

NOAA
Office for Law Enforcement
Alaska Enforcement Division

Semi-Annual Report
To
North Pacific Fisheries Management Council



FY2017
October 2016- September 2017

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

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1. Enforcement Operational Highlights

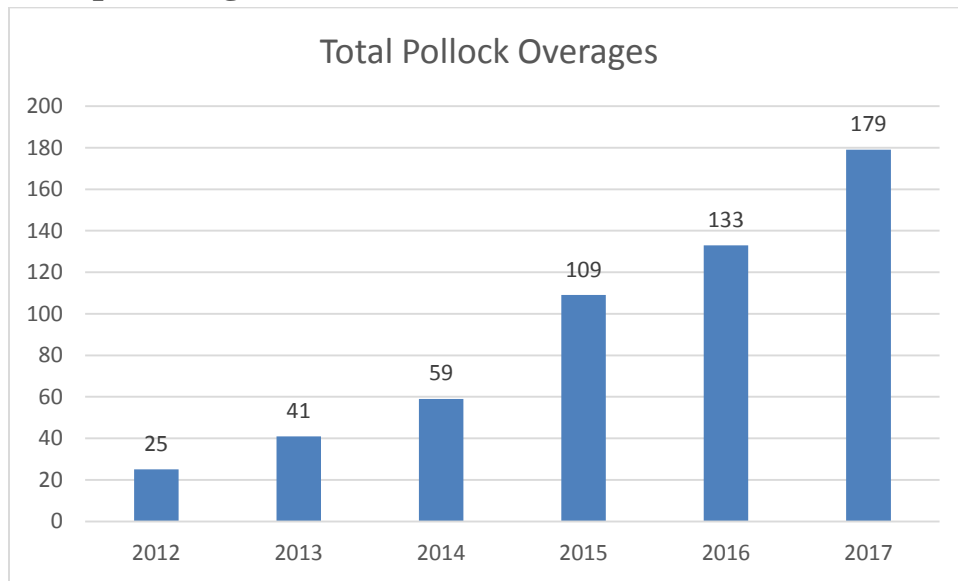
From April 1 to September 30, 2017, the Office of Law Enforcement (OLE), Alaska Division conducted extensive patrols for the purposes of enforcement and education. These patrols were often coordinated in partnership with other enforcement agencies, such as U.S. Fish and Wildlife Service, U.S. Park Service, U.S. Coast Guard (USCG), or Alaska Wildlife Troopers (AWT). In addition to daily patrols, OLE conducted 15 scheduled multiday patrols during the reporting period with JEA and USCG partners. These patrols ranged from one night to 14 days.

A 14-day patrol occurred in southeast Alaska and covered 1,251 nautical miles. Officers boarded 140 individual vessels and contacted 404 individuals. Enforcement actions taken included 29 citations for state and federal violations and 40 compliance assistances provided. Additionally, during the patrol, two occupants of a sport fishing vessel were contacted and subsequently rescued after being stranded by gale force winds on the eastern shore of Prince of Wales Island.

Another multiday patrol, involved three OLE enforcement officers who worked with U.S. Fish and Wildlife Service at the Canadian/Alaska border to inspect U.S. vehicles leaving Alaska. (Pictured above left.)

OLE also conducted a multiagency charter halibut patrol in July. Six OLE enforcement officers and officers from the Alaska Wildlife Troopers and U.S. Coast Guard participated in the multi-day operation in Homer, AK. The operation focused on the sport and commercial fisheries. The group completed 71 at-sea and dockside boardings. Enforcement actions included three summary settlements and 15 compliance assistances provided. The group also assisted with two marine mammal strandings. (Pictured below)

Pollock Trip Overages



In recent years, OLE has observed an upward trend in Gulf of Alaska (GOA), 300,000 pound, pollock trip-limit overages. Over the last five years pollock trip overages rose more than 700%. In 2017, 15 vessels landed at least six overages each and accounted for 75% of all pollock trip overages. It should be noted that the GOA pollock TAC more than doubled from 2012 – 2016. However, in 2017 the pollock TAC fell about 20% while trip overages continued the upward trend, rising about 35%

In the last three years, OLE conducted multiple outreach efforts on pollock trip-limit overages to the GOA trawl sector during industry meetings, at community events, and through coordinated emails to the fleet. OLE issued summary settlements for appropriate incidents under Alaska Summary Settlement Penalty Schedule. Further, several repeat offense cases have been submitted to NOAA General Council Enforcement Section for Notice of Violation and Assessment.

