

**NOAA Fisheries Office for Law Enforcement
Alaska Enforcement Division
Report to
The North Pacific Fishery Management Council**



January 2006 to December 2006

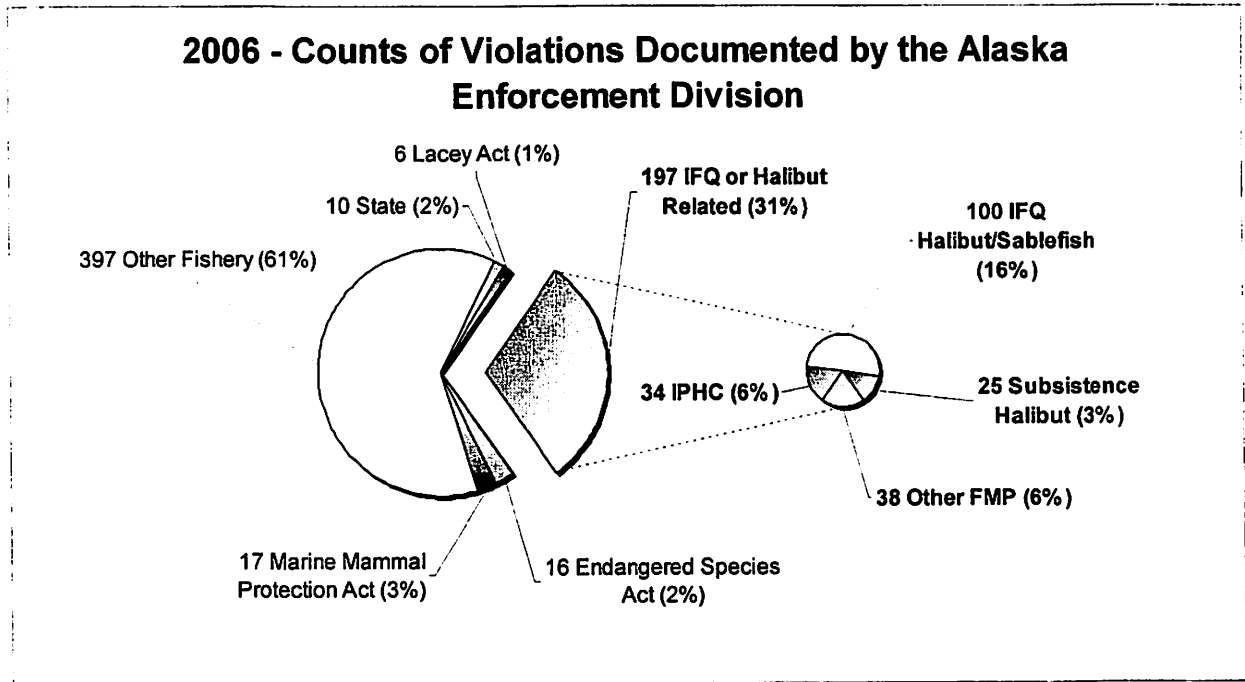
**NOAA Fisheries Office for Law Enforcement
Alaska Enforcement Division
P.O. Box 21767
Juneau, AK 99801**

**TO REPORT VIOLATIONS:
Call
1-800-853-1964**



INTRODUCTION:

The Alaska Enforcement Division (AKD) opened 643 cases in 2006. These cases were mainly recordkeeping and reporting violations, but they also included seabird avoidance gear, gear marking, and permitting issues.



STAFFING

The Alaska Enforcement Division currently has billets for 17 Special Agents, 15 Enforcement Officers, 8 Supervisors, and 9 Administrative staff. At the beginning of December 2006, 1 Supervisory Special Agent, 6 Special Agent and 4 Enforcement Officer positions were vacant. Because of the Continuing Resolution, we have not been able to fill those positions.

MAJOR CASES

NOAA General Counsel (GCAK) issued a \$25,000 NOVA to the owner of the F/V BRAVADO and 3 IFQ permit holders for three counts of falsely reporting the area they harvested IFQ halibut and sablefish, failing to produce a logbook, and several other violations. A long-line signature pattern was created using VMS data to prove one count of falsely reporting the area fished. This was an anomalous fishing pattern detected by VMS the very first year (2003) the IPHC VMS exemption was implemented.

