



NOAA FISHERIES



Office of Law Enforcement Alaska Enforcement Division June Report To North Pacific Fisheries Management Council



October 2023 to March 2024

Report fisheries or marine mammal violations,
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<https://www.fisheries.noaa.gov/topic/enforcement>

NOAA Fisheries, Office of Law Enforcement, Alaska Division

Report to the North Pacific Fishery Management Council

June 2024

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1. Enforcement Operational Highlights

From October 1, 2023, to March 31, 2024, the Office of Law Enforcement (OLE), Alaska Division (AKD) conducted extensive patrols for the purposes of enforcement and education. In addition to daily dockside and vessel patrols, AKD conducted several multi-day patrols. Patrols were often coordinated with partners including U.S. Customs and Border Protection (CBP), U.S. Fish and Wildlife Service (USFWS), U.S. Coast Guard (USCG), Alaska Wildlife Troopers (AWT), and National Park Service (NPS). Partnering with multiple agencies broadens enforcement and outreach opportunities and allows for force multiplication, and cross pollination, between agencies.

The 2024 annual observer operation in Dutch Harbor with Special Agents was conducted in February in collaboration with the Workplace Violence Prevention and Response (WVPR) Regional Coordinator. The focus of this operation was on open and ongoing high-priority investigations. Investigative priorities were: 1) sexual assault and sexual harassment (SASH) of observers; 2) hostile work environment; 3) incidents that impact the general health and safety of observers; 4) interference/sample biasing of observer data; and 5) failure to abide by catcher processor operational requirements that may result in a negative impact to the fishery resource. OLE and WVPR collaborated to proactively provide outreach and education to the fishing industry to ensure a safe work environment for observers that is free from sexual assault, sexual harassment, and hostile work environments. Additionally, OLE proactively provided outreach and education to the fishing industry on management program operational requirements and violations that impact observer duties. There were 10 SASH investigations that Special Agents furthered during the operations - this consisted of conducting multiple interviews, reviewing video footage, and measuring and photographing areas within the vessels. Non-SASH investigations were also furthered, by conducting interviews and examining documents. A Notice of Violation and Assessment for a SASH case was also served to a subject during the operation.

In March, two Enforcement Officers conducted a 19-day patrol aboard the Alaska Wildlife Trooper large patrol vessel P/V Stimson. The joint patrol covered over 1,570 nautical miles in the Western Gulf of Alaska and Bering Sea. 26 commercial fishing vessels were boarded, three processing plants were inspected, and contact was made with multiple deployed observers. The patrol resulted in 57 investigations, 13 summary settlement offers, and three incidents referred to GCES for civil prosecution.

2. Outreach and Education

NOAA OLE outreach and education efforts facilitate and encourage responsible and sustainable uses of marine resources. NOAA agents and officers visit communities throughout Alaska and utilize multiple online and in-person venues to deliver a strong message of resource protection. The table below provides highlights of formal outreach efforts from October 1, 2023, to March 31, 2024.



Table 2-1: Outreach, Education and Compliance Assistance

Date	Description
10/02/2023	Trawl Performance Standard Workshop facilitated by the Enforcement Committee. Over 70 in-person and online participants attended.
10/13/2024	An Enforcement Officer (EO) joined U.S. Coast Guard Air Station Sitka, Sitka Fire Department, Sitka Police Department, Alaska State Troopers, U.S. Forest Service, Sitka Mountain Rescue, and Seattle Fire Fighters Pipes and Drums for 2023 First Responder's Open House hosted by the Air Station. The EO provided information on MMPA viewing/registration of marine mammal parts and assisted individuals in applying for subsistence halibut certificates.
11/3-11/5/2024	A Supervisory Enforcement Officer (SEO) and EO presented MMPA information to attendees at Sitka WhaleFest 2023 in Sitka, AK. NOAA OLE's role in marine mammal protection was highlighted. Several individuals were assisted with registering for subsistence halibut certificates.
10/26/2023, 12/13/2023	OLE, with Sustainable Fisheries (SF) and Fisheries Monitoring and Analysis (FMA), participated in quarterly Halibut Deck Sort meetings with Amendment 80 Cooperative and Alaska Seafood Cooperative. Observer Liaison Contractor and Compliance Analyst Liaison (CAL) presented noncompliance trends.
12/06 and 12/07/2023	AD, DSAC, and CAL, with SF and Council staff, convened pelagic trawl gear definition meetings with Gulf of Alaska and Bering Sea Aleutian Islands industry representatives.
12/19/2023	CAL and a Special Agent (SA), in collaboration with Aleutians East Borough, facilitated and presented at the Aleutians East Borough Annual Fishermen's meeting. NMFS Divisions presenting were OLE, SF, and FMA. Other Agency presenters were USCG, IPHC, and ADF&G. Observer provider companies presenting were AIS and SWI.

