

**National Marine Fisheries Service  
Office of Law Enforcement**

**PACIFIC COAST ENFORCEMENT HIGHLIGHTS  
(NORTHWEST/SOUTHWEST DIVISIONS)**

**REPORT TO THE  
PACIFIC FISHERIES MANAGEMENT COUNCIL**



November 2, 2013

To report fisheries violations, please call  
OLE's National Hotline at 1-800-853-1964

## Regional Priorities

Northwest/Southwest Priorities remain the same. National Priorities will be reviewed every five years. Comments concerning Regional Priorities may be submitted to appropriate personnel.

### Supporting Sustainable Fisheries and Safe Seafood

Overall Priority		Northwest	Southwest		
Focus resources on overfished stocks and stocks experiencing overfishing.		Cases involving adverse impacts on overfished stocks.	Noncompliance with trip and cumulative limits, especially catch share programs.		
Expand contact with the regulated communities.		Patrols at sea and shoreside.	Pacific highly migratory species fishery.		
Focus enforcement services to support commercial and recreational catch reporting in support of annual catch limit monitoring.		Noncompliance with trip and cumulative limits, especially catch.	Catch reporting and trip limits.		

### Supporting Recovered and Healthy Marine and Coastal Species and Healthy Habitats

Overall Priority		Northwest	Southwest		
Improve compliance with regulations to protect endangered species.		Inadequate water volume and/or barriers to fish passage in streams that impact migration or spawning.	Habitat protection and inadequate water flow and/or barriers to fish passage in streams that impact migration or spawning.		
Expand enforcement services provided to support National Marine Sanctuaries.		Unlawful discharges or groundings of vessels within sanctuaries.	Unlawful discharges or groundings of vessels within sanctuaries.		
Reduce illegal vessel/person/marine mammal interactions.		Lethal, intentional and/or egregious take of any marine mammal.	Lethal takes, Level A harassment with the potential to injure marine mammals.		

Go to [http://www.nmfs.noaa.gov/ole/priorities/regional\\_priorities.html](http://www.nmfs.noaa.gov/ole/priorities/regional_priorities.html)

Send written comments to Acting SAC William Giles concerning Northwest issues and Acting SAC Martina Sagapolu for Southwest issues. See the web link for internet access to NW/SW Priorities.

## **West Coast Trawl Rationalization Program**

### *Regulatory Compliance and Law Enforcement Assistance Program for the Trawl Rationalization / Catch Shares Fishery*

In January 2011, the new West Coast Trawl Rationalization /Catch Share Fishery (TRat) became operational. With this new program came an increase in workload for the Office of Law Enforcement. Due to the reduction of our agent workforce over the last several years, a new way to address potential violations was needed.

As the result of the workload, the Northwest Division developed a program in mid-2011 that was initially designed to relieve the workload on the special agents, but it quickly became apparent that the program had additional benefits in industry compliance. The program provides notice to the industry of enforcement incidents that require corrective action, and does so in near real time.

In the Fall of 2010, the Northwest Division hired three new Trawl Rationalization Technicians in anticipation of the start of the new TRat fishery to monitor participating fishing vessels. The new technicians were trained and currently work alongside four existing Vessel Monitoring System (VMS) Technicians.

Enforcement technicians identify potential violations through their routine monitoring of VMS and TRat vessels; once a potential violation is identified they collect, review and analyze all incident information and then work with the Northwest Division VMS/TRat program manager to resolve issues through a series of corrective actions. Corrective actions range from making telephone calls informing the fisherman of the potential violation, sending compliance letters to those that were not reached by telephone, or the preparation of a case package for review by an Assistant Special Agent in Charge (ASAC). A set of protocols was established for a logical progression in the decision making process in the handling of these incidents and in the gathering of documents and information for a potential case package. If it is decided that the incident is serious enough or there is a history of similar offenses, a case package is prepared and forwarded to an ASAC for consideration for further investigation. The violations that the technicians identify are:

- Closed area incursions
- Declaration incidents
- Non-Reporting VMS units
- Vessels fishing in IFQ deficit (New TRat Regulation)
- Vessels fishing in more than one IFQ area (New TRat Regulation)
- First receiver failure to submit E-fish ticket within 24 hours (New TRat Regulation)

In the development of the process it became evident that a benefit of this program was compliance assistance. Enforcement technicians would make telephone calls to inform industry

members on issues that require corrective action when an incident is identified. Because technicians monitor vessels on a daily basis, (Monday through Friday during business hours) they can quickly identify potential problems, such as a non-reporting VMS unit or fishing in deficit, and contact the fisherman. If the technician was unable to contact the fisherman, after making three attempts over a period of a week, a compliance letter would be sent out to the fisherman advising them of the corrective action that was needed. If an incident deemed to be serious or involved a multiple violator, the technician would be directed to gather pertinent information and documents for completing a case package and then forwarding to the ASAC for further consideration.

