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10 Dec 96

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NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL

U. S. COAST GUARD ENFORCEMENT REPORT
9/1/96 - 11/31/96

1. ENFORCEMENT/SAFETY SUMMARY

A. INTERNATIONAL FISHERIES.

1. US/RUSSIAN CONVENTION LINE.

A. Foreign fishing activity in the Russian EEZ along the Convention Line has been slowly declining, there are still approximately 5-15 trawlers working within 30nm of the Convention Line inside the Russian zone. Following the departure of U.S vessels after Pollock "B", the Coast Guard has continued to pulse both air and cutter patrols into the Convention Line area. Since 01 September, the Coast Guard has used approximately 67 cutter days and flown approximately 59 C-130 sorties patrolling the US/RS Convention Line. Coast Guard intelligence and patrol resources will continue to monitor activity on the Convention Line as long as fishing remains active.

2. DONUT HOLE. No foreign fishing vessel activity was detected in the area during the reporting period. The Coast Guard will continue to monitor the Donut with periodic C-130 patrols, consistent with the minimal threat.

B. DOMESTIC FISHERIES.

1. GROUND FISH.

A. Coast Guard cutters and aircraft patrols monitored fall fisheries in the BSAI and GOA with the primary emphasis on time and area closures. These included GOA pollock, P-cod, and flatfish, BSAI pollock, P-cod, and yellowfin sole. We have also scheduled multiple cutters to cover the expected heavy effort associated with the January/February groundfish fisheries. Consistent with the past two years we expect to work closely with both Immigration and Naturalization (INS) in checking for undocumented aliens working in the fishing industry. We are also working with Food and Drug Administration (FDA) as part of a shiprider program in early 1997.

2. IFQ HALIBUT/SABLEFISH. The second season for IFQ's ended 15 November. With regard to safety, the Coast Guard is looking at trends between the derby and the IFQ systems. While Coast Guard databases do not capture data by specific fishery, the information available from the Coast Guard when coupled with NMFS data is adequate to provide a qualitative review. The

trends thus far are encouraging. A preliminary review indicates Coast Guard SAR cases involving halibut IFQ vessels, during the first IFQ year, were approximately half the number as compared to each of the two preceding derby years, and that Coast Guard SAR cases involving halibut IFQ vessels, during the second IFQ year, were approximately half the number as compared to the first IFQ year. While this does not necessarily mean that IFQ's are a safer fishery, it does suggest that IFQ's provide an opportunity for fishermen to reduce risks. Fishermen are given the choice of when to fish in consideration of weather, size and condition of boat, experience of crew, and market conditions.

3. BERING SEA CRAB. The Coast Guard maintained a flight deck equipped cutter underway in the Bristol Bay/Bering Sea during the recent Red King crab and Bairdi openings. The primary mission for these resources was to be pre-positioned to provide a Search and Rescue (SAR) response in this major fishery involving over 190 boats. A flight deck equipped cutter will also be underway off the Pribilofs for the upcoming January opilio fishery to provide the same SAR response capability.

C. SAFETY. As of 01 December there have been 34 fishing vessels and 20 lives lost in the North Pacific in CY96. Since the last LE report, from 1 September to 31 November, there were 10 commercial fishing vessel sinkings off Alaska and 5 lives lost. The sinking of the TAMRA DAWN in late November was the most costly with 3 lives lost. On a positive note, there were 93 lives saved from the 34 vessels that sank.

2. ADMINISTRATION.

A. Blaes update: On 5 November Mr. Blaes was convicted of impeding both a boarding and an inspection under the Magnuson Act, and of using force to impede the inspection. These two offenses are both misdemeanors. The maximum sentence he faces, for each count of which convicted, is 6 months imprisonment or \$50,000 fine, or both. He is scheduled for sentencing on 3 February 1997. Mr. Blaes was acquitted of the assault counts, as the jury did not find that "fear of imminent bodily injury or harm" to Coast Guard Personnel existed under the facts of this case.

B. Coast Guard Officers were members of the US Delegation to the First Annual conference of the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea. Among other actions, the parties ratified monitoring and control measures which will facilitate Coast Guard operations in the Donut Hole, should the fishery reopen in the area. In addition, the Coast Guard will participate in a March '97 meeting of the Enforcement Working Group, in Seattle, to help resolve the remaining compliance issues.

