



Supplemental Informational Report

March 2003

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Office for Law Enforcement
7600 Sand Point Way NE, F/EN5
Seattle, WA 98115-0070

March 12, 2003

Dr. Hans Radtke
Pacific Fishery Management Council
7700 NE Ambassador Place, Ste 200
Portland, OR 97220

Dear Dr. Radtke:

Enclosed is the National Marine Fisheries Service, Northwest Enforcement Division report which highlights enforcement activity during the first quarter of FY03.

This report includes brief descriptions of NOAA Fisheries Enforcement actions. To protect the privacy of subjects involved in on-going cases, personal information or that which could identify the respondent has not been provided.

Please feel free to disseminate this information as you see fit and do not hesitate to contact me if you have any questions about our activities.

Sincerely,

A handwritten signature in black ink, appearing to read "Vicki L. Nomura".

Vicki L. Nomura
Special Agent in Charge

Enclosure



National Marine Fisheries Service
Office of Enforcement

NORTHWEST REGION ENFORCEMENT DIVISION

QUARTERLY REPORT

MODIFIED FOR COUNCIL DISTRIBUTION



First Quarter FY2003
October 1, 2002 - December 31, 2002

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

NORTHWEST REGION ENFORCEMENT DIVISION

Quarterly Report
October 1, 2002 - December 31, 2002

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NUMBER OF CASES OPENED BY INVESTIGATION TYPE 18

Significant Actions

A. Complex Cases

CIVIL

ESA Investigations

Case Number Withheld - This case was initiated by an anonymous letter reporting the un-permitted removal of vegetation along 150 feet of the Tahuya river, an ESA bearing river, located in Tahuya, WA. The allegations will be investigated by coordinating with a NMFS habitat biologist to confirm the presence of ESA listed fish and by making a site visit to verify the removal of vegetation.

Case Number Withheld - This case involves a captain of a Merchant Vessel (M/V) that violated the ESA by taking an endangered fin whale. The fin whale was struck and killed during transit of the M/V from Tokyo, Japan to Seattle, WA. Forensic analysis of the whale indicates that it was alive when it was struck. NW OLE is working with the NOAA Marine Mammal Coordinator to obtain the navigational course of the M/V for the period 48 hours prior to the vessel's arrival into the Port of Seattle. Once the navigational data is received the case will be referred to Northwest General Counsel (GC).

Case Number Withheld - This case involves the un-permitted dredging of Iowa Slough. Iowa Slough is a tributary of the Coquille River in Coos County, OR, and critical habitat for Oregon Coastal (OC) coho salmon. Three site visits were conducted with NOAA Fisheries, Army Corps of Engineers (COE) and Oregon Department of Fish and Wildlife (ODFW) biologists to evaluate the impacts of the dredging. The case was investigated with the Army Corps of Engineers (COE), the Environmental Protection Agency (EPA) and the Oregon Department of State Lands (ODSL) for violations of the Clean Water Act and Oregon's fill and removal statutes, respectively. A letter from the Special Agent in Charge (SAC) was sent to the property owner, encouraging him to implement a course of action identified by the ODSL to avoid a future take of coho salmon. This case will be closed due to lack of evidence.

Case Number Withheld - Washington Department of Fish and Wildlife (WDFW) reported a take of threatened chum salmon in Quilcene Bay. The take was committed by several subjects who killed between 300 - 400 chum salmon. Quilcene Bay is in the Hood Canal where a population of naturally spawning chum salmon are listed as threatened. This violation was referred to NW OLE and the investigation is ongoing.

NW020244 - This case involved a fish kill at the Hells Canyon Dam in Idaho. The kill occurred when a natural pool filled during high water, isolating the fish as the water discharged from the dam was dropped. The flow went from 17,000 cfs to as low as 8,000 cfs causing a drop of nearly 4 feet of water. Because of the high return of steelhead this year, an unusually large number of 100 or more fish were caught in the pool. This caused the pool to deoxygenate quickly and all the fish died. According to a NOAA biologist, in normal years, only a few fish would have been stranded and they likely would have survived. The biologist stated that these hatchery steelhead are not listed under the ESA. This case was closed due to no violation.

Case Number Withheld - This case involves an internet posting on a marina website which displayed an individual in possession of a 16-pound Oregon Coast (OC) coho salmon from the Siletz River. The marina management was interviewed and they provided information identifying the fisherman. In addition, a second complaint of wild coho retention was received from the marina staff. Both fishermen were issued summary settlements for \$450.

