

National Marine Fisheries Service
Office for Law Enforcement

ALASKA ENFORCEMENT DIVISION

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



FY2016

April 1 to September 30, 2016

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

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

Table of Contents

1. Enforcement Highlights
2. Case Updates
3. Charter Halibut Enforcement Update
4. Outreach and Education
5. Observer Program Activities

1. ENFORCEMENT HIGHLIGHTS

Three enforcement officers and a supervisory enforcement officer conducted a joint operation in Southeast Alaska with the Alaska Wildlife Troopers, National Park Service, and a USCG officer. The team boarded 113 vessels, provided compliance assistance to 19 operators, and identified 11 fisheries violations. Three unlicensed guides were cited. (Pictured right)



An enforcement officer completed a 19 day patrol aboard the State of Alaska Patrol Vessel Enforcer. The officer and an Alaska Wildlife Trooper traveled 1,285 nautical miles and utilized the small onboard vessel to perform 177 vessel boardings. The boardings resulted in 581 public contacts, 41 citations issued (about half federal violations), and 67 incidents of compliance assistance. Fishery violations included; possession of mutilated sport caught halibut, failure to ensure anglers sign the charter logbook, charter fishing without a valid Charter Halibut Permit, and failure to properly identify Guided Angler Fish by clipping the caudal fin.



(pictured above).

An enforcement officer was notified by the Homer Harbormaster Office of an entangled whale. The whale was near the Homer Spit and dragging a buoy and line. The officer assembled a team including Protected Resources Division, the Homer Stranding Network, and the Alaska Sea-life Center. The team found a distressed and slowly removed and retrieved the line until the whale was free. The whale was observed swimming away and headed north. OLE determined the gear was an elaborate mooring system

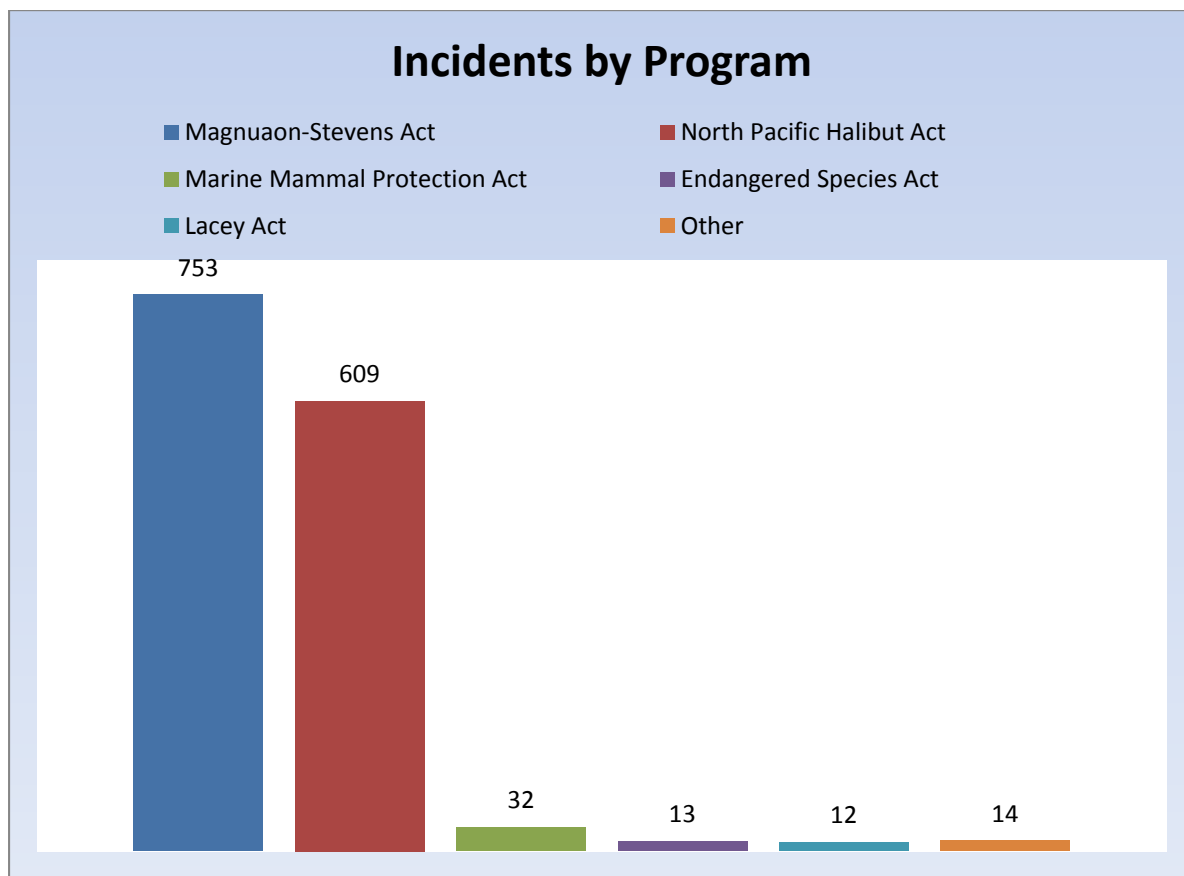
A Dutch Harbor enforcement officer partnered with US Customs and Border Protection to board incoming foreign trampers. The team reviewed cargo declarations, mate's receipts, product, and product labeling to determine compliance with international trade law. Boardings were conducted of the Liberian flagged M/V DUNDEN STAR and the Panamanian flagged MV KHANA.