Marine Mammal Incidents

From April 1, to September 30, 2017, the Alaska division responded to various incidents of individuals, boats, and groups of people allegedly harassing marine wildlife. OLE response included compliance assistance provided, written warnings, and ongoing investigations.

A NOAA Enforcement Officer was flying back to Anchorage on-board an AWT Department of Public Safety helicopter (“Helo 3”) when he observed a Cook Inlet beluga whale calf (an endangered species in the spotlight) stranded in the surf on a remote beach. The solitary beluga calf, estimated at two to four weeks old, was found stranded near Trading Bay in western Cook Inlet. Upon notifying and receiving authorization from the NOAA Marine Mammal Health and Stranding Response Program, the OLE Officer and AWT pilot attempted unsuccessfully to encourage the animal back in the water.

The on-site, Helo 3 team brought an Alaska SeaLife Center veterinarian, who happened to be working in the area, to the site to assess the animal's condition. A decision was then made to transport the beluga calf to Anchorage for subsequent transfer to the Alaska SeaLife Center in Seward, Alaska. Together the on-site team, reconfigured the rear passenger area in the aircraft to safely fit the calf and the veterinarian. Then, they skillfully used a body bag as a sling to maneuver the beluga calf into the helicopter. Once on the ground in the Trooper hangar, the team kept water on the calf until the transport team arrived to transport the whale to the Alaska SeaLife Center in Seward for treatment and rehabilitation.

The rescue and recovery of this animal would not have been possible without the support of the Alaska Wildlife Troopers Aviation Section, the Alaska SeaLife Center, and the NOAA Marine Mammal Health and Stranding Response Program. (Pictured right and previous.)

An officer assisted with a humpback whale entanglement on 8/27/17 in Holkham Bay near Tracy and Endicott Arms. The whale was caught in the anchor chain of a small cruise vessel. The entanglement involved the vessel's 7/8" chain wrapped around the lower jaw with a half twist. The whale was entangled only 50 feet from the vessel, while over 400 feet of chain remained below in just over 100 feet of water. The team, comprised of members from OLE, the Alaska Region Protected Resources Division, the Ted Stevens Marine Research Institute, and the Alaska Whale Foundation, successfully coordinated and freed the whale. (Pictured above left.)

2. USCG Patrols

OLE participated in four joint patrols with the U.S. Coast Guard during the course of the year. The officers spent a total of 43 sea days aboard USCG cutters Mustang, Mellon, and Bailey T.

Barco. Enforcement officers from four different duty stations were involved in the cutter patrols, which lasted from one night to 10 days. During one of the patrols, two enforcement officers patrolled the Bering Sea aboard the USCGC MELLON. The duo participated in boarding eleven commercial vessels. Four violations were found and addressed with compliance assistance.

During another patrol, an enforcement officer was aboard the USCG cutter MUSTANG, for a three day patrol of Resurrection Bay during the July 4th weekend. During this patrol the team boarded 15 charter and sport

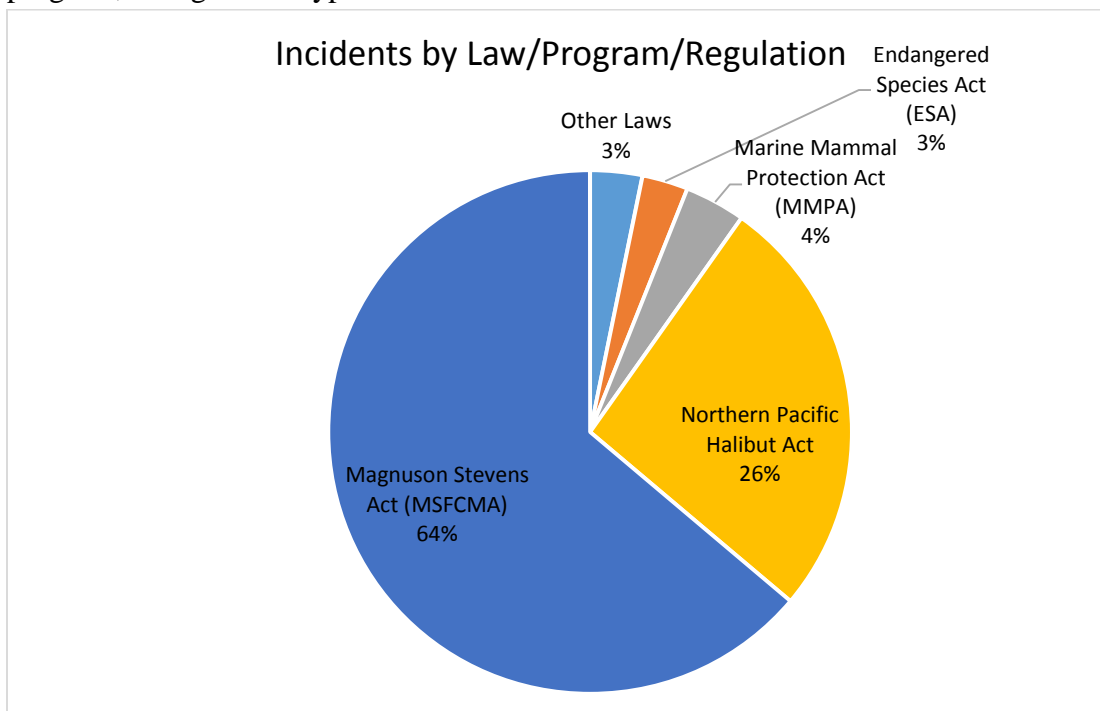
fishing vessels and contacted over 100 anglers. Multiple violations were noted and compliance assistance was given.