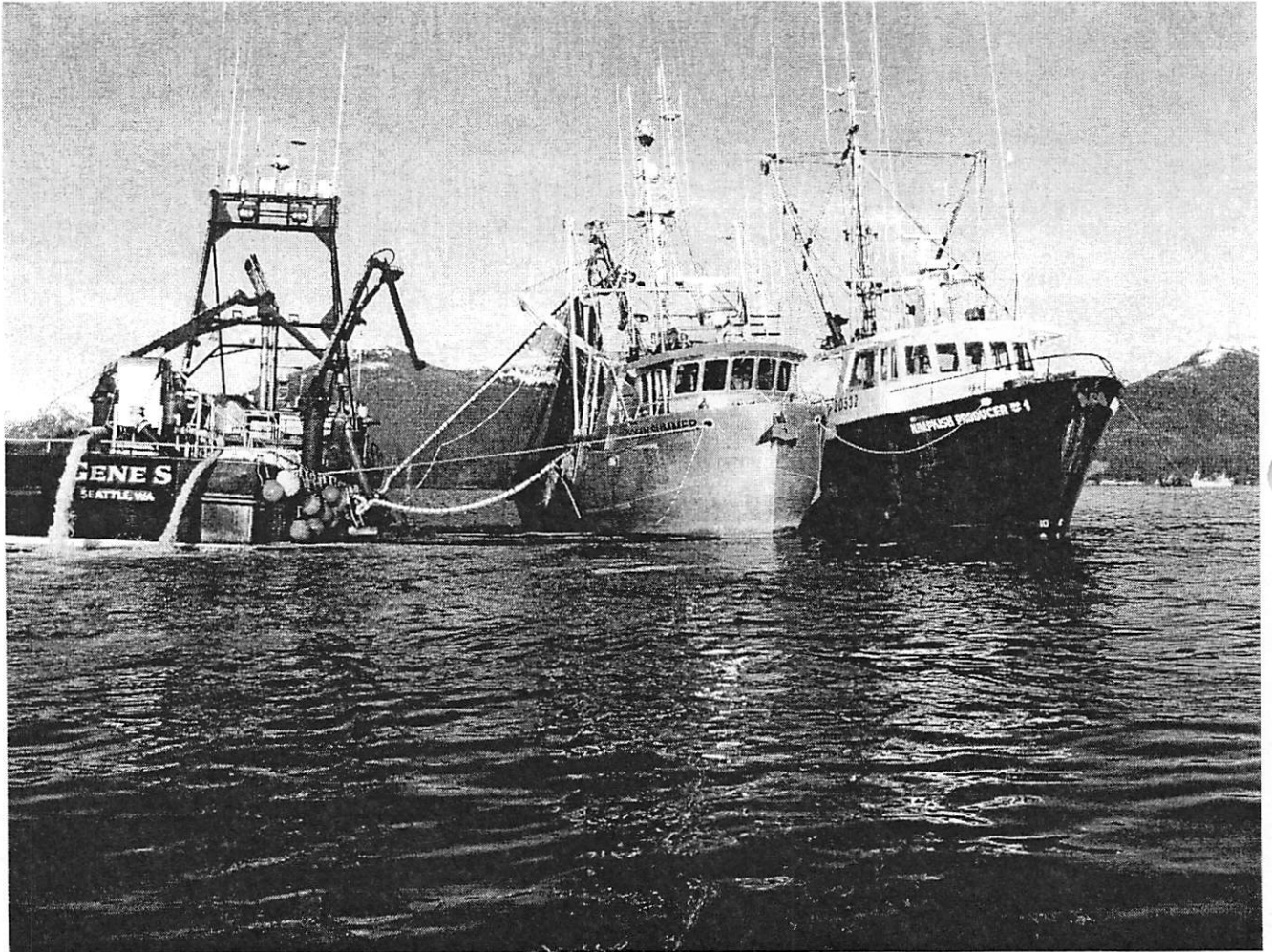
GCAK issued a \$26,615 NOVA to the F/V OCEAN HOPE 3 for missing observer coverage over two quarters, failing to discard halibut, and other violations. The violation was first noticed by CGC RUSH and report to NOAA OLE.