OLE and American Samoa Department of Marine Wildlife Resources officers conducted a Port State Measures operation in Pago Pago Harbor, American Samoa. The group boarded foreign

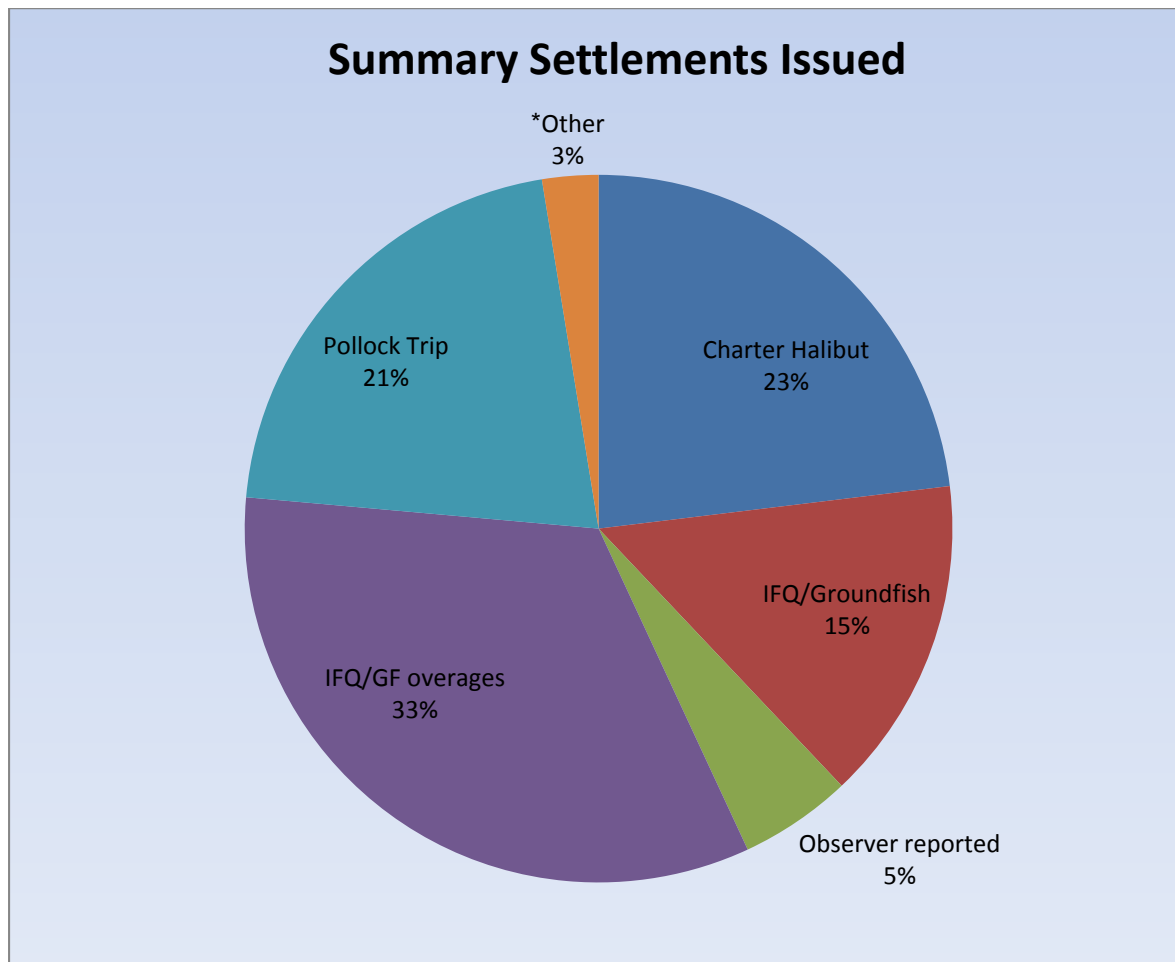
flagged longline and purse seine vessels to detect IUU fishing activities. U.S. flagged commercial fishing vessels were also boarded to ensure compliance with U.S. federal fishing laws. The team also patrolled the Fagatele Bay National Marine Sanctuary and responded to ESA and MMPA issues (Turtles and Sharks). A total of 16 boardings were completed and 12 violations identified.

