

U.S. Department
of Transportation

United States
Coast Guard:



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NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL

U. S. COAST GUARD ENFORCEMENT REPORT
4/1/96 - 5/31/96

1. ENFORCEMENT/SAFETY SUMMARY

A. INTERNATIONAL FISHERIES.

1. US/RUSSIA CONVENTION LINE. Foreign fishing activity in the Russian EEZ along the Convention Line has resumed earlier than normal this year. In previous years fishing activity, primarily from Russian, Polish, and Japanese trawlers, did not resume until July; this year it has started in mid May. Coast Guard intelligence and patrol resources will continue to monitor the increased activity. C-130 patrols from A/S Kodiak have flown both overt and covert patrols at staggered day/night hours to ensure compliance with the international boundary. Survey flights into the RS EEZ along the line have identified a target population of approximately 30 vessels which are working the area within 40 miles of the Convention Line. There have been approximately a dozen trawlers, primarily JA flagged, working the area within 10 miles of the Convention Line.

2. HIGH SEAS DRIFTNETS. The threat in the North Pacific is low for violations of the UN Moratorium on Large-Scale Pelagic High Seas Driftnetting. The Coast Guard is coordinating limited aircraft patrols with other efforts from North Pacific Anadromous Fisheries Commission (NPAFC) parties (JA, RS, CA). Our primary response will be to validate indications or reports of activity inconsistent with the moratorium. A joint patrol with a Fisheries Agency of Japan patrol vessel is also planned this summer.

3. DONUT. No activity to date in 1996. We expect the People's Republic of China (PRC) will be conducting trial fishing with 1 or 2 trawlers this summer. We will monitor that activity to ensure effort remains in the "donut." We will also use the authority contained in the Donut Convention to board these vessels, as cutter operations permit. The Coast Guard has also proposed to the Russian Federal Border Service to conduct a one week joint enforcement patrol in the "donut" later this summer. The patrol would be similar to the HSDN patrol we conducted with the Russians in 1995, including an exchange of officers.

Further discussions on a joint patrol are being held in June during a port call to Petropavlovsk by a Coast Guard cutter.

4. DIXON ENTRANCE. On 29 May the Coast Guard hosted the annual US/CA preseason meeting in preparation for Dixon Entrance salmon fisheries. Representatives from USCG, NMFS Enforcement, and State of Alaska Fish and Wildlife Protection met in Juneau with their Canadian Coast Guard (CCG), Department of Fisheries and Oceans (DFO), and RCMP regional counterparts. Discussions focused on expected fishing efforts, openings, patrol efforts, and in-season points of contact. We expect a high level of effort from CA net fishermen on the east side of Dixon Entrance with the first opening 10 June. CA troll fisheries will begin 1 July; CA treatment of chinook as a prohibited species this year could reduce troll effort. With the CA consolidation of CG and DFO taking effect this year, CCG boats and crews have fisheries LE authority. We expect both CCG and DFO patrol resources in the area, although combined effort is not expected to exceed previous years. The Coast Guard has scheduled Southeast Alaska 110' Patrol Boats (WPB) to cover the area from early June through the season into August; one or two WPB's will be on patrol at any given period consistent with the threat. Helicopter support is also being scheduled from A/S Sitka. These meetings continue to be very productive in preparing for seasonal fisheries in Dixon Entrance.

B. DOMESTIC FISHERIES. In the Bering Sea/Aleutians our patrol efforts have primarily focused on the Pacific Cod and Yellowfin Sole fisheries. The seasonal trawl closure involving the Red King Crab Savings Area has also recieved steady patrol effort with a cutter and deployed helicopter; we have issued no violations of this time and area closure. Violations noted this period have primarily been logkeeping and incursions into sea lion rookeries. In the Gulf of Alaska, primary patrol effort was focused on the early season IFQ halibut/sablefish opening. Compliance has been good.

C. SAFETY. As of 31 May there have been ten fishing vessels and twelve lives lost in the North Pacific in CY96. Two of the ten sinkings, F/V PACESETTER in January and F/V DESIREE C in April, resulted in the loss of seven and two lives respectively. The other three lives lost were the result of seperate man overboard incidents. There were no vessel terminations this period. Recent boardings have noted some discrepancies in the condition of survival suits; it indicates laxness in periodically checking the condition of zippers and seams. Fishermen are reminded of the importance of checking the condition of their suits; don't wait for the 2AM sinking to find out your suit has a problem!!

2.. PATROL STATISTICS: 1 April - 31 May.

