

U.S. Department
of Transportation

United States
Coast Guard



Commander (ole)
Seventeenth Coast
Guard District

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AGENDA ITEM B-4
April 23, 1990

U.S. COAST GUARD/NMFS JUNEAU FISHERIES ENFORCEMENT FOR PERIOD
JANUARY 1 to MARCH 31, 1990

1. Level of Effort:
 - a. 2 High Endurance Cutters (HEC) patrolled for 75 days.
 - b. 2 Medium Endurance Cutters (MEC) patrolled for 77 days.
 - c. 4 patrol boats patrolled for 60 days.
 - d. C-130 aircraft conducted 117 long-range surveillance flights for 774 patrol hours.
 - e. H-3 helicopter conducted 12 coastal surveillance flights for 44 patrol hours.
 - f. Enclosure (1) illustrates HEC/MEC and C-130 patrol areas in this 90-day period. Enclosure (2) summarizes patrol effort for 1990 by month.
2. Enforcement Emphasis:
 - a. Detect/deter poaching by foreign fishing vessels in the U.S. EEZ.
 - b. Enforce fishing regulations for foreign vessels engaged in joint venture and fishing support operations in the U.S. EEZ.
 - c. Enforce domestic fishing and International Pacific Halibut Commission regulations.
3. Results:
 - a. Foreign vessels:

Sightings:	776
Boardings:	9
Violations:	16
 - b. Domestic vessels:

Sightings:	1,628
Boardings:	152
Violations:	60
 - c. A summary of USCG enforcement action is attached as enclosure (3).
 - d. A summary of NMFS enforcement action is attached as enclosure (4).

4. Enforcement Issues:

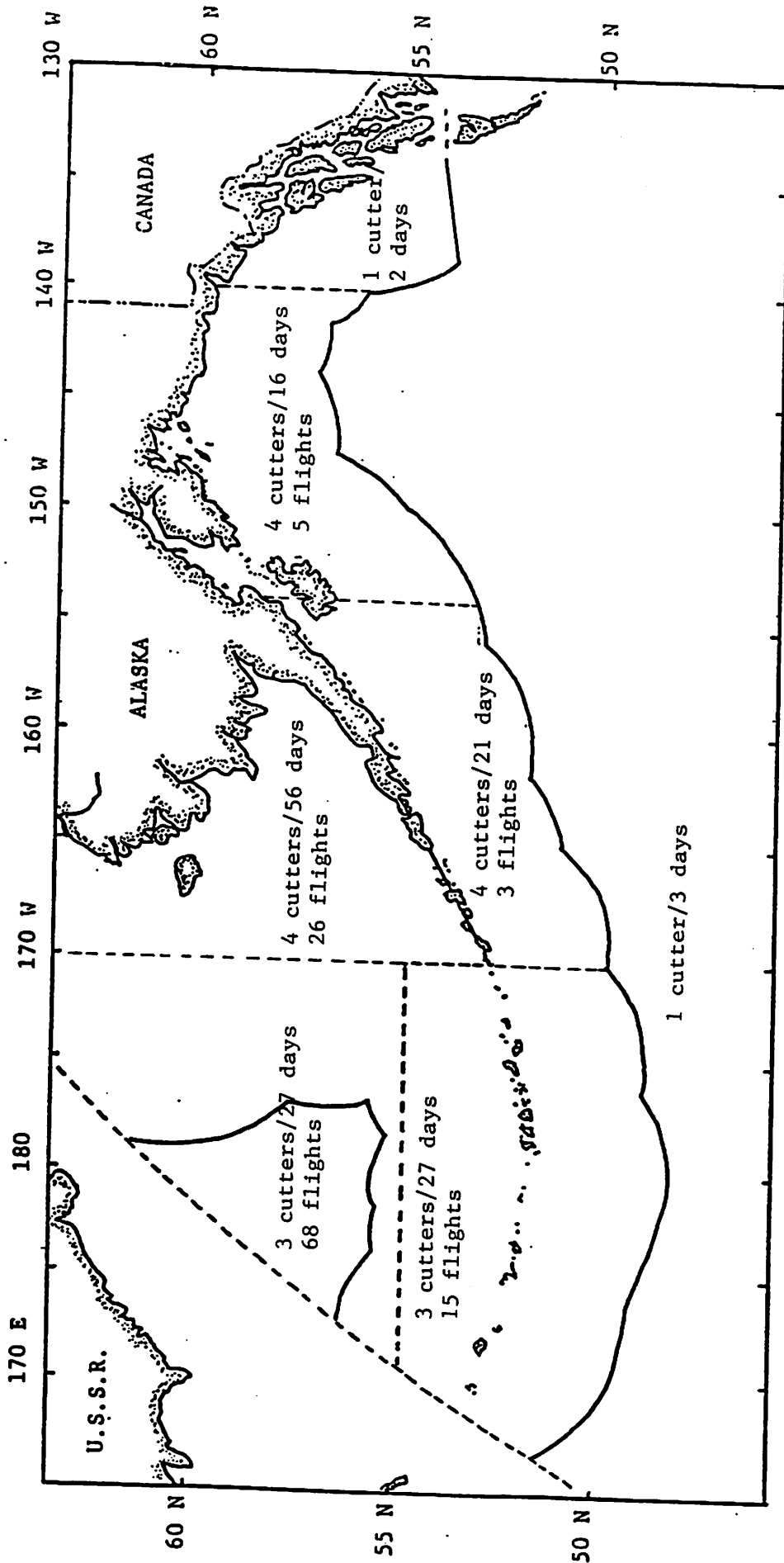
a. There were 189 FFV's sighted operating in the Bering Sea Donut Hole by C-130 aircraft and USCGC MIDGETT during this period. Enclosure (5) is a chartlet showing these sightings. The majority of these FFV sightings were made in January. In February through early March, there was a reduction in number of FFV's in the Donut Hole due to reported poor fishing. In late March, FFV levels began to increase to the January level.

