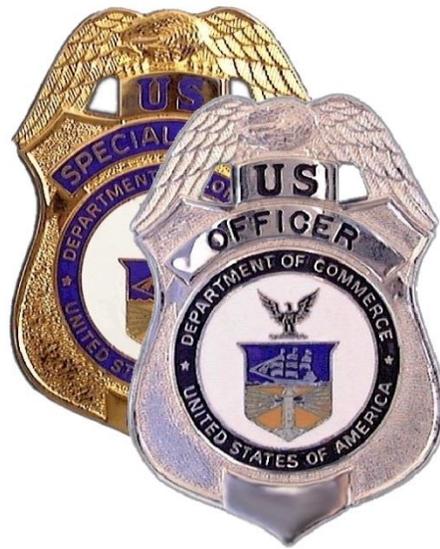


National Marine Fisheries Service
Office for Law Enforcement

ALASKA ENFORCEMENT DIVISION

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



FY2013 Third and Fourth Quarters
April 1, 2013, to September 30, 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

ADMINISTRATIVE HEARING

An Administrative Law Judge ruled that the owner/operator of Alaska Yacht Charters, Geoffrey Wilson, violated the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) by approaching humpback whales within 100 yards. Witnesses stated that the CV ALASKA STORY pursued a pod of humpbacks and drove the vessel into the middle of the pod. The ALJ imposed a civil penalty of \$5,000 on Mr. Wilson and Alaska Yacht Charters.

An investigation from the Kodiak Field Office resulted in the issuance of two Notice of Violation Assessments (NOVAs) by General Council—Enforcement Section (GCES) Alaska to American Seafoods Company for flow scale tampering. GCES issued one NOVA in the amount of \$848,000 for the FV OCEAN ROVER and another for \$1,337,000 for the FV NORTHERN EAGLE; these are the second and third NOVAs issued to American Seafoods.

II. COMMUNITY OUTREACH AND EDUCATION

Quarter 3 Highlights

April 1, 2012 to June 30, 2012

Anchorage Field Office

Enforcement Officers staffed a booth at the Great Alaska Aviation Gathering May 4-5 at the FedEx Terminal in Anchorage. Most attendees were pilots from all over the country. Officers provided information on collecting and registering marine mammal parts, halibut sport fishing, recruiting and the OLE mission.

In Seward Enforcement Officers presented information on regulations, viewing guidelines, MMPA/ESA issues for concern to National Park Service boat rangers and whale watching tour guides.

Homer Field Office

Enforcement Officers assisted approximately 70 individual fishers with questions relating to permits, regulations, and reporting violations.

Enforcement Officers received reports of illegal sport/charter activities from approximately 10 individuals, including Lacey Act violations.

Juneau Divisional Office

An Enforcement Officer met with members of the Juneau Yacht Club to discuss MMPA/ESA viewing and approach regulations, as well as sport halibut fishing regulations; approximately 75 participants.

Ketchikan Field Office

A Special Agent gave a MMPA/ESA hard parts hands-on presentation to approximately 50 Head Start students and six teachers that included a talk on OLE's mission and activities.

Kodiak Field Office

An Enforcement Officer and Observer Program personnel attended an Open House on the Japanese Research Vessel OSHORO MARU during its visit to Dutch Harbor; approximately 150 participants.

Petersburg Field Office

An Enforcement Officer and Special Agent attended the Dixon Entrance Law Enforcement meetings in Prince Rupert, Canada, which was also attended by the Department of Fisheries and Oceans as well as the U.S. Coast Guard, U.S. Forest Service, Alaska State Troopers, Drug Enforcement Agency, and others.

An Enforcement Officer and Special Agent attended two Observer Program meetings with local fisherman in Petersburg; approximately 45 participants.

An Enforcement Officer attended a Borough Assembly meeting and the Petersburg Harbor Board meeting to discuss the local sea lion problem that arose from waste being dumped into the harbor; since then, the Borough has passed an ordinance prohibiting the dumping of fish waste in the harbor.

Sitka Field Office

An Enforcement Officer gave OLE presentations on MMPA/ESA and Charter Halibut Regulations to various groups, including the Sitka Port Security, Sitka Charter Operators, and the Sitka Boat Owners Association reaching approximately 75 individuals.

Quarter Four Highlights

July 1, 2013, to September 30, 2013

Southcentral—Anchorage, Homer

Four Enforcement Officers staffed the OLE booth during the Alaska State Fair in Palmer. Questions from personnel were mainly about OLE, marine mammals, and halibut Fishing. Trends identified by personnel include attendance by statewide, national, and international participants, most questions are general curiosity regarding NOAA, OLE, and our mission. There has been an increase in questions regarding marine mammal native arts and collecting hard parts.

An Enforcement Officer organized and conducted joint education and outreach activities directed at the general public, charter operators, sport fishers, and commercial fishermen during dockside and vessel patrols with the USCG Anchorage Sector in Homer, Seldovia, Ninilchik Charter Association, Anchor Point, Nanwalek, and Port Graham. Charter Halibut Permit regulations were discussed along with MMPA/ESA and other regulatory issues relative to the area. Approximately 35 participants were contacted.

