

INFORMATIONAL REPORT ON MARINE PROTECTED AREA ACTIVITIES

Integrating Marine Protected Areas (MPA) and Fishery Management

This statement describes the working relationship between two upcoming efforts to improve the integration between MPA science and fisheries stock assessment and management. The first is a conference organized by the National Fisheries Conservation Center (NFCC) and the second is a longer (up to two years) technical workshop series to be organized by National Marine Fisheries Service (NMFS) and National Oceanic and Atmospheric Administration's (NOAA) National MPA Center (MPA Science Institute). The following information was provided by NMFS.

Background

Marine protected areas, including no-take marine reserves (a no-take MPA) have arrived front and center in discussions about fisheries management. Ocean resource managers at a variety of levels in the U.S. are evaluating MPAs to accomplish targeted objectives, particularly recovery of depleted fish populations and protection of essential fish habitat. However, these discussions have also highlighted basic differences in perspective and analytical approach among scientists engaged in designing and evaluating MPAs for fisheries management versus biodiversity conservation. These differences affect, for example, conclusions and judgments about:

- Whether MPAs will increase yields in ways that existing management tools cannot?
- Whether MPAs and existing management are equivalent in terms of controlling fishing effort?
- The extent to which larvae and/or adults will spill over MPA boundaries and the impact of such spillover on fishery yields adjacent to and distant from the MPA.
- The means for accounting for existing management constraints on fishing efforts in the design of multiple use MPAs that allow fishing.
- Dealing with effort displacement and increased fishing pressure outside an MPA boundary.

While there is broad agreement on the need for resolving such issues, there has been little systematic effort focused in this area. Until this gap is bridged, many MPA planning efforts may remain mired in controversy and confusion about the underlying science. It is this need that the parallel initiatives by the NFCC and NOAA are intended to fulfill.

NFCC and NOAA Projects

Two distinct but interconnected projects are planned for fiscal year (FY) 2004-2006: (a) the NFCC consensus conference; and (b) a longer-term scientific effort to develop new models and analytical approaches to integrating MPA and fisheries science. These efforts will occur sequentially and have been closely coordinated from their inception through representation and liaison by key individuals in both efforts.

NFCC Consensus Conference

NFCC's conference (<http://nfcc-fisheries.org/index.php>) is modeled after the National Institutes of Health's (NIH's) consensus conference (<http://consensus.nih.gov/about/process.htm>), and has these goals:

- Identifying and prioritizing the key scientific issues.
- Determining the present degree of uncertainty and related constraints on decision making.
- Reaching agreement on the scientific studies needed to resolve these uncertainties.

The conference's product will be a set of carefully crafted answers to specific questions that will be developed prior to the conference by a broadly representative planning committee. The conference itself will involve presentations by leading scientists, discussion led by a neutral review panel, and drafting of answers to the conference questions by the review panel.

NOAA Workshops

The NOAA led effort is modeled after the National Center for Ecological Analysis and Synthesis (NCEAS) workshop format, in which scientists are convened several times over a two-year period to analyze and synthesize existing data and information. The working group process is aimed at promoting a culture of collaboration and synergy across disciplines to produce integrative research. NOAA has committed significant funds in FY03, and will seek additional outside funding from partners including the National Science Foundation-funded NCEAS at University of California, Santa Barbara. The overall goal of the working group is to synthesize a rational and comprehensive approach for integration of MPAs with traditional fishery management through review of important concepts within marine population dynamics and management and the development of novel approaches to predicting and evaluating performance in MPAs. The products of the NOAA led effort will include a workshop proceedings to serve as a blueprint for integrating MPAs with existing fishery science and ecosystem management programs, and a series of published papers on specific technical topics addressed by the working group.

NFCC/NOAA Coordination

The NFCC conference will provide an expert-driven starting point for NOAA's subsequent technical workshop series. In particular, the conference questions, which will be available after the planning committee meeting in late November 2003, will guide planning for the NOAA working group and

external grant proposals. In addition, the conference's consensus statement will act as the conceptual framework around which key aspects of NOAA's in-depth technical effort will be designed. Finally, the broadly representative and public nature of NFCC's conference will help educate important constituencies about the scientific issues involved in integrating marine reserves into the fisheries management system.

There are two major benefits to the close coordination between these related efforts. First, the NFCC project will provide an important degree of legitimacy to the process of identifying and beginning to resolve key issues. This emerges from NFCC's position as a neutral, the use of the widely accepted NIH conference format, the public nature of the conference, and the fact that the NFCC conference will use broadly representative groups to articulate the conference questions, present information, and review the available science. Second, NOAA has the resources and mandate to continue from this starting point with a more sustained effort to develop new science and/or management approaches and to incorporate these into marine resource management and policy. NOAA will bring an exceptional degree of scientific rigor to this effort through its ability to draw staff from the Pacific Fisheries Management Council (Council), NMFS, the National Ocean Service, and the National Marine Sanctuaries Program to combine their expertise with that of other scientists outside the agency who have expertise in MPAs and marine ecosystems.