b. During this period, five FFV's were sighted by Air Stations Kodiak and Sacramento C-130's transitting the U.S. EEZ with fishing gear uncovered. Documentation for these observed violations was submitted to NMFS Juneau for civil action, however NOAA General Counsel, Alaska Region (under advice of NOAA General Counsel, Washington) will not process these cases because implementing regulations that clarify the applicability of the statute to permitted and non-permitted vessels do not exist. NOAA General Counsel Washington DC is in the process of developing implementing regulations with specific language to ensure clear guidelines for prosecution of future violations, The Coast Guard will continue to document cases in the interim.

c. The U.S. trawler/processor ALASKAN HERO was boarded by CGC STORIS (Jan 26) and CGC MIDGETT (Feb 28). During both boardings the vessel was found to be in violation of U.S. vessel manning requirements under the U.S. commercial fishing industry vessel anti-reflagging act. During the February 28 boarding, the vessel also had numerous fisheries violations and investigation revealed that the Japanese fishing master was acting as master of the vessel. With a non-U.S. citizen as master of the vessel, the vessel's document was invalidated and the vessel was directed to return to port. The vessel has a long history of vessel control and manning requirement violations. For this latest incident, the owner was required to sign an agreement of understanding with the USCG to take active measures onboard the vessel to ensure that the U.S. master would be in control of the vessel at all times and that the vessel would meet the manning standards of the Anti-Reflagging Act. Failure to comply with provisions of the agreement could result in seizure and forfeiture of the vessel.

d. On March 14, CGC STORIS boarded the U.S. Processor ARCTIC ENTERPRISE in Lost Harbor, Akutan. STORIS boarding team discovered 18 undocumented Mexican aliens employed on the vessel. Immigration & Naturalization Service (INS) special agents from Anchorage were taken to the vessel by CGC FIREBUSH for further investigation. The aliens were taken off the vessel by FIREBUSH and returned to Mexico after being questioned by INS. INS advises that action against the vessel's owner (Arctic Fisheries, Inc.) pends upon the outcome of their investigation.

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



CUTTER PRESENCE (HEC/MEC) AND C-130 FLIGHTS
 IN FISHING AREAS OFF ALASKA
 JANUARY 1 - MARCH 31, 1990

USGC FISHERIES PATROL EFFORT FOR 1990

	HEC/MEC PATROL DAYS	WPB PATROL DAYS	C-130 PATROLS/ HOURS	H-3 PATROLS/ HOURS
JAN	28	16	46/322	1/4
FEB	46	14	31/221	8/27
MAR	78	30	40/231	3/13
TOTAL	152	60	117/774	12/44

FISHING VESSEL SIGHTINGS* FOR 1990

	JA	KS	UR	PL	CH	TW	CA	US	TOTAL
JAN	239	69	34	109	13	2	0	286	752
FEB	59	34	71	24	4	2	0	792	986
MAR	41	11	12	51	1	0	0	550	666
TOTAL	339	114	117	184	18	4	0	1,628	2,404

*Sightings may be multiple sightings of one vessel.