Case Number Withheld - This case involves impeded upstream migration by a dam built on Rock Creek in 1964. NW OLE and a NOAA fisheries biologist conducted two site visits to the Rock Creek Fish Hatchery's diversion dam. Rock Creek is the most significant spawning and rearing habitat in the North Umpqua River drainage, for four salmonid species, including OC coho salmon. As part of the Federal Energy Regulatory Commission (FERC) re-licensing process, the NOAA Fisheries Hydro Program issued a Biological Opinion, addressing passage at the Rock Creek Hatchery diversion dam. The funding for passage improvements has been put on hold, pending the relicensing of one of the agencies involved in the project. This case is suspended pending the relicensing and release of funds.

Case Number Withheld - This case involves the un-permitted excavation and rechanneling of Sucker Creek. Sucker Creek is a tributary to the Illinois and Rogue Rivers and critical habitat for SONC coho salmon. Four site visits were conducted by NW OLE, a NOAA biologist and an EPA wetland ecologist to document adverse effects on SONC coho and violations of the Clean Water Act (CWA). SONC coho and chinook salmon were unable to migrate through the culverts. However, the creek's flow increased significantly in December, washing out the berm reconnecting the old channel. A meeting was held in Portland with the respondent's attorneys, NW OLE, NOAA biologists, GC, EPA enforcement attorneys and an EPA wetland ecologist to discuss the CWA and ESA violations. Civil penalties and restoration of the creek will be coordinated with the EPA.

Case Number Withheld - This case involves un-permitted in-stream excavation and blocking of a side channel on the Pistol River in Curry County, OR. The side channel is used by SONC coho salmon for spawning and rearing habitat. Two site visits were conducted by NW OLE, a NOAA biologist, EPA wetland ecologist, ODFW biologist and an OSP trooper, to document adverse effects on SONC coho and violations of the CWA. The river's flow increased significantly in December, knocking down the berm and reconnecting the secondary channel. The evaluation of the impacts to the secondary channel will occur during high flows over the winter and spring. Civil penalties and restoration of the creek will be coordinated with the EPA.

Case Number Withheld - This case involves riparian impacts from gold mining activities on Reuben Creek. Reuben Creek is a tributary to Grave Creek and the Rogue River and critical habitat for SONC coho salmon. The creek was dewatered and relocated last summer to exercise a gold mining claim on BLM property. The OSP case was declined by the Josephine County District Attorney's Office based on mining/agricultural exemptions in case law. A site visit was conducted by NW OLE, a NOAA biologist and an OSP trooper to evaluate adverse effects on SONC coho salmon. The creek's gradient was determined to be unsuitable for SONC coho salmon use. The case will be referred to the BLM for enforcement under their land use regulations.

NW020294 - This case involved the installation of two foot bridges on Mosier Creek in Oregon. The bridges were discovered during an assessment of a proposed waterfront park improvement project, and were not part of the original plan. There were possible violations of the COE and ODSL fill and removal laws and regulations and ODSL is considering civil penalties and/or other enforcement actions. NW OLE and a NOAA Fisheries Habitat biologist determined there was insufficient evidence to support a violation of the ESA and the case was closed due to lack of evidence.

NW020295 - This case involved an application for a fill and removal permit with the COE and ODSL for stream bank erosion control. ODSL recommended alternatives which were friendlier to fish habitat, such as using heavy equipment from the top of the stream bank to place woody material and smaller sized rocks to control the erosion, and leaving woody materials in the stream. These alternatives would not have required a COE or ODSL fill/remove permit. In October 2002, ODSL discovered the applicant had completed the erosion control work without the COE and ODSL fill/remove permits. The individual hardened the stream bank with riprap and may have used heavy equipment in the stream. The COE and ODSL are investigating for potential fill and removal law violations. NW OLE and NOAA Fisheries Habitat biologists determined there is insufficient evidence to support a violation of the ESA and the case was closed due to lack of evidence.

NW020296 - This case involved new terminal owners at the Port of Portland, OR, who applied for a fill and removal permit through the COE for removal of 600-1500 pilings, three firewalls and two wharfs. The project proposed cutting the pilings at the mud line and removing the pilings from the water with a track hoe. Three firewalls were proposed to be removed by cutting and lifting the sections with a crane to minimize concrete falling into the Willamette River. The NOAA Fisheries Habitat Branch transmitted a non-concurrence letter for the potential take associated with leaching from 600-1500 treated piles and requested additional information about the riverbank restoration and the residential/retail/commercial development. The work was completed prior to completing the Section 7 consultation. The COE issued a cease and desist order on October 31, 2002 and is investigating for possible violations of the Safe Rivers and Harbors Act. NW OLE determined there was insufficient evidence to support a violation of the ESA and the case was closed due to lack of evidence.

