

**Interim 1999 Enforcement report to the
North Pacific Fisheries Management Council/
International Pacific Halibut Commission
joint meeting.**

**Stephen A. Meyer
Special Agent-in-Charge
NMFS Alaska Enforcement Division
October 1999**

Today, October 12, 1999, we have just over 30 days until the end of the 1999 Halibut/Sablefish Individual Fishing Quota (IFQ) season. This interim report is designed to give you the general idea of the season with little likelihood of significant change in the remaining month of fishing effort. Attached to this report are the seasonal statistics summarizing the National Marine Fisheries Service (NMFS) Alaska Enforcement Division's (AED) efforts in monitoring and enforcing the IFQ program. A review of these statistics brings home several important issues that merit careful attention. First, and perhaps most important, is that the AED continues to work closely with the United States Coast Guard (USCG) as partners in monitoring and enforcement of the IFQ program. Through the close coordination between our agencies we have been able to meet most of the goals of a good enforcement program. This close coordination has resulted in several outstanding case investigations which have lead to the detection, interdiction, and prosecution of illegal fishing efforts which may not have been resolved otherwise. The following are a few examples of the kinds of cases our joint efforts have detected:

F/V SKIFF NINE

- On September 22, 1999 Lloyd Collins was indicted in Federal Grand Jury on 4 counts of violating the Lacey Act (see attachment 1). The indictment charges that Mr. Collins, on two occasions in early 1999, caught, transported, and sold halibut taken during the closed season. The indictment further charges that on two occasions in 1998, Collins transported and sold halibut not recorded on state fish tickets or federal catch receipts. The combined value of the illegal halibut was over \$20,000. His vessel, the SKIFF NINE, was seized under the authority of an arrest warrant and NMFS is seeking forfeiture. Mr. Collins will appear before a federal magistrate on October 27 in Anchorage for his preliminary hearing.

Through close coordination, Collins and the Skiff Nine were detected returning to Homer after a fishing trip ostensibly for Pacific Cod but where Collins had kept a quantity of illegally retained halibut in an ongoing illegal enterprise. USCG personnel assisted in providing port watch operations which resulted in the seizure of his illegal catch.

F/V VETER

- In a joint case with the Coast Guard, the F/V VETER was cited for having 8,107 pounds of halibut on board with only 8 pounds of quota remaining. The entire load of halibut was seized and sold in Homer.

Close communications between AED and USCG personnel placed the F/V Veter on a look out for suspected illegal fishing activity. Personnel from the USCG Cutter Roanoke Island observed the F/V Veter fishing in the Homer area and boarded the vessel. The USCGC Roanoke Island escorted the vessel to Homer where AED personnel met the vessel and a joint seizure of the illegally caught halibut was effected.

F/V MAJIC MAIDEN

- At the same port, the same night the F/V Veter was escorted in, USCG personnel observed the MAJIC MAIDEN offloading halibut at about 3:00 am into a pickup truck and trailer. The vessel was boarded and it was determined that the skipper did not have an IPHC logbook, a Federal Fisheries Permit, or an ADF&G license. He had not requested a waiver to offload outside the 6am to 6pm window. The entire load was seized. The MAJIC MAIDEN had 2,700 pounds of IFQ halibut on board with 38 halibut being undersized.

This case is particularly gratifying in that USCG personnel were at the right place, at the right time, to find this illegal offload in the very early morning hours of August 25, 1999. AED personnel helped effect the seizure of the fish and in disposing of the short halibut in accordance with federal regulations and policies.

In addition to the aforementioned joint investigations, AED personnel also brought to justice the case of Orlando Bell and the F/V Lindy.

F/V LINDY

- This case required intensive investigation over a 2 year time period. Bell and his crew fished for and caught in excess of his 1997 Halibut IFQ quota. Upon delivery, Bell and his crew high graded the fish at the dock, selecting the prime large halibut for delivery, and dumped the remaining 2,300 pounds of fish into the harbor under the unloading crane. Bell has been indicted for his crime (see attachment 2) and faces a monetary penalty and potential jail time.

This is a sampling of some of the more significant cases recently investigated by AED and/or the USCG. Several other cases of the same magnitude or larger are currently under investigation by AED personnel. This is demonstrative of the increase in non-compliance predicted in the Matthews report (April, 1997) and by the author based upon study of mature IFQ type programs internationally. AED and USCG personnel will remain vigilant in detecting illegal activity and assessing and reporting on predicted trends in compliance/non-compliance relating to the IFQ program.

The second issue for consideration is dockside monitoring during the 1999 IFQ season. An all time low number of personnel in the AED during the majority of the season contributed to very low numbers of vessels boarded shoreside (see attachment 3). From January to June, 1999, AED had 2 Enforcement Officers (EOs)(Uniformed Law Enforcement personnel) in the field. One in Ketchikan and one in Homer. In June, five EO's graduated from training and reported to their field stations. They began training under our Field Training Officer (FTO) program. This

consists of three, two-week, sessions. The two experienced EO's each spent 6 weeks as FTO's, training the new hires. Agents and supervisors were also called upon to perform duties as FTO's. This training ended in late August. The FTO's were sometimes required to travel to the trainee's office to train them in their area. The trainees were sometimes required to travel away from their assigned ports to get a variety of experience.

The low boarding percentage of offloadings in the dockside deliveries under the IFQ system remains a concern. Attached to this report is a short paper written to examine the current shortfall in dockside monitoring. As reported in the past, low boardings may lead to an increase in illegal activities if those disposed to illegal activity perceive little to no risk of being caught in their illegal deeds. With staffing at a high level going into the 2000 IFQ season, I anticipate a turnaround in the decline in dockside monitorings and hopefully less concern with real and potential non-compliance.

The 1999 IFQ season marks the fifth season under the new program and AED intends to write a paper on performance, trends and issues regarding compliance with the program. We anticipate delivery of the study in the summer of 2000.

Overall compliance by industry members in ports with permanent AED and/or USCG presence, during daylight hours, with the majority of regulations, is at a high level. The vast majority of people are in compliance with the spirit and the regulations of the IFQ program. I would be remiss in my duties though if I did not report the increase in major illegal activity and our efforts to deter and detect it.