The projected sequence of upcoming events is as follows:

- NFCC planning committee meeting in late November 2003.
- NOAA planning meeting February 2004.
- NFCC consensus conference in early 2004 at the Aquarium of the Pacific in Long Beach.
- NOAA working group series begins in mid 2004.
- NOAA working group research papers and reports 2005 through 2006.

Individuals involved include: Brock Bernstein (NFCC), Churchill Grimes and Lisa Wooninck (NMFS), and Charlie Wahle (NOAA/NMPAC).

Update on NMFS and MPA Science Institute Project

NMFS and the MPA Science Institute hosted a planning meeting at the NMFS – Santa Cruz Lab on February 26 and 27, 2004. Attendees included scientists and managers from the Council, NMFS headquarters and regional science centers, the National Ocean Service (National Centers for Coastal Ocean Science and National Marine Sanctuary Program), and academia. The meeting was a kick-off planning session for the joint NMFS/MPA Science Institute project to better integrate the science of MPAs and traditional fisheries management. Participants of the planning meeting identified priority topics for an interdisciplinary working group to address over the next two years. The NOAA science integration project is well coordinated with existing and ongoing efforts by the NFCC and the Scientific and Statistical Committee's Marine Reserve Subcommittee of the Council.

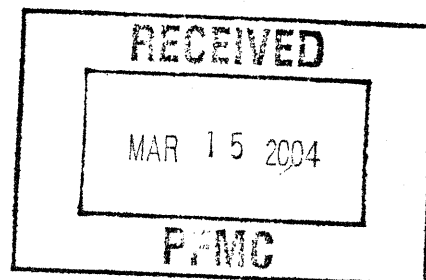
PFMC
03/23/04



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, 2004

Mr. Donald K. Hansen
Pacific Fishery Management Council
7700 NE Ambassador Place, Ste 200
Portland, OR 97220



Dear Mr. Hansen:

Enclosed is the National Marine Fisheries Service, Northwest Enforcement Division report which highlights enforcement activity during the first quarter of FY04. This report includes a brief description of NOAA Fisheries Enforcement actions. The investigative summaries were modified for Council distribution to protect the privacy of subjects involved in on-going cases, with identifying information removed from cases not yet adjudicated.

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 FY2004
October 1, 2003 - December 31, 2003

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

NORTHWEST REGION ENFORCEMENT DIVISION

Quarterly Report **October 1, 2003 - December 31, 2003**

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Significant Actions

A. Complex Cases

CIVIL

ESA Investigations

NW020047 / NW020116

These cases involved passage problems around the Wimer and Fielder Dams on Evans Creek. Evans Creek is inhabited by Southern Oregon Northern California (SONC) coho salmon and is a tributary of the Rogue River. According to the Oregon Department of Fish and Wildlife (ODFW) and NOAA Fisheries biologists, the dam and fish ladder's design create a false flow attractant, and are also prone to debris clogging. A NOAA Fisheries biologist and engineer conducted three site visits and determined that the fish ladder is a passage impediment and hazard for migrating adult and juvenile coho salmon. NW OLE dismissed these cases due to an exemption in the harm rule (64 FR 215, 11/09/1999). NW OLE has requested NOAA Fisheries managers in the Hydro, Salmon Recovery, and Habitat Conservation Divisions to review the feasibility of voluntarily acquiring the dams and partnering with the Bureau of Land Management (BLM) and the Oregon Department of Fish and Wildlife (ODFW) to remove the dams.

Case Number Withheld

The Washington Department of Fish and Wildlife (WDFW) referred a case alleging take of Hood Canal summer run salmon by local tribal members. Three tribal members may have killed between 730 and 781 listed chum salmon. The critical escapement needed for threatened Hood Canal summer-run chum salmon in Quilcene Bay is 1110 fish. The critical runsize threshold is 1260. In addition to the ESA violation four tribal fisheries violations may have occurred and a Lacey Act violation is being considered. This case was forwarded to NOAA General Counsel (GC) for review.

NW020234

The WDFW referred a case alleging that two individuals unlawfully killed 131 threatened chum salmon in Quilcene Bay, in the Hood Canal. A Notice of Violation and Assessment (NOVA) for \$2,000.00 dollars was issued by GC, of which \$1,500.00 dollars of the initial penalty was suspended. A payment of \$500.00 dollars was received and the case was closed.

NW030034

During the last two winters, a fish ladder constructed near Milton – Freewater, OR became blocked with sediment and debris, making it impassable to threatened steelhead. NW OLE and a NOAA Habitat biologist conducted a site visit on February 11, 2003. In the spring, a section 7 consultation was initiated for this fish ladder and three other structures along the Walla Walla

River. In December 2003, NOAA Fisheries signed a biological opinion for the operation and maintenance of the fish ladder. This case was closed due to lack of evidence.