NW020299 - This case involved the Natural Resources Conservation Service (NRCS) and a local farmer. The farmer applied for a grant through the Environmental Quality Incentives Program (EQIP) of the NRCS. The EQIP grant was for stream bank erosion control and improved water quality. A local NRCS official decided to implement the project without completing the Section 7 consultation. NW OLE initiated an investigation when a high-level NRCS official admitted to the mistake their agency made in implementing the project without completing the Section 7 consultation. The NRCS has asked the NOAA Fisheries Habitat Branch to recommend a mitigation project for Rock Creek as an informal penalty. No further action was taken by NW OLE and this case was closed.

NW020308 - This case involved a possible Hydraulic Project Approval (HPA) permit violation on Chumstick Creek. A complaint was received by a NOAA biologist stating the subject had not followed the HPA permit on a culvert replacement project. A WDFW biologist, NOAA biologist and WDFW engineer visited the site to determine if possible ESA and HPA violations had occurred. These representatives were shown an area where a culvert had been removed and replaced by a bridge which was part of the HPA and consultation process. The work also included the filling of a large pond area that had been created by the culvert. NOAA biologists want to have better oversight of the HPA as it relates to the biological opinion. There was no physical evidence (photos or bodies) at the time the pool was being filled and no take statement was written by a NOAA biologist. This case was closed due to lack of evidence.

LACEY ACT Investigations

Case Number Withheld - This case involves the illegal harvest and transshipment of Russian blue king crab in Russian waters and its subsequent entry into the United States. NW OLE received information that a M/V was attempting to deliver the crab product to the United States through Canada. NW OLE, along with agents from CDFO, boarded the Vessel in Vancouver, Canada to confirm the vessel's product. After conversations with Russian authorities NW OLE determined that the crab product had been illegally harvested and transhipped in Russian waters, contrary to Russian law. With the assistance of USCS, the product was seized when it entered the United States at Blaine, Washington. The product, valued at approximately \$1.5 million, was transferred to the custody of NW OLE and is being held at a secure storage facility. NW OLE has forwarded the case to the United States Attorney's Office for prosecution.

NW OLE agents boarded a second fishing vessel upon its arrival in Vancouver, B.C. The purpose of this boarding was to determine if the vessel was involved in transferring crab product to the vessel under investigation. Information taken from the second vessel is being sent to representatives from the Russian Border Service. NW OLE again boarded the second vessel upon its arrival into the United States and with the assistance of the Immigration and Naturalization Service, held three individuals who were present at the time of the alleged transshipment. NW OLE is currently finishing an affidavit in order to obtain a search warrant for the second vessel to recover documents in the civil litigation against the crab product. This case is ongoing.

MAGNUSON ACT Investigations

Case Numbers Withheld - This investigation involves multiple cases of landing significant overages of shortspine thornyhead and the subsequent receipt and purchase of that overage by a commercial fish company. As this poundage and percentage far exceeded the limits set for either voluntary abandonment or summary settlement, this case has been forwarded to GC for consideration of possible civil prosecution.

Case Number Withheld - This case involves a fishing vessel boarded by the USCG and NW OLE special agents. Multiple federal and state fishery violations were detected. The captain failed to retain copies of reports on board the vessel of groundfish landings made during the cumulative limit period, retained one prohibited species, fished with a net with excess chafing gear in violation of gear restrictions and was in possession of two groundfish overages. The case package has been completed and forwarded to GC.

Case Number Withheld - This case involves a fishing vessel boarded by the USCG and NW OLE special agents. The operator was actively fishing in the limited-entry fixed gear groundfish fishery without the required fisheries observer onboard. The case package has been completed and forwarded to GC.

Case Number Withheld - This investigation involves an IFQ Vessel Cap overage. The F/V conducted a landing of IFQ sable fish in Bellingham, WA. At the conclusion of the landing, an error report generated by the Alaska IFQ system indicated an overage of the vessel's total allowable harvest for this species of fish. An investigation subsequently confirmed this violation and a NOVA case package was completed and forwarded to GC.

Case Numbers Withheld - These cases involve a series of 11 pounds of flatfish landed by a trawl vessel in Neah Bay, WA. The overages, valued at \$5,108.16, were offloaded at a local seafood processor and were purchased by a seafood plant in Warrenton, OR. None of the overages were self reported by any of the parties in the case. The case was forwarded to GC for prosecution.