FISHING VESSEL BOARDINGS FOR 1990

	JA	KS	UR	PL	CH	TW	CA	US	TOTAL
JAN	0	0	0	0	1	0	0	22	23
FEB	2	3	2	0	0	0	0	37	44
MAR	0	1	0	0	0	0	0	93	94
TOTAL	2	4	2	0	1	0	0	152	161

1990 F/V VIOLATIONS

COUNTRY	ROV'S	CITATIONS
JA	1	4
KS	2	3
PL	2	1
UR	0	1
CH	0	0
CA	0	0
TW	1	0
PN	1	0
US	51	9
TOTAL	58	18

USCG ENFORCEMENT ACTION
JANUARY 1 - MARCH 31, 1990

1. MFCMA VIOLATIONS

<u>TRANSITTING U.S. EEZ WITH GEAR UNCOVERED (4 violations)</u>		
ORYONG NO. 503/DTDH (KS)	1/13	AIRSTA KODIAK
AMAREL/SQIN (PL)	1/30	AIRSTA KODIAK/ SACRAMENTO
GOLDEN DRAGON NO. 307/3EBBS (PN)	2/13	AIRSTA KODIAK
CRYSTAL DAHLIA/6NEW (KS)	3/23	AIRSTA KODIAK/ MIDGETT
GOLDEN DRAGON (TW)	3/26	AIRSTA KODIAK
<u>FAILURE TO MONITOR RADIO AS REQUIRED (8 WRITTEN WARNINGS)</u>		
MIYAJIMA MARU/JAAB (JA)	1/3	COMMSTA KODIAK
DAE JIN NO 21/6KUQ (KS)	1/3	COMMSTA KODIAK
MIYAJIMA MARU/JAAB (JA)	1/6	COMMSTA KODIAK
GNEVNYU/UFCS (UR)	1/6	COMMSTA KODIAK
NO. 5 CHIL BO SAN HO/6LZS (KS)	2/3	COMMSTA KODIAK
YOSHI MARU NO 38/JMQT (JA)	2/11	COMMSTA KODIAK
KANTAR/SPZK (PL)	2/20	COMMSTA KODIAK
ANYO MARU NO 18/7JUN (JA)	2/20	COMMSTA KODIAK
<u>IRCS OBSCURED (1 WRITTEN WARNING)</u>		
CRYSTAL DAHLIA/6NEW (KS)	3/23	MIDGETT
<u>FEDERAL PERMIT NOT ABOARD (4 VIOLATIONS)</u>		
ALEUTIAN MIST	1/11	STORIS
LADY LOUISE	2/10	YOCONA
RESOUTE	2/22	YOCONA
ANITA J	2/25	YOCONA
<u>FISHING CONTRARY TO NOTICE OF CLOSURE (1 VIOLATION)</u>		
RESOLUTE	2/22	YOCONA
<u>RETENTION OF PROHIBITED SPECIES - HALIBUT (2 VIOLATIONS)</u>		
LADY LOUISE	2/10	YOCONA
ALASKAN HERO	3/1	MIDGETT
<u>FAILURE TO RETURN PROHIBS WITH MINIMUM INJURY (1 VIOLATION, 1 WRITTEN WARNING)</u>		
ALASKAN HERO	3/1	MIDGETT
YUKON QUEEN	3/27	STORIS (W)

FAILURE TO PROPERLY MAINTAIN DAILY FISHING LOG (14 VIOLATIONS)

8 WRITTEN WARNINGS)

AMERICAN ENTERPRISE	1/6	STORIS (W)
ALEUTIAN MIST	1/11	STORIS
UNISEA INDUSTRY	2/8	YOCONA (2V)(3W)
TRIDENT SEAFOODS	2/10	YOCONA
ALYESKA SEAFOODS	2/10	YOCONA (V)(W)
SNOW KING	2/13	YOCONA (W)
RESOLUTE	2/22	YOCONA
ANITA J	2/25	YOCONA
SNOPAC	2/25	YOCONA
ALASKAN HERO	3/1	MIDGETT
TRIDENT SEAFOODS	3/8	STORIS
HARVESTER ENTERPRISE	3/12	STORIS
AMERICAN EAGLE	3/12	STORIS
SNOPAC	3/13	STORIS
ARCTIC ENTERPRISE	3/14	STORIS (W)
MICHELLE IRENE	3/20	STORIS (W)
YUKON QUEEN	3/27	STORIS