Two enforcement officers conducted a five day patrol on Saint Paul Island. The officers used ATVs to patrol approximately 290 miles and multiple fur seal rookeries. A fur seal pup skull and a deceased fur seal pup were found with no sign of illegal take. The two officers boarded nine IFQ and CDQ vessels and issued two warnings for record keeping violations.

During April – September, 2016, OLE opened a total of 1433 incidents and 410 cases:



OLE issued a total of 195 summary settlement penalties, by case type below:



*“Other” includes VMS, boarding ladder, MMPA and IR/IU cases

2. CASE UPDATES

AK1300970; F/V Lone Fisherman - Operator was charged with two counts under the Northern Pacific Halibut Act (Halibut Act) and Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) for making false entries in his halibut logbook and submitting false information on a fish ticket/landing report by misreporting the area of harvest of halibut and sablefish. A \$114,153 NOVA was issued and settled for \$80,000.

AK1500918; F/V D.B. JANNIE - Individual charter vessel guide was charged under the Halibut Act for inaccurately reporting the number of halibut retained by his clients on the Saltwater Sport Fishing Charter Trip Logbook on a single day. A written warning was issued.

AK1504084, AK1601067 – Two owner/operators were charged under the Magnuson-Stevens Act with violating IPQ processing caps in the Tanner crab fishery prior to Council action. Written warnings were issued.

AK1504123; F/V Endorfin – An owner/operator was charged under the Halibut Act for submitting inaccurate information in charter halibut logbook. A \$1,000.00 NOVA was issued. Case settled for \$750.00.

AK1600744; F/V Alaska Spirit and Catch-A-Lot Charters - Owner/operator and company were charged in two counts under the Halibut Act for exceeding the daily sport bag limit for halibut and for failing to comply with the charter vessel logbook requirements by entering inaccurate information. A \$6,000 NOVA was issued and was settled for that amount.

AK1600927; F/V Cormorant Isle - Owner and operator were charged under the Magnuson-Stevens Act for retaining IFQ sablefish on the vessel in excess of the total amount of unharvested IFQ applicable to the vessel category and IFQ Regulatory Area CG in which the vessel deployed fixed gear, and that was currently held by all permit holders aboard the vessel, without an observer aboard. A \$42,306.70 NOVA was issued.

AK1602110; F/V Taurus – Owner, operator, individual, and company were charged under the Magnuson-Stevens Act for submitting inaccurate information on required fish ticket and for retaining IFQ sablefish caught with fixed gear without a valid IFQ permit. A \$5,745.20 NOVA was issued. Case settled for \$5,245.20.

AK1602045; F/V Dues Payer II – Owner/operator was charged with one count of retaining undersized halibut in violation of the Halibut Act. A \$7,500 NOVA was issued.

