

NOAA

Office of Law Enforcement

Alaska Enforcement Division

June Report
To
North Pacific Fisheries Management Council



Highlights – October 2018 to March 2019

Report Fisheries or Marine Mammal Violations to NOAA OLE

Hotline 1-800-853-1964

http://www.nmfs.noaa.gov/ole/ak_alaska.html

Table of Contents

1. Enforcement Operational Highlights (October 2018-March 2019)
2. Outreach and Education (October 2018-March 2019)
3. Case Updates (October 2018-March 2019)
4. Incident and Summary Settlement Information (October 2018-March 2019)
5. Observer Program (2018 complaint review)

1. Enforcement Operational Highlights

From October 1, 2018 to March 31, 2019, the Office of Law Enforcement (OLE), Alaska Division (AKD) conducted extensive patrols for the purposes of enforcement and education. In addition to daily dockside and vessel patrols, AKD conducted several multiday patrols. Patrols were often coordinated with partners including U.S. Customs and Border Protection (CBP), U.S. Fish and Wildlife (USFWS), U.S. Coast Guard (USCG), or Alaska Wildlife Troopers (AWT).



Six enforcement officers conducted dockside compliance monitoring patrols in Dutch Harbor during the crab fisheries in October (pictured left). Officers boarded 20 vessels and detected three State and three minor recordkeeping and reporting federal violations. Officers accounted for 14,961 lbs of king crab dead loss and 7,320 lbs of golden king crab dead loss (pictured left).

An Enforcement officer participated in a 23-day patrol in New Zealand's Exclusive Economic Zone (EEZ) during December as part of OLE's international mission. The team boarded a total of 51 commercial fishing vessels and over 25 recreational and charter vessels at sea. Several violations were referred to New Zealand fisheries officers. Violations included operating without proper permits and registration, failure to record or report catch, discard of quota species (high grading), failure to report catch of protected species, and failure to accurately weigh and document quota species.

A special agent and five enforcement officers conducted an observer focused pulse operation in Dutch Harbor from February 4 - 15. The team focused on 191 individual observer statements involving 60 distinct vessels and multiple shoreside processors. The team resolved 87 cases and made progress on an additional 14. The team also initiated several new investigations. AKD worked with US Customs and Border Protection to board one foreign tramper and one foreign cargo vessel. (Picture right).



Following the Dutch Harbor operation, an enforcement officer embarked on a patrol with the Alaska Wildlife Troopers onboard P/V Stimson from March 6 -27. The patrol focused on observer reported complaints, groundfish, the IFQ Sablefish/Halibut fisheries, and outreach with stops in Sand Point, King Cove, Akutan, Atka, and Adak. The officers boarded 28 vessels, inspected four processing facilities, and inspected pot gear. The team provided compliance assistance to the manager of a processing plant and to the operators of three vessels. Officers also initiated record keeping & reporting, state license, pot gear, and VMS related investigations.

The AKD Sitka field office coordinated with USCG Air Station, Sitka to conduct an air patrol for the opening of the Individual Fishing Quota (IFQ) fishing season. The patrol focused on remote inlets and bays for fishing vessels or fishing gear deployed prior to the season opening. Numerous vessels were sighted transiting to participate in the Sitka herring sac roe fishery. Seven vessels participating in IFQ fisheries were queried for location, gear status, and IFQ permits.

2. Outreach and Education

NOAA OLE outreach and education efforts facilitate responsible and sustainable use of marine resources. NOAA agents and officers visit communities throughout Alaska to deliver a message of resource protection. The table below provides an account of AKD formal outreach efforts from October 1, 2018 to March 31, 2019.