PATROL STATISTICS

01 SEPTEMBER - 30 NOVEMBER

- a. 05 High Endurance Cutters (HEC) patrolled for 162 days.
- b. 01 Medium Endurance Cutter (MEC) patrolled for 62 days.
- c. 05 Patrol boats patrolled for 77 days.
- d. C-130 aircraft conducted 144 long-range surveillance flights for 975 hours.
- e. HH60/65 aircraft conducted 252 surveillance flights for 475 hours.
- f. Domestic vessels:
 - 6063 = Sightings
 - 101 = Boardings
 - 12 = Violations (Fishery)

VESSELS BOARDED WITH FISHERY VIOLATIONS

AMBER DAWN 1. RETAINING PROHIB SPECIES.	MELLON	17OCT96
AMERICAN EMPRESS 1. NO CDQ PERMIT ON BOARD. 2. CDQ CATCH ESTIMATES NOT IN ACCORDANCE WITH REGS.	SHERMAN	05OCT96
CAPE KIWANDA 1. NO MORATORIUM PERMIT ONBOARD.	STORIS	02SEP96
HOT SPUR 1. IMPROPER LOG KEEPING.	FIREBUSH	18OCT96
KATRINA EM 1. NO FEDERAL FISHERIES PERMIT. 2. IMPROPER LOG KEEPING.	MELLON	19OCT96
LABRADOR 1. RETAINING PROHIB SPECIES.	MELLON	19OCT96
LISA JO 1. IMPROPER LOG KEEPING.	STORIS	03SEP96
MORNING STAR 1. IMPROPER LOG KEEPING.	CHASE	10SEP96
MS INGRID 1. NO MORATORIUM PERMIT ONBOARD.	STORIS	08SEP96
NEAHKANIE 1. IMPROPER LOG KEEPING.	SHERMAN	14SEP96
PACIFIC SCOUT 1. FAILURE TO SUBMIT YELLOW COPIES OF LOG SHEETS TO NMFS. WITHIN ONE MONTH OF THE QUARTER ENDING DATE.	SHERMAN	07OCT96
YUKON QUEEN 1. NO FEDERAL FISHERIES PERMIT. 2. IMPROPER LOG KEEPING. 3. NOMCRATORIUM PERMIT ONBOARD.	SHERMAN	16SEP96

VESSELS BOARDED WITH FISHERY NO VIOLATIONS

ABBY	091396
ADAGIO	090896
ALASKA PATRIOT	100796
ALDEBARAN	100896
ALEUTIAN MARINE	113096
AMERICAN EAGLE	100896
ARCTIC FJORD	101696
ARCTIC MARINER	101996
ARICA	100596
BECKIE J	091096
BLUE	091096
BLUE DOLPHIN	091196
BLUE FIN	101296
BLUE HARVEST	092896
BOBBIE J	091096
BRAT	090896
C-JO	090896
CAPE FAIRWEATHER	091296
CATHY JEAN	090896
CHARITY	091096
CINNABAR	090896
COUGAR	093096
DAY BREAK	102596
DONNA C	091296
DOS NINAS	092996
DUKE	091096
EMMA C	102496
ESCAPE	091396
EVENING STAR	110696
FLYING SHARK	110396
FRONTIER SPIRIT	102196
GAVIA	091396
GOTA	092996
GRACE C	091196
GROUPEE	092396
IDA JUNE	091296
IRENE H	093096
ISLAND QUEEN	091696
JACKIE R	091696
KARI ANN	090896
KARIN LYNN	092696
KATIE J	110696
KELSEY DAWN	090896
KRUZOF	091296
KURO	091096
LONER	090196
LORY	091296
MARCO	110696

MEPPY	091396
MICHAEL L	102396
MIDNITE SUN	092696
MIN E	091396
MINE TOO	101796
MISS MINMAR	091296
MISTY DAWN	100896
MS. AMY	100896
MY SHADOW	090496
MYRNA ROSE	091396
NARWEAL	091396
NEW DAWN	090396
NORTHERN FURY	110896
NORTHERN VICTOR	102396
OCEAN BAY	101796
OCEAN PEACE	110296
ODIN	091196
PACIFIC ALLIANCE	100996
PACIFIC FURY	110296
PATRIOT	091396
PEGASUS	091396
POLESTAR	100296
RASCAL	091396
ROSA	091096
SAN DOLLAR	091396
SEA MINOR	092996
SHIRLEY N	091396
SIDNEY	090896
SOJOURN	100196
SOUTHERN CROSS	090896
STAMSUND	090896
STARDUST	090896
STRIKE	091996
SUNWARD	091296
SUPERIOR	090396
TEASER	090896
TERRIGAIL	091196
TRAVELER	100896
VE-LU	090896
WOOD HAULER	091296
YEN DUCER	090996



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UNITED STATES DEPARTMENT OF COMMERCE
N.O.A.A. / National Marine Fisheries Service
Alaska Enforcement Division
222 W. 7th Avenue, #43
Anchorage, Alaska 99513-7577

December 10, 1996

AGENDA ITEM B4

ENFORCEMENT REPORT FOR THE PERIOD 9/13/96 THROUGH 12/5/96

National Marine Fisheries Service
Alaska Enforcement Division

During the reporting period, a total of 155 cases were opened. NMFS initiated 130 of these investigations.

