

AGENDA B-3
JUNE 2013

National Marine Fisheries Service
Office for Law Enforcement

ALASKA ENFORCEMENT DIVISION

**SEMI-ANNUAL REPORT
TO
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**



FY2013 First and Second Quarters
October 1, 2013, to March 31, 2013

To report fisheries violations,
call our National Hotline at 1-800-853-1964.

http://www.nmfs.noaa.gov/ole/ak_alaska.html

I. MAJOR CASES

CRIMINAL

United States of America v Freddie Joe Hankins

Freddie Joe Hankins was sentenced in federal court in Anchorage for two counts of falsely reporting where he caught 31,000 pounds of halibut in 2007. He was sentenced on November 8 to a \$25,000 fine payable to NMFS, a \$75,000 community service payment, and three years of probation on the condition that all his fishing activities be reported by on-board VMS. Mr. Hankins is also required to publish a statement acknowledging his wrongdoing in the *National Fisherman Magazine*. This case stems from the case against Arne Fuglvog, former fisheries aide to Senator Murkowski and North Pacific Fisheries Management Council member, who was convicted earlier in 2012; this case is currently under appeal.

NOTICE OF VIOLATION ASSESSMENT (NOVA)

F/V OCEAN ROVER

While fishing in the Bering Sea/Aleutian Island Management Area, operators, for themselves, and on behalf of Ocean Rover LLC and American Seafoods Company LLC of the F/V OCEAN ROVER adjusted the scale numerous times so as to bring the performance errors away from a zero value, in violation of the Magnuson Stevens Fishery Conservation and Management Act (MSA) and the American Fisheries Act (AFA) (one count) and processed pollock and other groundfish that was not weighed on a NMFS-approved scale that meets the Maximum Permissible Error (MPE) of plus or minus (“±”) 3 percent, and which was not maintained in proper operating condition throughout its use, in violation of the Magnuson Stevens Fishery Conservation and Management Act (63 counts). Alaska General Council—Enforcement Section attorneys issued a NOVA in the amount of \$848,000.

NOTICE OF VIOLATION ASSESSMENT (NOVA)

F/V NORTHERN EAGLE

While fishing for groundfish in the Bering Sea/Aleutian Island Management Area, the operator, for himself and on behalf of Northern Eagle LLC and American Seafoods Company LLC, processed pollock and other groundfish that were not weighed on a MFS-approved scale that meets the MPE of plus or minus (“±”) 3 percent, and which was not maintained in a proper operating condition throughout its use, in violation of the MSA (81 counts). Alaska General Council—Enforcement Section attorneys issued a NOVA in the amount of \$1,337,000.

II. COMMUNITY OUTREACH AND EDUCATION

Quarter 1 Highlights (Total Hours = 1256)

October 1, 2012 to December 31, 2012

Kodiak

- One Enforcement Officer and one Special Agent participated as trainers during the December session of Fish School for the USCG in Kodiak.
- Two Enforcement Officers and three Special Agents participated in the Observer Restructuring Training Program.

Anchorage

- One Enforcement Officer presented during the law enforcement program, Operation Beluga Watch, to 15 personnel from Joint Base Elmendorf and Fort Richardson conservation agents and officers.

Homer

- At least 45 individuals asked questions regarding the new Observer Declare and Deploy System that focused on insurance coverage, observer coverage, and crewmember reduction.
- Officers responded to questions and concerns by ~35 individuals regarding cuts to the halibut IFQ quota; another ~50 individuals conveyed their concerns about a possible reduction of Charter Halibut catch from two fish per day to one fish per day.

Petersburg

- One Enforcement Officer participated in an Observer Program outreach event that informed the 55 fishers in attendance of upcoming changes to the IFQ and groundfish fisheries.

Sitka

- One Enforcement Officer attended the USCG Commercial Fishing Safety Expo where ~ 40 participants asked questions primarily directed at Subsistence Fishing.
- One Enforcement Officer and one Cooperative Enforcement Program participant staffed the OLE booth during Sitka's annual Whalefest during which they answered questions relating to marine mammal parts and halibut subsistence regulations.

Juneau

- Two Enforcement Officers from Anchorage and Southeast staffed the OLE booth during the 3-day Pacific Marine Expo event in Seattle, WA. Officers fielded questions regarding IFQ, VMS, MMPA, job availability, and regulatory changes to groundfish and halibut observer coverage, which was a particular concern to fishers.
- One Enforcement Officer and one Administrative Staff member attended the Juneau Job Fair and provided information to jobseekers about upcoming openings.

**Quarter Two Highlights (Total Hours = 950)
January 1, 2013, to March 31, 2013**

Kodiak

- One Enforcement Officer presented an overview of OLE activities and agency priorities to 15 USCG Boarding Team members.

Anchorage

- Three enforcement officers staffed a booth at the Anchors Aweigh Boat Show and answered questions relating to marine mammal parts, halibut sport/charter fishing, and general questions about OLE.
- Three enforcement officers staffed a booth for the Great Alaska Sportsman Show, the largest outdoor recreational show in Alaska. Officers answered questions relating to marine mammal issues, halibut sport and charter fishing, recruiting, and general questions about the Office of Law Enforcement, NOAA Fisheries, and NOAA Corps, which included questions about charting and mapping.