12/20-01/04/2023	The Observer Liaison Special Agent and CAL conducted compliance meetings with Bristol Wave, Fishermen’s Finest, O’Hara, Ocean Peace, Alaska Groundfish Data Bank, American Seafoods, and several Bering North vessels. The Observer Liaison SA also conducted “Ensuring a Safe Working Environment for Observers” training for all interested industry representatives.
1/12/2024	An EO provided a PowerPoint slide show, assorted handouts, and marine mammal parts at "The Rock" elementary school to 22 pre-K and kindergarteners for an interactive hands-on approach regarding whales and sea lions: i.e. how to safely view and report injured and or dead marine mammals typically found on Kodiak beaches. The EO “deputized” 22 knowledgeable junior NOAA officers.
1/15/2024	An EO conducted training with Amak Towing individuals, approximately 20-30 individuals in the Southeast AOR. They covered interaction between commercial vessels (tugs, their clients, work areas) and various MM in Southeast Alaska. The EO discussed Endangered Species Act Section 7 consultations, migration to help reduce whale strikes, harassment of marine mammals, and what to do if a strike occurs (how to report).
1/17/2023	An EO attended the ‘A’ Season meeting of the Kodiak Trawl Industry hosted by the Alaska Groundfish Databank. They addressed issues related to closed areas, gear restrictions, and management program codes in ODDS and on landing reports.
02/02/2023	The CAL became a board member of the Cook Inlet Beluga Recovery Implementation Taskforce and attended the annual meeting and conducted strategic planning with the Committee.
02/16-02/18/2023	An SEO and EO worked the 2024 Anchorage Boat Show, providing outreach and education to stakeholders from a variety of fisheries.
02/29/2023	CAL presented NOAA OLE’s mission execution to pre-K and kindergarten classes and teaching staff at a Childhood Development Center in Anchorage, AK. The Marine Mammal Stranding Network, marine mammal artifacts, and marine mammal necropsies were shared. After pledging to help us fulfill our mission, the children were "deputized" with NOAA Junior Officer badges.
03/19/2023	(A)DSAC, SEO, and Compliance Analyst Liaison conducted a meeting with the Cook Inlet Beluga Photo ID team regarding reporting of potential marine mammal takes and harassment.

3. Case Updates

Notices of Violation and Assessment

The NOAA Office of General Counsel, Enforcement Section (GCES) issued and served Notices of Violation and Assessment (NOVA) in the following civil administrative cases. A NOVA is not evidence of liability; it is only an allegation. A respondent is entitled to a fair hearing before an administrative law judge at which the government must prove liability by a preponderance of the evidence. Settled cases are noted.

1. AK2207083; F/V St. Nicholas – As previously reported in the December 2023 Report Operator Michael Walter Lasiter was charged under the Northern Pacific Halibut Act with fishing for halibut in violation of the annual management measures by possessing on board a vessel Pacific halibut that had been filleted, mutilated, or otherwise disfigured. An \$8,000 NOVA was issued and became a final administrative decision due to default. A Notice of Intent to Deny Permits was issued for non-payment.
2. AK1800358; Rocky Point Resort/Alaska, Inc., – Rocky Point Resort/Alaska, Inc. and Guided Angler Fish (GAF) Permit Holders, Charter Vessel Guides, and Business Owners Walter J. Payne and Mikel J. Payne were charged jointly and severally under the Northern Pacific Halibut Act with failing to report and mark GAF and submitting inaccurate information to the National Marine Fisheries Service (NMFS). A \$28,046 NOVA was issued and the case settled for \$25,241.40.
3. AK2105968; Big Blue Charters – Charter Vessel Guide Michael R. Keating was charged under the Northern Pacific Halibut Act with failing to retain GAF records, failing to mark and report GAF harvests, and allowing a crewman to fish during a charter vessel trip. A \$21,600 NOVA was issued and the case settled for \$17,420.
4. AK2003678; F/V American Dynasty – As previously reported in the December 2023 Report, Medic Daniel Craig Azcarate was charged under the Magnuson-Stevens Act with sexually harassing a female observer by conduct that had sexual connotations or otherwise creating an intimidating, hostile, or offensive environment. A \$36,000 NOVA was issued and the case settled for \$3,000.
5. AK2106551; C/P Cape Horn – As previously reported in the December 2023 Report, crewman Ata loapo was charged under the Magnuson-Stevens Act with sexually harassing a female observer. A \$24,000 NOVA was issued and the case settled for \$6,000.
6. AK2205725; C/P Cape Horn – As previously reported in the December 2023 Report, Owner Cape Horn Vessel, LLC and Operator Peter Pack were charged jointly and severally under the Magnuson-Stevens Act with fishing in a closed area. A \$26,801 NOVA was issued, and the case settled for \$26,226.
7. AK2104985; F/V Sedna – Co-owner/Operator/User for Registered Buyer Satcher K. Gorton, Co-owner Riley K. Wilson, and Registered Buyer Sedna Fish Co. LLC were charged jointly and severally under the Northern Pacific Halibut Act with making an Individual Fishing Quota (IFQ) halibut landing other than directly to a registered buyer; possessing, selling, and transporting IFQ halibut landed in

violation of 50 C.F.R. part 679; and failing to submit a report required under 50 C.F.R. part 679. A \$3,250 NOVA was issued and the case settled for \$2,925.

