

National Marine Fisheries Service
Alaska Enforcement Division

ENFORCEMENT REPORT



January 01 – May 31, 2005

National Marine Fisheries Service
Office for Law Enforcement
P.O. Box 21767
Juneau, AK 99802-1767

This report can be viewed at:

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



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



INTRODUCTION:

The Alaska Enforcement Division has been increasingly active in the Council process; several senior field agents and supervisors have been following developing regulatory programs, such as Amendment 79/80, EFH/HAPC, subsistence halibut, etc. These assignments, while requiring time, ultimately result in better designed and more “enforceable” regulations and programs.

The Alaska Enforcement Division (AED) has opened 279 cases so far this year. This is 46 cases fewer than last year at this time.

VESSEL MONITORING SYSTEMS (VMS)

VMS has continued to enhance enforcement efforts in Alaska, with over 600 activations to date, and over 20 million position fixes since the inception of the program. There have been decreasing numbers of no-transit area incursions, which has been attributed to a combination of enforcement actions and growing industry awareness of these areas. Currently allowed for purchase are the Skymate Orbcomm based units, as well as Thrane & Thrane Inmarsat based units. NOAA Office for Law Enforcement is working at a steady pace on a national level to approve more units for use as soon as is feasible.

HIGHLIGHTS OF PRIORITY ISSUES:

1. OBSERVER-RELATED OFFENSES

As in the past, the AED assigns a high level of priority to the North Pacific Observer Program and continues to provide significant levels of support.

There have been 241 affidavits written this year. This is 24 less than last year at the same time. Similar to this same period in 2004, 99 affidavits were sent directly to the US Coast Guard from the Observer Program. The remaining 142 were forwarded to AED resulting in 68 enforcement cases.

Observer coverage within the 30% fleet continues to be an enforcement priority. Several vessels, of all gear types, were investigated and cited for failure to maintain required observer coverage levels. After notice to the fleet, AED has begun to enforce the “and one trip in each fishery” component of the observer coverage requirements.

In contrast to last year there has been fewer harassment complaints received so far this year. In addition, none of the harassment complaints investigated this year have been particularly significant or egregious in nature compared to the first half of last year. The largest observer complaint categories involved Failure to Notify and Prohibited Species

Mishandling; the number of incidents in these two categories remained unchanged in comparison to last year. There were fewer affidavits for contractor problems, sample bias, recordkeeping and reporting, and seabird avoidance measures. Overall, compliance has improved with noticeable decrease in the number of affidavits and those involving egregious violations and blatant disregard for the regulations.

2. COOK INLET BELUGAS

The 2005 Cook Inlet Beluga Whale Enforcement Plan was completed and efforts began in April. We have dedicated over 200 hours to community involvement and crime prevention and made over 3,500 contacts to increase public and governmental agency awareness for the protection of Cook Inlet beluga whales. Overt and covert patrols have been conducted by AED Special Agents and Enforcement Officers, Alaska State Troopers, and U.S. Fish and Wildlife Service Special Agents to detect and prevent harassment or unlawful take of Cook Inlet beluga whales.

A case has been investigated and submitted for review that involved a boat operated by a Native and a non-Native for harassment of Cook Inlet beluga whales in Knik Arm.

3. STELLER SEA LION PROTECTION MEASURES

Rookery no-transit incursion violations continue at a rate similar to this period in 2004. AED agents and officers consistently conducted outreach education efforts with maritime related businesses operating in Alaskan coastal waters to ensure they were aware of these regulations. Outreach efforts continue and are necessary to keep this issue in front of industry.

4. SEABIRD AVOIDANCE

Agents and officers continue to inspect vessels for compliance with seabird avoidance requirements. So far this year, we have found numerous vessels out of compliance with the requirement to maintain a seabird avoidance plan. For example, in South Central Alaska ports, twenty-five percent of the total violations have been for operators failing to either have a plan altogether or for having incomplete plans. Our officers have worked closely with fishermen to bring them back into compliance by assisting them with completing their plans.

5. RECORD KEEPING AND REPORTING

During May, agents and officers conducted unannounced offload audits of groundfish and IFQ catcher/processor vessels in Dutch Harbor. Overall, compliance with recordkeeping and reporting requirements and accuracy of reporting was high.

AED agents and officers conducted inspections of trawl landings, specifically looking at numbers of halibut which were not sorted at sea. This was a significant problem in the spring of 2004. Several vessels received warnings for failure to adequately sort their catch.

AED agents are investigating another alleged significant violation of AFA crab cap violations. The investigation involves approximately \$3 million in processed crab.