- a. 6 High Endurance Cutter (HEC) patrolled for 115 days..
- b. 2 Medium Endurance cutters (MEC) patrolled for 46 days..
- c. 5 Patrol boats patrolled for 62 days..
- d. C-130 aircraft conducted 103 long-range surveillance flights for 624 hours.
- e. HH60/65 aircraft conducted 127 surveillance flights for 319.4 hours..

f. Foreign vessels:

30 = Sightings
0 = Boardings
1 = Violations

g. Domestic vessels:

2406 = Sightings
183 = Boardings
21 = Violations (Fishery)

VESSELS BOARDED WITH NO FISHERY VIOLATIONS

ADVANTAGE	050896	CUATRO VIDAS	050396
AGILE	040596	DAWN	050796
AKRUTA	050496	DEFIANT	050496
ALASKA SPIRIT	050196	ELIZABETH ANN	050396
ALASKA VICTORY	050196	EMILY NICOLE	042796
ALLURE	050396	FAIRLIGHT	040796
ALOMA	050396	FLYING CLOUD	042296
ALPHA CENTAURI	041896	FORTUNE	042496
ALRITA	050496	FRONTIER SPIRIT	041396
ALSEA	042396	GARNET	040996
ALSKA	050896	GINNY C	050696
AMERICAN EAGLE	041096	GOLD RUSH	041196
AMERICAN NO 1	041196	GOLDEN CHALICE	050696
ANGELIQUE	042796	GOLDEN PISCES	042196
ANNA HOPE	040996	GULF MAIDEN	052896
ARCTURS	042296	HALFMOON BAY	042296
ARGOSY	051096	HARDY	050696
ARROW	040896	HEATHER KAY	050896
AUGUSTINE	040896	HIGH FLYER	040996
BIMINI	050396	HIGHLAND LIGHT	041396
BLUE BOY	043096	HORNET	042496
BOLD PACIFIC	051996	HUNJGRY JACK	040596
BONNY JEAN	050396	INDEPENDENCE	050396
BROWNS POINT	040796	INDIGO	050596
BUCK & ANN	050896	ISLAND PRIDE	050896
CAITLIN ANN	042396	JACKIE R	050696
CALIFORNIA HORIZON	041096	JENNIFER LEE	040596
CAPE FLATTERY	051696	JON K	050996
CAPE KAWANDA	042196	KAARE	041596
CAPE OMMANEY	041796	KENO	041996
CHEROKEE	041396	KESIA DAWM	050696
CHEYENNE	050196	KJEVOLJA	041596
CHILKAT	050696	KODIAK	053196
CHUBASCO	041796	KRAKEN	042696
CLYDE	051496	KRISTIANA	042096
CONDOR	040996	KRISTINA	050396
CONNIE M	051796	LADY JO	050496
CONSTELLATION	053196	LADY LUANA	043096

VESSELS BOARDED WITH NO FISHERY VIOLATIONS

LADY REBECCA	042096	POLARIS	040196
LEGACY	042396	RAVEN	042196
LETUN	040296	RED BLUFF	040896
LIBERTY BAY	051396	RESOLUTE	051496
LIPARUS	051196	RISKY BUSINESS	052696
LOGAN T	040596	ROBYN ANN	043096
LONE FISHERMAN	051496	ROSALYN	041396
LONE STAR	051096	ROYAL SEA	040696
LORELEI II	050596	SANDRA JO	051796
LUCKY STRIKE	050996	SEA PRIDE	042496
MAJESTIC	051596	SEA STAR	053196
MALAGA	040896	SEA STAR	041896
MARK I	041796	SEA STORM	041096
MARLISSA	052696	SEA VALLEY II	050896
MARTIN TOMICH	040996	SEA WOLF	040496
MEGAN	040596	SEADAWN	042396
MELISSA LYNN	040796	SEATTLE STAR	051396
MEMORIES	042096	SERVETTE	040896
MERMAID	051796	SHAKER	050896
MIN E	051596	SHARIE MARIE	043096
MISTY	041996	SILVER ARROW	042096
MOJO	041896	SILVER ICE	051496
MYSTERY MAID	050496	SILVER LADY	040896
NANCY H	052496	ST JOHN II	050796
NEW VENTURE	053196	STARFISH	051096
NIGHTWATCH	051596	STJILBE	051796
NORTHERN JAEGER	040596	SUNDANCE KID	040896
OCEAN DAWN	040196	SUNRISE	040596
OCEAN HARVEST	051096	SUNSET	040896
OCEAN HOPE 3	042696	SUNSET BAY	042296
OCEAN PROWLER	042196	TANI RAE	050696
OCEAN SPIRIT	050696	TARKA	042996
OCEAN STORM	050996	TENACIOUS	040896
ODIN	040896	TENACIOUS	050996
PACIFIC MIST	050996	THOR	052696
PACIFIC SEA	042096	TONI MARIE	040596
PEGGY JO	041296	TRINITY	040596
PINTA	041896	TURBO	040396