Further action was also taken on 186 pending cases during the reporting period. Fourteen investigations were closed as unfounded, one investigation was closed due to lack of evidence, two investigations were closed due to lack of Enforcement resources, and two investigations were dismissed for other reasons. Five cases were referred to other Regions or other agencies and one case was suspended. Twenty cases were handled with written warnings, and three Fix-it tickets were issued. Twenty-four cases were handled with summary settlement payments totaling \$25,732 and forfeited proceeds of \$19,803. A total of 100 cases were settled through voluntary abandonment of forfeited proceeds and property valued at \$48,421. Four cases were referred to NOAA General Counsel. General Counsel settled 10 cases for a total of \$39,250 in penalties.

IFQ PROGRAM

The 1996 directed IFQ season is complete. Landings from bycatch are still possible and we want to remind people with IFQ that are landing bycatch quantities from hook and line vessels they are still subject to IFQ regulations particularly for prior notice of landings and IFQ reporting.

The 2nd season statistics for enforcement have not been completed as of this meeting but a report will be made in time for the IPHC meeting. A very preliminary idea of how things went lead us to believe that the learning curve for the system has substantially flattened and compliance with many of the basic reporting regulations has improved.

The NMFS Office of Enforcement (Headquarters) is conducting a formal study of the Alaska Halibut-Sablefish IFQ system from an enforcement perspective and has contracted with the former Chief of Enforcement for the Washington State Department of Fisheries, Dayna Mathews.



Dayna will be conducting a literature review, statistical review and interviews with a variety of Federal, State and local governmental representatives, Council members, AP members, as well as a broad cross section of the industry, Non-Governmental Organizations, and interested members of the general public. It is anticipated that this report will help identify those areas where enforcement is working well and if there are areas where improvements can be made.

GENERAL MFCMA

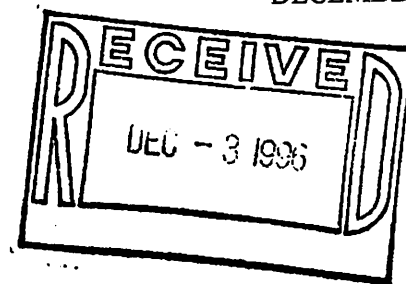
The NMFS and NOAA General Counsel has settled a closed area fishing violation involving the F/V Ocean Rover and it's owners Birting Fisheries, Inc. for approximately \$245,000 in proceeds from illegally caught pollock and a \$7,500 fine. The settlement was based upon the Corporation's self reporting of it's violation which occurred during the Pollock "B" season this year. Self-reporting of violations will be viewed in a more favorable manner then those who commit violations and try to cover them up.

In a separate matter, the Agencies also settled a case against Sewell Maddocks, operator of the F/V Constellation, and the O'Hara Corporation, owners of the vessel. This case involved the illegal interference and harassment of several observers and biasing observer sampling by pre-sorting prohibited species during the 1992-1993 time frame. The settlement was for \$150,000 with \$50,000 suspended for a two year period pending no similar violations during that same time frame.



CHIEF, OPERATIONS
UNITED STATES COAST GUARD
WASHINGTON, D.C. 20593-0001

NOV 21 1996



Dear Mr. *Lauber*,
Lauber

During the Council Chairs meeting in San Diego, many of the chairmen expressed interest in the outcome of the F/V HELJA case, which occurred in May in Monterey Bay. As you know, the operator, Mr. Jim Blaes, armed himself and refused to allow the Coast Guard to board his fishing boat. We defused the situation by not boarding, and passed the case to the U. S. Attorney for prosecution. He felt, as we did, that it was important to hold Mr. Blaes accountable for his extreme actions.

Mr. Blaes's case was heard last week, and he was convicted of two misdemeanors for impeding the boarding team by refusing to allow them on board. Sentencing is scheduled for February 3, 1997. We feel this sends the proper message to the public and hope this outcome will deter future confrontations of this nature. We will continue our efforts to ensure Coast Guard boarding officers are sensitive to the impact at-sea boardings have on commercial fishers' livelihoods.

I ask that, as possible, you assist the Coast Guard in spreading the word on the outcome of this case. As always, it was a pleasure to attend this summer's meeting; I look forward to seeing you all again next year in Puerto Rico.

Sincerely,

A handwritten signature in black ink, appearing to read "N. T. Saunders".

N. T. Saunders

Rear Admiral, U. S. Coast Guard

Mr. Richard B. Lauber
Chairman, North Pacific Fishery
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