3. CHARTER HALIBUT ENFORCEMENT UPDATE

OLE is continuing to address potential violations identified from the 2016 Charter Halibut Logbook data audit. For the timeframe April – September, OLE issued 45 summary settlement enforcement actions associated with the charter halibut sector including violations identified during patrols and audits. Violations included:

- Retaining over the annual or daily limit (20)
- Charter Halibut Guide logbook. (14)
- Use/report invalid Charter Halibut Permit. (5)
- Chunking Halibut (6)

OLE has continued to engage the charter halibut sector during outreach events to address significant changes to charter halibut regulations. Formal outreach was held in the communities of Seward, Valdez, Cordova, Anchorage, Kenai, Kodiak, Haines, Homer, Ketchikan, Wrangell,

and during lodge visits. Outreach meetings were geared primarily for charter halibut lodges and guides with the intent to educate and provide compliance assistance to participants. OLE officers also engaged in extensive outreach during boardings, patrols, site visits, and other routine contacts. OLE is planning outreach additional events before the start of the 2017 season.

4. OUTREACH AND EDUCATION

An Alaska special agent represented the OLE at the International Fisheries Observer & Monitoring Conference in San Diego, California. The agent gave a presentation on reducing risks for observers of sexual harassment and assault through outreach, prevention, and education. She also participated in a safety discussion panel that answered questions and provided information to the public and observers programs worldwide.

Three OLE officers, three special agents, an enforcement technician, and two US Coast Guard representatives provided fisheries enforcement training in the Philippines to their Bureau of Fisheries and Aquatic Resources, Malaysian and Indonesian government personnel, and US Coast Guard (Philippines).

An OLE special agent traveled to Accra, Ghana to provide evidence collection and preservation training to 38 fisheries officials and investigators from Liberia, Cote D'Ivoire, Ghana, Togo, Benin and Nigeria. The attendees were judges, prosecutors, fishery researchers, military, and fisheries enforcement personnel.

OLE and Alaska Wildlife Troopers conducted numerous outreach events including the Ketchikan State Fair, Children's Fair in Kodiak (pictured right), a Soldotna school, State Fair in Haines, a community event in Sitka, Seward Charter Fish Resource meeting, and Soldotna Guide Academy Resource meeting, Kodiak COMFISH, the Soldotna Sportsman Show, two Ketchikan schools, and a Ketchikan Boy Scout Troop. More than 4000 total individuals were contacted.



5. OBSERVER PROGRAM ACTIVITIES

During January – September, the North Pacific Observer Program deployed observers for 39,186 sea days and observers wrote 681 statements of potential violation – about one statement for every 58 observer days. Most statements required no immediate enforcement and many statements record voluntary compliance at sea.

Observer Training and Outreach

OLE provided approximately 25 hours of training to new observers during three week training courses. Enforcement Liaison Jones provided approximately 20 hours of training to returning observers during the annual returning observer training course. The observer training encourages observers to engage by interacting and answering questions. The training also challenges sexual crimes myths and encourages professionalism and conflict resolution.

Special Agent Smith and Enforcement Liaison Jones attended an advocacy conference focused on overcoming barriers to disclosure of harassment/assault; understanding a person’s emotional and non-verbal reactions during a disclosure; and avoiding language and behavior that may cause further harm. OLE continues to work with the industry and observer communities to help prevent victim crimes and to reduce barriers to observer reporting of harassment, assault and sexual crimes.

Compliance Trends

In 2016, observers began writing statements under two new categories, “Interference/Sample Bias” and “Intimidation/Coercion/Hostile Work Environment” (previously combined as “Harassment – Interfere/Intimidate”). The separation of this category allows observers to report many sample affecting violations separate from potential victim violations. An additional statement heading “Disruptive/Bothersome Behavior – Conflict Resolved” allows observers to report bothersome behavior that was addressed during deployment. Under this category, observers have recorded successes collaborations with industry to resolve conflicts without the need for enforcement involvement.

The table below compares observer complaints by coverage level and statement subject.
Note: 2016 data is not yet complete.