Case Number Withheld - This case involves a very large overage of sablefish and the illegal retention/landing of filleted halibut. Responding to information received earlier, WDFW officers converged on the vessel, where a 1,937 pound overage of sablefish was discovered. Additionally, 242 pounds of illegally retained and filleted halibut was found. The WDFW brought this case to NW OLE for federal prosecution. The case was prepared and submitted to GC.

Case Number Withheld - This case involves a captain of a vessel illegally landing 419 pounds of halibut at a seafood processing plant in Astoria, OR, during two separate trips. The vessel was participating in the 2002 Limited Entry Primary sablefish season, which allows for the retention of halibut as an incidental catch species. Specific regulations governing halibut were violated when the vessel landed the halibut south of 46 deg. 53' 18" N. lat. The case package

was prepared and presented to GC.

Case Number Withheld - This case involves the purchase of illegally retained and landed halibut by the Astoria, OR seafood processor mentioned in the above case. The cases are directly linked and this case has also been submitted to GC.

Case Number Withheld - This case involves overages of yellowtail and widow rockfish landed by a trawl vessel in Washington. The overages were valued at \$5,059.44 and were abandoned. This case was the third forwarded to GC this year for overages in excess of 25% of the trip limit for this respondent and vessel.

Case Number Withheld - This case involves an overage of 6,706 pounds of yellowtail rockfish. The overage, valued at \$3,218.88, exceeded the trip limit by 33%. This case was forwarded to GC.

Case Number Withheld - The following investigation is an Alaska case being investigated by a NW OLE special agent. This case was initiated based on affidavits from NOAA Fisheries observers, and involves an observer complaint that a vessel failed to log accurate gear retrieval times and positions. This case investigation continues.

NW020035 - This case involved overages of 356 pounds of english sole, 335 pounds of petrale sole, 385 pounds of yellowtail rockfish, 398 pounds of arrowtooth flounder, and 1 pound of canary rockfish. These overages, worth \$707.50, were abandoned and the case closed.

NW020258 - This case involved a 90 pound overage of sablefish. The overage was voluntarily abandoned and the case was closed.

NW020262 - This case involved a 3 pound overage of sablefish. The overage was voluntarily abandoned and the case was closed.

NW020263 - This case involved a 16 pound overage of sablefish. The overage was voluntarily abandoned and the case was closed.

NW020264 - This case involved an 85 pound overage of canary rockfish. The overage was voluntarily abandoned and the case was closed.

NW020265 - This case involved two overages of dover sole. The first was a 614 pound overage and the second was a 306 pound overage. Both overages were voluntarily abandoned and the case was closed.

NW020266 - This case involved four separate overage landings. The first was a 151 pound overage of yellowtail rockfish; the second, an 85 pound overage of pacific ocean perch; the third, a 40 pound overage of quillback rockfish; the fourth, a 6 pound overage of sablefish. All overages were voluntarily abandoned and the case was closed.

NW020267 - This case involved a 541 pound overage of sablefish. The overage was voluntarily abandoned and the case was closed.

NW020268 - This case involved a 206 pound overage of arrowtooth flounder. The overage was voluntarily abandoned and the case was closed.

NW020269 - This case involved two overages of rockfish. The first was a 23 pound overage of dark blotched rockfish and the second was a 239 pound overage of yellowtail rockfish. Both overages were voluntarily abandoned and the case was closed.

NW020270 - This case involved three overages. The first was a 599 pound overage of pacific ocean perch; the second, a 223 pound overage of dover sole; and the third, a 121 pound overage of arrowtooth flounder. All three overages were voluntarily abandoned and the case was closed.

NW020271 - This case involved two overages. The first was a 132 pound overage of pacific ocean perch and the second was a 101 pound overage of dover sole. Both overages were voluntarily abandoned and the case was closed.

NW020273 - This case involved a 357 pound overage of dover sole. The overage was voluntarily abandoned and the case was closed.

NW020279 - This case involved a 21 pound overage of sablefish. The overage was voluntarily abandoned and the case was closed.

NW020280 - This case involved two overages. The first was an 87 pound overage of lingcod and the second was a 44 pound overage of short spine thornyheads. Both overages were voluntarily abandoned and the case was closed.

NW020281 - This case involved a 45 pound overage of dover sole. The overage was voluntarily abandoned and the case was closed.

NW020282 - This case involved a 172 pound overage of sablefish. The overage was voluntarily abandoned and the case was closed.