The multiple USCG patrols highlighted the successful partnership between agencies. More joint USCG patrols have been planned for 2018.

3. Incident and Summary Settlement Information

From October 1, 2016 to September 30, 2017 NOAA officers and agents opened 3,202 incidents. 2,044 incidents were related to the Magnuson Stevens Act and 844 to the Northern Pacific Halibut Act. The remaining 314 incidents were related to the Endangered Species Act, Marine Mammal Protection Act, Lacey Act, and other federal and state laws. (Table 3.1)

Table 3.1 – Incidents created between October 1, 2016 and September 30, 2017 categorized by primary law, program, or regulation type.



* Other Includes: ESA, Port State Measures Agreement Act, Lacey Act, State Law/Regulation, and other Federal Laws

The majority of the 3,202 incidents created were closed or completed. 323 incidents remain under ongoing investigation. Of the 2879 incidents closed 1988 required no enforcement action because the incidents were information only with no violation recorded or closed as a minor or otherwise mitigated incident. A full breakdown of incidents is provided below in Table 3.2. Table 3.3 categorizes all the summary settlements incidents for the time period.

Table 3.2 – Incident dispositions for all incidents created between October 1, 2016 and September 30, 2017

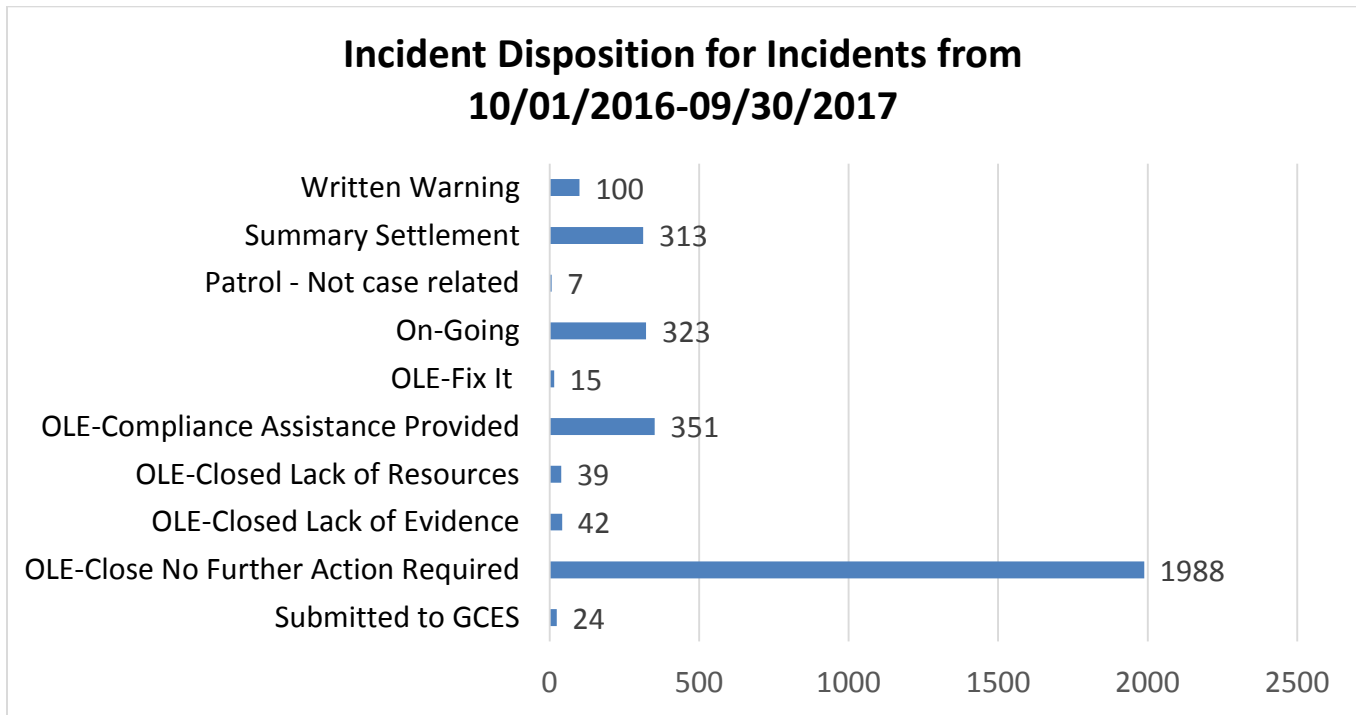
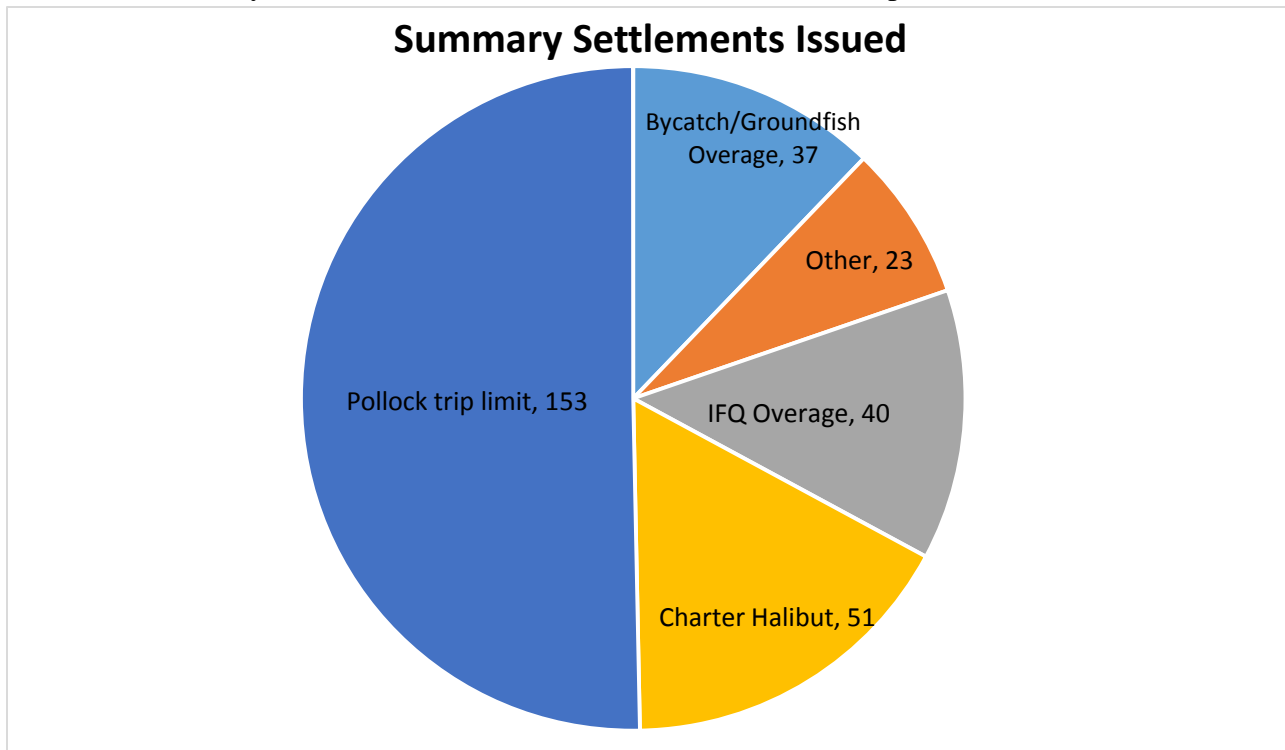


Table 3.3 Summary Settlement breakout from October 1, 2016 to September 30, 2017



****Other** includes violations for invalid FFP, MMPA, observer deployment, record keeping and reporting, sport halibut angler violations, prohibited species mishandling, prohibited species retention, IFQ landing, gear violations, and failure to maintain wheel watch.