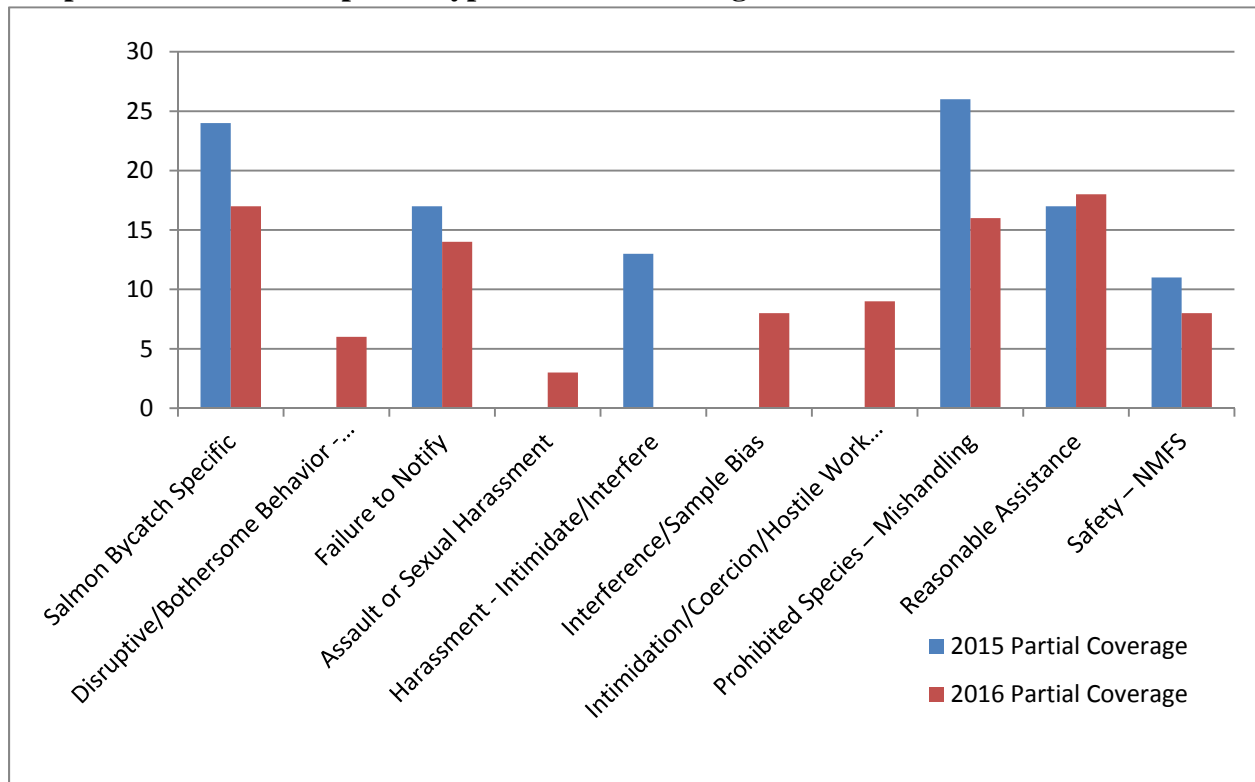
Complaint Type	Partial Coverage		Full Coverage		TOTALS	
	2015	2016*	2015	2016*	2015	2016*
AFA (catch handling, sample station, flow scale)	N/A	N/A	19	19	19	19
Amendment 80 (catch handling, sample station, flow scale)	N/A	N/A	47	41	47	41
Amendment 91 (salmon handling, sampling, retention)	N/A	N/A	60	82	60	82
CP Longline (catch handling, sample station, flow scale)	N/A	N/A	22	30	22	30
Contractor Problems	N/A	N/A	5	5	5	5
Disruptive/Bothersome Behavior - Conflict Resolved	**	6	**	24	**	30
Failure to Notify	17	14	35	35	52	49
Gulf of Alaska Salmon	24	17	N/A	N/A	24	17
Harassment - Assault	0	1	0	0	0	1
Harassment - Sexual	0	2	6	11	6	13
IFQ Retention	24	25	3	3	27	28
Inadequate Accommodations	3	2	7	8	10	10
Interference/Sample Bias	13***	8	56***	26	69***	34
Intimidation/Coercion/Hostile Work Environment		9		33		42
IR/IU	25	32	25	10	50	42
Marine Mammal - Feeding	0	0	0	0	0	0
Marine Mammal – Harassment	0	1	0	0	0	1
Miscellaneous Violations	3	8	10	5	13	13
Prohibited Species – Mishandling	26	16	56	59	82	75
Prohibited Species – Retention	2	0	5	0	7	0
Reasonable Assistance	17	18	28	25	45	43
Record Keeping and Reporting	129	72	140	96	269	168
Restrict Access	6	1	3	0	9	1
Rockfish Program	1	0	3	2	4	2
Safety – NMFS	11	8	29	29	40	37
Sample Bias – Marine Mammals	0	0	0	0	0	0
Sample Bias – Seabirds	1	1	4	3	5	4
Seabird Avoidance	23	10	1	3	24	13
Seabird Harassment	0	1	1	3	1	4
TOTALS	325	252	565	552	890	804