NW020292 - This case involved an overage of 33 pounds of sablefish landed on a long line vessel. The overage, worth \$95.61, was voluntarily abandoned.

NW020293 - This case was an overage of 50 pounds of lingcod. The overage worth \$25.00, was abandoned and the case closed.

NW020283 - This case involved a 479 pound overage of widow rockfish. The overage was voluntarily abandoned and the case was closed.

NW020315 - This case involved an overage of 120 pounds of sablefish landed on a trawl vessel. The overage, worth \$167.25, was voluntarily abandoned.

NW020320 - This case involved an overage of 330 pounds of petrale sole landed on a trawl vessel. The overage, worth \$363.00, was voluntarily abandoned.

NW020325 - This case involved two overages of rockfish. The first was a 1,028 pound overage of yellowtail rockfish and the second was a 1,042 pound overage of widow rockfish. These overages were voluntarily abandoned and the case was closed.

NW020326 - This case involved a 326 pound overage of widow rockfish. The overage was voluntarily abandoned and the case was closed.

NW020327 - This case involved a 210 pound overage of sablefish. The overage was voluntarily abandoned and the case was closed.

NW020328 - This case involved two overages of rockfish. The first was a 567 pound overage of yellowtail rockfish and the second was a 243 pound overage of widow rockfish. These overages were voluntarily abandoned and the case was closed.

NW020329 - This case involved a 595 pound overage of yellowtail rockfish. The overage was voluntarily abandoned and the case was closed.

NW020330 - This case involved two overages. The first was a 308 pound overage of dover sole and the second was a 31 pound overage of yellowtail rockfish. Both overages were voluntarily abandoned and the case was closed.

NW020331 - This case involved a 840 pound overage of yellowtail rockfish. The overage was voluntarily abandoned and the case was closed.

NW020334 - This case involved two overages. The first was a 1,233 pound overage of dover sole and the second was a 437 pound overage of sablefish. These overages were voluntarily abandoned and the case was closed.

NW020335 - This case involved a 394 pound overage of sablefish. The overage was voluntarily abandoned and the case was closed.

NW020336 - This case involved a 106 pound overage of shortspine thornyheads. The overage was voluntarily abandoned and the case was closed.

NW020337 - This case involved a 1,316 pound overage of widow rockfish. The overage was voluntarily abandoned and the case was closed.

NW020345 - This case involved an overage of 299 pounds of shelf rockfish on a trawl vessel. A summary settlement was issued for \$221.26.

NW020361 - This case involved an overage of 341 pounds of sablefish landed on a trawl vessel. The overage, worth \$719.87, was voluntarily abandoned.

HALIBUT ACT Investigations

Case Number Withheld - This case involves an overage of 6 halibut landed during the 2002 Limited Entry, Primary Sablefish Fishery. Investigation into this matter indicates that the respondent unintentionally misinterpreted the NMFS public notice regarding incidental halibut retention. This case was forwarded to GC.

MARINE MAMMAL PROTECTION ACT Investigations

Case Number Withheld - This case was initiated when the NOAA Enforcement Hotline forwarded a complaint of a possible harassment of orca whales, in Puget Sound near Stewart Island. NW OLE received numerous phone calls about a low flying plane "buzzing" orca whales in the same area. It was determined that the events were the same and a Canadian plane was involved. NW OLE agents traveled to Canada and interviewed three whale watching vessel operators who witnessed the alleged harassment. A video of the incident was obtained and a case package has been sent to GC for civil prosecution.

Case Number Withheld - This case involves the harassment of a harbor seal pup at the Alki Pier in West Seattle. Acting on information supplied from a concerned citizen, NW OLE agents conducted surveillance of a local fishing pier and observed the subject harassing and attempting to snag a harbor seal pup with fishing gear. The subject was contacted and issued an EAR for this violation. This case will be closed with a written warning issued.

Case Number Withheld - This case involves the illegal take of a harbor seal pup from a beach in Edmonds, WA. The subject is a volunteer ambulance driver for a local wildlife rehabilitation facility. On October 13, 2001, the subject illegally removed a harbor seal pup without authorization from NOAA. This case was referred to GC for prosecution.

Case Number Withheld - This case is linked with the following two cases and involves the illegal take, possession and transportation of a harbor seal pup to a wildlife rehabilitation center. The subject is a volunteer for the wildlife facility and on September 12, 2002, secured approval from the wildlife center to remove a harbor seal pup from the KVI Beach on Vashon Island. The investigation showed that authorization from NOAA was never acquired. A case package was forwarded to GC with a recommendation for a written warning.

