



ALASKA DEPARTMENT OF FISH AND GAME
REPORT TO THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
June 2012

Fisheries managed by the State of Alaska since the last council report includes those for crab and groundfish.

Aleutian Islands Golden King Crab (FIGURE 1)

The 2011/12 Area O (Aleutian Islands) commercial golden king crab fishery opened August 15, 2011. The total allowable catch (TAC) is 5.985 million pounds and is apportioned east and west of 174° W longitude with the eastern TAC set at 3.15 million pounds and the western TAC set at 2.835 million pounds.

As previously reported, the TAC has been fully harvested in the eastern Aleutians Islands. The western Aleutian Islands TAC has also now been fully harvested (last delivery was in mid April). The regulatory closure date for the Aleutian Islands golden king crab fishery is May 15.

Bering Sea Snow Crab (FIGURE 2 & 3)

The Bering Sea snow crab fishery opened on October 15, 2011 and closes, by regulation, on May 15 in the Eastern Subdistrict (east of 173° W longitude) and May 31 in the Western Subdistrict. Throughout a large portion of the snow crab season, record sea ice coverage significantly reduced available fishing grounds. On May 8, 2012, the State extended the snow crab season in waters of the Eastern Subdistrict between 171° W longitude and 173° W longitude through May 31, 2012, noting that nearly 25 percent of the snow crab TAC had not been harvested. The season for the area west of 171° W longitude was again extended on May 15, 2012, through June 15, 2012 given that sea ice coverage persisted into mid May further hampering harvest efforts. The State also waived the 72-hour delivery requirement for snow crab for the remainder of the 2011/12 season.

As of Tuesday, June 5, approximately 92% of the 88.894 million pound 2011/12 snow crab TAC has been harvested (~81 million pounds). Forty vessels are currently active in the fishery and last week 39 vessels made 48 deliveries and landed a total of 7.4 million pounds. Catch per unit of effort (CPUE or catch per pot lift) was 329 crabs per pot, which is the highest weekly CPUE all season, average CPUE for the season is 195 crabs per pot lift. The sea ice no

longer appears to be hindering fishing activity. Given the current catch rates and fleet size, it appears that the fleet will be able to fully harvest the TAC by June 15.

Central Region Pacific Cod

Cook Inlet (FIGURE 4)

The GHL for the Cook Inlet Area was set at 4.7 million pounds, a 6% increase from last year. The GHL is allocated 85% to pot gear (4.0 million pounds) and 15% to jig gear (0.7 million pounds). Pot vessels larger than 58 feet are limited to 25% of the total GHL (~1.2 million pounds) prior to September 1.

The state-waters pot season opened at noon on February 11, 24-hours after the closure of the Central Gulf of Alaska A-season pot fishery. The fishery closed to pot vessels on March 29. Total pot fishery harvest was just over 4.0 million pounds.

The state-waters jig season in Cook Inlet opened at noon on March 7, 24-hours after the closure of the CGOA federal A-season jig fishery. Thirty-one vessels have registered for the jig/hand troll fishery and to date have harvested just under 189,000 pounds.

Westward Region Pacific Cod

Kodiak Pacific Cod (FIGURE 5)

The 2012 state-waters GHL for the Kodiak Area is 15.69 million pounds and is allocated 50 percent to mechanical jig and hand troll gears and 50 percent to pot gear, or 7.845 million pounds each. The Kodiak Area is designated as an exclusive registration area for Pacific cod.

The state-waters pot fishery opened on February 17, seven days after the CGOA federal A-season pot fishery closure, and closed on March 1, as previously reported.

The state-waters jig fishery opened at noon on March 8, 48-hours after the CGOA federal A-season jig fishery closure, and closed on May 23, 2012. Total harvest by 147 vessels was 7.9 million pounds (101% of the GHL).

Chignik Pacific Cod (FIGURE 6)

The 2012 GHL for the Chignik Area is 10.98 million pounds, with pot vessels targeting 90 percent of that amount (9.88 million pounds). The area is designated superexclusive registration for Pacific cod and vessels may not exceed 58 feet in overall length.

The state-waters pot season opened on March 7, seven days after the CGOA federal A-season pot fishery closure. The fishery closed on March 28 and 23 vessels harvested a total of 10.23 million pounds.

The state-waters jig fishery opened by regulation on March 15. The Western GOA parallel jig season that overlaps with the Chignik Area (state waters east of Kupreanof Point) closed March 14 at 11:59 p.m. Three vessels have harvested a total of 87,000 pounds and the fishery remains open.

South Alaska Peninsula Pacific Cod (FIGURE 7)

The 2012 GHL in the South Alaska Peninsula (SAP) Area is 15.45 million pounds, with 85 percent targeted by pot gear (13.13 million pounds). A 58-foot vessel length limit is in effect and the area has an exclusive registration designation.

The state-waters pot season opened at noon on March 7 and closed on March 22, as previously reported.

The state-waters jig fishery was initially scheduled to open on March 19, 48-hours after the WGOA jig sector closed. Due to weather delays, the fishery opened at noon on March 21, 2012. Fourty-seven vessels have registered to fish and current harvest is just under 2.0 million pounds.

Aleutian Islands Pacific Cod (FIGURE 8)

The 2012 GHl for the Aleutian Islands District state-waters Pacific cod fishery is 20.77 million pounds. The A season opened January 1, between 175° W long. and 178° W long. to vessels 60 feet overall length (OAL) or less using pot, jig, and non-pelagic trawl gear and vessels 58 feet OAL or less using longline gear. Beginning noon March 4, the state-waters A season was expanded to include all state waters west of 170° W long. and opened to vessels 125 feet or less OAL using pot gear, vessels 100 feet OAL or less using trawl gear, and vessels 58 feet or less OAL using longline and jig gear.

Daily catch reporting is required for all vessels and the daily harvest limit is 150,000 pounds round weight, with a maximum of 150,000 pounds of unprocessed Pacific cod on board a vessel at any time.

Stellar sea lion closures in place prior to 2011 are in effect during the state-waters Pacific cod season with an additional 3-mile fishing closure around the Kanaga Island/Ship Rock rookery.

There are currently 2 active vessels in the fishery (both pot vessels). Total catch to date is approximately 11.2 million pounds, with approximately 3.3 million pounds of the A season TAC remaining to be harvested. Pot harvest dropped off for a short time (about a week) but picked back up to relatively good fishing.

The state-waters A season GHl is not anticipated to be taken by June 10, when the state-waters B season will open. Therefore the A season will close on June 10 and the B season will open immediately after, with approximately 3.3 million pounds being rolled over from the A season to the B season GHl, for a total B season GHl of 9.6 million pounds. All vessels will be limited to 60 feet OAL for the B season, until August 1, when pot vessels may be up to 125 feet OAL.

