

National Marine Fisheries Service
Office for Law Enforcement

ALASKA ENFORCEMENT DIVISION

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



FY2018
October 2017- March 2018

To report fisheries or marine mammal violations,
Call our National Hotline at 1-800-853-1964.
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1. Enforcement Operational Highlights

From October 1, 2017 to March 31, 2018 the Alaska division conducted several organized multi-day patrols.

AKD conducted an observer focused Pulse Operation in early March. One Special Agent and five Enforcement Officers worked out of Dutch Harbor in conjunction with two enforcement technicians in Juneau, coordinating investigative support. Participating organizations included: Alaska State Troopers, US Customs and Border Protection, US Coast Guard, Immigrations and Customs Enforcement, Sea Grant, Unalaska Police Department, and Unalaskans Against Sexual Assaults and Family Violence. OLE personnel in Dutch Harbor focused on 313 observer related complaints during the 10-day operation, involving a total of 98 distinct vessels or processors. Overall, 153 complaints were resolved through compliance assistance or enforcement action, 57 complaints were investigated but remain open pending further enforcement action, and 103 were not addressed because the vessel or individual were not encountered during the operation. The most common violations addressed were Record Keeping & Reporting, Interference/Sample Bias, and Intimidation/Coercion/Hostile Work Environment.

In addition to addressing observer related complaints, the teams monitored AFA Pollock sorting lines; reviewed flow-scale and AFA deck sorting video; and boarded foreign trampers jointly with the U.S. Coast Guard (USCG) and with Customs and Border Protection. OLE personnel also distributed victim advocacy information to each shoreside processor and reached out to the local victim advocacy services to continue a working partnership.



Parallel to the Dutch Harbor Pulse Operation, two Enforcement Officers participated in a Joint Enforcement patrol with Alaska Wildlife Troopers (AWT) on the State of Alaska Patrol Vessel (PV) Stimson. The primary objective was to conduct foreign vessel boardings while patrolling from Kodiak to Akutan. A secondary objective was to seek out and board 15 vessels that had been identified as having open incidents forwarded from the North Pacific Observer Program and were likely to be operating in the area of the patrol. The Stimson crew maintained communication with the

concurrent operation in Dutch Harbor as well as the Juneau investigative support team to identify other vessels that were within the operating area of the PV Stimson. Five remote ports were visited and three federal shoreside processors were inspected during the patrol. 24 vessels were boarded, two of which were foreign vessels. Two summary settlements, two written warnings, and one fix-it ticket were issued:

- A Summary Settlement was issued to a processor for failing to accurately report the number of Prohibited Species salmon delivered.
- A Summary Settlement was issued to a processor for failure to have a valid Federal Processor Permit while receiving and processing groundfish harvested from the BSAI and GOA.
- A Written Warning was issued to a Fishing Vessel (FV) operator for failure to maintain required seabird avoidance gear.
- A Written Warning was issued to a FV operator for failure to notify an observer prior to fish being brought onboard.
- A Fix-it Ticket was issued to a FV operator for failure to have a valid copy of the Limited License Program groundfish license available for inspection. The Alaska Wildlife Troopers issued four citations and provided compliance assistance for state violations. Concerns were forwarded to the Alaska Department of Environmental Quality and Seafood Inspection personnel concerning one plant that was visited.

In October and November, Enforcement Officers partnered with the USCG onboard the cutters Melon and Sherman to conduct two at sea patrols totaling over three weeks. Twelve at-sea boardings of longline and pot Pacific cod vessels were completed. Boarding teams addressed minor recordkeeping and reporting violations through compliance assistance and written warnings. An EO also provided four training sessions to boarding teams covering observer program; record keeping and reporting; flow-scale and video requirements; and port state measures / foreign vessel inspections.

An EO conducted a 10-day joint enforcement patrol in January onboard the Alaska Wildlife Trooper PV Stimson. Officers served two Grand Jury subpoenas, boarded six vessels, and inspected a processing plant in Sand Point, AK.



In late February and early March, an EO patrolled with the USCG for 10 days onboard the USCGC Douglas Munro in the Bering Sea and Aleutian Islands. A floating processor and 6 catcher vessels targeting pollock, were boarded. Boarding teams provided

compliance assistance and Daily Fishing Logbook instructions for multiple minor logbook violations. The EO also provided LE training and input for cutter mission briefings.