Case Number Withheld - This case is linked to the previous and following cases and involves the illegal possession and transportation of a harbor seal pup which was taken without authorization from NOAA, in violation of the MMPA. The subject is a volunteer ambulance driver for the wildlife center mentioned above and on September 12, 2002, received and transported a harbor seal pup to the wildlife center. A case package was forwarded to GC with a penalty recommendation.

Case Number Withheld - This case is linked to the two previous cases and is an investigation into the director of the above mentioned wildlife center. The center has been involved in numerous MMPA violations. A case package has been forwarded to GC for prosecution.

Case Number Withheld - A vessel struck and killed an endangered fin whale in the Northeast Pacific Ocean near the Strait of Juan de Fuca. The whale remained on the bow of the ship until docking at Cherry Point, Blaine, WA. A necropsy confirmed the cause of death was the ship strike. The investigation was completed and a case package was forwarded to GC.

NW020251 - This case involved an investigation into a violation of the terms and conditions of a research permit. A whale researcher from a research center in Friday Harbor, WA was observed closely pursuing a pod of orca whales. An investigation in coordination with the Protected Resources Division determined that no take occurred, and that neither the subject nor the principal investigator of the research center had a research permit from NOAA Fisheries. A meeting was held at the research center to encourage them to either conduct their research within the limits of the orca whale watching guidelines, or to obtain a research permit. This case was closed due to lack of evidence.

Case Number Withheld - This case involves the captain of an unnamed commercial fishing vessel lethally taking a marine mammal near Brookings, OR. A witness stated that the vessel approached a navigational buoy near Brookings and one of the occupants shot a seal or sea lion resting on the buoy. The shot reportedly blew off the top of the animals head. The information was initially passed to the ODFW who forwarded it to the OSP. OSP forwarded the case to NW OLE to pursue the investigation.

NW020348 - This case originated with a complaint that a commercial fisherman was shooting at seals in Bellingham Bay. The subject was interviewed and confessed to shooting in the direction of a harbor seal with a .22 caliber rifle while fishing from his gillnet vessel. The subject further stated that when he found out the USCG had called his house he threw the weapon into the bay. This case was closed due to lack of evidence of take, but several associated state violations discovered during the investigation were turned over to WDFW.

Other Statutes/Investigations

MARINE SANCTUARY ACT Investigations

Case Number Withheld - This case is an ongoing investigation into the alleged improper laying of two sections of fiber optic cable through the Olympic Coast National Marine Sanctuary in violation of a Special Use Permit. A case package has been forwarded to GC. However, because the subject has filed for Chapter 11 protection, the case is suspended pending the outcome of bankruptcy proceedings.

CONSPIRACY

Case Number Withheld - This case involves a conspiracy to submit false statements and land groundfish and halibut overages in Neah Bay, Washington. This case is being prosecuted by the US Attorney's Office and on December 3, 2002, one subject pled guilty to a felony count of conspiracy to defraud the United States. The other subject plead guilty to a felony count of submitting false statements. Both subjects were responsible for the illegal purchase of 215,000 pounds of groundfish, halibut and salmon worth \$650,000. Sentencing is scheduled for March 7, 2003. The AUSA has informed NW OLE that additional subjects will also be charged in the case.

CRIMINAL

LACEY ACT Investigations

Case Number Withheld - The master of a foreign flagged vessel, documented a transshipment of Russian crab on a Canadian Import Landing License at coordinates within the Canadian Exclusive Economic Zone (EEZ). Further investigation developed information that the vessel may have transported crab taken in excess of a quota and that the crab had not been accurately reported to the Russian government. Subsequent investigation led to a company in the Pacific Northwest. These cases have been accepted by the United States Attorney's Office for criminal prosecution. The cases have been accepted under the Organized Crime Unit and the USCS has been included in the investigation. The AUSA prosecuting these cases has been awaiting the outcome of the primary subject's Russian trial to decide whether to prosecute criminally or to begin asset forfeiture proceedings. Shortly after the Russian authorities released this subject from jail he left Russia. Now that this subject has returned to the United States, the ability of the Russian authorities to prosecute him under Russian criminal law remains questionable.

Currently NW OLE agents are working with the USCS writing an affidavit for a seizure warrant for a second vessel still located in Russia, and with the assistance of the Russian government

seek forfeiture of that vessel to the United States.