Figure 1

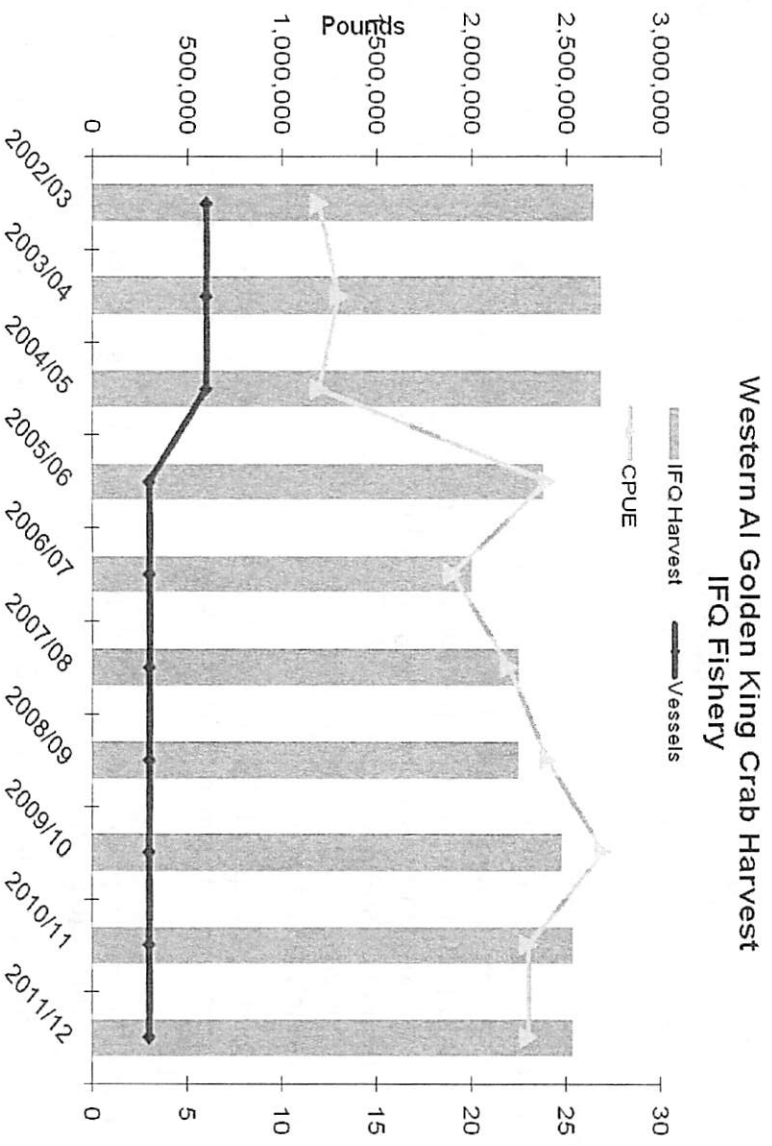


Figure 2

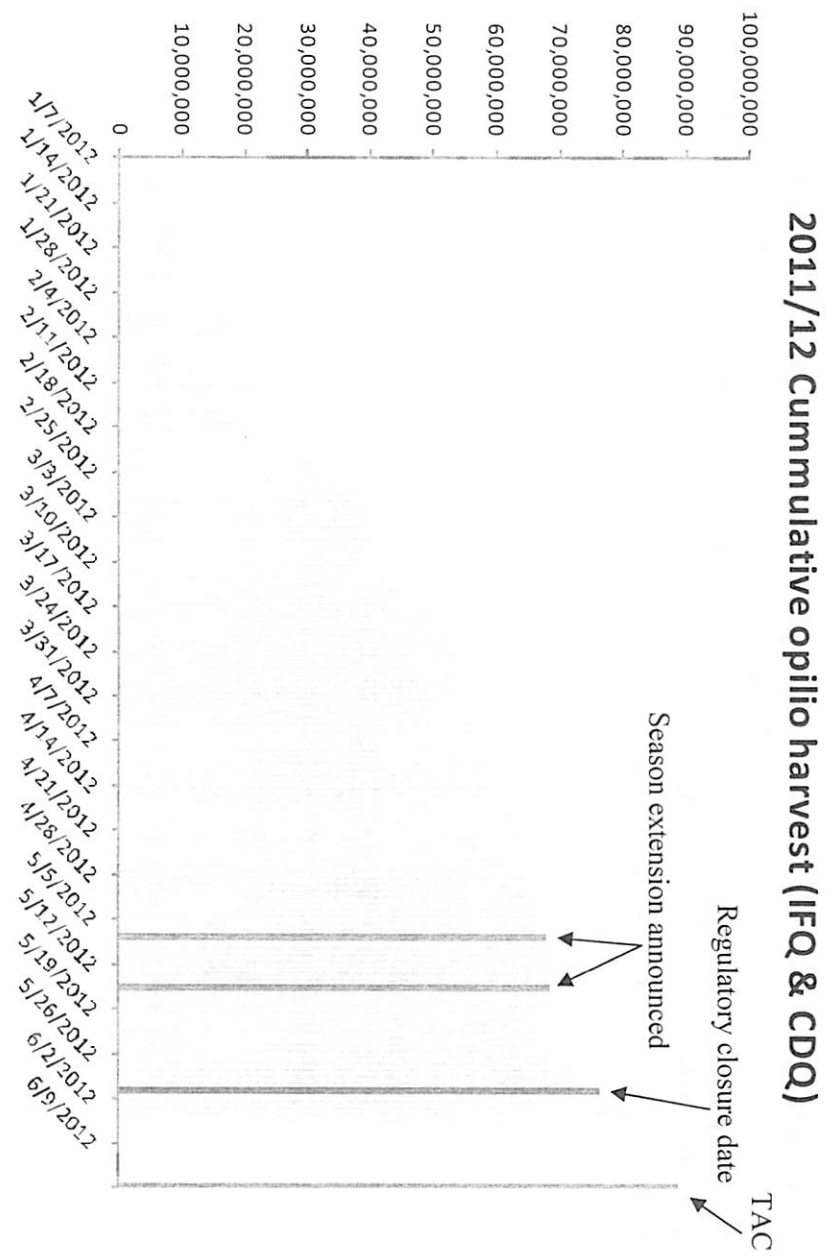


Figure 3

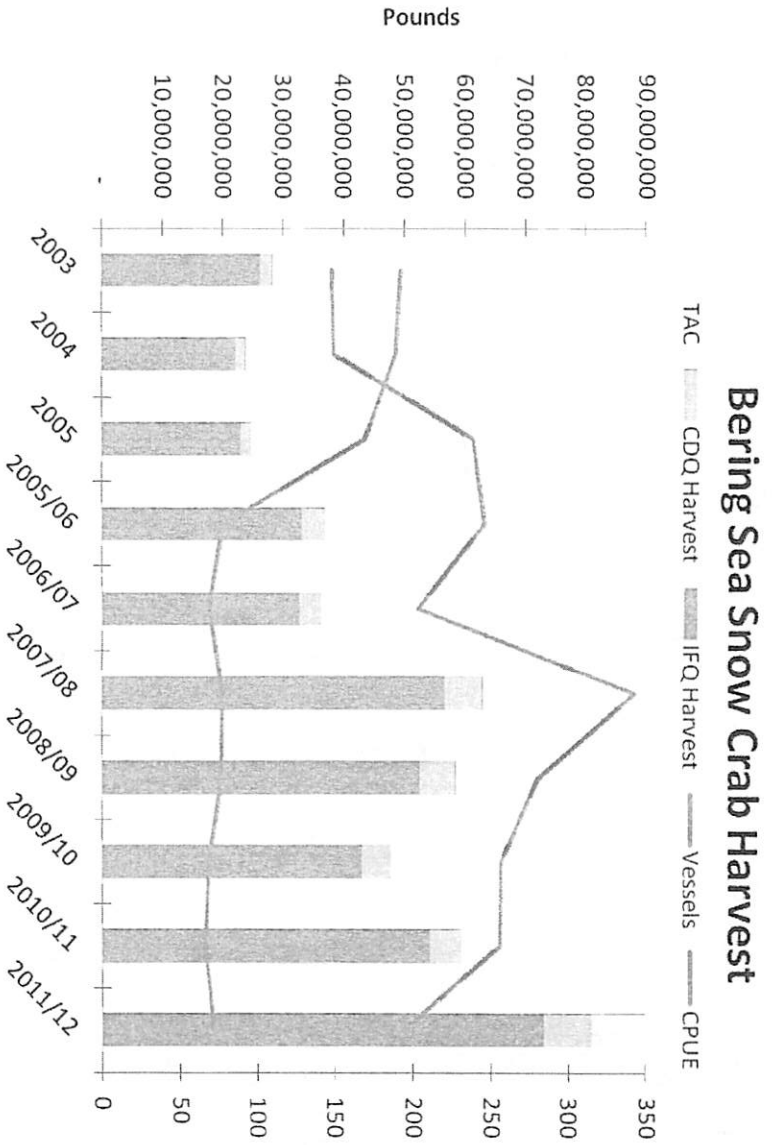


Figure 4

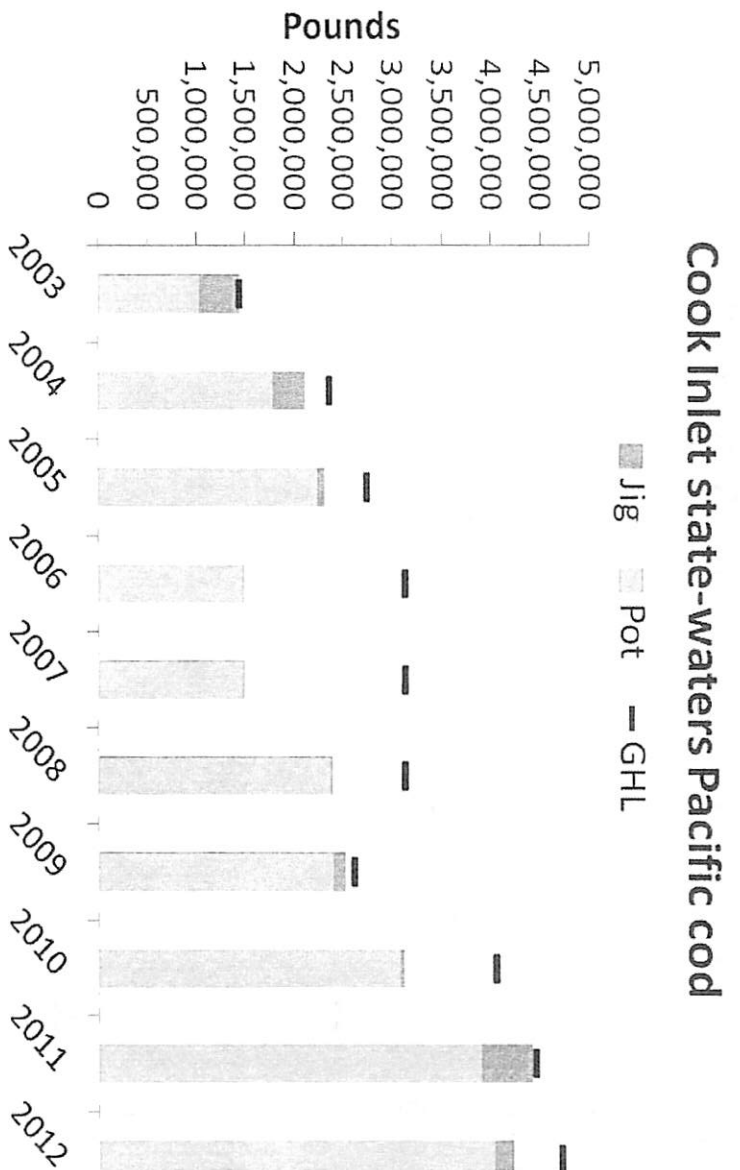


Figure 5

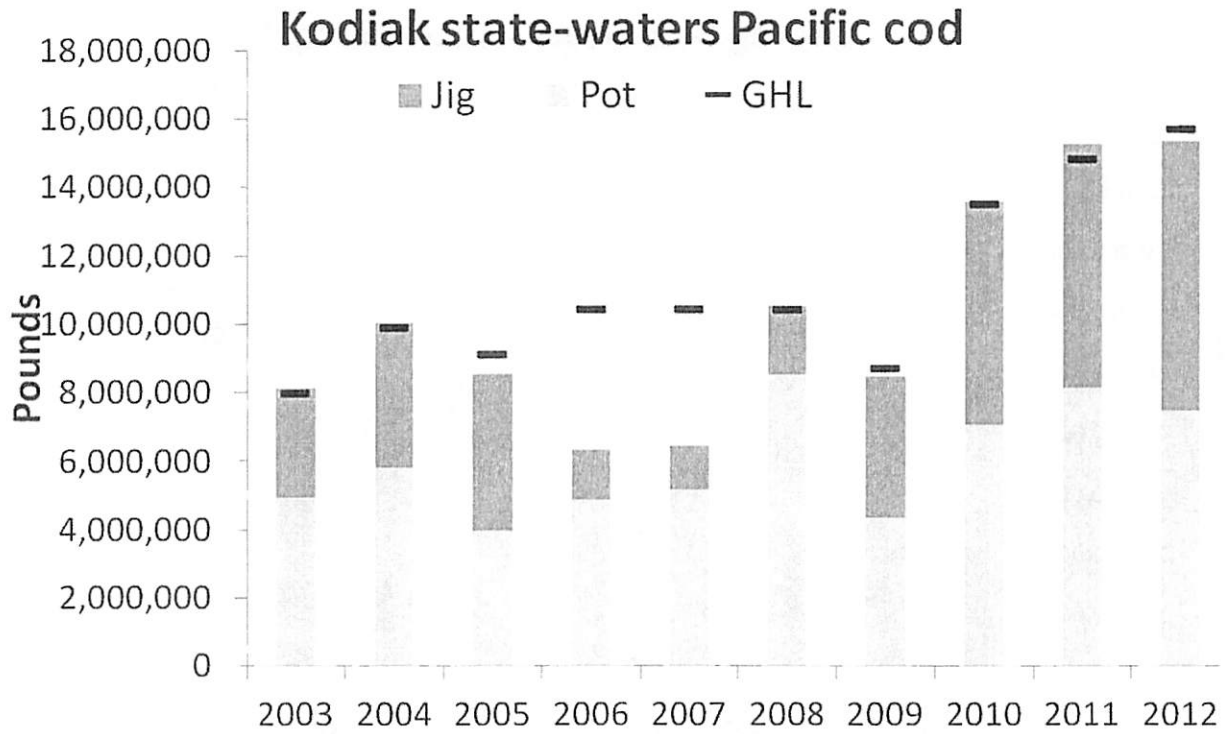


Figure 6

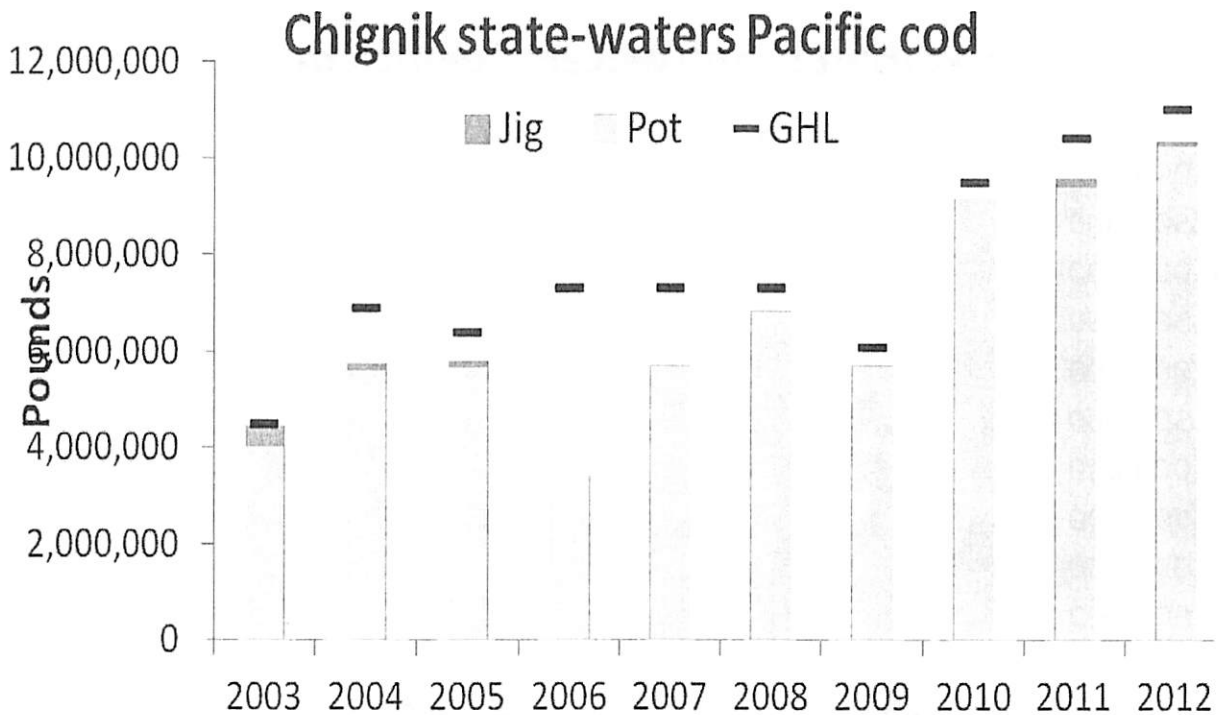


Figure 7

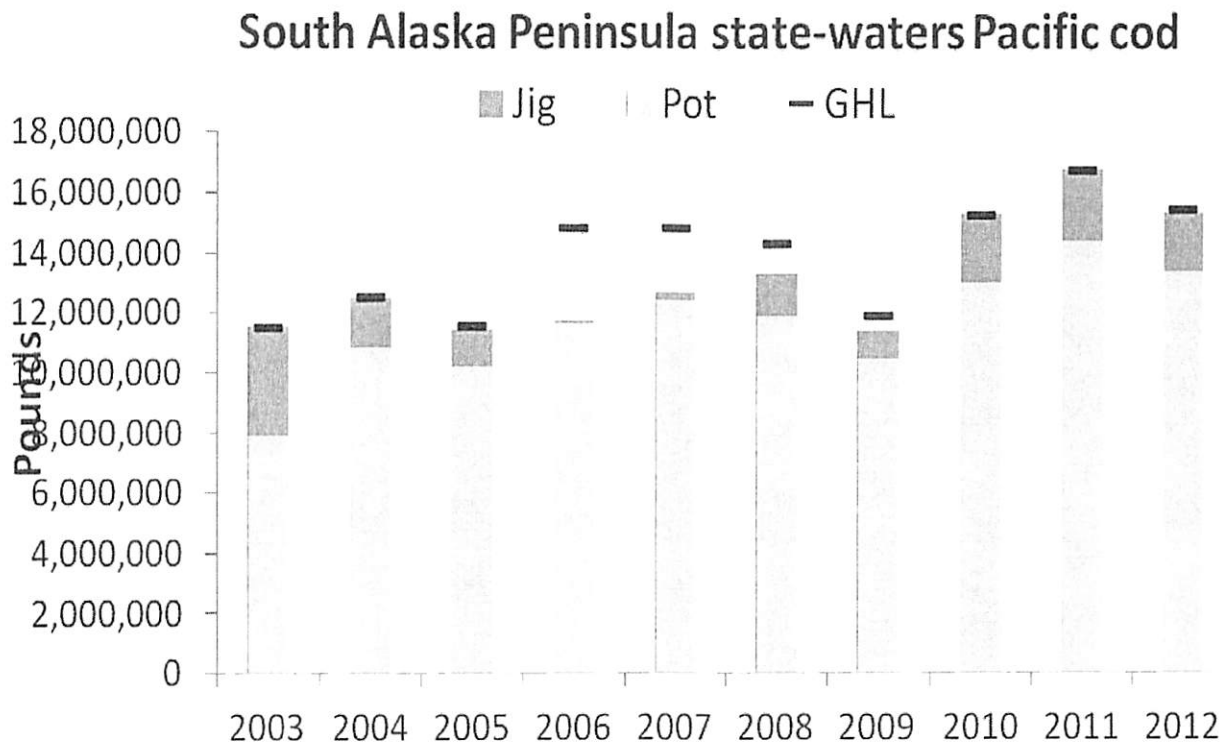
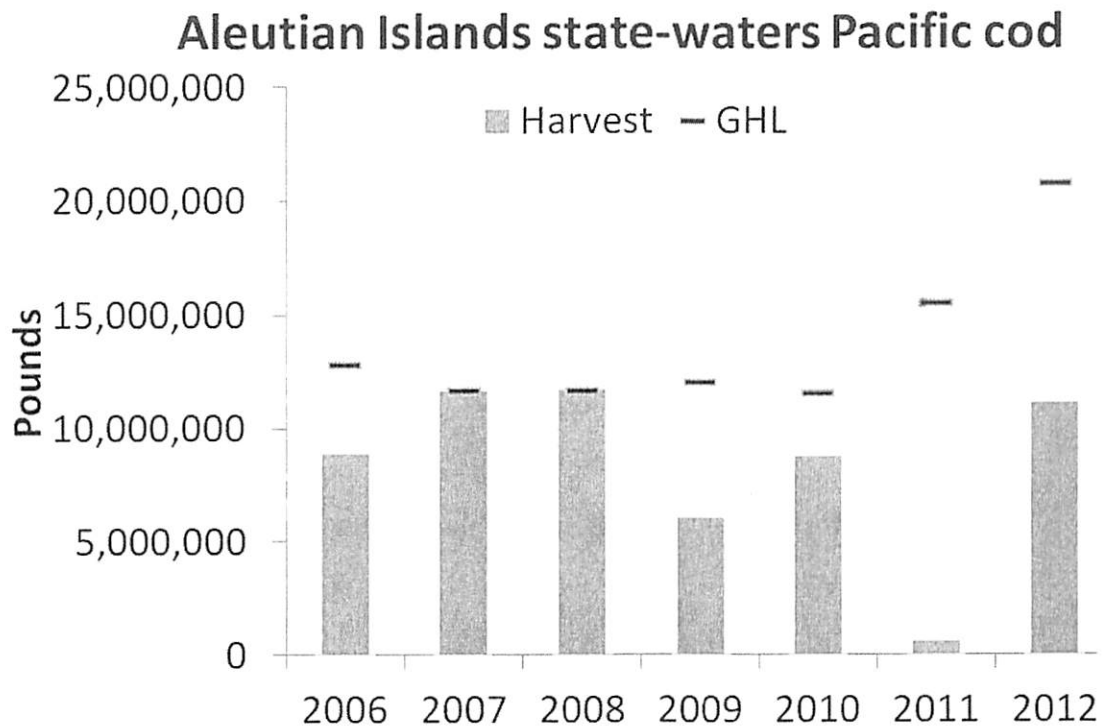


Figure 8



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



**June 2012 Report
Covering FY2011 and Q1, Q2 of FY2012**

**NOAA Fisheries Office of Law Enforcement
Alaska Enforcement Division
P.O. Box 21767
Juneau, AK 99802**

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

ALL INFORMATION CONTAINED IN THIS REPORT IS PRELIMINARY AND SUBJECT TO CHANGE

Summary

The Alaska Enforcement Division utilizes a staff of uniformed law Enforcement Officers (EO) and Special Agents (SA), and partnerships with State and other Federal