GCAK issued a \$15,000 NOVA to a NMFS Certified Observer for forcibly assaulting and intimidating/harassing another NMFS Certified Observer in October 2005 at a bunkhouse in Anchorage, Alaska. It is alleged the defendant, while intoxicated, attempted to wrap his arms around the victim, attempted to kiss the victim, did kiss the victim, and suggested he and the victim have sex together.

A nine member team consisting of NOAA OLE and USFWS served three consecutive search warrants at a business, a work shop and a residence. The focus of the warrants was illegal baleen being worked and sold by non-Alaska Natives. The search warrants resulted in the seizure of approximately 2,586 items made from marine mammal parts (104 pieces of raw bowhead baleen, 52 pieces of raw humpback baleen, 43 pieces of minke baleen, 1,171 carved and polished baleen items, and 61 pieces of walrus bone and ivory). The value of the seized items, as reported by the business owner, is approximately \$50,000.00.



AKD seized the herring purchased by 2 Canadian tender vessels receiving U.S. catch during the 125 minute Sitka Sound sac roe opener in March, 2006. Alaska State Troopers and USCG boarded the two vessels during the fishery and determined (with the help of AKD) the vessels to be in violation of receiving fish outside of a designated port, roadstead or internal waters. The NIMPKISH PRODUCER #1 (shown below) unlawfully received ~75MT of herring 1.43 NM outside of the port of Sitka. The WESTVIEW #1 unlawfully received ~35MT of herring 0.68 NMF outside of the port of Sitka. After grading and retro-valuation, the herring price is could average \$450/MT. The final price will not be fixed for another couple months.



HIGHLIGHTS OF PRIORITY ISSUES:

1. OBSERVER-RELATED OFFENSES

Support for the North Pacific Observer Program (NPGOP) continues to be a high priority for the AKD. As in past years, numerous AKD SA's and EO's worked significant observer-related cases.

In 2006, the total number of observer generated affidavits decreased by approximately 9% when compared to 2005 (see table below). Of the 2006 affidavits, 161 cases were initiated. Also, a total of 249 affidavits were sent directly to the US Coast Guard from the NPGOP compared with 266 forwarded in 2005.

The following table shows the category and number of affidavits received in 2006 and 2005.

Violation Category	2006	2005
Contractor problems	4	8
Failure to notify	39	58
Harassment (sexual)	2	5
Harassment (assault)	0	1
Harassment (intimidate/interfere)	13	20
Harassment (other)	9	11
Inadequate accommodations	11	9
IR/IU	12	17
Marine mammal (other)	2	1
Marine Mammal (feeding and harassment)	0	5
MARPOL / oil spill	32	35
Miscellaneous	28	24
MSCDQ	18	11
Prohibited species (mishandling)	42	51
Prohibited species (retaining)	3	3
Record keeping and reporting	27	30
Reasonable assistance	14	16
Restricted access	7	4
Safety (NMFS)	24	18
Safety (USCG - equipment)	17	22
Safety (USCG - fail to conduct drills)	61	89
Safety (USCG - marine casualty)	127	112
Sample Bias (other)	4	4
Sample Bias (groundfish)	5	4
Sample Bias (seabirds)	2	1

Violation Category	2006	2005
Seabird (lack of avoidance)	13	9
Seabird (other)	2	3
Seabird (harassment)	1	2
TOTAL	519	574

The largest complaint categories in 2006 remained Failure to Notify and Prohibited Species Mishandling. However, both areas improved significantly when compared with 2005. Other notable decreases occurred in the categories of Contractor Problems, Marine Mammal Harassment, and Observer Harassment.

Overall, the seriousness of most violation types reported by observers has decreased over recent years. This is presumably the result of observer training; observer interaction with crew and vessel operators, and AKD enforcement and Community Oriented Policing and Problem Solving (COPPS) efforts.

