

AGENDA B4  
OLE Report  
JUNE 2014

National Marine Fisheries Service  
Office for Law Enforcement

ALASKA ENFORCEMENT DIVISION

SEMI-ANNUAL REPORT  
TO

**NORTH  
FISHERIES  
COUNCIL**

**PACIFIC  
MANAGEMENT**



FY2014 First and Second Quarters  
October 1, 2013 to March 31, 2014

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)

## **I. MAJOR CASES**

### **Lacey Act**

Washington resident Steven Carr, the owner/operator of the FV SEA MAC, was sentenced to five years of probation for four felony violations for harvesting rockfish in 2007 and 2008 from an area that was not open to him and then misreported the harvest. The value of the unlawfully harvested rockfish is approximately \$271,000.

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

A criminal investigation by a Special Agent has resulted in a charge of eight counts against a fishing vessel operator for attempting to coerce an observer to invent data and interfere with observer activities, intentionally submit false information on a Daily Fishing Log, and make false statements. The operator was also charged with multiple miscellaneous reporting and observer violations.

## **II. COMMUNITY OUTREACH AND EDUCATION**

### **Quarter 1 Highlights**

#### **October 1, 2013 to December 31, 2013**

Agents participated in conference calls with the North Pacific Groundfish Observer Program (NPGOP) and National marine Fisheries Service (NMFS) Sustainable Fisheries to discuss Gulf of Alaska salmon retention in the Pollock and non-Pollock fisheries, as well as Amendment 91 regulatory modifications.

Two Agents participated in a teleconference with fishers from the Aleutians East Borough to review regulatory changes for 2014. This joint conference was also attended by NMFS Sustainable Fisheries, NPGOP, and the Alaska Department of Fish & Game (ADF&G).

An Agent participated in a teleconference with the Alaska Longline Fishermen's Association regarding their summer testing of several data logging options that could be used in place of the current Vessel Monitoring System (VMS). The group is drafting a report of their findings and planning more testing for the summer of 2014.

Two Enforcement Officers attended an Observer Program outreach meeting hosted by NMFS in Homer. The meeting covered current program activities, regulations, and information obtained through the program, as well as possible changes to the program (i.e. electronic monitoring).

Three Enforcement Officers from the Alaska and Northwest Divisions staffed the Enforcement section of NOAA's NMFS booth at the 2013 Pacific Marine Expo in Seattle, WA. The One NOAA booth was shared by the National Ocean Service, the National Weather Service, National Marine Fisheries Service, as well as other NOAA agencies. Enforcement staff answered questions relating to enforcement, generally, and program specific questions including crab, IFQ, subsistence halibut, observer requirements.

The government shutdown created some dramatic problems for all Bering Sea crabbers waiting for the season to open and their permits to be issued. The Bristol Bay Red King Crab fishery was scheduled to open at noon on October 15, 2013. Several crabbers contacted AKD wanting to know what would happen if they fished without a permit due to the shutdown. The SAC, working with the USCG, organized patrols for potential violations.

**Quarter 2 Highlights**  
**January 1, 2014, to March 31, 2014**

Two EOs staffed the OLE booth at the Great Alaska Sportsman Show; marine mammal specialists from Environmental Research Associates joined OLE to provide information and answer questions; OLE personnel answered questions and provided guidance on general fisheries and marine mammal regulations; commercial, sportfishing, and subsistence halibut regulations; and general questions about OLE

An EO provided answers a list of questions submitted by the Alaska Longline Fisherman's Association in Sitka

An EO provided training to new Public Safety Technicians (PSTs) and Troopers at the USCG North Pacific Fish School

An EO staffed the OLE booth at the University of Alaska Southeast Job Fair

While TDY in Ketchikan, an EO provided fisheries training to the crew of the USCGC NAUSHON

An EO staffed the OLE booth at the Juneau Home and Outdoor Show; he answered questions and provided information to 221 people

Over the course of the quarter, an EO provided general outreach and education assistance to fishers who visit or called the office to request regulatory guidance

Agents and Officers from Anchorage and Seward met in Seward with Alaska Department of Fish & Game representatives to discuss federal and state regulations changes in the charter halibut permit catch sharing plan

### **III. OBSERVER PROGRAM ACTIVITIES**

The AKD Observer Liaison Specialist performed the following activities during Quarters 1 and 2:

Liaison with Observers, Observer Program Office, Staff, and Industry:

- Provided liaison support to 16 observers in the field and during debriefing.
- Provided liaison support to 23 FMA staff members, observer providers and industry, by answering compliance reporting questions and creating and distributing outreach material.
- Distributed OLE outreach letters and posters to 91 Registered Vessel Owners selected for Observer Coverage in the restructured observer program.
- Attended the Observer Program Industry outreach meetings in Homer and Anchorage AK in December.
- Attended the December IFQ and Enforcement committee meetings in Anchorage.
- Attended the December NPFMC B-Reports in Anchorage.
- Attended the NPFMC meeting in Seattle including the B-Reports, Observer Advisory Committee meeting, and Observer Program Agenda Item.
- Coordinated and Attended the February Observer Program outreach meetings in Sitka and Juneau Alaska.
- Participated in Observer Program Restructure, Amendment 91 implementation, and Tender Issue Agency conference calls.
- Participated in Observer Program 2014 Staff Briefing.
- Drafted the Outreach and Enforcement Chapter for the 2013 Observer Program Annual Report.

Training Assistance and Program Development:

- Collaborated with FMA staff and OLE Liaison Agent to finalize 2014 OLE Observer training materials.
- Provided compliance monitoring training to 283 new and returning observers during 3 week training and 4-day briefings.

Investigative Assistance:

- Assisted FMA staff and observers during debriefing to identify and report potential Fisheries violations.
- Evaluated observer reported complaints for potential enforcement actions.
- Referred 232 observer reported compliance incidents to OLE Agents.
- Responded to 38 requests from OLE sworn personnel for observer related information.

Observer Program Liaison Special Agent:

During the first half of 2014, AKD received 710 observer statements of which 558 were associated with an incident. For comparison, AKD received 325 observer statements during the first half of FY 2013, of which 285 were associated with an incident. AKD has identified the following trends:

- AKD has received 50 observer statements reporting failure to provide reasonable assistance, compared to 15 during the same time period in FY 2013. The increase is attributed to the expansion of the observer program to vessels with no recordkeeping and reporting requirement (<60') and to vessel unfamiliar with observer duties. On vessels with no NMFS logbook, observers rely on operator assistance to help collect fishing effort information. AKD has responded with outreach, warnings, or summary settlement penalties of \$1000 - \$3000 per incident.
- During the first half of FY2014, AKD received and responded to 43 complaints of failure to record fishing trips in ODDS for trip selection. AKD has responded to repeat violations with summary settlement penalties of \$1000 - \$2000 per incident.
- AKD completed outreach to the CP longline cooperative vessels regarding ELB requirements; observer reasonable assistance, interference, and sample bias; and the requirement to weigh all P. cod on the flow-scale. Violations are under investigation.
- During the first two quarters of 2014, Observers have reported increased incidents of harassment and hostile work environment - 64 in 2014 compared to 38 in 2013. Some vessel operators in the 100% coverage fleet regularly request and utilize observer data. Industry extrapolations of bycatch from observer raw data have caused increased pressure on some observers. Pressure on observer regarding their sampling in some cases has resulted in harassment and hostile work environment violations. During March, two observers were removed from vessels under the assistance of Law Enforcement.

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