agencies to provide effective enforcement for an area comprised of 842,000 square miles of Exclusive Economic Zone (3 to 200 nautical miles) off the coast of Alaska, 2,690 islands and 6,600 miles of coastline.

Enforcement officers are deployed in field office locations that are specifically aligned with those Alaska ports receiving the highest volumes of federally managed fish. They provide patrol on the docks, on OLE, State, or Coast Guard vessels at sea, and via aircraft. Enforcement Officers also provide outreach and education to the industry and public in a variety of settings throughout the year. Special Agents conduct investigations of significant civil and criminal violations.

In FY2011, AKD employed 29 sworn personnel and 8 support staff to accomplish its widely varied and geographically dispersed activities. Of the 53 full time equivalent positions authorized for the Alaska Division, 12 sworn positions and 4 support positions were vacant. Of the 29 sworn personnel, 20 were Special Agents, and nine were uniformed Enforcement Officers. Six of the Special Agents serve in a supervisory or management role. At the close of FY 2011, AKD lost an additional three Special Agents to other Federal natural resource agencies.

During FY2011, AKD's sworn personnel dedicated approximately 34,232 hours to Federal fisheries and marine species enforcement activities. Of these hours, approximately 3375 were dedicated to outreach and education; approximately 8,114 hours were dedicated to patrols, inspections, and monitoring; and approximately 22,743 hours were dedicated to Investigations. An additional 2,841 hours were spent traveling in support of these activities.

Education and Outreach

AKD personnel engage in extensive and ongoing outreach and education activities to provide marine resource users with current and accurate regulatory information to facilitate their compliance with the regulations. During FY2011, AKD Officers and Agents spent over 3375 hours providing outreach and education activities to the public. AKD personnel staffed booths at the following major organized events and venues:

- The Pacific Marine Expo in Seattle, WA
- The Anchors Aweigh Boat Show in Anchorage, AK
- WhaleFest in Sitka, AK
- The Juneau Rotary Boat Show in Juneau, AK
- The Alaska State Fairs in Palmer & Haines, AK
- ComFish in Kodiak, AK
- The Great Alaska Sportsman Show in Anchorage, AK

- Marine Safety Day in Valdez, AK
- The Alaska Aviation and Technology Trade Show in Anchorage, AK
- Whalefest in Kodiak, AK

The hours cited above do not include the number of hours AKD personnel spend on daily direct contacts with the public on the water, on the docks and boat launches, and in processing facilities. AKD personnel also responded to hundreds of individual telephonic and electronic inquiries regarding the regulations.