Case Number Withheld

On April 9, 2003, a Washington utility corporation initiated and completed repairs to its diversion dam. To facilitate this repair, the Army Corps of Engineers (COE), downramped the dam, which reduced river flows from an estimated 2,000 cubic feet per second (cfs) to approximately 200 cfs. During the dewatering event, biologists from local Tribes discovered a substantial number of stranded and dead salmonids. Approximately 300 specimens were recovered and turned over to NW OLE. NW OLE is waiting for a NOAA Habitat biological "take" statement to be reviewed by GC.

NW030160

This investigation involved a violation of a Section 7 permit. A boat building company obtained permits from NOAA Fisheries and various other agencies, to repair the company's vessel launch ramp. The work on the ramp grossly exceeded the scope of the permits. This investigation was closed due to lack of resources.

Case Number Withheld

This investigation involved the illegal take of a threatened chinook salmon from the Nooksack River in Northern Washington. Nooksack Tribal officers observed an individual with a large fish in his possession, in an area closed to fishing. The fish was later identified as a chinook salmon. Laboratory tests of the salmon revealed it was a hatchery run fish that is protected under the ESA. GC issued a NOVA in the amount of \$3,500.00 dollars.

NW030200

This case involved the removal of mature alder and spruce trees along Bear Creek, near Astoria, OR. A landowner received a non-commercial permit to remove up to 1/2 acre of timber on his property by the Oregon Department of Forestry. The landowner met with the Soil and Water Conservation, Watershed Council and ODFW prior to removing the mature trees. An ODFW fish biologist explained the difficulty in showing the cause and effect of the direct and/or indirect effects on the fisheries resource or water quality from the removal of the trees. Based on the ODFW statement, this case was closed due to lack of evidence.

NW030213

This investigation began when two wild adult fish were found behind the fish screen at Lemhi River diversion L-3. A similar incident occurred in 2001, where flows were higher than the river from irrigation runoff and falsely attracted salmon returning to spawn. The salmon swam up the waste return water and were killed by the paddle operating the fish screen. GC declined prosecution of the 2001 take investigation, due to the implementation of the Lemhi River Agreement. NOAA biologists have documented the event in a letter dated July 17, 2003, to the State of Idaho and the Lemhi River Irrigation District. NOAA biologists have also stated that irrigators have met the requirements outlined by the Lemhi River Agreement and are working on a permanent solution to this problem by installing a weir. This case was closed due to lack of evidence.

Case Number Withheld

This case involves the alleged take of threatened Middle Columbia River steelhead by a county public works department. The department used heavy equipment to fill in road and creek crossings on a county dirt road and re-channeled the adjacent creek. The county also failed to obtain the appropriate federal, state, and local permits for the work. Two dead rainbow/steelhead were collected by a WDFW Habitat biologist and turned over to NW OLE, and were subsequently sent to the WDFW forensics lab to be tested. The county has contracted a company to repair the environmental damage. NW OLE is awaiting the outcome of the WDFW forensic results.

NW030242

This case involved stranded steelhead at Willamette Falls caused by an Oregon utility corporation. A large pool below the falls stranded adult salmon and steelhead by a combination of utility practices and water flows. In July of 2003, the corporation installed flash boards to divert water into their generators. The lack of water entering the large pool below the falls stranded the salmon and steelhead. The utility corporation is re-licensing their facility and modifications to the large pool are scheduled for 2005. The modifications will provide an egress for fish during high and low water flows. A settlement agreement was signed in early December 2003. The settlement agreement addressed solutions to future strandings of salmonids. This case was closed due to a successful COPPS outcome.

Case Number Withheld

This case involves the "take" of endangered Upper Columbia River Steelhead on a creek in Washington. On an initial attack on a wildland fire two retardant drops were ordered directly over a creek. The creek is the only perennial stream in the basin that is not affected by man-made barriers or irrigation diversions. During a 2001 wildland fire, fire retardant was dropped on the same creek, subsequently killing endangered steelhead. A significant amount of funding was provided for rehabilitation and recovery efforts after the 2001 fire. In the past 4 years, a number of endangered steelhead have been killed, or significantly impacted by fire fighting retardant and fire fighting activities. NW OLE is waiting for the results of the forensic testing of the salmonids.

Case Number Withheld

NW OLE received a complaint from a NOAA Fisheries biologist concerning unpermitted alterations to Harvey Creek with heavy equipment. Harvey Creek is critical habitat for OC coho salmon and is a tributary to the Umpqua River. The property owner was previously investigated and warned about conducting unpermitted in-stream work and possible ESA violations. In August 2003, a NOAA Fisheries biologist and agent, Oregon Department of State Lands enforcement team leader, Oregon State Police (OSP) trooper, and an Environmental Protection Agency (EPA) wetland ecologist met with the property owner. The property owner used heavy equipment in two locations to contour the bottom of Harvey Creek, move log jams from the middle of the creek to the edge, and cut out log jams with a chain saw. These actions were conducted with knowledge of the prohibitions in ESA related to adverse effects to threatened OC coho salmon. NW OLE is awaiting the biologist statement of effects.