An Enforcement Officer departed from Dillingham on the AWT PV Kvichak to participate in a joint enforcement patrol of the Togiak area, monitoring the herring and groundfish fisheries in the area. Teams boarded four foreign trampers and reviewed documentation and catch onboard.

No violations were noted. During down times, due to poor weather, officers visited Dillingham and surrounding village residents to discuss the Community Development Quota (CDQ) Program.

2. Charter Halibut Enforcement Update

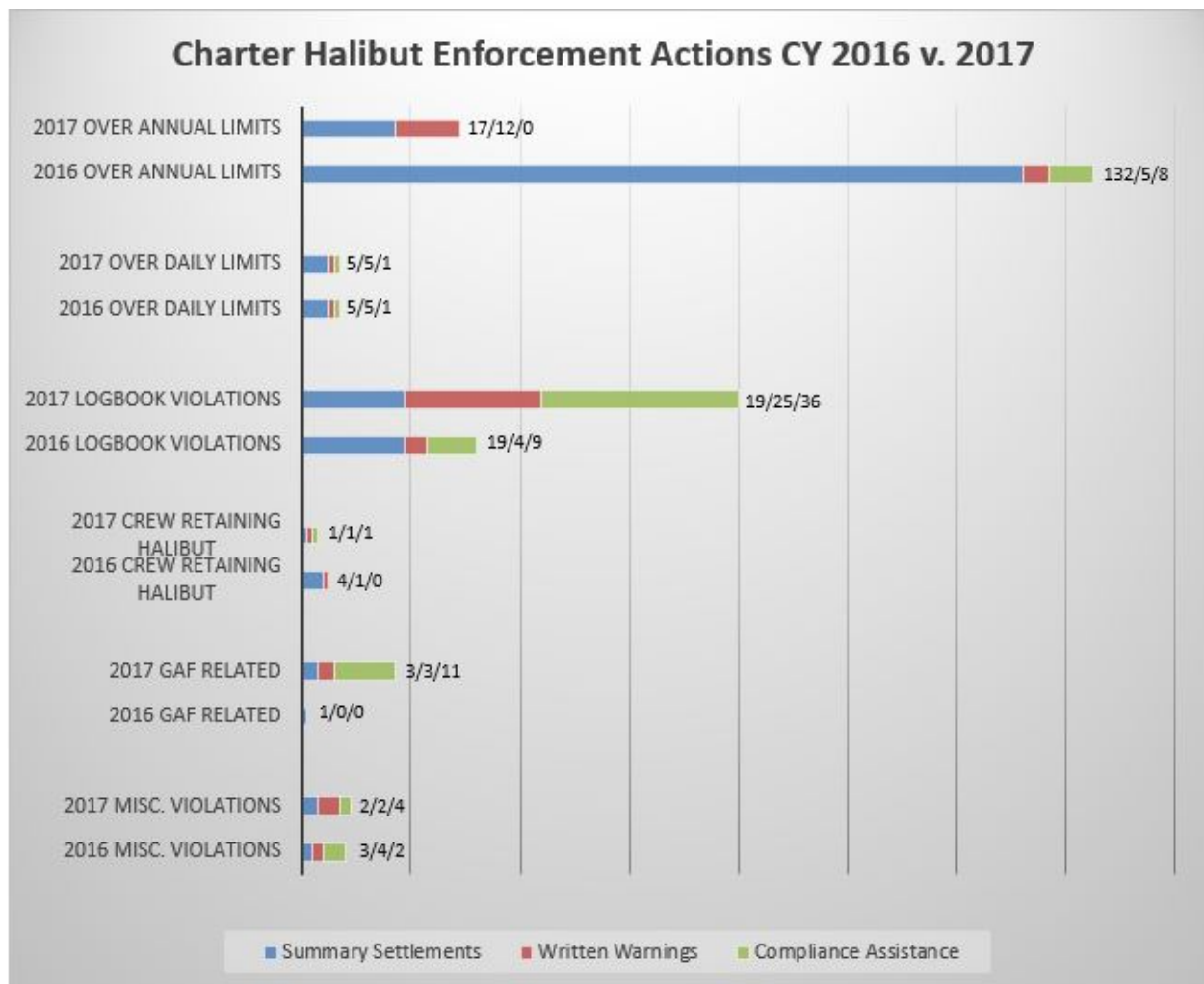
OLE analyzed Charter Halibut Logbook data submitted to the State of Alaska for 2017 charter fishing. From Jan 1, 2017 to December 31, 2017 there were over 27,000 individual charter fishing trips reported with retained halibut. More than 95,000 individual licensed anglers retained at least 1 halibut. OLE issued the following enforcement actions based on the 2017 logbook audits and dockside activities: 2 NOVA case referrals, 49 summary settlements, 46 written warnings, 52 compliance assistance, and 1 fix-it ticket. (See Table 2.1 - Charter Halibut Enforcement Actions CY 2016 v. 2017).