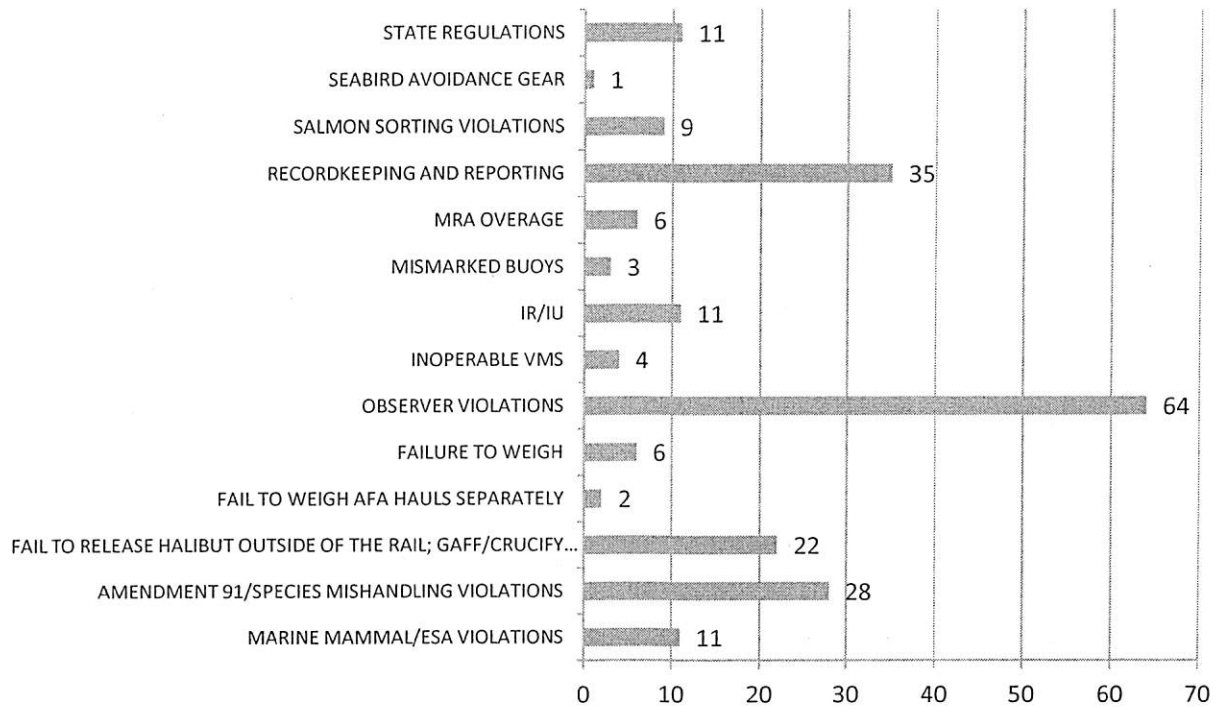
During FY2011, AKD personnel also held a series of outreach meetings with charter fishing operators in Gustavus, Juneau, Elfin Cove, Sitka, Pelican, Hoonah, Angoon, Petersburg, Ketchikan, Craig, Homer, Seward, Yakutat, Haines, and Skagway to explain the newly adopted charter halibut regulations, logbook reporting requirements and to answer questions and to listen to comments. Commercial, sport and subsistence halibut harvesters also attended many of these meetings. NOAA OLE staff addressed the regulations specific to their interests and answered their regulatory questions.

Patrol, Monitoring, and Inspections

In FY2011, AKD personnel spent 8,114 hours conducting patrols to provide visible deterrence for potential violators, monitor fishing and other marine activities, detect violations, conduct compliance inspections for matters under their purview, and to provide information and guidance to the public regarding regulations. Patrols are conducted at sea, onshore, and in the air and utilize both agency-owned and partner agency platforms. AKD conducted 336 vessel inspections during these patrol activities.

FY2011 data show an additional 1511 incidents documented by AKD personnel that did not result in cases. These incidents include activities such as failure to provide prior notice to observer, recordkeeping and reporting errors, and failure to release halibut outside of rail. Of the 1511 incidents not resulting in cases, 187 unique incidents resulted in 213 identified violations, illustrated on the following chart. The remaining incidents identified no violations and were closed for various reasons, including community oriented policing/problem solving contacts; unfounded complaints, inspections, service calls, or preliminary investigations; which are open and continue to be investigated (57).

Figure 1- Violation Types of Incidents Not Resulting in Cases



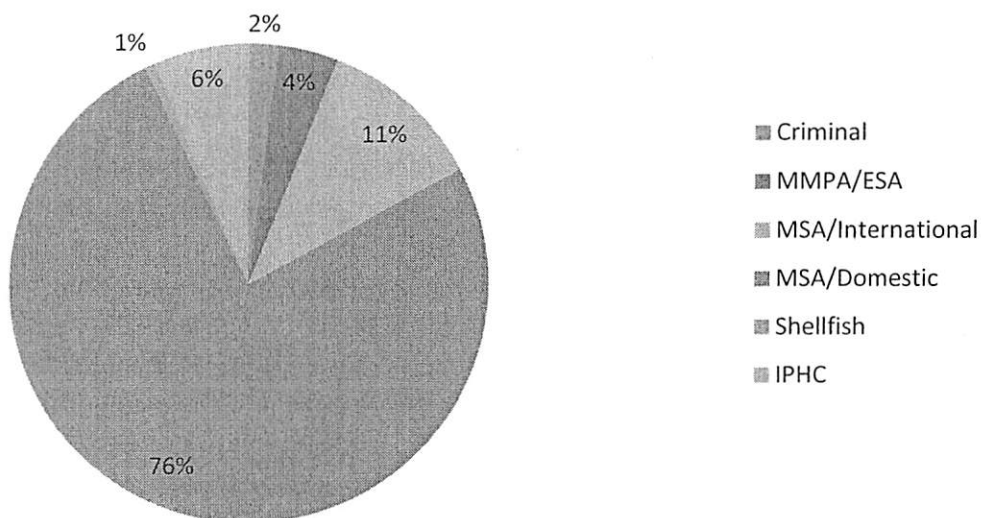
Investigations

Reports or complaints alleging violations are investigated thoroughly and promptly by AKD personnel. Enforcement Officers typically investigate limited scope and shorter duration violations, many of which result in verbal or written warnings, or the issuance of Summary Settlements. Special Agents typically investigate larger scale and more complex violations that may take months or years to resolve.

In FY2011, AKD personnel documented approximately 921 violations within 640 cases. Of these violations, approximately 75.79 percent were for domestic violations of the Magnuson-Stevens Act (MSA), 11.7 percent were for international fishing violations of the MSA, 4.2 percent were violations of protected species laws under the Marine Mammal Protection Act (MMPA) or Endangered Species Act (ESA), and 6.51 percent were for violations of the International Pacific Halibut Regulations.

A table provided at the end of this document identifies the violation types by regulation.