Table 2.1 – NOAA Office of Law Enforcement Outreach and Education Efforts

Date	Location	Description
10/17/2018	Homer	Alaska Sea Life Center and Homer stranding network meeting: Representatives from the University, Sea Life Center, USFWS and AKD informed, updated, and provided outreach/education to approximately 30 stranding network volunteers.
11/2–4/2018	Sitka	Sitka Whalefest: Three enforcement officers provided information on federal fishery and marine mammal regulations to approximately 600 people during the three day event.
11/10/2018	Ketchikan	An enforcement officer provided information on the halibut subsistence and marine mammals during a dinner attended by approximately 150 people.
01/07/2019	Seattle	A special agent presented at an Amendment 80 cooperative meeting consisting of captains, first mates, and company representatives focused on observer safety, sexual harassment, and assault.

01/7/2018	Seattle	A special agent met with Glacier Fish Company key crew during their annual meeting to discuss supporting victims and reducing observer sexual harassment and assault.
02/14/2019	Anchorage	Anchorage Boat Show: An enforcement officer participated at a joint NOAA booth. Approximately 450 visitors attended. Subjects included marine mammal species identification, MMPA beachcombing, halibut regulations (sport and charter), and NOAA charting and research.
03/15/2019	Anchorage	Joint Base Elmendorf-Richardson Science Technology Engineering and Mathematics (STEM) Gathering: Two enforcement officers gave a presentation about common marine mammals of Alaska and provided outreach materials.
03/17-24/2019	Sand Point, Akutan, Adak, Atka, Kodiak.	An enforcement officer and Alaska Wildlife Trooper met with local PDs, local residents, and schools in remote villages. Hands on outreach and education was provided to school children using animal hides.
03/28-30/2019	Kodiak	ComFish 2019: Enforcement officers attended an interactive booth for approximately 1,100 attendees. Enforcement officers answered questions about fishing regulations and marine mammals and discussed the dangers of feeding marine mammals.

3. Case Updates

The following civil cases were charged, settled, or adjudicated by NOAA Office of General Counsel, Enforcement Section (GCES) during October 1, 2018 to March 31, 2019:

AK1803165; F/V Ambition – Halibut IFQ permit holder was charged under the Northern Pacific Halibut Act for retaining 627 pounds of halibut without a valid IFQ permit. Because of mitigating factors, a Written Warning was issued. The catch was seized and forfeited to the government.

AK1807657; F/V Mar Pacifico – Owner and operator were charged, jointly and severally, under the Magnuson-Stevens Act for exceeding the 300,000 pound daily limit on the harvest of Pollock on three occasions. A \$7,280 NOVA was issued. Case settled for \$6,680.

AK1805353; M/V Rebel – Owner of Cayman Islands-flagged yacht and charter guide were charged with one count under the Northern Pacific Halibut Act for providing sport fishing guide services without a charter halibut permit. A \$4,000 NOVA was issued. Case settled for \$3,600.

AK1800733; F/V Pacific Challenger – Owner and operator were charged, jointly and severally, with one count under the Magnuson-Stevens Act for exceeding the maximum retainable amount of Pollock in an area closed to directed fishing for Pollock. A \$2,000 NOVA was issued. Case settled for \$1,800.

AK1604340; M/V Le Soleal – This is an update on a previously reported case. Owner of French-flagged cruise ship was charged under the Marine Mammal Protection Act for taking Northern fur seals by level B harassment. It was alleged that small boats, carrying tourists, were launched from the ship and approached within 10 meters of a breeding area on St. Paul Island, causing disruption of the seals' behavioral patterns. Respondent paid the \$3,000 NOVA.

AK1402007; F/V Golden Chalice – Vessel operator and owners were charged under the Northern Pacific Halibut Act with one count of retaining IFQ halibut on a vessel in excess of the unharvested IFQ held by all IFQ permit holders aboard. A \$5,000 NOVA was issued. Settled for \$4,500.