8. AK2206703; F/V Lea – IFQ Permit Holder and Owner/Operator Robert J. Bateman and Owner Laura S. Coleman were charged jointly and severally under the Magnuson-Stevens Act with possessing, selling, and transporting IFQ sablefish harvested in violation of § 679.4. A \$3,000 NOVA was issued and the case settled for \$2,700.

9. AK2300315; F/V Nordic Fox – Owner Nordic Fox, LLC and Operator Jacob P. Jansen were charged under the Magnuson-Stevens Act with failing to have a functioning vessel monitoring system (VMS) on board during two federal Pacific cod fishing trips using pot gear. A \$10,000 NOVA was issued and the case settled for \$2,500.

10. AK2301231; F/V Ocean Peace – Owner Ocean Peace, Inc. was charged under the Magnuson-Stevens Act with fishing in the Nearshore Bristol Bay Trawl Area after it had closed. A NOVA for \$111,031 was issued and the case settled for \$101,031.

11. AK2301796; F/V Vanguard – Operator Per Hesberg and Owner Vanguard Fisheries, LLC were charged jointly and severally under the Magnuson-Stevens Act with fishing with, and having on board, non-pelagic trawl gear in areas where only pelagic trawl gear could be used and possessed; not complying with VMS requirements; and inaccurate reporting. A \$59,784 NOVA was issued.

12. AK2104002; F/V Jean C – As previously reported in the December 2023 Report, Owners Moderation Enterprises, Inc., G & W Fish Co., Strom Enterprises, LLC, and Operators and IFQ Permit Holders Harley Ethelbah and John Young were charged jointly and severally under the Magnuson-Stevens Act with illegally discarding IFQ sablefish caught with fixed gear when an IFQ permit holder onboard held unused sablefish IFQ, and with failing to record groundfish discard information and submitting inaccurate information in the Daily Fishing Log. A \$26,500 NOVA was issued and the case settled for \$21,200.

13. AK2206974; F/V Resurrection – Owner/Operator Severean Ivan Reutov was charged under the Magnuson-Stevens Act with operating a vessel without carrying an operable NMFS-approved VMS and for not complying with VMS requirements. A \$16,000 NOVA was issued and the case settled for \$2,000.

14. AK2207152; F/V Kasatka – Owner Christopher Artemon Basargin and Operator Artemon A. Basargin Jr. were charged jointly and severally under the Magnuson-Stevens Act with operating a vessel without carrying an operable NMFS-approved VMS and for not complying with VMS requirements. A \$16,000 NOVA was issued.

15. AK2303146; C/P North Star – Factory Forman Juvy Bongcawil was charged under the Magnuson-Stevens Act with harassing a fisheries observer by conduct that had sexual connotations or otherwise creating an intimidating, hostile, or offensive environment. An \$18,000 NOVA was issued and the case settled for \$16,200.

16. AK2305774; F/V Barbara B – Owner/Operator Joseph F. Veitenhans was charged under the Northern Pacific Halibut Act with failing to completely offload at a single offload site all halibut onboard the vessel. A \$2,200 NOVA was issued and the case settled for \$1,980.

17. AK2302665; Fabian Estrada Castaneda was charged under the Marine Mammal Protection Act with taking a Steller sea lion by feeding or attempting to feed the marine mammal. A \$500 NOVA was issued.

18. AK2201367; C/P Arica – Male Assistant Cook Jordan St. Martin-Reyes was charged under the Magnuson-Stevens Act with harassing and sexually harassing two female observers on board a vessel. A \$19,000 NOVA was issued.

Written Warnings

GCES issued and served Written Warnings under the Magnuson-Stevens Act in the following cases:

1. AK2300845; F/V Tempo Sea – Crab IFQ Permit Holder Inter-Cooperative Exchange and Operator Joseph A. Wright were charged jointly and severally under the Magnuson-Stevens Act with making an IFQ crab landing without a crab IFQ hired master permit. A Written Warning was issued.

2. AK2300846; F/V Farwest Leader – Crab IFQ Permit Holder Trident Affiliated Crab Harvesting Cooperative and Operator Seth W. McCallum were charged jointly and severally under the Magnuson-Stevens Act with making an IFQ crab landing without a crab IFQ hired master permit. A Written Warning was issued