Offenses for 2017 audit cases included:

- Retaining over the annual or daily limit (38)
- Charter Halibut Guide logbook (83)
- Crew retaining halibut (3)
- GAF Related Violations (20)

OLE has continued outreach efforts to the charter industry. Formal outreach was provided at the Great Alaska Sportsman's Show, the Kenai Peninsula Sport, Recreation and Trade Show, and several charter halibut outreach meetings in Seward, Kenai, Homer, Juneau, Sitka, Petersburg and Anchorage. Outreach meetings were geared toward charter halibut operators, lodges, and guides to provide information and compliance assistance to participants. Officers also provided extensive compliance assistance and outreach during boardings, patrols, site visits, and other routine contacts.

Table 2.1 Charter Halibut Enforcement Actions CY 2016 compared with CY 2017.



*Enforcement Actions include Summary Settlements, Written Warnings, and Compliance Assistance

3. Incidents and Summary Settlement Information

From October 1, 2017 to March 31, 2018 NOAA officers and agents opened 628 incidents; 480 incidents were related to the Magnuson-Stevens Act; 93 Northern Pacific Halibut Act; and 55 Endangered Species Act, Marine Mammal Protection Act, the Lacey Act, and other federal laws combined (See Table 3.1). Of the 628 incidents created, 481 incidents were completed and 147 are ongoing. A total of 82 summary settlements were issued (see Table 3.2 and 3.3, respectively).

Table 3.1 – Incidents created between October 1, 2017 and March 31, 2018 categorized by primary Law, Program, or Regulation type.