2. COOK INLET BELUGAS

A total of 15 Alaska Enforcement Division (AKD) Enforcement Officers and Special Agents contributed over 1300 hours of patrol, investigation, and Community Oriented Policing and Problem Solving (COPPS). Traditional law enforcement methods utilized investigations of stranded beluga whales along with air, land, and sea patrols to detect and to deter any illegal harassment or takes of beluga whales in and about Cook Inlet. Additionally, federal, state, and local officers and agents of five law enforcement agencies supported various activities of Operation Beluga Watch. COPPS law enforcement methods provided crime prevention outreach and education at events, shows, and activities for public involvement.

The Agreement between the National Marine Fisheries Service (NMFS) and the Cook Inlet Marine Mammal Council (CIMMC) for the Co-Management of the Cook Inlet Stock of Beluga Whales 2006: This agreement applies to all beluga whales, otherwise known as the Cook Inlet stock of beluga whales, occurring in waters of the Gulf of Alaska north of 58 degrees North latitude including but not limited to, Cook Inlet, Kamishak Bay, Chinitna Bay, Tuxedni Bay, Prince William Sound, Yakutat Bay, Shelikof Strait, and off Kodiak Island, and freshwater tributaries to those waters. The agreement provided one strike to the village of Tyonek (NVT). No strike to the Alaska Native Marine Mammal Hunter's Committee (ANMMHC).¹

¹ A strike is defined as hitting a whale with a harpoon, lance, bullet, or other object. Upon striking a whale, subsequent strikes on that same whale are not counted against the strike limit.

AKD Performance Goals For 2006

AKD Performance Goals for 2006		
Activity	Projected Hours for 2006	Actual Hours for 2006
Patrol high threat areas	200	293
Conduct Surveillance and Investigation	100	104
COPPS Outreach and Education	125	890
Total	425	1,325

AKD performance goals for 2006 were achieved and exceeded for patrolling, conducting surveillance and investigation, and COPPS outreach and education. Patrols in high threat areas were assisted by US Fish and Wildlife agents and Alaska State Troopers. The focus for 2006 was an increased effort in crime prevention and education.

Significant Events of 2006

A. ONE STRIKE PERMITTED IN 2006

Only the NVT was permitted to harvest a CI beluga whale, however, their hunting was unsuccessful and no whale was taken in 2006. The ANNMHC was not permitted to harvest a CI beluga whale in 2006.

B. COOK INLET BELUGA STOCK STRENGTH

PRD's June 2003 count of Cook Inlet beluga whales produced only 313 animals, some 73 animals less than the count in 2001. Although this number was lower, it was still within the acceptable range of 248 to 396 beluga whales estimated for the Cook Inlet stock. No count was conducted in 2004. The count for 2005 was 278 animals and 302 for 2006.

3. CRAB

Special Agents have been assigned to Dutch Harbor since October to monitor crab offloads. One Agent went on the State patrol vessel STIMSON for a 4 day patrol. Agents and Alaska State Troopers visited Akutan and King Cove. Agents and Troopers audited the entire offloads from two catcher/processors.

The 2006 Bristol Bay red king crab season opened at noon on October 15, 2006. Approximately 81 boats landed red king crab to date (down from 89 last year).

The eLandings reporting system for shoreside processors worked much better than last year. eLandings continues to be a problem for the at-sea fleet (catcher/processors and stationary floating processors). We continue to work with industry to make the system work.

The number of overages has increased for 3 of the 4 species from last year.

	2005-6	2006-7
Eastern & Western Aleutian Golden King	1	2
Bristol Bay Red King	8	10
Bering Sea Snow	6	TBD
Eastern & Western Bering Tanner	1	2+
Total	16	14+

This is especially noteworthy because more QS holders joined co-ops for 2006-7 and thus there are fewer IFQ holders. Also worth noting is that the Bering Sea snow crab and Tanner crab fishing has not started in earnest for this year. The increase in overages may be due to the fact that there are no carryover provisions. Any IFQ that is not harvested is lost. Because fishermen are not assessed a penalty until they go over more than 3%, this may have created the incentive to exceed quotas.