Percent of Violations by Type



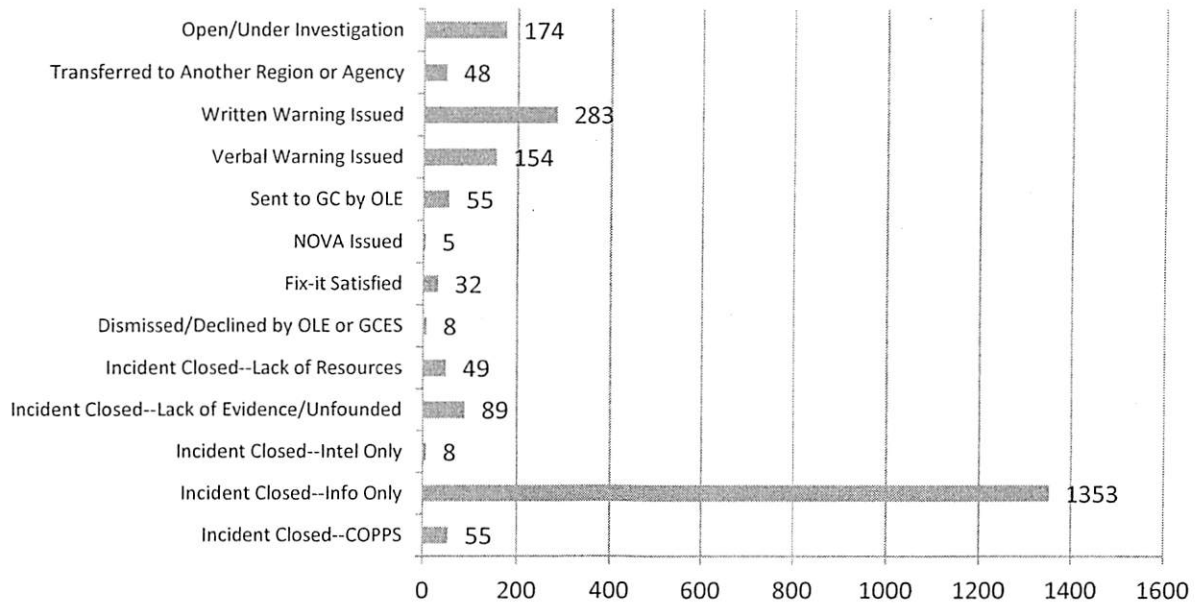
Case Resolutions

In FY2011, a large number of incidents and cases were resolved.¹ AKD sworn staff issued 154 verbal warnings, 32 fix-it notices, and 283 written warnings. 274 Summary Settlements were paid by respondents valued at \$458,222 for violations of regulations under NOAA OLE jurisdiction. Property valued at \$98,886 was forfeited or abandoned in 37 cases, and there were 8 seizures or involuntary abandonments of property valued at \$89,004. Fifty-five cases were sent to General Counsel Enforcement Section for issuance of a Notice of Violation and Assessment.

Some incidents and cases were resolved in other ways. Fifty-five incidents were resolved by education and problem-solving, 89 incidents were closed for lack of evidence or were unfounded, and 49 incidents were closed for lack of resources. Forty-eight incidents were transferred to other agencies. The table below provides additional specific detail. The 1353 incidents closed for information only are representative of vessel boardings by our JEA partners.

¹ Incidents and cases are often documented in one fiscal year and resolved in a later year, so these statistics do not necessarily correlate to activities documented in FY2011.

Resolution Types for Cases and Incidents



Partnerships

NOAA OLE partners with the State of Alaska Wildlife Troopers (AWT) and the US Coast Guard to accomplish its marine resource conservation mission. This partnering includes joint patrols and operations, as well as independent activities dedicated to Federal fisheries. For FY 2010 and FY2011, NOAA OLE provided a combined total of \$2,075,213² to AWT through Joint Enforcement Agreements to provide reimbursement for supplemental patrol and inspection work. This work included 11,291 hours of work by Public Safety Technicians and Wildlife Troopers, and 2335 personnel hours for vessel and aircraft support. Under this program, the AWT performed 55 full offload audits, 1205 inspections of processor facilities and vessel boardings, 429 hours of vessel time, and 140 hours of aircraft support and patrol—this data is only a portion of what has been entered into the LEADS database, and, therefore, not the complete picture of the work performed under the two overlapping JEAs (2010/2011). AWT reported 61 Federal fisheries violations during the course of this work.

The US Coast Guard conducts fisheries patrol activities throughout the year. In FY2011, the US Coast Guard referred 26 cases for further investigation by NOAA OLE.

² \$1,325,00 + \$750,000. The FY2011 JEA Agreement was designed to transition from a two-year agreement cycle to a single year agreement, and thus represented a smaller award amount that did not include personnel hours. Personnel hours were covered by the FY2010 agreement. Both agreements end on June 30, 2012.

Major Cases in FY2011 - Examples of Recent Cases

Lacey Act Violations - Sentencing hearings for co-defendants, Jason Maroney and David Skrzynski were concluded on October 13, 2010, Skrzynski was sentenced to 12 months imprisonment and co-defendant Maroney was sentenced to 10 months in prison. Skrzynski faced charges pursuant to a plea agreement in which he agreed to 7 felony counts for violating the Lacey Act, specifically for conduct involving the harvest of subsistence caught halibut and subsequent sale at Doc Water's Pub restaurant in Juneau. Maroney faced charges pursuant to a plea agreement in which he agreed to 9 misdemeanor counts for violating the Lacey Act, specifically purchase and sale of subsistence caught halibut at his restaurant.

Lacey Act Violations - A Kodiak based commercial fisherman in the F/V Four Daughters case was sentenced to four years probation, and ordered to forfeit \$117,000 in proceeds of his fishing activities, for violations of the Lacey Act. Thomas Millman, owner/operator of the F/V Four Daughters pled guilty to four counts of Lacey Act violations. Millman caught Pacific Cod in areas along the Aleutian islands closed to protect Steller Sea Lions. Millman admitted to catching over 250,000 pounds of Pacific Cod, worth over \$73,000 during 2005

Marine Mammal Protection Act and Indian Arts and Crafts Act Violations - Edward Schlieff of Anchorage, AK and Lawrence Willard of Ketchikan, AK plead guilty to violating the Indian Arts and Crafts Act and the Marine Mammal Protection Act (MMPA). From 2005 through 2008, Willard, an Alaskan native seal hunter, unlawfully sold and transferred whole, unaltered seal hides to Schlieff, the owner and operator of Alaska Bow-hunting Supply LLC. Schlieff purchased the hides processed them into various archery and bow-hunting products utilizing a non-Alaskan native craftsman, then marketed the products as made by Alaskan Natives. The products were sold retail and wholesale throughout the United States. In February 2012, Willard pled guilty to a misdemeanor count of violating the MMPA and was sentenced to five years probation and ordered to pay a \$1,000.00 fine. Schlieff pled guilty to one felony count of violating the Indian Arts and Crafts Act in May 2012 and is scheduled to be sentenced in August 2012.

Magnuson-Stevens Act Violation - In 2011 the operator of the F/V SARA B paid a \$3,825 NOVA for failing to report a few hundred pounds of halibut on an IFQ landing report. NOAA/OLE with assistance from the Alaska Wildlife Troopers dove under the vessel and recovered 14 halibut and some other state managed fish which were not reported on landing reports.

Magnuson-Stevens Act Violation - In 2011 the operator of the F/V CARLYNN was issued a \$40,000 NOVA for directed fishing for pacific cod in a closed area and for retaining IFQ sablefish in an area in which there was not an IFQ sablefish permit holder onboard the vessel.

Magnuson-Stevens Act Violation - In 2011 the owners of Craig Fisheries paid a \$4,500 NOVA for under reporting IFQ landings and numerous other reporting violations pursuant to an audit of the registered buyer.