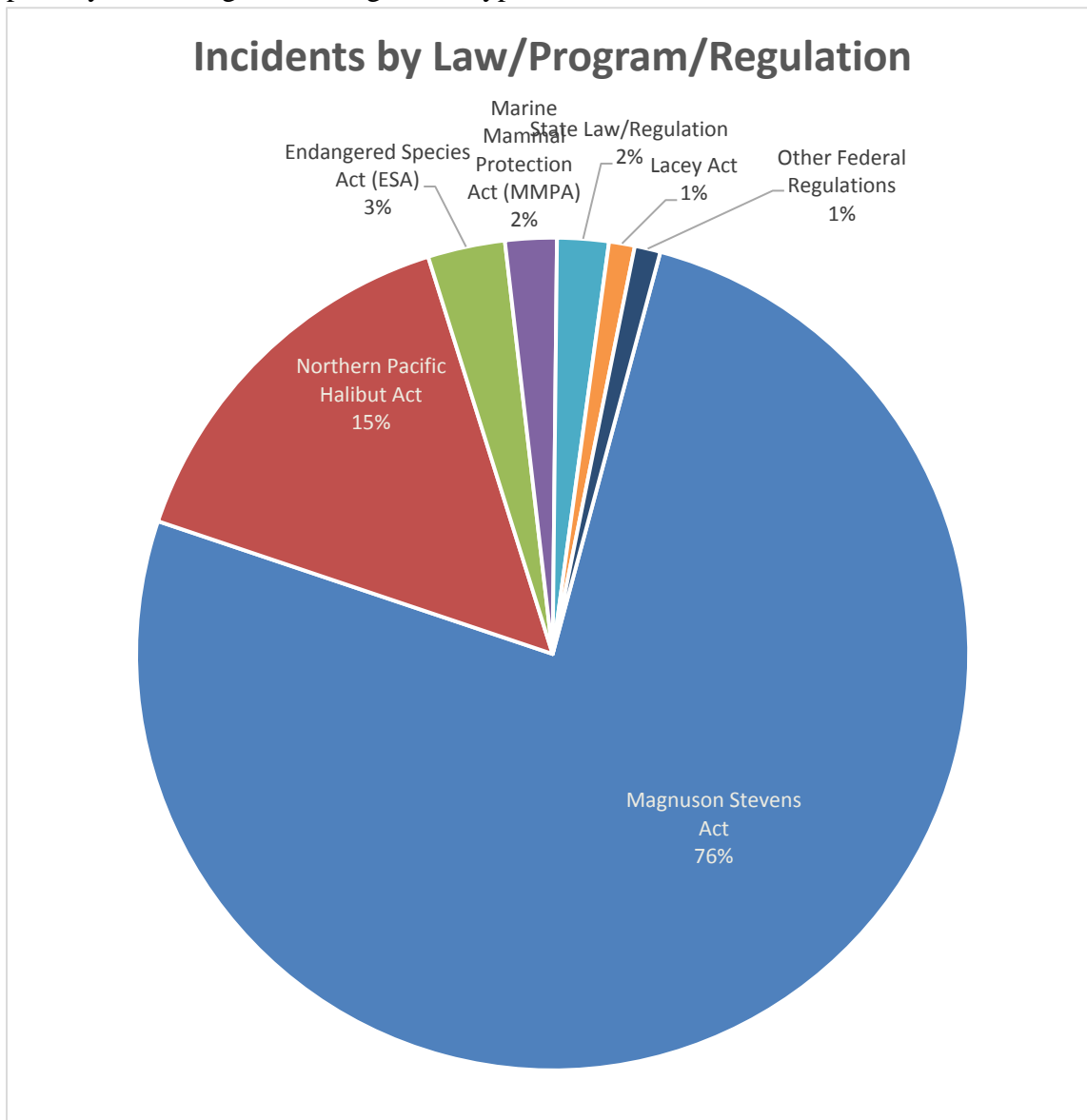
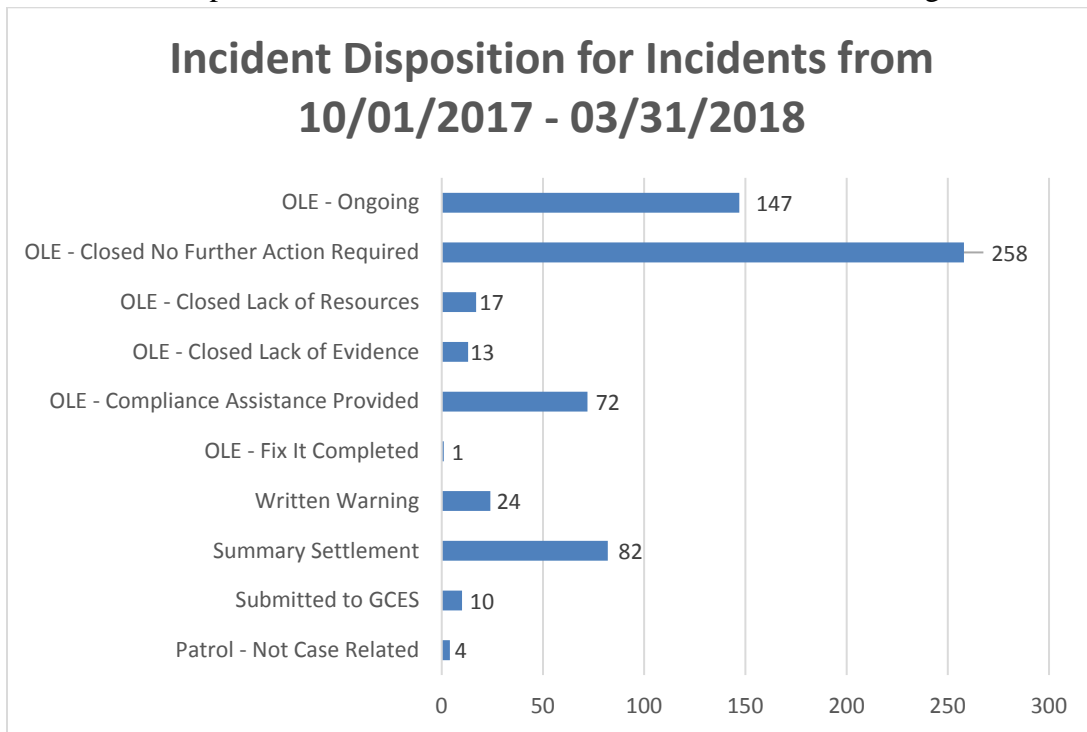