NW030296

This case involved improper culvert installation and pond building with the use of heavy equipment in critical habitat in Challis Creek. COE was aware of the in-stream operation of heavy equipment and was working with the Idaho Department of Water Resources (IDWR). IDWR determined most of the work was exempt because it was associated with irrigation diversions. There was no evidence of harm to ESA listed fish. NOAA consulted on the culvert installation but the work conducted was not described in the section 7 consultation with the COE on the property. The culvert was placed at an increased height under the road bed making the stream impassable for ESA listed fish. Because of the increased height the landowner was able to capture the creek and build a pond behind it destroying critical habitat. Because there is no documentation of ESA listed species in the unnamed creek this investigation was closed due to lack of evidence to support a violation of the ESA.

NW030297

This case involved improper culvert installation, unauthorized road building in critical habitat on U.S. Forest Service (USFS) property causing an unstable creek bank and the operation of heavy equipment in Camas Creek. NW OLE attended a site visit with representatives from USFS, the US Fish and Wildlife Service (USFWS) and NOAA. The USFS, COE, IDWR, and Idaho Department of Environmental Quality (IDEQ) are working on alleged violations that occurred within their jurisdictions. There has been no direct evidence of harm to ESA listed fish, but NOAA biologists believe the long term impacts will affect ESA listed fish. This case was closed due to lack of evidence to support a violation of the ESA and transferred to agencies with jurisdiction.

Case Number Withheld

This investigation began when a NOAA biologist in Salmon, ID was contacted by a landowner who reported the de-watering of Agency Creek. NW OLE and a NOAA biologist met with the complainant and documented the dried creek bed and the barrier causing the de-watering. Idaho Department of Fish and Game (IDFG) was not able to conduct a survey of the creek to prove fish presence. This investigation has been suspended until fish presence data can be obtained.

NW030300

This case involves land fill practices that impact habitat adjacent to Camas Creek by a property owner. A USFWS biologist observed a house being built where McDevitt Creek once flowed. NW OLE met with the USFWS biologist, a NOAA Fisheries biologist, COE Project Officer, an IDWR representative, and the property owner at McDevitt Creek. The property owner completely filled in approximately 200 yards of the old stream channel and created a new one at the base of the small hill to the south. Both IDWR and the COE are working with the land owner to address obvious stream channel violations. Because no data shows anadromous fish presence, NW OLE closed the case due to lack of evidence of an ESA violation.

NW030334

This complaint involved a report from a NOAA Fisheries Habitat biologist in Boise, ID regarding the de-watering of the Umatilla River in Oregon. In late July, the biologist was traveling on Interstate 84 along the Umatilla River when he observed the river was mostly dry with some intermittent pools of water. NW OLE spoke with the Oregon Habitat Division Branch Chief and learned the agency is working on the ESA Section 7 consultation with the Bureau of Reclamation. A decision was made to allow the ESA Section 7 consultation to be completed before investigating any unauthorized take by private landowners or irrigators.

NW030364

This investigation began when a NOAA biologist was contacted by a Boise citizen reporting a water tanker truck overturned in the East Fork of the South Fork of the Salmon River near Yellowpine, ID. Very little diesel fuel spilled and containment booms were in place. Due to the lack of physical evidence and biological statements describing harm to ESA listed species, this investigation was closed due to lack of evidence.

NW030363

This investigation began when a NOAA biologist was contacted by a representative of an environmental group. The complainant described a cattle trespass on his grazing allotment on the Salmon Challis National Forest. NW OLE explained its role and responsibilities regarding investigations of ESA section 9 "take" and referred him to the USFS Special Agent in the area. Due to the lack of physical evidence and biological statements describing harm to ESA listed species this investigation has been closed due to lack of evidence of an ESA violation.

NW030460

This investigation began when a NOAA biologist was contacted by a representative of an environmental group. The complainant said a fire crew went into the riparian area of Meadow Creek near Slims campground to cut snags that could potentially be dangerous to fire fighters fighting the Slims fire. The complainant described the crew as needlessly and excessively cutting 500 year old ancient cedar trees. NW OLE spoke with a USFS biologist who had counted 106 trees cut, with only 2 trees in question of needing to be removed. Due to the lack of physical evidence and biological statements describing harm to ESA listed species, this investigation was closed due to lack of evidence.

NW030461

This investigation began when NW OLE received an email complaint documenting a tractor trailer accident that resulted in approximately 6,300 gallons of diesel fuel spilling next to the Lochsa River on Highway 12 east of Kooski, ID. Due to the spill occurring on the opposite side of the road from the river and the quick response of the Idaho Department of Environmental Quality, minimal amounts of diesel fuel entered the river. IDFG has been monitoring for impacts to wildlife, and have thusfar found none. This case was closed due to lack of evidence.

NW030425 - 428/ NW030462 - 474

These cases involved the sale of sea turtles or sea turtle parts, cowboy boots, and other items apparently made from sea turtle leather. Working together, NW OLE and GC contacted the E-Bay auction site to remove items visually identified as sea turtle, in order to avoid potential ESA and Lacey Act violations. These investigations were closed due to lack of evidence.

