	102
SEP	0	3	1	3				168	175
OCT	4	3	0	1				79	87
NOV*	0	0	0	0				0	0
TOTAL	56	14	28	19	3	2	4	974	1,100

*Through November 15

1989 F/V VIOLATIONS

COUNTRY	ROV'S	CITATIONS	SEIZURES
JA	8	4	1
KS	5	1	2
PL	3	1	1
UR	5	3	1
CH	3	1	0
CA	0	0	2
US	77	13	2
TOTAL	101	23	9

ENFORCEMENT ACTION
SEPTEMBER 16 - NOVEMBER 15 1989

1. MFCMA VIOLATIONS

FISHING IN CLOSED AREA (2 seizures)

BERING 1 (U.S.)	10/6	VENTUROUS
ALASKAN HERO (U.S.)	10/19	JARVIS

PROHIBITED SPECIES ABOARD (1 written warning)

F/V ANNA MARIE	10/24	MIDGETT
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CARGO TRANSFER LOG INCOMPLETE/NOT ABOARD (2 violations)

F/V AMERICAN EMPRESS	10/13	MIDGETT
F/V ARCTIC ENTERPRISE	10/13	JARVIS

TRANSITTING U.S. EEZ WITH GEAR UNCOVERED (3 violations)

F/V GENG HAI (BAJK) (CH)	11/6	AIRSTA KODIAK
F/V NO. 70 OYANG HO (6MGG) (KS)	11/6	AIRSTA KODIAK
F/V CASSIOPEIA (SQLY) (PL)	11/8	AIRSTA KODIAK

MFCMA PERMIT NOT ABOARD (1 violation)

F/V ARCTIC ENTERPRISE	10/13	JARVIS
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FAILURE TO MONITOR RADIO AS REQUIRED (1 written warning)

M/V ORIENTAL CRANE (BKGD) (JA)	10/23	COMMSTA KODIAK
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2. IPHC VIOLATIONS

IPHC LICENSE NOT ABOARD (3 violations)

F/V SURLAND	10/12	STORIS
F/V KETA	10/12	MUSTANG
F/V LUCKY LADY	10/12	MUSTANG

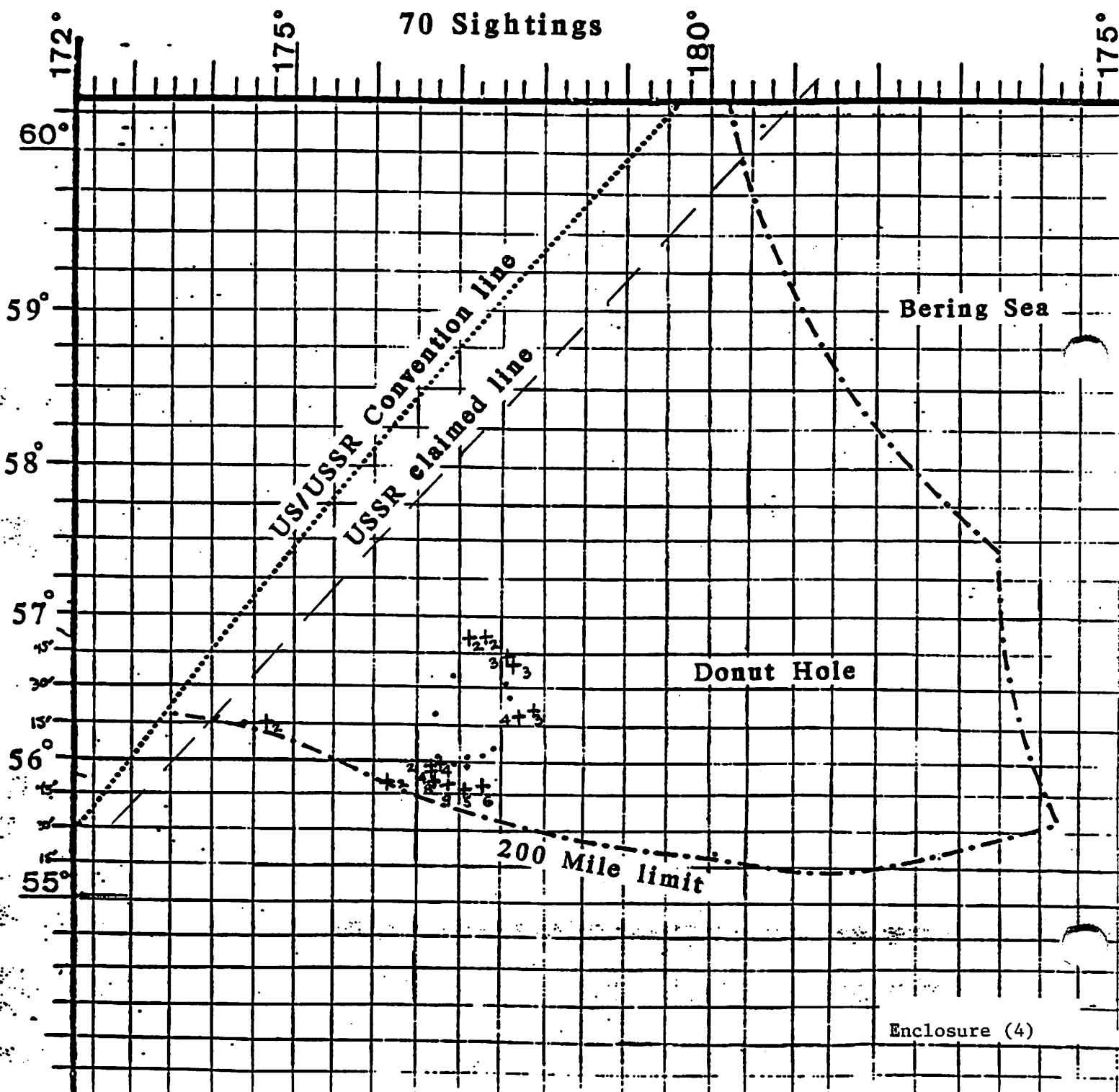
RETAINING UNDERSIZED HALIBUT (1 violation)