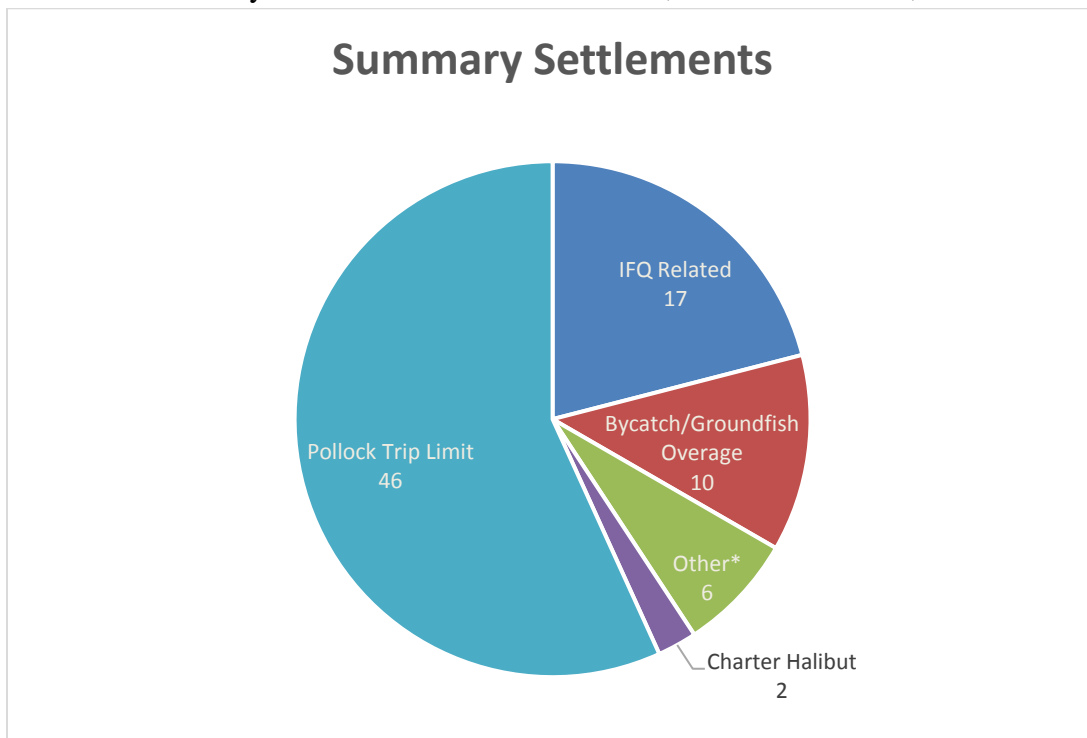