4. Case Updates

AK1504192; Cape Fox Corporation – Company and individual were charged under the Northern Pacific Halibut Act (Halibut Act) for retaining or possessing subsistence halibut for commercial purposes and causing subsistence halibut to be sold, bartered, or otherwise entered into commerce, or soliciting exchange of subsistence halibut for commercial purpose. A \$6,870 NOVA was issued and was settled for the full amount.

AK1602415; F/V Alaskan Lady – Owner/operator was charged under the Magnuson-Stevens Act for engaging in IFQ halibut fishing in the Gulf of Alaska, a fishery that required retention of groundfish, without a valid Federal Fisheries Permit. A \$1,000 NOVA was issued and settled for \$750.

AK1603554; F/V Challenger and F/V Challenger II – Owner/operator was charged under the Endangered Species Act for discharging a firearm at, or within 100 yards of Steller sea lions west of 144° W longitude. An \$8,000 NOVA was issued. The case was settled for \$4,500.

AK1604885; F/V Northern Lights – Individual was charged with two counts under the Halibut Act for violating gear restrictions by exceeding the number of hooks allowed for subsistence halibut fishing and utilizing an unmarked buoy; and for disposing of fishing gear in contravention of directions from an authorized officer of the United States. An \$11,000 NOVA was issued. Because of a proven inability to pay, the case settled for \$100.

AK1605973; Trident Seafoods Corporation – Company and individual were charged under the Magnuson-Stevens Act for engaging in delivery practices which impeded the observers from collecting samples and resulted in a biasing of the observers sampling procedures and a biasing of the observed data provided to the National Marine Fisheries Service (NMFS). A Written Warning was issued.

AK1604543; F/V Cash Money - Owner/operator was charged under the Halibut Act for exceeding the number of hooks allowed for subsistence fishing and unlawfully disposing of his gear upon the approach of a NOAA OLE officer. A \$4,100 NOVA has been issued.

AK1503888; F/V Hula Girl - Owner/operator was charged under the Halibut Act for failing to register his anticipated IFQ Halibut fishing trip with ODDS. The Respondent had received a Written Warning for a similar prior violation, warranting an upward departure on the Penalty Schedule. An \$8,000 NOVA has been issued.

AK1602403; F/V Survivor – Owner/operator was charged under the Magnuson-Stevens Act for retaining groundfish or engaging in a fishery that required retention of groundfish without a valid Federal Fisheries Permit. A \$1,000 NOVA has been issued.

AK1702761; F/V Shinaku – Owner/operator was charged under the Halibut Act for negligently inaccurately reporting the regulatory area in which IFQ Halibut was harvested on the Landing Report. A \$1,000 NOVA was issued and settled for \$900.

AK1703135; F/V Unknown – An individual was charged under the Halibut Act for unlawfully retaining halibut caught with fixed gear without a valid IFQ permit in the name of that individual aboard. This individual was a member of the Annette Island Reserve (AIR) who was fishing for halibut in IPHC Area 2C, which is outside of AIR waters, without an IFQ permit or a State of Alaska CFEC license. An \$8,000 NOVA was issued.

AK1202525; F/V Arcturus – THIS IS AN UPDATE ON A PREVIOUSLY REPORTED CASE. Individual was charged under the Magnuson-Stevens Act for harassing an observer by conduct that had sexual connotations, had the purpose or effect of interfering with the observer's work performance, or otherwise created an intimidating, hostile, or offensive environment. A \$17,500 NOVA was issued. Respondent requested an administrative hearing, which resulted in a finding of no violation by the administrative law judge. NOAA General Counsel, Enforcement Section, appealed that decision to the NOAA Administrator, who found that the ALJ had applied an incorrect legal standard in support of her finding of no harassment. On October 16, 2017, the Administrator issued his decision, finding that harassment occurred and assessing a \$12,500 penalty.

5. Outreach and Education

The NOAA OLE outreach and education efforts facilitate responsible and sustainable use of the resource. NOAA agents and officers are present in the community and utilize multiple venues to make themselves available to the public. The table below provides an accurate account of outreach efforts from April 1, 2016 to September 30, 2017.