VESSELS BOARDED WITH NO FISHERY VIOLATIONS

TUXEDNI	041396	VIANNESE	050596
US	051796	VULCAN	040996
VAN ELLIOTT	051696	WESTERN DAWN	042696
VANSEE	052196	WINDY BAY	040896
VESTERAALEN	041496	ZAREMBO	051896

VESSELS BOARDED WITH FISHERY VIOLATIONS

AMBER NICOLE	30APR96	HAMILTON
1. TRANSITING A ROOKERY NO TRANSIT ZONE.		
ALASKAN SHORES	25MAY96	MELLON
1. DFL OBLITERATIONS.		
2. FAILURE TO SUBMIT DFL.		
3. NO MORATORIUM PERMIT ON BOARD.		
ARCTIC FJORD	01APR96	MIDGETT
1. IMPROPER LOGKEEPING.		
C-LADY	08APR96	STORIS
1. NO MORATORIUM PERMIT ON BOARD.		
CAPRICE	17APR96	YOCONA
1. NO NMFS OBSERVER COVERAGE FOR 1ST QUARTER.		
COLUMBIA	01APR96	MIDGETT
1. IMPROPER LOGKEEPING.		
GOLDEN DAWN	01APR96	MIDGETT
1. FAILURE TO PROVIDE SAFE BOARDING LADDER.		
2. FAILURE TO LOG DISCARDS.		
3. IMPROPER LOGKEEPING.		
FIERCE ALLEGIANCE	07APR96	MIDGETT
1. IMPROPER LOGKEEPING.		

VESSELS BOARDED WITH FISHERY VIOLATIONS.

HERITAGE	22APR96	YOCONA
1. TRANSITING IN A ROOKERY NO TRANSIT-ZONE.		
KRISTEEN SEA	04MAY96	YOCONA
1. NO PERMIT ON BOARD.		
LYNX	30MAY96	HAMILTON
1. TRANSITING IN A ROOKERY NO TRANSIT-ZONE.		
MAR PACIFICO	08MAY96	JARVIS
1. IMPROPER LOGKEEPING.		
PACIFIC KNIGHT	24APR96	HAMILTON
1. IMPROPER LOGKEEPING.		
2. NO MORATORIUM PERMIT ON BOARD.		
PROSPERITY	12MAY96	HAMILTON
1. IMPROPER LOGKEEPING.		
ROBYN ANN	30APR96	HAMILTON
1. TRANSITING IN ROOKERY TRANSIT ZONE.		
SEA QUAIL	15MAY96	ROANOKE ISL
1. NO IPHC PERMIT ON BOARD.		
SEA LEGEND	03MAY96	ANACAPA
1. IMPROPER LOGKEEPING.		
SOLIDARNOST (UR)	02MAY96	AIRSTA KODIAK
1. FOREIGN VESSEL TRANSITING U.S. EEZ WITH FISHING GEAR ON DECK.		
STARLITE	12APR96	MUNRO
1. FAILURE TO LOG DISCARDS.		

VESSELS BOARDED WITH FISHERY VIOLATIONS

TITAN 12APR96 YOCONA
1. NO MORATORIUM PERMIT ON BOARD.

VANGUARD 08MAY96 JARVIS
1. FAILURE TO SUBMIT COPY OF 1ST QTR 96 DEL.
2. IMPROPER LOGKEEPING.

VIGOROUS 22MAY96 JARVIS
1. IMPROPER LOGKEEPING.

JUNE 10, 1996

AGENDA ITEM B4

ENFORCEMENT REPORT FOR THE PERIOD 12/1/95 THROUGH 6/10/96

**National Marine Fisheries Service
Alaska Enforcement Division**

During the reporting period, NMFS opened a total of 318 cases. NMFS initiated 281 of these investigations.

Further action was also taken on 380 pending cases during the reporting period. Forty investigations were closed as unfounded, 7 investigations were closed due to lack of evidence, and 14 investigations were dismissed for other reasons. Eight cases were referred to other Regions or other agencies and 21 cases were suspended. Thirty-two cases were handled with written warnings and 29 cases were handled with summary settlement payments totaling \$49,675 and forfeited proceeds of \$49,462. A total of 134 cases were settled through voluntary abandonment of forfeited proceeds and property valued at \$54,430. Seventy-five cases were referred to NOAA General Counsel. General Counsel issued 15 Notices of Violation assessing a total of \$349,333 in penalties, and settled 5 cases for a total of \$35,000 in penalties and \$80,272 in forfeited proceeds.