FAILURE TO MAINTAIN TRANSFER LOG (2 VIOLATIONS)

ALASKAN HERO	3/1	MIDGETT
BRISTOL ENTERPRISE	3/11	STORIS

FAILURE TO LOG DISCARDSS/PROHIBS (7 VIOLATIONS)

ANITA J	2/25	YOCONA
ALASKAN HERO	3/1	MIDGETT
TRIDENT SEAFOODS	3/8	STORIS
BRISTOL ENTERPRISE	3/11	STORIS
HARVESTER ENTERPRISE	3/12	STORIS
OCEAN ROVER	3/16	STORIS
YUKON QUEEN	3/27	STORIS

HINDERING NMFS OBSERVER (1 VIOLATION)

ALASKAN HERO	3/1	MIDGETT
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FAILURE TO SUBMIT VESREP (4 VIOLATIONS)

PACIFIC BREEZE	1/3	STORIS
KOTOKU MARU/BJQH (JA)	2/2	CCGD17
AMFISH	3/9	STORIS
PARMA/SQII (PL)	3/23	CCGD17

UNSAFE BOARDING LADDER

AMFISH	3/9	STORIS
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2. MMPA VIOLATIONS

NO EXEMPTION CERTIFICATE

FRONTIER MARINER	1/9	STORIS
WESTERN STAR	1/27	STORIS
LADY LOUISE	2/10	YOCONA
RESOLUTE	2/22	YOCONA
ANITA J	2/25	YOCONA
RESOLUTE	3/21	JARVIS

NO EXEMPTION DECAL (3 VIOLATIONS)

LADY LOUISE	2/10	YOCONA
RESOLUTE	2/22	YOCONA
ALASKAN HERO	2/28	MIDGETT

FAILURE TO MAINTAIN MARINE MAMMAL LOG (7 VIOLATIONS)

LADY LOUISE	2/10	YOCONA
RESOLUTE	2/22	YOCONA
ANITA J	2/25	YOCONA
BRISTOL ENTERPRISE	3/11	STORIS
HARVESTER ENTERPRISE	3/12	STORIS
SNOPAC	3/13	STORIS
SPEEDWELL	3/28	STORIS

3. VESSEL MANNING VIOLATIONS

ALASKAN HERO	1/26	STORIS
RESOLUTE	2/22	YOCONA
ALASKAN HERO	2/28	MIDGETT



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

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NATIONAL MARINE FISHERIES SERVICE ENFORCEMENT FOR
THE PERIOD JANUARY 1 TO MARCH 31, 1990

During the period January 1 to March 31, 1990, NMFS Office of Enforcement in Alaska expended 55 agent days in direct support of U.S. Coast Guard air and surface patrol efforts. Agents accompanied two cutter patrols. NMFS agents working independently and in concert with the Coast Guard boarded 29 vessels during this period. Agents made 786 personal contacts in furtherance of investigations and responded to 235 requests for information. NMFS Office of Enforcement reviewed and processed 84 investigation files during the first quarter of 1990.

Summary of Enforcement Actions:

NMFS initiated 24 investigations during the period including:

1. Domestic Groundfish Violations (MFCMA):

(a) The longline F/V SY WASH was cited on January 18, 1990, for retention of two halibut taken incidental to groundfish fishing. Subject offered \$600 summary settlement. Case pends.

(b) The trawler SUNSET BAY was cited on March 9, 1990, in Kodiak, Alaska, for conducting a directed fishery for pollock in the Gulf of Alaska after closure of that fishery. Excess pollock valued at \$799 was seized. Case pends.

(c) Agents additionally opened two investigations on catcher/processor vessels for multiple reporting violations and three investigations on catcher/processors for alleged observer harassment and interference. One of the alleged harassment violations occurred during the 4th quarter of 1989 with the other two occurring in the first quarter of 1990. All five investigations are continuing and no citations have been issued as yet.

2. Endangered Species/Marine Mammal Violations:

(a) On January 7, 1990, agents in Sitka, Alaska, investigated a report of persons aboard a commercial fishing vessel shooting at sea lions. Subjects of investigation denied the allegation. Case was closed after complaining witness declined to provide written statement.

(b) On January 9, 1990, Dave MENKE of Anchorage, Alaska, was cited for unlawful possession of endangered species parts (baleen plates). Case was settled by voluntary abandonment of seized items.



FFV SIGHTINGS BY USCG IN BERING SEA "DONUT HOLE"

1 January - 31 March 1990