Magnuson-Stevens Act Violation - U.S. Attorney Karen Loeffler announced that a commercial fisherman based in Kodiak was sentenced in federal court in Anchorage for violating the Magnuson-Stevens Fishery Conservation and Management Act by threatening a fisheries observer. Jeff Scott pled guilty to two class 'B' misdemeanors for threatening and intimidating an observer. Scott was sentenced to 3 years probation, 100 hours community service, mandatory drug testing, anger management counseling, and cannot make contact with, be aboard a fishing vessel, or be at a shoreside processor that the victim may be working at as an observer.

Magnuson-Stevens Act Violation - An investigation into flow scale tampering and falsification of reports by the crew aboard the F/V American Dynasty resulted in the issuance of a \$450,000+ NOVA to Ole Knotten (Captain), American Dynasty LLC (Owner), and American Seafoods Company (Managing Owner). Defense counsel representing all three subjects is currently in discussions with NOAA GCES regarding a possible global settlement. The settlement was requested because the F/V Ocean Rover and F/V Northern Eagle which are also owned and managed by American Seafoods Company, are currently being investigated for flow scale tampering by their crews.

Major Cases in FY2012- Examples of Recent Cases

Lacey Act Violations - A Sentencing hearing for Arne Fuglvog was concluded on February 7, 2012, where Fuglvog was sentenced to 5 months imprisonment, required to publish a public apology in the National Fisherman's magazine, pay a \$50,000 fine and make a \$100,000 community service payment that will fund grants to support fish habitat in the coastal areas of the Gulf of Alaska. Fuglvog was charged with falsely reporting the location where he caught fish as part of the individual fishing quota program in violation of the Lacey Act.

Lacey Act Violations and Conspiracy - United States Attorney Karen L. Loeffler announced that Douglas Linn Smith, Craig, Alaska, was sentenced to one year in federal prison after pleading guilty to two felony charges of conspiracy to violate the Lacey Act and a single violation of the Lacey Act for the illegal take, transport, sale, and attempt to sell marine mammal hard parts on

the open market. The United States Fish and Wildlife Service, Office of Law Enforcement (USFWS-OLE) led the investigation with direct assistance from the Alaska Wildlife Troopers, NOAA Fisheries' Office of Law Enforcement, U. S. Forest Service, Immigration and Customs Enforcement, U.S. Marshals Service, the State of Alaska Attorney General's Office, the Alaska Bureau of Alcohol and Drug Enforcement, and the U. S. Attorney's Office.

Magnuson-Stevens Act Violation - The F/V Blue Ace was observed fishing in the Bogoslof district of the BSAI on February 2-3, 2009. Upon further investigation, it was determined that the vessel was directed fishing Pacific cod in an area closed for directed fishing. The investigation also revealed that the vessel operator, James Rogers, actively made attempts to cover up the illegal activity by failing to complete required paperwork, failure to notify the on-board observer of the activity, and leaving the area. Further observer complaints against the vessel were revealed during the investigation. A six count NOVA was filed against the company and the operator. The NOVA hearing is scheduled for the week of August 27, 2012.

Magnuson-Stevens Act Violation - In 2012 the operator of the F/V PROVIDENCE was issued a \$64,260 NOVA for fishing in area 3A for IFQ halibut and reporting the fish were harvested from area 3B.

Magnuson-Stevens Act Violation - An investigation was initiated a seafood processor that failed to report production information. Over 36 million pounds of headed & gutted pollock, 23 million pounds of pollock fillets, and 18 million pounds of pollock surimi were reported late. The investigation will examine whether this act was an effort to influence negotiations with buyers.

Magnuson-Stevens Act; High Seas Driftnet Fisheries Enforcement Act Violation - An investigation into the illegal HSDN fishing activities aboard the F/FV Bangun Perkasa resulted in a Decree of Forfeiture of the vessel and its catch to NOAA. The vessel is currently being processed by NOAA for sale as scrap. The catch that was onboard was sold for approximately \$33,000. The vessel's ownership could not be established and the master and crew were returned to their countries of origin. NOAA OLE was contacted by Taiwanese officials regarding possible prosecution of the master of the vessel in Taiwan. The Taiwanese officials were directed to contact the Office of International Affairs regarding their request. The investigation resulted in the collection of intelligence pertaining to future HSDN fishing operational plans. OLE is working through the contracting processes to identify a vendor to scrap the vessel.

**NOAA FISHERIES OFFICE OF LAW ENFORCEMENT
TOTAL NUMBER OF VIOLATIONS IDENTIFIED DURING FY2011
Total Cases = 640 / Total Violations = 921**

Report Date: 6/1/2012

Activity/Program	Regulation	General Violation Descriptions	# of
Criminal	US Code Title 16	Takes of Marine Mammals & Endangered Species (3), Lacey Act (3), High Seas Driftnet (1), Observer Assault (3), False Labeling (1), Unlawful Sale of Subsistence Halibut (1), Fishing without FFP (1)	14
	US Code Title 18	Conspiracy and False Statements (Reporting)	4
MMPA/ESA	50 CFR 216 & 229 50 CFR 223 & 224	Protected Species Violations	37
MSA/International	50 CFR 300	Charter Violations	65
		Subsistence Halibut Violations	18
		Other Halibut Regulations	19
MSA/Domestic	50 CFR 600	Various general prohibitions	19
	50 CFR 679.4	Permit Violations	10
	50 CFR 679.5	Recordkeeping & Reporting Violations	21
	50 CFR 679.7	(a) Groundfish of the GOA and BSAI (majority are overages, reporting violations)	271
		(b) Prohibitions specific to GOA (pollock)	39
		(f) IFQ fisheries (Overages, reporting violations, vessel caps)	128
		(g) Groundfish observer program	26
		Other 679.7 Violations	14
	50 CFR 679.20-27	Other Subpart B Management Measures	86
	50 CFR 679.22	Closures	9
	50 CFR 679.24	Gear Limitations	17
	50 CFR 679.28	Equipment Requirements (VMS)	13
	50 CFR 679.7(18)		
	50 CFR 40-42	Prohibitions Specific to IFQ Sablefish	9
	50 CFR 679.50	Observer Program Requirements	28
50 CFR 679.80-84	Rockfish Program Violations	4	
50 CFR 679.93	Failure to Weigh Hauls	4	

EEZ Shellfish	50 CFR 680	Shellfish Violations	6
International Pacific Halibut Regulations	IPHC Section 13	Size Limits	5
	IPHC Section 16	Logbook Violations	10
	IPHC Section 17	Receipt & Possession of Halibut	11
	IPHC Section 18	Fishing Multiple Regulatory Areas	1
	IPHC Section 19	Fishing Gear Violations	5
	IPHC Sections 25-28	Sport Fishing Violations	28

Source: NOAA OLE LEADS Database