NW030445

This case involved multiple fishermen snagging chinook salmon and steelhead on Three Rivers, near Hebo, OR. Fishermen were allegedly trespassing on the complainant's property and have been observed snagging fish. NW OLE spoke with an ODFW Fish biologist and determined the majority of the fish in the area were hatchery fish. The complainant confirmed the lack of wild fish in the area. This case was closed due to lack of evidence.

NW030446

A natural resource group completed a project along the Little Washougal River near Washougal, WA. The group installed logs, root wads, and used heavy equipment to re-channel the river. The group was issued a WDFW Hydraulic Permit Approval, but failed to obtain the appropriate COE section 404 permit. The COE is issuing a cease and desist order and is proceeding with their violation process. NW OLE transferred the case to the COE and contacted WDFW to determine if there was a violation of the permit. This case was closed due to lack of evidence.

NW030447

This case involved trucks dumping dirt on a nearby vacant lot development. Due to rainy conditions, excessive sediment was seen flowing into a nearby creek. A complainant contacted city and county officials, and upon investigation the construction company was found to be in violation of local erosion control ordinances. The trucks stopped dumping dirt and water trucks were seen washing the streets of mud. This case was closed due to lack of evidence.

Case Number Withheld

NW OLE was contacted by an individual who expressed concerns regarding the unlawful sale of endangered Smalltooth Sawfish parts on Ebay.

Case Number Withheld

NW OLE was contacted by a citizen who expressed concerns regarding a mining company's plans to develop a gravel mine adjacent to the Sammish River in Skagit County. The complainant stated the proposed plan would establish a 65 acre gravel and sand mine within 200 feet of the river. The concern is the possible effects on salmon, in particular listed chinook salmon. WDFW has advised the company is planning to construct a levee between the river and the mine to control flooding, and there is a proposal to build a bridge over the river. NW OLE is currently awaiting an opinion to determine if this project will need to proceed with formal or informal consultation with NOAA Fisheries.

NW030475

This investigation began when a NOAA biologist received a complaint of a road maintenance crew removing a large woody debris (LWD) jam next to the road along the East Fork of the South Fork of the Salmon River. Just below the LWD jam a chinook redd had been visually identified by a USFS Fisheries biologist in 2002. In September, 2003, three USFS biologists identified a chinook redd in the same location. NW OLE, a NOAA biologist, and USFS biologists conducted a site visit. Due to the lack of physical evidence and biological statements describing harm to ESA listed species, this investigation has been closed due to lack of evidence.

*LACEY ACT Investigations***Case Number Withheld**

This case involves the illegal harvest of Russian blue king crab and its transshipment in Russian waters via fishing vessel. The unlawful product subsequently entered the United States at the Port of Seattle on a separate merchant vessel. NW OLE received information that the merchant vessel was attempting to deliver the crab product to the United States through Canada. NW OLE, along with agents from Canadian Department of Fisheries and Oceans (CDFO), boarded the merchant vessel in Vancouver, Canada to confirm the vessel's product. After numerous 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 the Bureau of Immigration and Customs Enforcement (BICE), formerly US Customs Service, 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 was sold at auction. Multiple subpoenas have been issued to several corporations and individuals for records and depositions. A defense argument regarding the innocent owner defense was denied at the District Court level with the District Court finding that the innocent owner clause of CAFRA does not apply to contraband. In December 2003, the 9th Circuit Court of Appeals accepted the case for review.

*MARINE MAMMAL ACT Investigations***NW030216**

This case involved the unlawful take of a harbor seal in the San Juan Islands. A Canadian citizen captured an abandoned seal pup on board his sailboat, and was in contact with a Canadian rehabilitation facility to transport the seal to Canada. Before the unlawful export could take place, NW OLE contacted a U.S. based rehabilitation center and had the animal transported there by a volunteer pilot. This case was closed with a written warning issued.

Case Number Withheld

The BICE seized three whale teeth being imported into the U.S. from Norway. Custody of the three teeth was transferred to NW OLE. A voluntary abandonment was obtained from the respondent. This case will be closed pending disposition of property.

NW030344

This case involved the possible shooting of a sea lion by a fishing vessel crew member. A COE employee observed a white male juvenile aboard the vessel with a long rifle. Approximately 5-10 minutes later the COE employee observed a dead seal floating down river of the vessel. The COE employee did not hear any gunshots nor did he observed the juvenile shoot the rifle. This case was closed due to lack of evidence.

NW030366

NW OLE received a hotline complaint from the Seattle Aquarium reporting an individual with a seal pup was at their facility attempting to leave it there. This individual was interviewed and issued a written warning.

Case Number Withheld

A small oil spill occurred in Edmonds, WA and two dead seal pups were recovered by NW OLE agents.

NW030337

NW OLE received a complaint alleging an individual was bragging about skinning a seal and putting the skin in his freezer. The individual was located, interviewed, and subsequently confessed to the violation. This case was closed with a written warning issued.