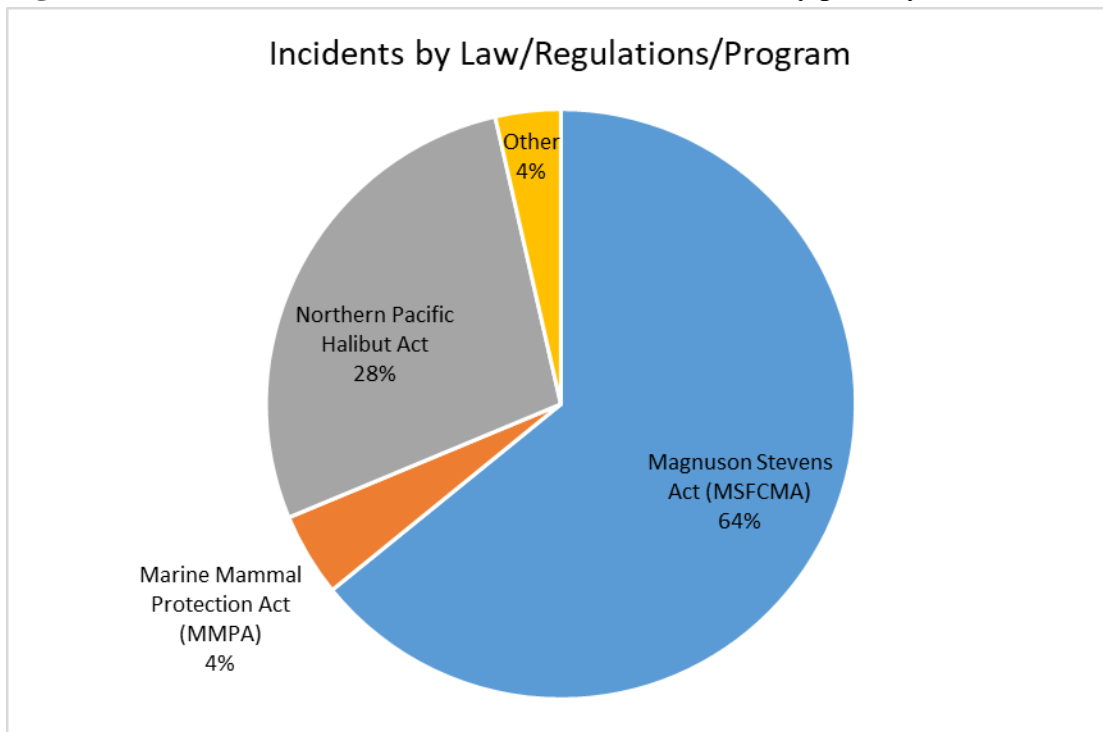
AK1501338; F/V Iron Hide – Two individuals were sentenced under the Marine Mammal Protection Act (MMPA) for the take of Steller Sea Lions near Cordova. One was sentenced to five years of probation, three months of home incarceration, 400 hours of community service, a \$20,000 fine, and required to write an apology letter to be published in National Fisherman magazine. The other individual was sentenced to four years of probation, one month home incarceration, 40 hours of community service and a \$5,000 fine.

4. Incident and Summary Settlement Information

From October 1, 2018 to March 31, 2019, NOAA officers and agents entered 1317 incidents into the OLE case management system, including 840 Magnuson Stevens Act, 363 Northern Pacific Halibut Act, 60 Marine Mammal Protection Act, and 54 others (Endangered Species Act, Lacey Act, and other federal and state). (Figure 4.1)

The majority of incidents were closed or completed: 1201 closed. (Figure 4.2 and 4.3)

Figure 4.1 – Incidents October 1, 2018 to March 31, 2019 by primary law



* Other includes: Endangered Species Act, Lacey Act, Other Federal Law/Regulation, State Law/Regulation.

Figure 4.2 - Incident Dispositions October 1, 2018 to March 31, 2019.