Table 3.2 – Dispositions for all incidents created October 1, 2017 through March 31, 2018



**No Further Action Required* includes outreach, training, contacts, and no violation complaints.

Table 3.3 Summary Settlement breakout October 1, 2017 to March 31, 2018



**Other* includes Recordkeeping, ODDS, Subsistence Halibut, FFP and Flow Scale violations.

4. Observer Program Partnership Activities

AKD works closely with the U.S. Coast Guard, Alaska Wildlife Troopers, fishing industry, Observer Program, observer providers, NOAA General Counsel, advocate organizations, and other law enforcement agencies to address incidents that affect observers and observer work environments, safety, and sampling. OLE works with industry, observer providers, and observers to develop and encourage rapport building and trust relationships between observers and crew. Positive relationships facilitate positive work environments and maximize opportunities for communications between observers and crew to facilitate voluntary compliance.

OLE provides reoccurring classroom training to novice and experienced observers throughout the year. An AKD Special Agent, GCES, and the Seattle based NOAA Observer Liaison Contractor provided training in Seattle, WA which focused on regulatory review and updates, the observer compliance role, recognizing harassment, and impediments to disclosure. The formal training along with informal contacts by OLE personnel during routine patrols help to develop a strong working relationship and trust between observers and OLE personnel.

Observer Statements

The Observer Program forwards statements of potential violations to OLE - these include observer-generated statements and Observer Program generated complaints (mostly ODDS related). AKD staff evaluate and prioritize all potential violations and forward most for investigation or review by an AKD supervisor.

AKD officers and agents investigate the most egregious complaints to identify if violation(s) occurred and to determine the appropriate level of enforcement action. Many first offenses and low-level infractions result in outreach, compliance assistance, or issuance of a warning. In 2017, 247 outreach letters were issued for minor complaints including: Failure to Notify, IFQ Retention, IR/IU, Prohibited Species Mishandling, Recordkeeping and Reporting, Reasonable Assistance, and Seabird Avoidance. AKD also utilizes observer statements to track compliance trends in order to help focus and prioritize enforcement efforts, outreach, training, and compliance assistance. See the 2017 Observer Program Annual Report for details.

OLE has zero tolerance for sexual harassment, sexual violence, rape, intimidation, hostile work environment, or coercion directed toward observers. AKD and law enforcement partners have responded immediately to all reports of assault and sexual harassment. AKD has worked diligently to earn the trust of observers in order to make it comfortable for them to report violations. Statements involving sexual harassment dropped significantly in 2017 (14 in 2016: 7 in 2017). The trend indicates that law enforcement and industry efforts to educate and prevent sexual harassment related incidents may be producing positive results.

Statements involving assaults showed a slight increase in 2017 (1 in 2016: 3 in 2017) demonstrating the continued need for proactive steps to provide observers safe work environments. We encourage industry to collaborate with the Observer Program, Observer Providers, and AKD to ensure observers are able to complete duties free of all types of assault, harassment, and interference.

There was a significant increase of reports involving ODDS entries and observer coverage in 2017. The majority of complaints involved vessels logging a shoreside or tender delivery and then delivering opposite of what was logged. There were also multiple complaints involving failure to log trips. AKD addressed 61 of these reports through outreach, compliance assistance, or enforcement action. The remainder are ongoing (complex cases), dismissed, or no violation.

The tables below summarize observer statements and complaints received by AKD. It is important to note the total numbers of complaints do not necessarily reflect an accurate number of violations occurring in the field. Some observers may be unaware if an act is a violation, while others may be reluctant to report potential violations due to factors such as fear of retaliation. For victim type crimes, observers may initially minimize what happened, or they may not be ready to disclose a traumatic incident. It is common for observers to report victim crimes directly to an AKD agent or officer several months after the alleged crime.

Table 4-1. Observer Program complaints received by AKD by coverage sector and subject matter in 2016 compared to 2017.

COMPLAINT TYPE	FULL COVERAGE		PARTIAL COVERAGE		TOTAL	
	2016	2017	2016	2017	2016	2017
OLE Priority						
Harassment - Assault	0	3	1	0	1	3
Harassment - Sexual	12	6	2	1	14	7
Interference/Sample Bias	30	28	14	3	44	31
Intimidation/Coercion/Hostile Work Environment	41	24	11	3	52	27
Disruptive/Bothersome Behavior - Conflict Resolved	31	20	8	1	39	21
Safety – NMFS	47	40	12	8	59	48
TOTAL OLE Priority	161	121	48	16	209	137