NW030358

This case involved the attempted sale of a seal skin coat on E-Bay. A USFWS agent notified NW OLE that a seal skin coat had been advertised for sale on the internet auction site. E-Bay security removed the seal coat from the website and informed the seller of the possible illegal sale. The seller contacted a USFWS office in Wilsonville, OR to determine if the coat could be sold legally. USFWS tested the coat and determined the species to be harbor or ringed seal. The seller claimed she could prove the seal coat was imported into the United States in 1962, and was referred to the NOAA Protected Resources office for the proper permit. This case was closed due to lack of evidence.

NW030454

NW OLE received a report of possible harassment of seals by recreational fishermen. The complainant alleged that fishermen were attempting to snag seals at several fishing piers in the Seattle area during nighttime hours. No further information was available. This case was closed due to lack of evidence.

MAGNUSON ACT Investigations**Case Number Withheld**

This case involves violations for failure to obtain observer coverage, failure to submit reports, and failure to retain rockfish in the Individual Fishing Quota (IFQ) fishery. The Administrative Law Judge found the subjects guilty on 10 of 11 counts and assessed a \$30,000.00 dollar penalty.

Case Number Withheld

This case involves a vessel landing of two weekly trip limits of sablefish during one calendar week. The Pacific Coast Groundfish regulations allow a vessel to land one open access limit of up to 800 pounds of sablefish during a calendar week. The calendar week is defined as beginning at 0001 on Sunday and ending at 0000 on Saturday. In this situation the vessel landed one limit on Thursday and a second limit on Saturday of the same week. A case package has been forwarded to GC for prosecution.

Case Number Withheld

This case involves a landing of 689 pounds of slope rockfish, an overage of 38.6%. This poundage and percentage exceeds the guidelines in the NWR Penalty Schedule for a Summary Settlement. A case package was forwarded to GC recommending the issuance of a NOVA.

Case Number Withheld

This case involves a vessel fishing for Pacific halibut in a closed area, and the landing of Pacific halibut at more than one location. The vessel was sighted retrieving its longline gear after IPHC area 2A had closed. A case package has been forwarded to GC for prosecution.

NW030264

This investigation involved the landing of an unreported overage of sablefish. A Summary Settlement in the amount of \$3,142.30 dollars was issued and paid.

NW030265

This investigation involved the purchase of an unreported overage of sablefish from a trawl vessel. A fish processor received an overage of sablefish from a local trawl vessel and failed to report it. A Summary Settlement in the amount of \$3,142.30 dollars was issued and paid.

NW030355

This case involved a Rockfish Conservation Area (RCA) incursion off of Cape Blanco, OR. The vessel was sighted by a USCG HC-130 patrol aircraft setting a bottom trawl and doors 1.5 NM inside the trawl RCA. At the time of the incident the trawl RCA was closed to fishing for groundfish by limited entry trawls vessels using groundfish trawl gear. This case was referred to GC.

Case Number Withheld

This case involves an RCA incursion off of Brookings, OR. The vessel was sighted by a USCG H-65 helicopter towing trawl gear 0.5 NM inside the trawl RCA. At the time of the incident the trawl RCA was closed to fishing for groundfish by limited entry trawls vessels using groundfish trawl gear. A case package has been forwarded to GC for review.

NW030360

This case involved a vessel fishing for Pacific halibut in a closed area. During a Pacific halibut opener off the coast of Oregon, the USCG observed a vessel setting its gear inside the RCA. The vessel operator was issued a written warning.

NW030361

This case involved a vessel fishing for Pacific halibut in a closed area. During the July Pacific halibut opener off the coast of Oregon, the USCG observed a vessel setting its gear inside the RCA. After consultations with USCG D13, NW OLE, and GC the vessel was allowed to retrieve its gear, release all fish caught, and depart the area. This case was closed with a written warning issued to the vessel operator.

NW0367-376 / NW030379-421 / NW030439

During the early part of 2003, NW OLE took over the collection and processing of routine PCGF overages from the Oregon State Police (OSP). This was a temporary situation brought on by short term cuts in the OSP budgets. During the last quarter the Newport Field Office completed and submitted 53 overage reports for voluntary abandonments totaling \$10,058.45 dollars.

Case Number Withheld

This case involves the unlawful harvest of \$11,438.31 dollars worth of sablefish, shoreward of the RCA, with large footrope trawl gear. The vessel logbook was seized as evidence and the crewman was interviewed.

Case Number Withheld

This investigation involves two large overages of longspine and shortspine thornyhead rockfish. This case was referred to GC and NOVAs totaling \$4,000.00 dollars were issued.

Case Number Withheld

A SW OLE agent and the crew aboard a USCG C130 aircraft, documented a domestic trawl vessel fishing in the RCA with limited entry groundfish trawl gear. NW OLE conducted interviews and is awaiting written statements from the USCG C130 crew.

Case Number Withheld

The crew aboard the USCG Cutter ORCAS documented a vessel with fishing gear in the water while inside the RCA. NW OLE conducted interviews and is awaiting a case report from the USCG.