Case Number Withheld - This case was referred to NW OLE by WDFW, and involves a Canadian citizen suspected of violating Washington state law by obtaining a Washington commercial fishing license. The subject owns a US documented vessel and also holds a limited entry permit in the state of Alaska. The subject landed dungeness crab in Washington that were believed to have been shipped to Richmond, British Columbia, Canada. This case is being jointly investigated with WDFW, USCG, CDFO and NW OLE.

Case Number Withheld - This case involves the harvest of \$8,000 worth of clams from a tribal reservation and subsequent transport and sale to a dealer off the reservation. The case was referred from the WDFW and is being jointly investigated with state and tribal authorities.

B. COPPS

As a result of widespread harassment of marine mammals at public fishing piers, NW OLE agents worked with the Seattle Parks and Recreation Department and the city of Edmonds to post Marine Mammal warning signs at public access fishing piers. This has resulted in increased OLE Hotline violation referrals and education of the public.

NW OLE participated in the development of the "Homeland Security Explorer Program" in the Seattle area. NW OLE agents and representatives of numerous federal agencies worked with personnel from the Learning For Life Institute in the project. NW OLE agents continue to give presentations to high school students in the Seattle area about the OLE mission and OLE's role in homeland security.

A NW OLE agent is working with the internal security team of the on-line auction company E-Bay, along with a herpetologist from the USFWS lab in Ashland, OR, to identify and remove items made from the parts of animals listed under the ESA which are for sale on the internet auction site. The primary items offered for sale on the E-Bay auction site are leather goods made of ESA listed sea turtle leather. Most sellers are unaware that their activities may be unlawful and NW OLE is working to educate sellers concerning the sale of endangered species products in interstate commerce. As a result, NW OLE has noticed improved compliance, as items are not being offered for sale on E-Bay again. E-Bay has also become educated and has begun removing products before being contacted by NW OLE.

NW OLE attended the annual OSP/ODFW Cooperative Enforcement Program meeting in Charleston, OR. This meeting identifies and prioritizes the fish and wildlife enforcement issues and activities for the southern coast of Oregon from Florence, OR to the California border. During the meeting, NW OLE advised the OSP and ODFW personnel of the WOC groundfish and ESA salmon issues concerning NW OLE and discussed activities that might assist both

agencies in carrying out their respective mandates.

While completing Field Training in the Northeast Division, a NW OLE agent presented a COPPS program to NOAA Fisheries scientists at a conference in Atlantic City, NJ. The NW OLE agent and a NE OLE agent discussed OLE's role in fisheries and natural resource protection.

Fish Expo was held in Seattle during the quarter, with representatives from Alaska, Northwest and Southwest Enforcement Divisions in attendance. NOAA Fisheries was highlighted as an event participant this year, and was prominently displayed during the event. The OLE display booth featured the role of enforcement with an emphasis on VMS. Visitors from NOAA Fisheries Headquarters commented that the enforcement presentation was "the best ever."

The West Coast ESA Enforcement Coordinator continued working with Washington State University (WSU) this quarter on finalizing the Methow Valley and Walla Walla COPPS study. This study was conceptualized over two years ago and began its survey data collection phase in the fall of 2001. NW OLE received a report on the survey findings in September of this year. Since then, NW OLE has been working with WSU on a complete study report, which is under final review by the Northwest SAC. The report and its findings will be presented in numerous forums throughout the Northwest during the spring of 2003.

PARTNERSHIPS

Throughout last quarter NOAA Fisheries Enforcement agents continued to maintain and strengthen relations with many federal, state and local agencies. NW OLE participated in and conducted joint operations, training and strategic planning meetings. The following narrative highlights of some of the activities NW OLE participated in.

NW OLE and the Seattle Police Department (SPD) Harbor Unit boarded a boat in the Ballard Locks, acting on information from AK OLE that a wanted felon may be onboard the vessel. NW OLE and SPD officers conducted a search of the boat. Subsequent investigation revealed that the wanted fugitive had disembarked when the boat had docked in Bellingham, WA. A NW OLE agent interviewed the boat captain and urged him to call if he had any further contact with the fugitive. The boat captain contacted the agent with an address and phone number for the fugitive felon in Portland, OR. The NW OLE agent relayed this information to the warrant holder, Clackamas County Sheriff's office in Oregon.

NW OLE agents conducted a joint anti-smuggling operation at Seattle-Tacoma International Airport. Partner agencies included the USFWS, U.S. Department of Agriculture (USDA) and USCS. A 100% inspection of passengers and cargo disembarking an international flight from Russia resulted in seizures of caviar by the USFWS and seizures of foreign meat products by the USDA.