COMPLAINT TYPE	FULL COVERAGE		PARTIAL COVERAGE		TOTAL	
	2016	2017	2016	2017	2016	2017
Limited Access Programs						
AFA	21	25	N/A	N/A	21	25
Amendment 80	70	80	N/A	N/A	70	80
Catcher Processor Longline	47	29	N/A	N/A	47	29
Rockfish Program	3	1	N/A	N/A	3	1
IFQ Retention	6	1	32	16	38	17
Total Limited Access Programs	147	136	32	16	179	152
Protected Resources and Prohibited Species						
Gulf of Alaska Salmon Bycatch	N/A	N/A	47	50	47	50
Bering Sea Pollock Salmon Bycatch	100	79	N/A	N/A	100	79
Marine Mammal	0	3	1	1	1	4
Seabird (majority is gear related)	14	1	22	14	36	15
Prohibited Species – Mishandling and Retention	80	73	19	21	99	94
Total Protected Resources and Prohibited Species	194	156	89	86	283	242
All Other Complaint Types						
Contractor Problems	7	7	N/A	N/A	7	7
Failure to Notify	50	59	20	16	70	75
Inadequate Accommodations	11	6	2	2	13	8
IR/IU	19	47	41	23	60	70
Miscellaneous Violations	10	6	10	5	20	11
Reasonable Assistance	32	36	20	9	52	45
Record Keeping and Reporting	156	122	327	198	483	320
Restrict Access	2	3	1	1	3	4
Observer Coverage	N/A	N/A	88	242	88	242
Total All Other Complaint Types	287	286	509	496	796	782
GRAND TOTAL	789	702	678	614	1467	1316

5. Case Updates

1. 1501338; An extensive and well-coordinated investigation into 15 dead Steller sea lions led to a criminal indictments against the owner/operator and a deckhand of the F/V Iron Hide. The two were charged with harassing and killing Steller sea lions with a shotgun and then making false statements and obstructing the government's investigation into criminal activities.
2. AK1503888; F/V Hula Girl – Owner/operator was charged under the Northern Pacific Halibut Act (Halibut Act) for failing to register an anticipated fishing trip with the Observer Declare and Deploy System prior to embarking on the fishing trip. An \$8,000 NOVA was issued. The case settled for \$5,400.
3. AK1600927; F/V Cormorant Isle – Owners and operators were charged under the Magnuson-Stevens Act for retaining an excess of Individual Fishing Quota (IFQ) sablefish allowable for the vessel category and IFQ regulatory area in which the vessel deployed fixed gear, and in excess of the total amount allowable under the permits currently held by all permit holders aboard the vessel, without an observer aboard. A \$42,306.70 NOVA was issued. The case was settled for a two year probationary period based on inability to pay.
4. AK1707474; Skana Enterprises, Inc. – Company was charged under the Magnuson-Stevens Act for fishing for and landing IFQ sablefish under an IFQ sablefish permit that belonged to a different vessel. A \$3,500 NOVA was issued and the case settled for \$3,150.
5. AK1702035; F/V Pacific Ram – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the daily catch limit for pollock. An \$11,087.67 NOVA was issued and the case settled for \$10,827.97.
6. AK1705077; F/V Hi Time – Individual was charged under the Halibut Act for having more charter vessel anglers catching and retaining halibut on a charter vessel trip than the total angler endorsement number specific on the CHP. A \$9,750.00 NOVA was issued.
7. AK1707265; F/V Ocean Hope 3 - Owner and operator were charged under the Magnuson-Stevens Act for exceeding the daily catch limit for pollock. A \$10,827.97 NOVA was issued and the case settled for \$10,027.97.
8. AK1707775; F/V Walter N - Owner and operator were charged under the Magnuson-Stevens Act for exceeding the daily catch limit for pollock. A \$19,032.59 NOVA was issued and the case settled for \$17,632.59.
9. AK1800385; F/V Sunset Bay - Owner and operator were charged under the Magnuson-Stevens Act for exceeding the daily catch limit for pollock. A \$4,287.53 NOVA was issued and the case settled for \$4,087.53.

10. AK1800545; F/V Bay Islander - Owner and operator were charged under the Magnuson-Stevens Act for exceeding the daily catch limit for pollock. An \$11,287.36 NOVA was issued and the case settled for \$7,287.36.
11. AK1800813; F/V Pacific Ram - Owner and operator were charged under the Magnuson-Stevens Act for exceeding the daily catch limit for pollock. A \$5,262.56 NOVA was issued.
12. AK1800814; F/V Ocean Hope 3 - Owner and operator were charged under the Magnuson-Stevens Act for exceeding the daily catch limit for pollock. A \$3,622.34 NOVA was issued.
13. AK1704303; F/V Star Daze – Owner/operator unlawfully retained one Pacific Halibut outside Annette Island Reserve waters and in IPHC Regulatory Area 2C without an IFQ permit. The halibut was seized. A written warning was issued.
14. AK1702793; F/V Alaska Dawn – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the daily catch limit for pollock. A \$14,252.89 NOVA was issued and the case settled for \$13,252.89.
15. AK1702076; F/V Arctic Ram – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the daily catch limit for pollock. A \$26,309.85 NOVA was issued and the case settled for \$24,509.85.
16. AK1702010; F/V Marcy J – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the daily catch limit for pollock. A \$7,450.72 NOVA was issued and the case settled for \$6,850.72.
17. AK1800548; F/V Caravelle – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the daily catch limit for pollock. A \$2,668.35 NOVA was issued.
18. AK1604754; F/V Endorfin – Operator unlawfully sold subsistence caught Pacific Halibut in violation of Halibut Act regulations. A \$600.00 NOVA was issued.