The below statistics demonstrate how effective this program has been in obtaining compliance and reducing the number of incidents, not only for the new TRat program, but also for existing fisheries where VMS is being utilized. Unfortunately, due to the partial government shutdown, we are only able to provide the number of investigations that resulted from incidents for 2013. For the Northwest there were nine investigations and for the Southwest there were two.

**Northwest Division Incidents Identified**

<u>Year</u>	<u>VMS</u>	<u>TRat</u>
2011	208	51
2012	133	14
2013	44	7 (As of 9/30/2013)

**Southwest Division Incidents Identified**

<u>Year</u>	<u>VMS</u>	<u>TRat</u>
2011	127	26
2012	88	13
2013	70	1 (As of 9/30/2013)

**TOTAL INCIDENTS (COMBINED NW/SW)**

2011	412
2012	248
2013	122

*Magnuson-Stevens Fishery Conservation and Management Act*

A Canadian Citizen falsified a fishing permit to fish for tuna in the US EEZ. During the course of the investigation, the Canadian citizen admitted to knowing it was wrong to falsify information on the permit application. It was estimated that the vessel had harvested \$150,000.00 worth of fish in US waters. Unfortunately, the Office of General Counsel Enforcement Section declined to prosecute the case because the application process was unclear, in that there was no requirement on the application to declare U.S. citizenship. This case helped

solidify and push for changes to the permit process and is requiring applicants to declare their citizenship to meet the requirement of the law. This case, and others like it, was a result of the Tuna Treaty Negotiations that was signed in June that reduced the number of Canadian vessels that can fish in US waters to 42.

In late September, right before the government shut down, Operation *SALMON SLAYER*, an intelligence-driven operation took place between USCG, NOAA OLE, and CDFW from September 26-30, 2013. The operation coincided with the closure of the commercial Salmon season. USCG and CDFW dispatched both water and air support – CGC PIKE, SOCKEYE, TERN provided surface patrols and CDFW dispatched one of the fixed wing planes, while the USCG Air Station San Francisco dispatched a helicopter on daily flights. NOAA OLE provided 2 special agents and 2 Enforcement Officers split among the various assets. The operation resulted in a total of 179 boardings – 140 occurred on shore and 39 were conducted at sea. The operation proved to be a success, resulting in the detention and seizure of catch from a suspected fishing vessel operating in federal waters with no VMS. Two other violations were detected from the shore team involving retention of endangered species and one case of barbed hooks.

### *National Marine Sanctuaries Act*

OLE participated in a joint operation with state partners at the Mavericks Invitational Surf contest at Pillar Point, located within the Monterey Bay National Marine Sanctuary. The operation was to ensure only permitted Motorized Personal Water Crafts (jet-skis) used for safety and rescue purposes, operated outside the Sanctuary's MPWC zone during the high surf contest. The operation resulted in the issuance of a \$500.00 Summary Settlement Notice to an individual for unlawful operation of a motorized personal water craft within the MBNMS.

### *Marine Mammal Protection Act*

A Southwest agent issued two separate \$525.00 criminal CVB tickets as recommended by the United States Attorney's office concerning two squid light-boat operators. Initially OLE was pursuing a criminal case against the boat operator as it appeared he was intentionally harming the marine mammals and was not engaged in fishing activities. The operator was videotaped by a member of the public shooting at marine mammals with a long gun off the coast of Malibu. The operator admitted to being the boat operator in the video and to using a pellet gun to shoot at sea lions. He had no gear in the water and was not protecting catch as required under the exceptions under the MMPA for deterrence while commercial fishing. The boat operator stated that he may have hit marine mammals while shooting at them. The pellet gun was seized as evidence.

A Southwest Enforcement Officer responded to a call about a woman who had taken a harbor seal pup to home in northern California. The woman was issued a monetary fine of a \$100.00 through a Summary Settlement Notice. Throughout the year, OLE has seen an increase in human interaction with marine mammals – water users attempting to get a close look at pods of whales that have come closer to shore. On a daily basis, we receive calls involving Stand Up Paddlers (SUP), kayakers and whale watching tours getting close to the marine mammals. OLE, along with NMFS Protected Resource Division personnel work together with local vendors and hand out informational pamphlets about the MMPA regulations.