*Alaska Observer Cases Investigated by the Northwest Enforcement Division***Case Number Withheld**

This case involves an observer complaint regarding halibut mishandling. The observer documented halibut striking the crucifier before being returned to the sea. This case has been forwarded to GC requesting the issuance of a NOVA.

CRIMINAL

LACEY ACT Investigations

Case Number Withheld

This case involves violations of the Lacey Act, Shipping Act, Fraud, and Conspiracy. The subjects are under investigation for filing a fraudulent application for U.S. vessel documentation, conspiracy to violate the U.S. ownership provisions under the Shipping Act, export of prawns to British Columbia from Alaska in violation of Alaska state law, and other state and federal violations. Approximately \$180,000.00 dollars worth of product was illegally harvested. This case is under joint investigation by NW OLE and the USCG Investigative Service. Although the captain and vessel fished in Washington last winter, the vessel has not yet been located in the U.S. mainland this reporting period.

Case Number Withheld

This case involves a conspiracy to submit false statements. A vessel captain worked with at least two other vessel captains to land overages of sablefish.

B. COPPS

NW OLE and the local ODFW office conducted a COPPS meeting with a group of state licensed bait shrimp harvesters in Waldport, OR. The meeting was held to address complaints received from members of the general public who observed harbor seals in Alsea Bay being disturbed by the shrimp harvesting operations. The seals were being frightened off sand bars when shrimp harvesters approached in their boats, and were also being scared off their haulouts by the noise from the pumps used by the harvesters. During the meeting the shrimp harvesters were advised of the provisions of the MMPA and methods to avoid disturbing the seals were discussed. A COPPS letter was sent to shrimp harvesters not in attendance, but who are known to live in the area and fish in Alsea Bay.

NW OLE agents staffed the NW OLE display at the dedication of the new NMFS building in Newport, OR. The dedication was attended by Vice Admiral Lautenbacher as well as dignitaries from the NMFS NW Science Center, representatives from the Oregon congressional delegation, local government officials, fishers, and the local community. After the dedication ceremony, attendees had the opportunity to view exhibits highlighting NMFS research, the role of enforcement, and other activities carried out in the new facility.

A NW OLE agent was interviewed by an Oregon State University graduate student for a report on the effects of the trawl buy-back program on the fishery and the fishing community. During the interview NW OLE was able to dispel a number of misconceptions concerning the buy-back program, including the erroneous belief by some that the buy-back was forced on the industry. In addition, the student was provided with background details on the genesis of the program and the anticipated actual effects on the fishers and the fishery.

A NW OLE agent, and a NOAA Fisheries and ODFW biologist, conducted a site visit to evaluate gravel mining operations on the Chetco River near Brookings, OR. The business owner consented to a meeting and tour of his gravel mining operations. Discussions with the business owner centered on contouring the gravel bar to eliminate depressions that create pools and could capture juvenile and adult SONC coho salmon. The business owner agreed to make the minor changes to his operation in order to avoid adverse impacts to coho salmon.

A NW OLE agent received a citizen complaint concerning turbidity in Calapooya Creek. The turbidity was caused by an authorized construction project to remove a concrete dam and install a new water intake system for the city of Oakland. Oregon Coast coho salmon inhabit Calapooya Creek. The COE permit required sediment curtains to isolate all in-water work areas. After discussing the turbidity concerns with the project superintendent, and the City of Oakland public works lead, turbidity curtains were installed around the in-water work area. The project superintendent and city work lead agreed to install the silt curtains in order to avoid adverse impacts to coho salmon.

NW OLE and NOAA Habitat biologists conducted a site visit of the Lostine River in northeastern Oregon. NOAA Fisheries suspects the Lostine River annually dewateres in the late summer months due to the over allocation of water rights and illegal diversions. The dewatering effects ESA listed Middle Columbia River Chinook and steelhead. Using a COPPS approach model, OLE and Habitat Conservation Division staff discussed the need to gather more information about the dewatering and agreed upon a strategy to work with the various stakeholders (Nez Perce Tribe, Oregon State Police, Oregon Department of Fish and Wildlife, and Oregon Water Resources Division) to prevent the river from dewatering. A meeting with all of the stakeholders will be scheduled in the spring of 2004.

NW OLE spoke with a Calapooya, OR (near Albany, OR) Watershed Council member about the role and function of NW OLE in Endangered Species Act enforcement.

PARTNERSHIPS

Washington

NW OLE met with a detective from the WDFW to discuss possible joint enforcement issues.

NW OLE has been working with a program for high school students called the Homeland Security Explorer Program. This program exposes the students to numerous law enforcement opportunities and careers. NW OLE met with a group of high school students to educate and expose them to the mission of NOAA Fisheries OLE. NW OLE highlighted the contributions that NOAA Fisheries makes in protecting our rivers and oceans, the law enforcement community, and homeland security.

During the month of October, NW OLE agents participated in a border enforcement operation initiated by the USFWS. USFWS staffed all the U.S. Ports of Entry in Washington, Idaho, and Montana during a two day period. NW OLE assisted with the enforcement efforts at two ports of entry. Other agencies that participated included WDFW, CDFO, CBP, and Environment Canada. No OLE investigations were initiated during this operation.