AKD staff worked with ADFG and NOAA SF staff to finalize procedures for reporting and handling of overages and catch seizures under the new Interagency Electronic Reporting System (IERS).

4. STELLER SEA LION PROTECTION MEASURES

Rookery no-transit incursion violations continue at a rate similar to the last two years. Outreach efforts continue and are necessary to keep this issue in front of industry.

As an example of one case: VMS detected a fishing vessel in the Marmot Island Steller sea lion no-fish area. At AKD's request a USCG helicopter was routed over the area and located the vessel in the closed area, adrift and not responding to the radio. After the helicopter departed, VMS detected that the vessel was moving again. A second over-flight was requested and the USCG helicopter located and observed the vessel retrieving gear in the closed area. The vessel operator was directed to shake the remaining gear and immediately return to port. Agents boarded the vessel upon its return to port and seized and sold the catch of 6,146 pounds of Pacific cod.

5. SEABIRD AVOIDANCE

We are still finding minor compliance issues with the avoidance gear. There are no major incidents to report. We continue to work with vessel captains to bring them into compliance.

6. RECORD KEEPING AND REPORTING

AKD and the USCG provided training to Alaska State Troopers and Public Safety Technicians as part of our Joint Enforcement Agreement (JEA). A large part this training focused on determining compliance with the numerous Recordkeeping & Reporting requirements. This training occurred in both the formal setting (USCG Training Center) and in field operations with AKD's JEA Liaison officer. Training and equipping our partners have aided greatly in our ability to monitor and correct compliance in this area. There are no major issues with compliance for the record keeping and reporting requirements.

7. SUBSISTENCE HALIBUT

There were 24 document violations of the NOAA regulations that govern subsistence halibut fishing in Alaska.

Violations of the NOAA Subsistence Halibut Fishery Regulations:

- * Non-qualified person applied for SHARC - 13
- * Improperly marked subsistence buoys - 3
- * Subsistence fishing without SHARC - 3
- * Sale of, or attempted sale of, subsistence harvested halibut into commercial market - 5

AKD personnel initiated several investigations for Subsistence Halibut Registration Certificate (SHARC) fraud violations that were discovered during an audit of permits.

8. IFQ SPECIFIC

There were 7533 IFQ Halibut Vessel Offloads of which 7121 IFQ Halibut and 1695 CDQ Halibut Landings were documented.

There were 9068 IFQ Prior Notification of Landing (PNOL's) documented by the IFQ Data Clerks.

In 2006, the Alaska Enforcement Division (AKD) investigated 197 IFQ or Halibut Act violations.

There were 8 documented violations of the IPHC regulations that govern sport harvested halibut in Alaska.

There were 26 documented violations of the IPHC regulations that govern commercially harvested halibut in Alaska.

There were 100 documented violations of the NOAA regulations that govern commercial IFQ² fishing for halibut and sablefish in Alaska.

There were 38 documented violations of the NOAA regulations that govern commercial ground fish fishing that affect the halibut resource in Alaska.

There were 8 Verbal Warnings, 31 Written Warnings and 6 Fix-It Warnings issued by AKD Special Agents and Enforcement Officers for IFQ and IPHC violations in 2006.

Below are some examples of the types of halibut violations that the Alaska Enforcement Division investigated in 2006.

Violations of the NOAA IFQ regulations:

IFQ Halibut Overages

- * 26 Total for season

Prior Notice of Landing (PNOL) violations -

- * No PNOL - 9
- * Inaccurate info provided on PNOL - 9

IFQ Landing Report violations

- * No IFQ Landing Report submitted - 1
- * Inaccurate info provided on IFQ Landing Report - 19

IFQ Permit violations

- * IFQ Permit holder or permit not onboard vessel - 7

Violations of the IPHC Commercial Halibut Fishery Regulations

- * Logbook Violations – 6
- * Retaining Undersize Halibut – 3
- * Mutilating or Filleting Halibut onboard a commercial fishing vessel – 4
- * Improperly marked or unmarked buoys – 6
- * Area 4 Vessel Clearance violations – 2

Violations of the IPHC Sport / Charter Halibut Fishery Regulations

- * Exceed daily bag limit – 5
- * Possess sport caught halibut with commercially harvested halibut – 3

Violations of the NOAA Groundfish Regulations that affect the Halibut resource

- * Failure to carefully release (puncture, gaff, or strip) halibut from hook - 38

² Number includes IFQ halibut and IFQ sablefish violations. The violation documented is non-species specific, it is not possible to determine how many violations were documented on persons engaged solely in the halibut fishery.