6. SUBSISTENCE HALIBUT

AED opened 10 cases involving subsistence halibut violations so far in 2005. Of these, three were for fishing without a valid SHARC card, two for improperly marked gear, two for fraudulent SHARC applications, one for fishing with too many hooks, and two for subsistence halibut entering commerce.

7. IFQ SPECIFIC

Compliance monitoring and targeted pre-and post-season outreach and education efforts within the halibut CDQ fishery have resulted in increasing compliance rates every year. Outreach efforts with CDQ managers and CDQ halibut buyers will continue during the 2005 fishing season.

AED opened 38 cases related to IFQ violations so far in 2005. Types of violations include submitting false information on IFQ landing reports, landing earlier than the PNOL time, overages, failure to complete IFQ landing reports within 6 hours after offload, unlawful discard of IFQ halibut, failure to carry IFQ permit, retaining IFQ without a permit holder on board, filleting halibut, and moving IFQ fish from landing site prior to completion of IFQ landing report.

8. MARITIME BOUNDARY FOREIGN FISHING VESSEL SEIZURES

During May, AED Enforcement Officers participated in two weeks of joint aerial patrols with Canadian Dept. of Fisheries and Oceans officers, enforcing UN Resolutions prohibiting large scale driftnet fishing on the high seas south of the US EEZ off the Aleutians. No vessels were seen fishing for salmon in 2005.

9. MARINE MAMMALS and ENDANGERED SPECIES

AED initiated 13 cases on vessels for entering the three mile Steller sea lion rookery no-transit zones. Several cases were initiated for shooting at Steller sea lions and seals as well as for unlawful take through harassment of sea lions and orcas. The captain of the

tour vessel KEET and the vessel owner were cited with a \$9,000 NOVA for placing the vessel closer than 100 yards from the endangered humpback whales on three separate occasions near Pt. Adolphus in Icy Straits in 2001.

The Protected Species Division will conduct the second and final season of observer coverage in the Kodiak Island salmon set gillnet fishery. During the first season, AED agents and officers conducted liaison with the managers of this fishery, and these efforts were credited in reducing incidents of "refusals" and other potential compliance incidents. AED will again conduct vessel patrols during the fishery to support the observer program.

COMMUNITY-ORIENTED POLICING AND PROBLEM SOLVING (COPPS)

AED officers participated in the 2005 Anchors Aweigh Boat Show in Anchorage, Alaska. The show provided an excellent COPPS opportunity for education and outreach that will enhance the 2005 beluga enforcement effort. Over 500 contacts were made during the show. The focus of the COPPS effort was to gain contacts at the show that could provide AED with "eyes and ears" information in remote areas of Cook Inlet.

AED officers participated in the 2005 Great Alaska Sportsman Show, held in Anchorage, Alaska. The show featured hunting, fishing, and recreational booths that provided information and products for outdoor activities in Alaska. Over 3,000 contacts were made during the show.

An AED officer participated in the 2005 Marine Expo in Valdez, Alaska. The AED booth featured information on IFQ, halibut sport fishing, and marine mammal protection.

AED officers and special agents participated in COMFISH. AED completed several broad based outreach efforts during COMFISH. The pending crab rationalization regulations, VMS, seabird avoidance, and permitting issues were the primary topics of interest.

An AED agent attended the Observer Advisory Committee meeting in Seattle. The primary topic of discussion regarded the Draft Analysis for restructuring the Observer Program.

An AED agent attended a meeting of the Alaska Native Halibut Working Group. The agent answered enforcement related questions. Topics of discussion included rockfish and lingcod bycatch and a proposal from several Working Group members to do away with the SHARC and use native association cards in their place. The native associations would then be responsible to gather harvest data and report to managers. This proposal was well received by the managers in attendance.

A supervisory AED agent attended the Sitka Herring Fishery meeting that included Alaska State Troopers and the Coast Guard. Also present were various State of Alaska

Fish and Game and Sitka Tribe officials, industry, and rural subsistence individuals. Information was provided on where foreign tenders may, and may not legally operate during the fishery under the MSFCMA.

An AED officer met with two members of the Alaska Charter Association and discussed charter IFQ's and proxy fishing for halibut.

AED officers and agents participated in WhaleFest 2005 in Kodiak, both manning an informational booth and speaking on local public radio. Marine mammal approach, strandings, and collection of marine mammal hard parts regulations were the primary focus.

AED officers and agents addressed the annual meeting of Alaska Druggers Association, discussing applicable fishing regulations and changes for 2005.

AED staff have taken a lead role in development and comment on components of the new crab regulations. AED staff have attended most of the industry/public outreach sessions, and have been proactive in bringing compliance related issues to the discussion. AED staff have planned and conducted multi-agency education and training sessions for crab vessel operators, during which specific regulatory requirements have been outlined.