*2016 data to Oct 25, 2016.

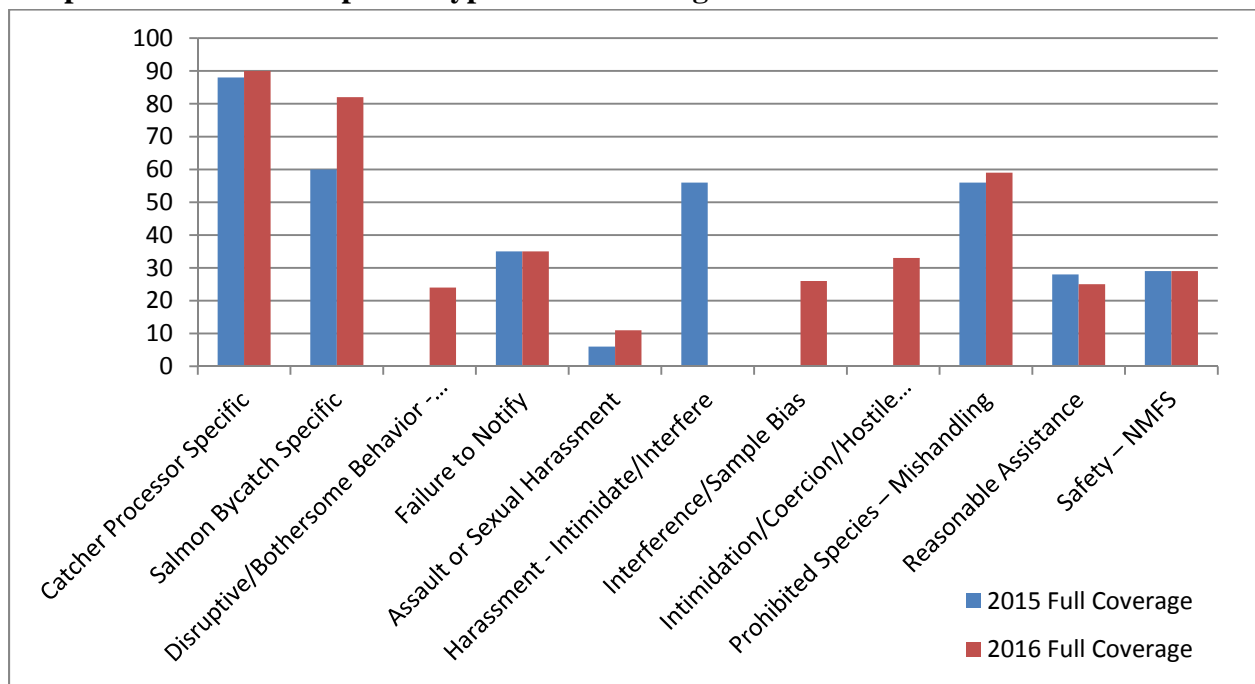
**Disruptive/Bothersome Behavior – Conflict Resolved - statement heading records resolved conflicts.

*** Harassment – Interfere/Intimidate was separated into two headings above.

Graph 1 – Selected Complaint Types: Partial Coverage 2015 v. 2016



Graph 2 – Selected Complaint Types: Full Coverage 2015 v. 2016



Please note that “Harassment – Intimidate/Interfere” was replaced by “Interference/Sample Bias” and “Intimidate/Coercion/Hostile Work Environment” in 2016. If “Interference/Sample Bias” and “Intimidate/Coercion/Hostile Work Environment” was reported together, it would indicate an increase.