The Alaska Enforcement Division and State of Alaska personnel (via the Joint Enforcement Agreement) increased the number of 2006 IFQ vessel boardings by 183 over 2005 levels. Vessel Inspections, Audits and Educational Outreach continue to be major components of the IFQ enforcement strategy.

Commercial Vessel Boardings

There were 1473 individual vessels which completed 7533 IFQ & CDQ Halibut Vessel Offloads³ in 2006. A total of 887⁴ IFQ vessel boardings were conducted in Alaska in 2006.

	IFQ Inspections	IFQ Audits ⁵	IFQ COPPS Contacts	Agency Total
NOAA Completed	145	11	10	166
JEA Completed	600	113	8	721
Total	745	124	18	Grand Total 887

Sport, Subsistence and Charter Vessel Boardings

In 2006, halibut sport-fishing, halibut charter fishing and halibut subsistence fishing vessels were also boarded in Alaska by NOAA and State personnel.

	Sport Fishing Boardings	Charter Fishing Boardings	Subsistence Fishing Boardings	Agency Total
NOAA Completed	34	14	4	52
JEA Completed	3	1	0	4
Total	37	15	4	Grand Total 56

Facility Inspections

In 2006, AKD personnel conducted 2 audits of shore side facilities in Alaska that receive process or ship IFQ halibut.

³“Vessel Offload” is the removal of fish from a harvesting vessel to (or by) a specific Registered Buyer on a particular date/time.

⁴ Number includes IFQ halibut and IFQ sablefish Vessel boardings. Vessel boardings are non-species specific and are intended to ensure compliance with all federal fishing regulations. For example: A vessel boarding conducted on a vessel offloading only IFQ sablefish will be checked for compliance with all IFQ and IPHC regulations.

⁵ An IFQ Audit consists of a vessel boarding with a full audit of all fish, permits, logbooks, etc. specific to that offload. An audit includes monitoring the offloading of fish from beginning to end. An IFQ Inspection does not include monitoring the entire offloading process. An IFQ COPPS Contact is a short interaction between authorities and the vessel operator intended primarily to answer the operator’s questions and to provide regulatory information.

9. MARITIME BOUNDARY FOREIGN FISHING VESSEL SEIZURES

AKD Enforcement Officers participated in the annual 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 detected engaged in illegal large-scale driftnet fishing for salmon in the NPAFC Convention Area. At least 26 vessels suspected of high seas driftnet fishing were sighted in 2003, 22 vessels in 2004, 23 vessels in 2005, and 89 vessels in 2006. Unfortunately, the Parties were unable to investigate and positively identify many of these vessels because of their remote location.

10. MARINE MAMMALS and ENDANGERED SPECIES

AKD staff participated in the Alaska Stranding Network Meeting and the Alaska Volunteer Stranding Network Meeting in Anchorage. AKD used both of these opportunities to offer and deliver training to each group's membership.

COMMUNITY RELATIONS

AKD's outreach and community relations mission revolves around the enforcement priorities. The following are examples of work performed in 2006.

Two Special Agents and an Enforcement Officer attended a public meeting presented by NMFS Sustainable Fisheries regarding the new Gulf of Alaska (GOA) Rockfish Pilot Program. The program begins in 2007 and ends in 2008. The program primarily impacts the GOA rockfish trawl fleet and implements several new monitoring and enforcement issues.

Special Agents and an Enforcement Officer hosted a multi-agency law enforcement meeting to discuss operational needs and sharing of assets. Attending the meeting were 17 supervisors, agents, and officers of the Alaska Department Natural Resources, DEA, USCG, Alaska State Troopers, Elmendorf Air Force Base Management Conservation Agents, Alaska Railroad Corporation, and US Fish and Wildlife Service. Each agency gave a short introductory brief concerning their operations, and availability of personnel and assets. The group was also briefed the group on Operation Beluga Watch and distributed field booklets that identified persons of interest.

