

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



January 2009 to June 2009

**NOAA Fisheries Office for Law Enforcement
Alaska Enforcement Division
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**TO REPORT VIOLATIONS:
Call
1-800-853-1964**



INTRODUCTION:

AKD personnel have been reaching out to halibut charter fishing vessel operators to ensure they are aware of the most current IPHC and NOAA regulations regarding sport/charter halibut harvests.

HIGHLIGHTS OF PRIORITY ISSUES:

1. OBSERVER-RELATED OFFENSES

The number of observer statements received from the North Pacific Groundfish Observer Program has increased over the last year and a half. The increase is primarily attributed to catch monitoring and sampling concerns in the Amendment 80 fisheries. Many statements record no violation, minor violation(s), and/or mitigated violations. AKD continues to utilize observer statements to define regulation and policy concerns; to identify violation trends; and to compel compliance through investigations, COPPS, and law enforcement actions.

In anticipation of Am 91 and based on current fishery trends, the AKD has identified several high priority areas including failure to notify observers of bringing fish onboard; catch monitoring; interference and sample bias; and observer harassment, intimidation and hostile work environment.

AKD encourages vessel owners and operators to post the warning sign provided with the triennial Federal Permit mailings and available on the web at:

http://alaskafisheries.noaa.gov/sustainablefisheries/observers/harassment_warning.pdf

2. COOK INLET BELUGAS

There have been no significant events involving Beluga Whales so far this year.

3. STELLER SEA LION PROTECTION MEASURES

During the period, 16 investigations were opened on vessels unlawfully transiting through no-transit areas adjacent to Steller Sealion rookeries. Despite increased outreach efforts, this number represents an increasing trend over the same period from the previous 2 years. As in the past, specific rookeries account for a large number of these violations. These include Sugarloaf Island, Marmot Island, and the SSL rookeries in the vicinity of Unimak Pass. Vessel owners and operators are encouraged to insure they are aware of the locations of these no-transit areas. A table defining these areas may be obtained at the Alaska region website.

A Western Alaska based marine mammal tour operator is being investigated for alleged ongoing unlawful approach and marine mammal harassment incidents. OLE has received complaints

from the public regarding this operator, and this operator has received prior warnings from OLE regarding the conduct of their business relative to approaching marine mammals.

4. RECORD KEEPING AND REPORTING

Tri Fish LLC, Barry McKee and Michael Lang, owners of the Alaskan fishing vessel TRIDENT, have agreed to pay \$10,000 for the false reporting of areas fished by the master of their vessel. Michael Lang also had all of his Bering Sea and Aleutian Islands sablefish IFQ suspended for the 2010 fishing season, and Barry McKee had all of his Aleutian Islands sablefish IFQ suspended for 2010. Both McKee and Lang had their hired skipper privileges revoked for one year. Under a separate settlement agreement, the vessel operator, Kenneth Spjut, is barred from serving as the captain of a fishing vessel on the west coast of the United States for five years.

In a separate enforcement action, an IFQ permit holder was cited for falsely reporting where the vessel fished, paid an \$8,265 penalty, and had 2,000 pounds of his Western Gulf sablefish suspended for one year. The total value of penalties and sanctioned IFQ/quota shares in the two cases is approximately \$260,000.

The numbers of trawl groundfish MRA overages have generally increased over the same period in previous years. These increases are significant, especially in light of the increased MRA allowances based upon GOA Arrowtooth flounder targets, which became effective this year.

During the 2008 GOA pollock "A" season, a high percentage of the fleet experienced large "overages" of "forage species", specifically eulachon. After researching the issues involved, NOAA OLE issued written warnings for these overages. Following the fishery, OLE conducted an extensive outreach effort with the trawl fleet and industry groups, advising warnings would not be given if these overages continued during 2009, and requesting appropriate industry response. During the 2009 "A" season, vessel operators reported they had developed gear modifications and other responses, and the numbers of "forage species" overages were significantly reduced. A shoreside processor is being investigated for purchasing overages of forage species, and processing the fish into products other than fish meal.

The operator of the trawl vessel MARCY J was assessed an \$8000 penalty for several consecutive trawl landings during which high numbers of Pacific halibut (a prohibited species in groundfish fisheries) were not sorted from the catch and discarded at sea.

5) HALIBUT PROGRAMS

Due to a late discovered defect in the regulations implementing the subsistence halibut regulations, only residents domiciled within the "City of Kodiak" are currently eligible for subsistence halibut permits. Many permits were previously issued to those domiciled in the Kodiak Island Borough area; some of these still show "valid" dates. OLE has taken an outreach and education approach to inform the community and USCG base residents of this situation. This corrected regulation is expected to be re-issued prior to the 2010 fishing season.

6) CLOSED AREA VIOLATIONS

AKD cited the captain of a longline vessel for Pacific cod directed fishing inside the Steller sea lion protection area at Marmot Island. The USCG assisted in the case. A partial catch of 5,319 pounds of Pacific cod worth \$2,217.67 were seized. In addition, a \$1,000 suspended penalty was imposed.

Based upon concerns expressed by Bristol Bay communities, NOAA OLE has been working collaboratively with Northern Bristol Bay communities and the Amendment 80 trawl industry. During the 2009 fishing season, OLE and USCG have conducted both aerial and surface dedicated patrols within the Nearshore Bristol Bay Closure Area, and the area of lawful Yellowfin sole trawling within the no-trawl area. No violations have been noted by the date of this report.

7) CRAB RATIONALIZATION PROGRAM

AKD is investigating a crab boat for landing Bering Sea snow crab on a north region IFQ permit at a south region processor. Ice conditions are reported to have been a factor in this delivery.

8) INTERDICTION OF ILLEGAL FOREIGN FISHING ACTIVITY

NOAA OLE will defer to USCG to report significant activity in this area for the first part of 2009.

9) BSAI GROUND FISH

Nothing significant to report in this area.

COMMUNITY RELATIONS

An OLE supervisor attended the annual pre-season "Skipper's Meeting" of the Best Use Cooperative, and the annual pre-season meeting of the Alaska Whitefish Trawlers Association, where enforcement priorities and concerns were addressed. These types of collaborative efforts provide an effective forum for communication and education, and are strongly supported and encouraged by OLE.

Kodiak OLE staffed a booth at "Comfish", Alaska largest fishing industry trade show. OLE promoted and distributed copies of NOAA's "MapViewer" software. This useful program, (which is also accessible via the Alaska Region web page), is an interactive program detailing federal closed areas within Alaska.

OLE staffed a booth during “Whalefest”, in Kodiak. This event focuses on the northward Grey whale migration. OLE uses Whalefest to promote responsible and lawful marine mammal viewing practices.

Kodiak OLE staffed a booth during ADFG’s “Salmon camp”. By popular demand, OLE presented their marine mammal “bone table”, where local elementary school kids got to hold various bones, teeth and baleen, as they learned about mammal biology and applicable regulations

SAs and EOs staffed a COPPS both at the 2009 Juneau Rotary Boat show in Juneau, AK. Over 300 people were contacted and provided with commercial, sport, subsistence and charter halibut fishing information as well as marine mammal viewing information.

SAs met with owners and operators of most of the major marine wildlife viewing and tour companies in Juneau to discuss marine mammal viewing regulations and guidelines.