Homer

- Two Enforcement Officers conducted three meetings with seven Alaska Wildlife Troopers (AWT) regarding the upcoming IFQ and CHP seasons; topics included: local enforcement issues and public safety concerns for the Soldotna, Seldovia, Port Graham, Nanwalek, Homer Kenai, Anchor Point, Deep Creek, and Sterling areas.
- Two Enforcement Officers met with the Homer Harbor Master and Assistant Harbor Master to discuss local enforcement issues and public safety concerns.
- One Enforcement Officer addressed concerns by ~20 fishers regarding legal Sea Bird Avoidance gear and preparing for the upcoming IFQ season.
- One Enforcement Officer provided assistance and addressed concerns by ~40 fishers regarding preparation for the upcoming IFQ season, resource and contact information, applications and forms, and the status of fisheries.
- Due to the success of the Homer field office staff's outreach activities, two Enforcement Officers, one Special Agent, and one AWT conducted joint enforcement activities for a variety of IFQ regulation violations that were reported by fishers and industry.

Ketchikan

- Two Special Agents provided fisheries training to 14 USCG Boarding Team and Staff members.
- Two Special Agents conducted an Observer Program outreach meeting to provide fishers with important information regarding changes in the program that included funding issues and coverage time.

Sitka

- One Enforcement Officer conducted an educational presentation to nine Sitka National Historical Park employees where the officer discussed OLE's mission and highlighted ways in which park employees can support that mission.

Juneau

- One Enforcement Officer conducted an Observer Program outreach meeting to provide fishers with important information regarding changes in the program, including funding and coverage time.
- One Enforcement Officer conducted outreach to tour boat operators in Juneau in preparation of the upcoming whale watching season.

III. OBSERVER PROGRAM ACTIVITIES

Total Hours Quarter 1 = 476

Total Hours Quarter 2 = 474

Total Hours = 950

Observer Liaison Activities:

Liaison with Observers, Observer Program Office, Staff, and Industry

- Participated in 36 meetings including Restructure Implementation conference calls, Amendment 91 workgroup meeting, and the Fisheries Monitoring and Analysis (FMA) staff meetings.
- Provided liaison support to 45 observers.
- Provided liaison support to 30 FMA staff members, observer providers and industry, by answering compliance reporting questions and creating and distributing outreach material.
- Provided liaison support to FMA staff and observers to document and report potential violations.
- Distributed 77 outreach letters and posters to industry members that were selected for observer coverage in the restructured observer program.

Training Assistance and Program Development

- Collaborated with FMA staff to prepare 2013 OLE Observer training materials.
- Provided compliance monitoring training to 328 new and returning observers.
- Maintained FMA enforcement reference documents and procedural guides.
- Coordinated with RAM to prepare and distribute >650 outreach letters and posters to vessels and processors about observer harassment.
- Attended December NPFMC meeting, OLE Restructure Observer program Agent/Officer Training, and CDQ group outreach meeting.
- Attended Texas Association Against Sexual Assault annual conference to better provide advocacy and support to victims of observer harassment.

Investigative Assistance

- Completed 111 LEADS entries.
- Assisted FMA staff and observers to identify and report potential violations during debriefing.
- Evaluated observer complaints for potential enforcement actions.
- Maintained violation trend spreadsheets.

- Compiled and summarized Amendment 91 compliance trend data.
- Compiled and summarized observer provider compliance trend data.
- Worked with FMA staff to improve the observer compliance monitoring, victim reporting process, and provide program support.

Early Trends of Violations Identified After Observer Program Restructuring

Since January 1, 2013, the frequency some violation types have increased:

- Failure to maintain wheel watch in the partial coverage fleet:
 - Previously a rare violation, 11 incidents reported as of May 17, 2013. OLE is working with USCG to address these observer safety and USCG Rule 5 violations.
- Failure to provide the observer reasonable assistance to collect fishing effort information in the partial coverage fleet:
 - 27 reasonable assistance complaints received as of 05/17/2013 compared to 23 for all of 2012.
 - This trend may be due in part to new vessels and operators learning of the requirements associated with carrying an observer. OLE has attended collaborative outreach meetings to the industry and mailed outreach materials to every newly covered boat.
- Failure to record trips into the Observer Declare and Deployment System (ODDS):
 - As of 05/17/2013, 2434 trips were logged into ODDS as pending or realized.
 - During the same time period, OLE responded to 38 incidents of failure to log a trip into the ODDS.
- OLE has begun to receive reports of failure to retain legal sized halibut and halibut mishandling on small IFQ vessels. These reports are few; nonetheless, this violation type is a concern.

Efforts and trends associated with Amendment 91 Salmon Monitoring

- 2011 to present, OLE has taken a compliance assistance approach to Amendment 91 Salmon Monitoring implementation.
- OLE collaborated with the Observer Program, Sustainable Fisheries staff, and Industry to solve implementation challenges and to ensure complete and accurate salmon monitoring.
- OLE attended the compliance assistance workshop with industry on May 16, 2013 to collaborate on solutions to ongoing salmon monitoring concerns. Of particular concern to OLE:
 - Approximately 4% of all AFA CV deliveries included significant deckloads of loose fish.
 - 8 catcher vessels delivered loose fish deckloads every season since Jan 1, 2011.
 - IR/IU discards of unsorted pollock present a salmon census challenge and may result in serious salmon discard violations.
- OLE has added summary settlement penalties for discard of salmon and discard of IR/IU species.