IFQ PROGRAM

The 1996 IFQ season has progressed to approximately the halfway point with 51% of the sablefish quota taken and 40% of the halibut caught to date. Compliance has been very good for the 1996 season to date. After considerable struggle with the Transaction Terminals (TTs) it now appears that the major bugs have been worked out and that the vast majority of registered buyers have successfully used the system. Within the next 30 days the NMFS anticipates going to 100% exclusive use of the TTs and urges all users to quickly report any problems to the RAM Division or NMFS Enforcement.

In early March the NMFS Alaska Enforcement Division (AED) held it's annual In-Service training session. During this session NMFS personnel worked closely with our Canadian counterparts in the Department of Fisheries and Oceans (DFO). Monitoring and enforcement protocols were expanded for Halibut-Sablefish IFQ landings and additional information on 1995 and 1996 landings were exchanged.

VIP PROGRAM

Two cases against the Fishing Company of Alaska (FCA) were upheld on appeal to the Agency Administrator. These cases were assessed at \$150,000 each and several more cases against FCA remain under investigation. These cases have been appealed to the federal District Court with decisions anticipated for late in 1996.

Arctic Alaska of the Tyson Group has also appealed an agency assessed penalty for a VIP violation to the Western District of Washington. This case was assessed at \$50,000 and should also be ruled on by the end of the year.

THREE MAJOR HALIBUT CASES MOVE FORWARD

Three major halibut cases have moved forward since the beginning of the year. Two of the cases are directly related and occurred in Homer during the 1992 season. On May 24, 1996 Boris Martushev and Dimtri Basargin pled guilty to two misdemeanor criminal counts each and will pay \$15,000 a piece, have 2 years probation, and write public service letters to members of the Russian-American community regarding the importance of complying with fishing regulations. The federal Lacey Act cases stemmed from an incident during the October opening in 1992 when Basargin fished for Pacific Halibut from the fishing vessel Amur. Basargin exceeded the trip limit by 2,446 pounds, landed the fish in Homer, and conspired with Martushev to split the landing on separate fish tickets with part going to Martushev's vessel the Silence. NMFS special agents had observed the port of Homer before, during and after the October opening and observed the Silence to be in the boat yard and on blocks during the entire opening, making it impossible to have fished. In interviews with NMFS personnel, both Basargin and Martushev denied illegal fishing activity and the cover up efforts. When confronted before a grand jury both defendants admitted to the violations.

In a similar but unrelated case the F/V Alexandria C was seized on March 21, 1996 by NMFS enforcement personnel in Kodiak, AK. for fraud and false statements stemming from illegal halibut fishing during the September 1994 opening for Pacific Halibut. Ken Christiansen, owner/operator of the F/V Alexandria C fished during the last open access trip limit opening in September of 1994. The 56 foot Alexandria C had a trip limit of 20,000 lbs. The government's complaint alleges that Ken Christiansen caught 28,659 lbs of halibut but transferred 8,018 lbs to his father, Carl Christiansen's vessel the Sabrina C. Evidence gathered in the investigation indicates the Sabrina C suffered an equipment failure which prevented it from fishing during the September opening. The alleged illegal activity was further aggravated directly by Ken Christensen attempting to hide his activities. Further action is pending in cases against both Ken and Carl Christiansen.

OBSERVER INTERFERENCE

On January 29, 1996 a \$300,000 - 14 count Notice of Violation and Assessment (NOVA) was issued by NOAA General Council for Enforcement and Litigation against the O'Hara Corporation, owners of the F/V Constellation, and the vessel's master Sewell Maddocks. Chief among the counts were charges of numerous incidents of observer harassment, observer interference, and pre-sorting which interferes with observer duties. These incidents are alleged to have occurred between January 1992 and September 1993. A hearing before an administrative law judge is scheduled November 10, 1996. Violations involving observer interference and harassment will not be tolerated and will be prosecuted to the fullest extent of the law.

OBSERVER PLEADS GUILTY TO MAKING A FALSE STATEMENT

On May 7, 1996 a federal information and plea agreement were filed in the United States District Court of Alaska involving William F. Bokenyi, a former observer in the groundfish fisheries off Alaska. Bokenyi pled guilty to a felony count of knowingly and willfully making a material false statement by filing a false observer report under representing the actual Pacific Halibut bycatch of the fishing vessel Bering Enterprise. The plea agreement indicates that Bokenyi is likely to serve 12 to 18 months incarceration.