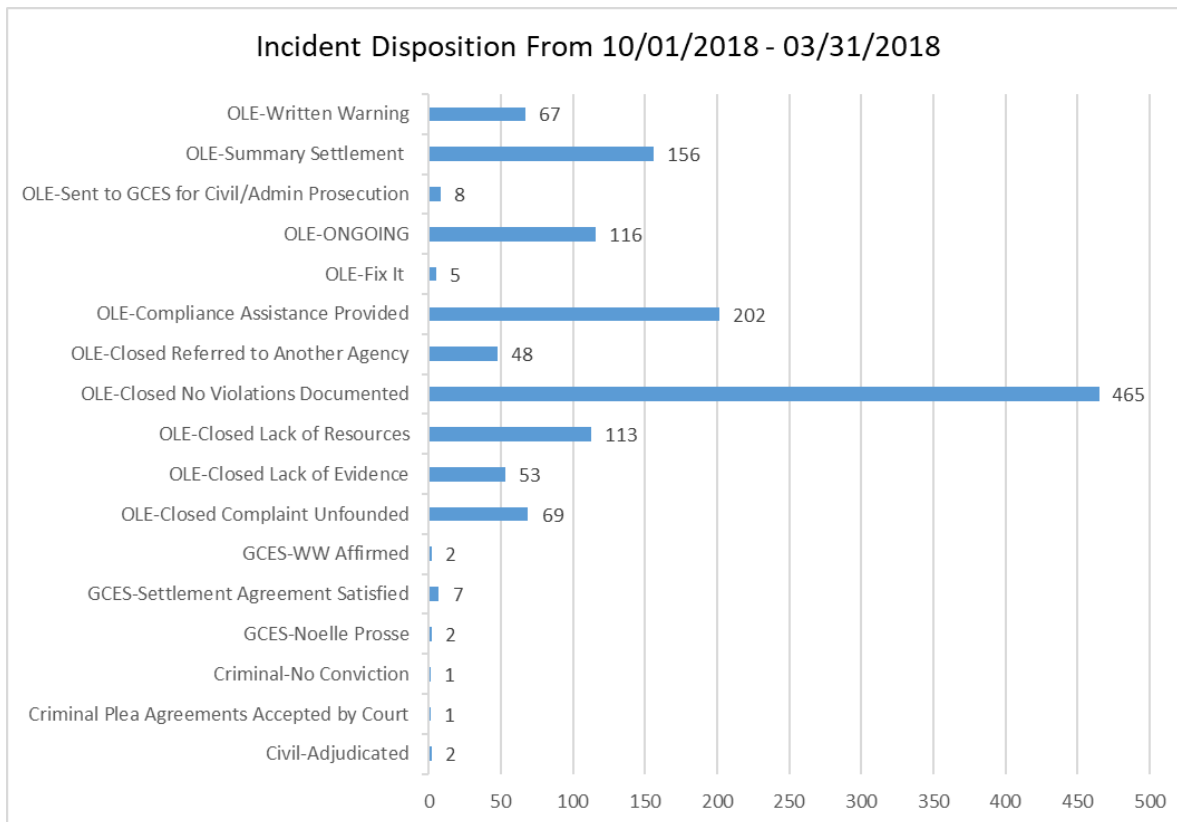
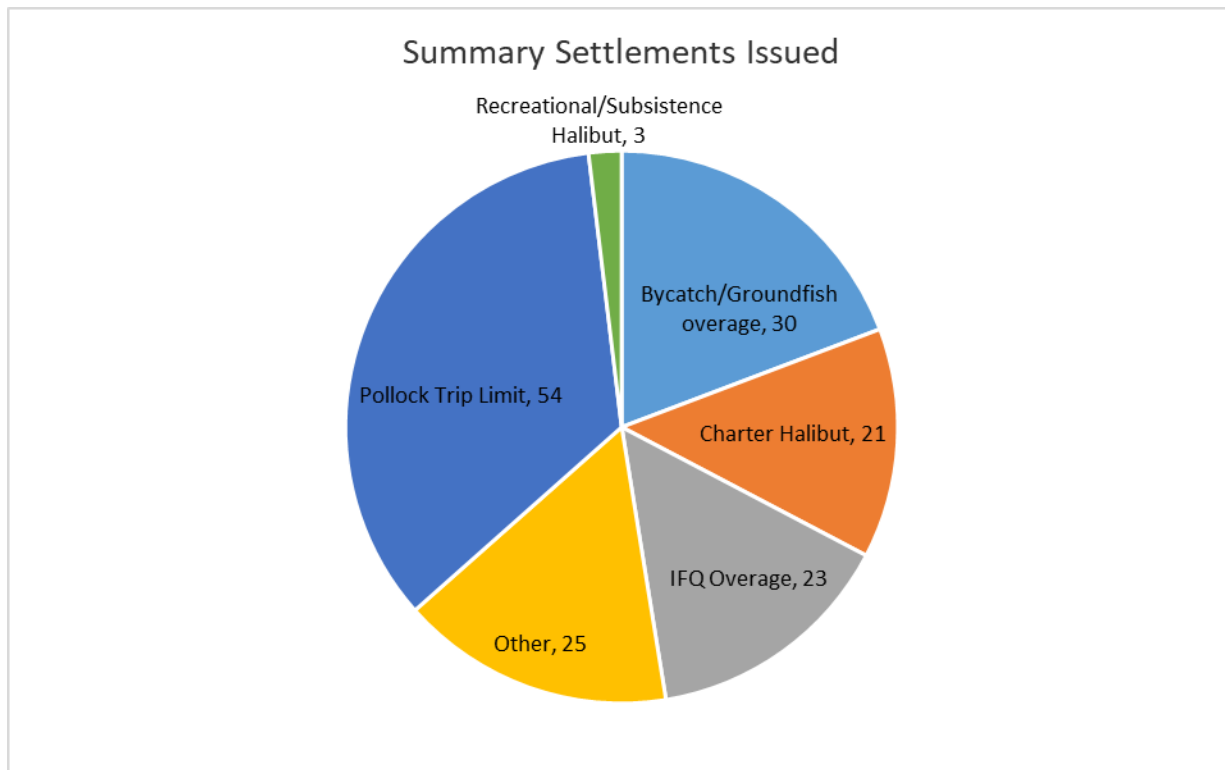