F/V LUCKY LADY	10/12	MUSTANG
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GEAR NOT PROPERLY MARKED (1 violation)

F/V CHINIAK	10/10	VENTUROUS
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FFV SIGHTINGS BY USCG IN BERING SEA "DONUT HOLE" 16 September - 15 November 1989



SUMMARY OF SHORESIDE ENFORCEMENT BY NMFS OFFICE OF ENFORCEMENT:

During the period September 16 through November 15, 1989, the NMFS Office of Enforcement in Alaska, as well as supporting U.S. Coast Guard enforcement operations, independently opened an additional 40 investigations of alleged violations of various federal laws including, MFCMA, Endangered Species Act, Lacey Act and North Pacific Halibut Act. Three cases previously opened where referred to NOAA General Counsel for review. Enforcement actions/investigations addressed in this summary are those in which an Enforcement Action Report was issued to a defendant during the reporting period or are enforcement actions/investigations referred to NOAA General Counsel which occurred prior to the reporting period and were not reported previously to the Council.

(Cases in which the vessel name is listed as UNDISCLOSED are those cases that have been referred to NOAA General Counsel for prosecution but the operator or owner have not been issued and Enforcement Action Report or otherwise notified of potential for prosecution.)

Summary of Enforcement Actions:

1. Endangered Species Violations:

(a) On September 27, 1989, four whale bones were seized at the Anchorage International Airport. The items were seized from a German citizen who was attempting to export the items from the U.S. in violation of the Endangered Species Act. NMFS is seeking voluntary abandonment of the items.

2. Domestic Groundfish Violations (MFCMA):

(a) On October 12, 1989, the F/V BILLY D was issued an Enforcement Action Report citing retention of black cod taken in a closed area of the Gulf of Alaska. 1,165 lbs. of black cod were seized.

3. Halibut Violations:

(Date of Incident prior to September 16, 1989 - Case file referred to NOAA General Counsel during reporting period September 16 through November 15, 1989.)

(a) A case citing failure to obtain an IPHC charter vessel permit by the sport charter vessel BILLY JO III. Subject was issued an Enforcement Action Report in May of 1989.

(b) A case citing failure to obtain an IPHC license by the F/V FORTUNE. Subject was issued an Enforcement Action Report in May of 1989.

(c) A case citing possession of a crucifier and improper gear marking by the F/V TRIDENT. Subject was issued an Enforcement Action Report in September of 1989.

(Date of incident during reporting period September 16 through November 15, 1989.)

a) The F/V ROSE LYNN, was issued a written warning for exceeding a halibut fishing period limit on September 10, 1989. The vessel voluntarily abandoned 53 lbs. of halibut.

b) The F/V GRAVINA was issued a written warning for exceeding a halibut fishing period limit on September 8, 1989. Excess catch amounting to less than 10% of total catch was seized.

c) The F/V NANCY K was issued a written warning for exceeding a halibut fishing period limit on September 8, 1989. Excess catch amounting to less than 10% of total catch was seized.

d) On October 11, 1989, the F/V ARIZONA was issued an Enforcement Action Report citing retention of two undersize halibut. The subject forfeited two halibut and paid a \$300 summary settlement fine.

e) On October 11, 1989, the F/V DEETERMAN was issued an Enforcement Action Report citing retention of mutilated halibut and failure to obtain an IPHC license. One hundred and thirty-six fillets were seized.

4. Lacey Act Violations:

a) On October 10, 1989, three U.S. fishermen, a Canadian citizen and a Canadian owned corporation pled guilty in United States District Court in Anchorage to violating the Lacey Act. Robert E. Day, owner of the fishing vessel LADY LYNNE; James A. Duffy, owner of the fishing vessel SHARI RENE; Everett J. Lindholm, owner of the fishing vessel LINDA'S DRAW; and Robertus B. Jongewaard, an employee of HyWave Incorporated; and HyWave Incorporated were originally indicted on October 12, 1988. Subjects were charged with felony offenses involving conspiracy and violation of the Lacey Act. The indictment alleged that Day, Duffey and Lindholm took 180 tons of sac-roe herring from closed waters within Prince William Sound and transported the fish to Kenai, Alaska, where the fish was shipped by Jongewaard and HyWave to Oregon state for processing and export to Japan.

In a plea agreement, Day, Duffey, and Lindholm each pled guilty to one felony Lacey Act count. Two of the three agreed to pay fines of \$75,000 each with the third agreeing to a fine of \$50,000. As per agreement the government will not seek forfeiture of the vessels involved and will limit sentencing to no more than six months in jail. Jongewaard and HyWave Incorporated each pled guilty to one misdemeanor Lacey Act count. Sentencing of Jongewaard and HyWave has been left to the discretion of the court. Sentencing all parties is pending completion of a pre-sentencing investigation.

The case resulted from a 14 month investigation by agents of the NOAA Office of Enforcement, in cooperation with investigators from the Alaska Division of Fish and Wildlife Protection, the U.S. Immigrations and Naturalization Service, and the U.S. Customs Service.

5. All Other Investigations:

The remaining 33 investigations address nonfishery related cases or cases in which insufficient information is available to report at this time.