NW OLE agents participated in the Seattle Area Anti-Smuggling and Border Intelligence Sharing

Meetings. NW OLE agents met with representatives of numerous federal, state, local and Canadian law enforcement agencies to discuss smuggling issues.

A NW OLE agent met with a representative of the Washington Department of Agriculture Pesticide Management Division during the quarter and discussed ways of preventing agriculturists from spraying pesticides into the water where listed fish are located.

NW OLE personnel accompanied a USCG C-130 flight to patrol the Emergency Rule in the Pacific Coast Groundfish Fishery, pertaining to trawlers in the closed areas off the coast of Washington and Oregon.

NW OLE personnel conducted a joint boat patrol of the Columbia River with a WDFW officer. NW OLE agents practiced boat handling skills while assisting the WDFW officer in checking recreational fisherman.

A NW OLE special agent attended the biannual coastal natural resource agencies meeting hosted by the OSP in Coos Bay, OR. Representatives from the following agencies discussed recent cases, strategies and solutions: OSP, ODFW, Oregon Department of Forestry, ODSL, ODOT, Oregon Department of Water Quality, Oregon Water Resources Department, Curry and Coos County Code Enforcement, COE and the EPA.

NW OLE was contacted by the USCG Pacific Area Training Team from Alameda, CA, and asked to attend a training session at the MERTS College in Astoria, OR. NW OLE agents provided information regarding the duties and responsibilities of a NOAA Fisheries special agent.

NW OLE personnel conducted a joint boat patrol of the Willamette River with a Multnomah County Sheriff Marine Deputy.

NW OLE has re-established a working relationship with the Oregon Marine Mammal Stranding Network in Newport, OR. The network held a recent meeting to discuss how best to use a \$100K federal grant that it had received. During the meeting the network detailed its plans to hire a 3/4 time staffer who will be the primary contact and immediate response co-ordinator for any reports of stranded marine mammals. NW OLE provided input and volunteered to provide training on the MMPA, evidence collection and chain of custody issues.

NW OLE personnel attended the first Oregon InfraGard chapter meeting in Portland, OR. InfraGard, facilitated by the FBI, is a partnership between the federal government, other public entities and the private sector established for the exchange of information pertaining to the protection of our nation's critical infrastructures. InfraGard was established by executive order in 1996. Membership into InfraGard will keep NW OLE apprized of threat warnings from the FBI and other InfraGard members and will garner a better understanding of other law enforcement resources available to combat cyber and physical threats. Education and training on security topics and the opportunity to interact and share information with representatives from

the law enforcement community, academia, private industry and other government agencies are also an added benefit.

NW OLE accompanied the USCGC STEADFAST on a WOC groundfish enforcement patrol along the north and central Oregon coasts. This patrol was conducted to monitor compliance with the new depth-based management boundaries which had recently come into effect. No vessels of interest were sighted during the four day deployment, but several shrimp trawlers were boarded by the USCG to insure compliance with commercial fishing vessel safety requirements.

NW OLE conducted aerial patrols with the USCG air station in Northbend, OR. These patrols are being conducted to monitor compliance with the new depth-based management boundaries first established under an emergency rule in 2002 and as an integral part of the management measures for 2003.

D. VMS

NW OLE continued to prepare for a Pacific Coast Groundfish VMS program by working closely with the Pacific Fisheries Management Council (PFMC), the Enforcement Consultants to the PFMC, Sustainable Fisheries staff and GC. NW OLE is assisting with draft proposed regulation development, continued testing of new INMARSAT D+ and Mini C transmitter technology and has installed the hardware for the VMS Monitoring Center. The PFMC is recommending that VMS be implemented as soon as possible in 2003 and has created an Ad Hoc VMS Committee that includes industry members from Washington, Oregon and California. The first meeting of the PFMC VMS committee was held in October and the second in December.

NUMBER OF CASES OPENED BY INVESTIGATION TYPE
FY02 and FY03

Investigation Type	FY02 1st Quarter	FY02 Total	FY03 1st Quarter	FY03 Total
ESA	32	118	42	42
Lacey Act	1	7	0	0
Magnuson Act	20	95	57	56
MMPA	5	61	20	20
Marine Sanctuaries	0	2	0	0
Intl. Pac. Halibut Conv.	0	4	2	2
Other Fisheries Invest.	6	8	0	0
Non-Fisheries Federal Reg.	0	1	2	2
State Regulations	1	4	4	4
Tribal Regulations	0	0	0	0
Tuna Conventions Act	0	0	1	1
TOTAL	65	300	128	127