Figure 4.3 - Summary Settlements Issued October 1, 2018 to March 31, 2019.



*Other includes vessel grounding w observer, IFQ reporting, inaccurate reporting, failure to notify, ODDS trip, and feeding marine mammals.

5. Observer Program

In 2018, AKD received 898 observer statements of potential violation from the North Pacific Observer Program which resulted in 417 AKD incidents. Six incidents resulted in cases forwarded to NOAA General Counsel Enforcement Section for prosecution. Other incidents resulted in 23 Summary Settlements, 13 Written Warnings, and 256 compliance assistance provided. Many additional incidents were closed with no enforcement action after investigation due to insufficient evidence, no violation, lack of resources, or formal outreach provided. Several statements were forwarded to another agency for investigation. The remaining incidents remain under investigation.

In some minor cases, compliance assistance to vessel operators and owners can improve compliance without the need for fines or penalties. AKD provides compliance assistance by mail, email, phone, or direct contact. Table 5.1 indicates the number of complaints received by complaint category and enforcement action.

Table 5.1 2018 Complaints Received by Category and Enforcement Action

COMPLAINT TYPE	Complaints Investigated	Compliance Assistance Provided*	Written Warnings	Summary Settlements
Limited Access - Operational and Equipment Requirements	113	50	0	3
Failure to notify	47	24	1	1
Reasonable Assistance	58	20	2	2
Record Keeping and Reporting	249	44	1	3
Prohibited Species	59	22	0	2
Safety	67	24	0	1
Salmon bycatch	100	27	5	10
Seabird Avoidance Measures	7	0	1	0

*This chart does not list all enforcement actions.

Incidents involving observer safety and well-being remain AKD’s highest priority. In 2018, AKD received 2 assaults and 8 sexual harassments complaints. One assault victim chose to resolve the incident through the provider – the case was outside AKD authority. The second assault case was referred to Unalaska Police Department as the primary authority. AKD provided victim support throughout the investigations. Three cases involving sexual harassment were forwarded to NOAA General Counsel Enforcement Section for civil prosecution and 5 remain under investigation - 4 AKD and 1 Unalaska Police Department.

For a more detailed account of AKD Observer Program support, refer to the *Observer Program 2018 Annual Report*, Chapter 5 - Compliance and Enforcement.