Table 5.1 – NOAA Office of Law Enforcement Outreach and Education Efforts

Date	Location	Description
9/9/2017	Anchorage, AK	Beluga's Count – Over 1,200 citizens volunteered to watch for and count belugas at stations along the coast, the event continued at the Alaska Zoo where an officer provided education and compliance assistance to approximately 600 people.
6/6/2017- 6/9/2017	Honolulu, HI	Observer Harassment Training – A special agent provided training to NOAA OLE Pacific Island Division focused on responding/supporting, investigating, and prevention of observer victim crimes.
6/8/2017	Juneau, AK	Petersburg Marine Mammal Council and Protected Resources - Two enforcement officers attended the meeting to discuss MMPA, ESA, and concerns by the fishing industry over marine mammals.
5/1/2017- 5/2/2017	Utqiagvik, AK	Ukpeagvik Iñupiat Corporation Meeting – Wildlife biologist joined the Barrow Ukpeagvik Iñupiat tribal government and two enforcement officers to discuss subsistence hunt practices for large whales, arctic seals, walrus and occasionally polar bear as well as concerns over increased fishing in the arctic.

5/4/2017	Kotzebue, AK	Tribal Government of Kotzebue Meeting – Two enforcement officers meet with the Kotzebue Tribal Government to discuss regulations regarding marine mammals, subsistence hunting and fisheries.
7/2017	Anchorage, AK and Turnagain Arm, AK	MMPA Signage – An enforcement officer replaced out of date signage with 60 new Cook Inlet beluga whale signs that reflect the most current Endangered Species Act information.
01/01/2017-Present	Anchorage, AK	Compliance Assistance Letters – OLE sent 116 compliance assistance letters addressing 151 observer statements of minor violations including IFQ retention, prohibited species mishandling, failure to provide reasonable assistance, record keeping and reporting, IR/IU, failure to notify, and seabird avoidance measures.
6/28/2017	Juneau, AK	Recreational Fisheries Coordinators Meeting – Enforcement officers met with all of the recreational fishery coordinators to participate in a panel discussion. Discussions revolved around Recreational Quota Entity (RQE) regulations, enforcement goals and outreach strategies, and the unguided and guided fisheries practices.
7/6/2017	Anchorage, AK	FAA Luncheon – A meet and greet luncheon with FAA Mangers Association, National Air Traffic Controllers Association, and Merrill Airport provided an opportunity for two enforcement officers to hand out educational material and schedule presentations for small aircraft pilots on MMPA regulations and reporting.
7/19/2017	Anchorage, AK	Civil Air Patrol Meeting - An enforcement officer presented on aircraft harassment of Cook Inlet beluga whales by private pilots, and whale watching guidelines to Civil Air Patrol pilots and the FAA Air Traffic Control Association
7/27/2017-7/30/2017	Haines, AK	Southeast Alaska State Fair - The 4-day event had over 280 visitors to the OLE booth this year. Two enforcement officers staffed the booth and fielded questions about marine mammals, fisheries, and NOAA career opportunities.
8/2/2017	Anchorage, AK	Birchwood Civil Air Patrol Meeting – An enforcement officer gave a short presentation on the appropriate ways to view belugas from an airplane. Informational handouts were given.

8/2/2017- 8/3/2017	Tyonek, AK	Tyonek Tribal Government Meeting – The first meeting in seven years, an enforcement officer spent a substantial amount of time building rapport with the community and planning further outreach
8/23/2017- 9/3/2017	Palmer, AK	Alaska State Fair – Two enforcement officers staffed an informational booth at the Great Alaska State Fair. Approximately 300,000 to 350,000 people attended.
8/20/2017- 8/24/2017	Tampa, FL	American Fisheries Society Meeting – A special agent presented the “Conservation Measures Achieved through Law Enforcement” to an audience of approximately 2000 people. The presentation focus on how applying the Routine Activities Theory could reduce the frequency of harassment of observers.
5/6/2017- 5/7/2017	Anchorage, AK	Great Alaska Airman Gathering – Two enforcement officers provided outreach and education to approximately 22,000 people.
4/28/2017- 4/30/2017	Soldotna, AK	Kenai Peninsula Sport, Rec, and Trade Show – An enforcement officer staffed an educational booth that had over 750 visitors.
4/27/2017	Ketchikan, AK	Earth Day Celebration and Tour – An enforcement officer staffed an informational booth during an Earth Day Group Tour that was in Ketchikan, AK for the day.
6/10/2017- 6/24/2017	Manila, Philippines	IUU Fishing Workshop – A special agent participated in the workshop with approximately 30 Philippine Coast Guard officers and Bureau of Fisheries and Aquatic Resources fisheries officers. Training included Port State Measures and IUU topics as well as Philippine fisheries law and case prosecution.