A Supervisory Special Agent participated in a conference call and discussed options for dealing with increasingly aggressive Steller sea lions in Petersburg. The city prepared a five step plan, including moving fish cleaning stations, and passing a local ordinance making discards of fish waste into the harbor unlawful.

An Enforcement Officer and a supervisory Special Agent presented a workshop for local fishermen on marine mammal deterrence methods and regulations. The majority of the attendees were salmon setnet fishermen. The session was very favorably received by the attendees. The

interactive session discussed what has been tried, what methods were successful, what failed, and legal issues.

A Special Agent attended the annual meeting of Registered Buyers, fishermen and quota managers of Coastal Villages Region Fund, in Bethel. CDQ halibut landing requirements and procedures, past violations/problems and resolutions, and plans to develop two new village halibut fisheries were presented and discussed. Due to these meeting, the compliance rates of the CVRF CDQ halibut fisheries has risen every year.

A Special Agent facilitated and presented a marine wildlife viewing meeting in Juneau jointly with the University of Alaska and NOAA Fisheries Protected Resources. Twenty three local residents representing marine tour operators, sport fishing and sightseeing operators and aerial sightseeing operators attended. Topics discussed included MMPA and ESA regulations, marine mammal viewing guidelines, Juneau Tourism Best Management Practices draft guidelines, marine mammal disturbance awareness and response, natural history and ecology of Steller Sea lions in the Juneau area (NOAA Fisheries Auke Bay Lab), Steller sea lion observations in Tracy Arm (USFS) and distribution of a new AK Sea Grant publication, "Seas and Coasts".

An Enforcement Officer and an Intern met with the Research Coordinator for the Alaska Sea Otter and Steller Sea Lion Commission and discussed outreach issues in Alaska Native villages. Among the topics were native handicraft, stranding salvage, illegal activities with marine mammal parts, and a school education program.

Special Agents and an Enforcement Officer conducted a meeting to review possible underlying causes for non-compliance with the Fur Seal Act on St. Paul Island in the Pribilof Islands. An outreach and education program for 2007 was discussed and presented to NMFS Protected Resources Division.

A Special Agent collaborated with NOAA Fisheries PRD in Alaska and the Northwest to develop an effective method to educate the public and user groups about marine mammal viewing regulations and guidelines in Southeast Alaska.

A Special Agent gave a presentation to over 30 conservation officers of Elmendorf Air Force Base and Fort Richardson concerning Operation Beluga Watch. The presentation involved training on the MMPA, ESA, and the Lacey Act.

As in previous years, Special Agents and Enforcement Officers staffed booths at Sitka's 10th Annual Whalefest, Comfish, Great Alaska Sportsmen Show, and the Valdez Sea Side Expo.

A Special Agent and an Enforcement Officer staffed an AKD information booth at the Alaska Federation of Natives Youth Conference in Anchorage. The booth provided outreach on Native handicraft issues, marine mammal subsistence hunting, and general outreach on the role NOAA Fisheries.

A Special Agent attended the pre-season meeting of the members of Advanced Harvesters Crab Cooperative meeting. He addressed regulatory issues and answered questions from the membership. Several of the members publicly voiced praise for the pro-activity and professionalism of NOAA Enforcement's approach to the new crab program.

A Special Agent was the guest speaker for the North Pacific Regional Fisheries Training Center resident course. The audience consisted of USCG operations officers and boarding team officers of Alaska based USCG Alaska patrol vessels. The agent addressed NOAA Fisheries OLE's mission and collaboration on fisheries law enforcement patrols, as well as IFQ specific topics.

Two Special Agents participated in a panel discussion at the Alaska Museum Conference in Juneau. The topics of discussion were marine mammal and endangered species parts in art and museum pieces. The panel also consisted of participants representing NOAA General Counsel, USFWS enforcement, USFWS Permitting, Alaska Department of Fish & Game Permitting and The Museum of the Aleutians.