An Enforcement Officer conducted several meetings throughout the quarter with Alaska Wildlife Troopers (AWT), Homer Police Department (PD), Kenai PD, Soldotna PD, USCGC HICKORY, USCGC ROANOKE, USCG Marine Safety Detachment, and Homer Harbor officers regarding local enforcement issues or concerns; 30 participants.

An Enforcement Officer conducted several meetings throughout the quarter with NOAA Protected Resources Division, Seward Sea Life Center, and Marine Mammal Stranding Network to address reports of marine mammal or protected resource issues; 20 participants.

Southeast—Juneau, Ketchikan, Petersburg, Sitka

A Special Agent represented AKD at meeting in Ketchikan that included Alaska Wildlife Troopers, USCG, and Annette Island Reserve representatives to discuss enforcement-related issues and how each agency addresses safety inspections, authority to board vessels, and enforce fisheries laws; 15 participants.

Two Enforcement Officers attended the Southeast Alaska State Fair in Haines where they answered questions related to federal fisheries and marine mammal protection laws; 506 participants.

An Enforcement Officer in Petersburg met with the new Commanding Officer of the USCGC ANACAPPA to provide him with information regarding local fisheries, openings and closures, seasonal fleet locations, and issues facing fishermen.

An Enforcement Officer in Petersburg attended a City Council meeting that included local fishermen and IPHC staff to address the change in catch limits; 30 participants.

During a TDY in Dutch Harbor, the Petersburg Enforcement Officer collaborated with WestWard Seafoods personnel to educate plant personnel on measuring halibut in accordance with IPHC regulations.

III. OBSERVER PROGRAM ACTIVITIES

The OLE contract position for Observer Program related outreach, training, and liaison has been renewed for the 2014 fiscal year. That position conducted the following activities during April – September, 2013:

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

- Participated in 33 meetings including Restructure Implementation conference calls, Amendment 91 workgroup meeting, and the Fisheries Monitoring and Analysis (FMA) staff meetings.
- Provided liaison support to 28 observers.
- Provided liaison support to 40 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 103 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 28 new and returning observers.
- Updated FMA enforcement reference documents and procedural guides.
- Attended the OAC and AP meetings at the June NPFMC meeting in Juneau.
- Coordinated FMA staff briefing on compliance monitoring as well as the combined victim support training with OLE field staff provided by Mo Lewis with King County Sexual Assault Resource Center.

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.
- Continued to track Amendment 91 violation trend data.
- Responded to 36 requests for observer related data.

OLE has identified the following trends related to observers and observer duties:

Failure to maintain a vessel wheel watch (vessel lookout)

- Vessel lookout violations spiked during April – June and decreased during July – Sept.
- Preceding July, OLE took immediate enforcement actions and collaborated with the industry, observer program and USCG to address this observer safety (USCG Rule 5) violation.
- July – Sept, 2013, OLE received new 1 complaint (from a full coverage vessel).
- The Summary Settlement penalty for failure to maintain safe conditions for an observer

is \$1000 per instance.

Failure to provide observer reasonable assistance to collect fishing effort and catch information

- January – November 25, OLE received 56 reasonable assistance complaints as compared to 23 for all of 2012.
- OLE has increased enforcement and outreach efforts.
- The summary settlement penalty for failure to provide reasonable assistance starts at \$1000 or 2000 per instance (depending on offense) for first time violators.

Failure to record trips into the Observer Declare and Deployment System (ODDS) for trip selected vessels

- January - November 25, OLE has responded to 80 reports of failure to log a trip into the ODDS.
- The Summary Settlement penalty for failure to log a trip into ODDS starts at \$1000 per instance for first time violators.

Failure to retain IFQ species or mishandling small halibut on IFQ vessels

- During January – November 25, OLE received 22 reports of vessel operators failing to retain IFQ species or mishandling halibut onboard vessels fishing halibut or sablefish IFQ.
- The Summary Settlement penalty for IFQ retention violations starts at \$200/fish plus forfeiture of any illegally retained fish.
- The Summary Settlement penalty for prohibited species mishandling is a written warning for a first offense and \$1250 – 1500 per instance for repeat offenses.

Amendment 91 Bering Sea salmon monitoring:

- Approximately 4% of all AFA CV deliveries include uncontained deckloads presenting a census challenge and opportunity for presorting.
- Discards of unsorted pollock (also IRIU) also result in some salmon discard.
- OLE continues to collaborate with the Observer Program, Sustainable Fisheries, and industry to work toward solutions to monitoring challenges.
- The Summary Settlement penalty for sorting salmon prior to the observer opportunity to sample starts at \$2500 per fish for first time violators.
- The Summary Settlement penalty for failure to retain IRIU pollock starts at \$3500 for first time violators.