## *Endangered Species Act*

### **Puget Sound Steelhead and Chum Salmon Habitat Destruction on Tahuya River**

This was a joint investigation with EPA-CID involving a 1,000 feet of river that was rechanneled with heavy equipment. The case involved *take* of active Reds and attempts were made to salvage stranded juveniles. The case has been presented to the US Attorney's office and is pending charges of Felony Clean Water Act and Misdemeanor Endangered Species Act violations.

### **UBF Seal Oil Case involving Mislabeling & Conspiracy**

In October 2013, a nine count Indictment and two arrest warrants were issued to UBF company officers. A U.S. company conspired with a Chinese business to falsely label seal oil shipments from China. The Chinese national and business entered a plea agreement and agreed to pay \$500,000.00. Prosecution is pending on remaining President of the company who is currently in China. About four million capsules were seized during a search warrant, valued between \$50,000 and \$100,000.

## **Community Relations**

### *Addressing Poaching Activities of Listed Species on the Garcia River*

On October 19, 2013 The Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, a federally recognized sovereign Indian Tribe, announced the recent resolution adopted by the Rancheria Pomo Tribal Council. The Resolution focuses on the protection of Endangered Species on the Garcia River and authorizes CDFW to enforce state wildlife regulations within tribal boundaries along the Garcia River. The push for closer collaboration among partners stemmed from an article in a local paper about poaching activities occurring on the Garcia. The article contained false information and caused a stir within the Manchester-Pomo tribe. Nelson Pinola, chairman of the Manchester-Pomo Arena Band of Pomo Indians was adamant in proving the story was wrong. The tribe wanted something done to address the poaching activities and contacted NOAA OLE. Pinola reached out to Congressman Jared Huffman's office for assistance. Congressman Huffman joined Nelson Pinola to convene multiple meetings over the past four months involving representatives from the NMFS, CDFW, North Coast Water Quality Control Board, as well as conservation groups to address the poaching problems on the river. (*see attached press release from Congressman Huffman*)

For Immediate Release

## Huffman Announces Historic Anti-Poaching Agreement Between Tribes, Federal and State Agencies

*Huffman: "This will serve as a guide for partnerships across the country"*

WASHINGTON—Today, Congressman Jared Huffman (D-San Rafael) announced a historic accord on a shared responsibility and common strategy to combat poaching of critically low populations of steelhead and coho salmon on the Garcia River in northern California.

Huffman joined Nelson Pinola, chair of the Manchester-Point Arena Band of Pomo Indians, to convene multiple meetings over the past four months involving representatives from the National Marine Fisheries Service, California Department of Fish and Wildlife, North Coast Water Quality Control Board, as well as conservation groups to address the poaching problems on the river.

The Manchester-Point Arena Band of Pomos drafted a resolution to work with agencies and abide by state and federal fishing regulations. Under the resolution, tribal members will not fish for endangered and listed fish such as coho salmon and steelhead, but instead will accept fish from other sources for ceremonial and other tribal purposes. In addition, fishing IDs will be issued to all members of the tribe for identification purposes. New fishing information signs are being created to hang throughout the Garcia Watershed, and plans for multi-agency and tribal monitoring are being formulated.

**"I'm glad the Manchester-Point Arena Band of Pomo and all government agencies were able to come together to create a unique cooperative framework to prevent poaching on the Garcia River. This is not only critical for fragile salmonid populations on the river, it could serve as a guide for partnerships across the country,"** Congressman Huffman said. **"After more than two decades of hard restoration work, the Garcia River is in recovery. But fishery populations are still critically low and we must ensure that these endangered fish are protected, all while respecting the tribe's right to fish in their waters."**

**"We started working on these issues when a newspaper story ran with incorrect information,"** said Nelson Pinola, chair of the MPA Band of Pomos. **"Native Americans don't live in a black and white world when it comes to the law. For us it's a gray mix out there of federal laws, state regulations and local ordinances. Independence is infringed by who has jurisdiction over what. This has been a productive interaction with the agencies. The BIA is interested in our outcome as this cooperation is unique in Indian Country."**

Over the last 15 years more than \$13 million has been invested in conservation and mitigation efforts for the Garcia River Watershed. As more fish return to the Garcia to spawn, reports and one major citation of poaching fueled the need to address this issue. The inter-agency meetings and tribal resolution were unprecedented according to participants.

The multi-agency cooperation will continue as the first salmon and steelhead begin to enter the west coast rivers in the next few weeks. A formal announcement will be made on October 19 at the MPA Rancheria in Point Arena. Agency representatives and The Nature Conservancy, Conservation Fund, and Trout Unlimited will participate in the announcement.

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