6. Observer Program

The observer monitoring and compliance role is identified in the Magnuson Stevens Act and implementing regulations. Observers have a unique opportunity to witness potential violations at sea and communicate with vessel operators if feasible. Observers are encouraged to establish rapport with vessel crew. However, they are not required to communicate potential violations to the vessel/crew if their working environment or data might be negatively impacted.

Enforcement Partners in Alaska

The Alaska Division (AKD) maintains a strong partnership with the Observer Program. AKD works to protect observers and their ability to collect the scientific data used to manage Alaska marine resources. Reports of assault, sexual harassment, interference/sample bias, intimidation, coercion, hostile work environment, and safety are among the highest OLE priorities.

The Coast Guard may assist AKD or the Observer Program to help evaluate safety concerns for vessels carrying Observers. In coordination with AKD and/or the Observer Program, the Coast Guard may attempt to locate the vessel and conduct a commercial fishing vessel safety boarding at-sea or dockside.

AKD and the Alaska Wildlife Troopers (AWT) collaborate together under an Enforcement Agreement. Enforcement Officers and AWT frequently work together during investigations, patrols, and at-sea or dockside boardings to investigate observer complaints. During patrols, interactions with observers are encouraged to allow reporting opportunities and to develop trust.

Reports of Potential Violations

AKD works closely with the Observer Program and observer providers to address incidents that affect observer safety, sampling, and work environments. Each statement received by OLE is evaluated and prioritized. Officers and Agents investigate complaints to identify if a violation has occurred and to determine the appropriate level of response.

Many first offences and low level infractions may be handled by compliance assistance or issuance of a warning. AKD also utilizes observer compliance data to track compliance trends. Trend analysis helps focus and prioritize enforcement efforts.

AKD received 1107 new statements in 2017 resulting in 761 observer statement related incidents. 166 incidents remain under investigation with 595 incidents closed as follows: 168 as compliance assistance provided; 391 as no further action; 11 as written warnings; 12 as lack of evidence; ten as lack of resources; two as a summary settlement; and one as a fix-it ticket.

Table 6.1 Observer Program complaints received by AKD by coverage sector and subject matter comparing 2016 to 2017.

STATEMENT TYPE	FULL COVERAGE		PARTIAL COVERAGE		TOTAL	
	2016	2017	2016	2017	2016	2017
OLE PRIORITY						
Harassment - Assault	0	1	1	0	1	1
Harassment - Sexual	12	5	2	1	14	6
Interference/Sample Bias	30	28	12	1	42	29
Intimidation/Coercion/Hostile Work Environment	41	23	11	2	52	25
Disruptive/Bothersome Behavior - Conflict Resolved	31	19	8	1	39	20
Safety – NMFS	44	26	12	3	56	29
Total OLE Priority	158	102	46	8	204	110
LIMITED ACCESS PROGRAMS	2016	2017	2016	2017	2016	2017
AFA	21	20	N/A	N/A	21	20
Amendment 80	67	62	N/A	N/A	67	62
Catcher Processor Longline	47	22	N/A	N/A	47	22
Rockfish Program	3	1	N/A	N/A	3	2
IFQ Retention	6	1	31	16	37	17
Total Limited Access Programs	144	106	31	16	175	122
PROTECTED RESOURCE & PROHIBITED SPECIES	2016	2017	2016	2017	2016	2017
Gulf of Alaska Salmon Bycatch	N/A	N/A	46	36	46	28
Bering Sea Pollock Salmon Bycatch	100	72	N/A	N/A	100	72
Marine Mammal	0	1	1	0	1	1
Seabird	13	2	22	15	35	17
Prohibited Species – Mishandling and Retention	77	57	18	16	95	73
Total Protected Resource/Prohibited Species	190	132	87	67	277	199
ALL OTHER STATEMENT TYPES	2016	2017	2016	2017	2016	2017
Contractor Problems	7	4	N/A	N/A	7	4
Failure to Notify	50	51	20	15	70	66
Inadequate Accommodations	11	4	2	1	13	5
IR/IU	19	34	41	17	60	51
Miscellaneous Violations	9	2	10	2	19	4
Reasonable Assistance	31	27	19	9	50	36
Record Keeping and Reporting	156	90	327	179	483	269
Restrict Access	2	2	1	1	3	3
Observer Coverage	N/A	N/A	89	238	89	238
Total All Other Statements	285	214	509	462	794	676
GRAND TOTAL	777	554	673	553	1450	1107

OLE Priority Complaints

OLE's highest priority cases involve offenses directed against observers, their samples, and their ability to complete duties. While one occurrence of intimidation, harassment, sexual harassment or assault is too many,

AKD is encouraged to see about a 50% reduction in total reported instances. OLE will continue to monitor this trend closely.