6. Outreach and Education

Outreach and education help to improve compliance with regulations and empower resource user to become partners in resource responsibility and sustainability. OLE agents and officers provided information and updates about regulations through multiple venues. Table 6.1, below, outlines some of the organized AKD outreach efforts from October 1, 2017 to March 31, 2018. Formal outreach and education events listed do not capture daily outreach and education routinely conducted during investigations, boarding, and contacts.



Table 6.1 – NOAA Office of Law Enforcement Outreach and Education Efforts

Date	Location	Description
Reoccurring Monthly	Seattle, WA	Observer Training: OLE and GCES staff provided initial and refresher training to observers, to include regulation updates and review, observer compliance role, and recognizing harassment and impediments to disclosure.
November 3-5, 2017	Sitka, AK	Sitka Whale Fest: 2 enforcement officers and a supervisory enforcement officer staffed an OLE booth and provided the public with information about MMPA and ESA regulations.
November 16-18, 2017	Seattle, WA	Pacific Marine Expo: An enforcement officer and a supervisory enforcement officer and Observer Program Liaison staffed a booth and answered questions regarding MMPA & ESA and sport, charter and commercial fishing regs.
November 20, 2017	Kodiak, AK	USCG North Pacific Regional Fisheries Training Center: a special agent provided training to a class of USCG boarding officers.
December 14, 2017	Anchorage, AK	Joint Base Elmendorf-Richardson: an enforcement officer and a special agent trained new Military Conservation Agents regarding enforcement of ESA, MMPA, as well as Operation Beluga Watch, further actions that need to be taken while investigating marine mammal crimes and strandings, and the importance of proper evidence collection.

Date	Location	Description
December 16, 2017	Juneau, AK	Shop with a Cop: An enforcement officer participated in an event with the Alaska Peace Officers Association which allowed 31 underprivileged kids to go shopping with officers
January 15, 2018	Anchorage, AK	Cook Inlet/Kodiak Unusual Mortality Event Response Planning Workshop: an enforcement officer gave training on marine resource evidence collection.
January 26, 2018	Kodiak, AK	Kodiak Trawlers Pre-Season Meeting: A supervisory enforcement officer and special agent discussed topics including pollock trip limits, responding to the USCG, observer safety, and other relevant topics.
January 23 - January 27, 2018	Anchorage, AK	The Alaska Marine Science Symposium: An enforcement officer gave a presentation about gathering evidence during a stranding response.
February 16-18, 2018	Anchorage, AK	Anchorage Boat Show: An enforcement officer along with NOAA PRD and NOAA Corps personnel staffed a booth and answered questions regarding species ID, MMPA & ESA regs, sport, charter and commercial regs, current charting and biological research programs.
March 19 - March 27, 2018	Accra and Takoradi, Ghana	Obangame Express sponsored by NAVAF: An OLE special agent deployed to an international training event to counter IUU fishing. OLE personnel and a NOAA foreign affairs specialist provided training in evidence collection and processing to participants from the Ghana Navy, Marine Police and Fisheries Enforcement Unit.
March 22, 2018	Kodiak, AK	COMFish: An enforcement officer and supervisory enforcement officer attended the three day commercial fishery trade show and manned a booth along with NOAA NFMS Science center and AWT personnel.
March 31, 2018	Juneau, Alaska	Juneau Yacht Club Meeting: A supervisory enforcement officer attended a public discussion on Sport Halibut, Charter Halibut, MMPA, and ESA regulations.