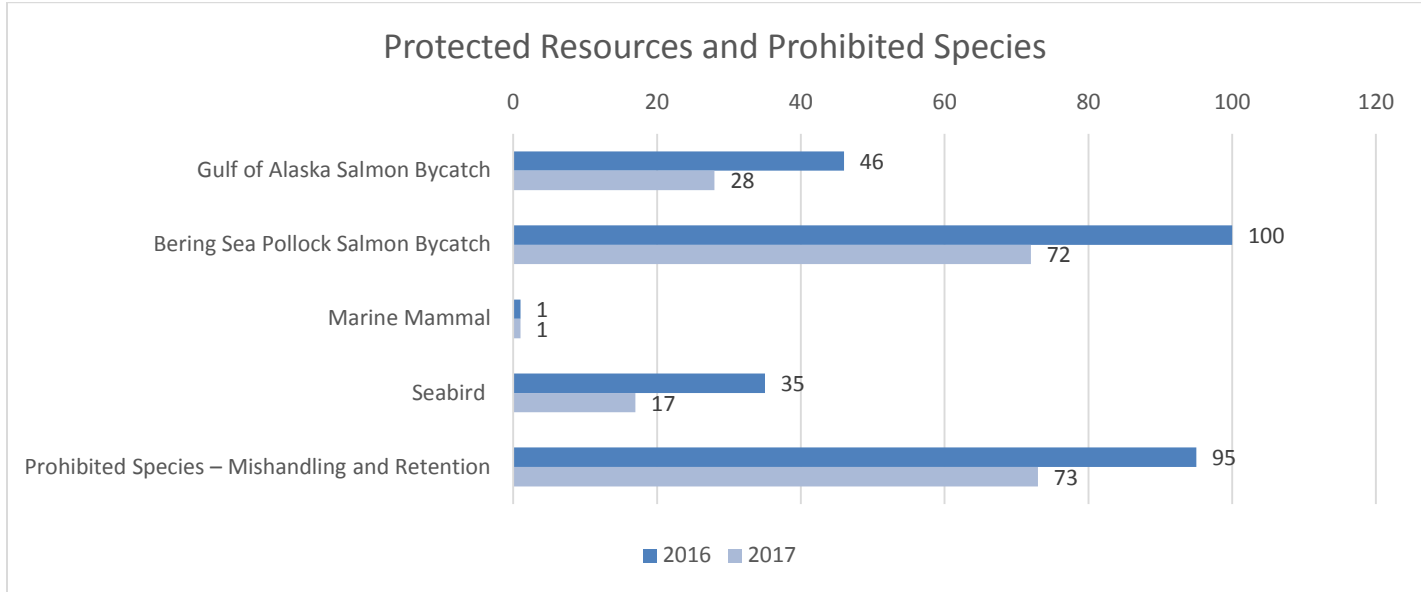
It is important to note that victim crimes often go underreported. However, OLE has worked diligently to develop rapport with observers, to provide reporting options, and to encourage them to feel safe coming forward. Additionally, OLE has collaborated with vessel companies and observer providers to ensure observers have a safe working environment free from harassment. Complaints involving safety remain relatively high, though reports are significantly less than reports in 2016, and less than in 2015.

Limited Access Programs

While there was an overall increase in complaints specific to limited access fisheries from 2015 to 2017, there was a noticeable decrease from 2016 to 2017. Catcher Processor Longline specific complaints decreased the most, followed by complaints involving IFQ retention requirements.

Protected Resources and Prohibited Species

Overall, complaints involving Protected Resources and Prohibited Species increased from 2015 to 2016, but decreased from 2016 to 2017. Complaints involving salmon bycatch in both the Gulf and the Bering Sea pollock fisheries are an AKD priority, and future enforcement efforts will focus on these areas. Complaints involving seabirds decreased, as well as complaints involving prohibited species mishandling. Recent outreach efforts focused on both seabirds and prohibited species.



All Other Statement Types

Complaints involving all other complaint types generally increased from 2015 to 2017, but there was an overall decrease from 2016 to 2017. The only increase noted involved observer coverage issues in the partial coverage sector. Outreach efforts this year were directed towards complaints involving failure to notify the observer of fish being brought onboard, IR/IU, failure to provide reasonable assistance, and record keeping and reporting.