During the month of November, the NW OLE assisted the USCG with an at sea border enforcement operation that occurred over a four day period, utilizing the PV Short Raker 1. Several vessels were boarded and consent searches were conducted. WDFW recreational fishing violations were detected and forwarded to that agency for follow up action. The Bellingham Field Office has maintained a strong partnership with the border agencies under the Department of Homeland Security. Due to this relationship BFO has been included as a member of the International Border Enforcement Team (IBET) in that area. IBET is a team of U.S. and Canadian law enforcement that target the movement of illegal goods across the boundary. As a member the agents of BFO are updated regularly on new border enforcement initiatives and receive briefings on their investigations. The IBET was created in response to the listing of the NWR border area as a High Intensity Drug Trafficking Area (HIDTA). Over the past five years the border in this region has seen an increase in smuggling activities that include illegal aliens contraband, commercial products and agricultural products.

Oregon

A NW OLE agent attended the Portland Marine intelligence meeting. The monthly meeting is attended by local, state, federal, and Department of Defense law enforcement officials with a nexus to marine law enforcement.

A NW OLE agent attended the Columbia River Environmental Crimes Taskforce meeting. The taskforce is made up of federal, state, and local law enforcement, regulatory, and prosecutors involved with air and water environmental protection.

A NW OLE agent and a NOAA Fisheries biologist, in cooperation with ODFW, monitored the newly authorized wild Oregon Coast coho salmon recreational fishery in Silt Coos and Tahkenitch Lakes near Florence, OR. Due to late authorization, only seven fish were caught. The fishery is planned again for next year.

A NW OLE agent met with OSP fish and wildlife troopers concerning wild coho retention enforcement. A video camera has been temporarily loaned to OSP for ESA enforcement efforts.

NW OLE met with the new ODFW port biologist in Charleston, OR. During the meeting MSFCMA management issues were discussed, as well as NMFS enforcement concerns and goals.

NW OLE provided orientation for a new Law Enforcement officer attached to the USCG Air Station in North Bend, OR. Over the course of several weeks, NW OLE met with and provided guidance and training to this individual on federal fishery regulations and Pacific Salmon fisheries, as well as enforcement issues, policies, and procedures.

NW OLE attended the annual OSP South Coast Co-Operative Enforcement meeting in Charleston, OR. This meeting is held each year by OSP and ODFW to discuss fish and wildlife enforcement issues and to set enforcement priorities for the coming year. NW OLE provided input concerning issues of concern to NW OLE in the areas of commercial and sport fisheries for groundfish, salmon, and Pacific halibut, as well as issues concerning endangered and threatened salmon and marine mammals.

Idaho

NW OLE has been, and continues to work with the NOAA biological staff, USFWS, USFS, COE, and IDFG to develop and share information and enforcement strategies while addressing ESA concerns.

C. VMS

In the first quarter of 2004, the Vessel Monitoring System (VMS) program underwent final preparations for the official implementation of the revised Federal regulation for the Pacific Coast Groundfish Fishery.

Upgrades to all physical infrastructure for the VMS program were completed along with upgrading the new computer room and network.

Database upgrades for the VMS system were implemented, as national Program Manager Pinkerton integrated the database replication project to all OLE divisions.

NW OLE received national type approval for four VMS mobile transceiver units (MTU's) acceptable for use in the Pacific Coast Groundfish Fishery. The type approved units include:

- Thrane and Thrane 3022D Inmarsat C
- Thrane and Thrane 3026 Inmarsat C
- Satamatics SAT-101 Inmarsat D+
- Skymate/Stellar ST2500G

The final rule implementing the adoption of VMS for the Pacific Coast Groundfish Fishery was published for implementation on January 1, 2004.

The rules summary states "NMFS issues a final rule to require vessels registered to Pacific Coast groundfish fishery limited entry permits to carry and use mobile vessel monitoring system (VMS) transceiver units while fishing in state or Federal waters off the coasts of Washington, Oregon and California. This action is necessary to monitor compliance with large-scale depth-based conservation areas that restrict fishing across much of the continental shelf."

NW OLE added a technician position to the VMS team. Jennyfer Deaton joined Pat Reinholz (IT Specialist) and NW VMS program manager Albert on the VMS team.

NUMBER OF CASES OPENED BY INVESTIGATION TYPE
FY03 and FY04

Investigation Type	FY03 1st Quarter	FY03 Total	FY04 1st Quarter	FY04 Total
ESA	42	151	31	31
Lacey Act	0	7	0	0
Magnuson Act	57	91	45	45
MMPA	20	73	24	24
Marine Sanctuaries	0	2	0	0
Intl. Pac. Halibut Conv.	2	5	4	4
Other Fisheries Invest.	0	1	0	0
Non-Fisheries Federal Reg.	2	8	1	1
State Regulations	4	13	2	2
Tribal Regulations	0	2	0	0
Tuna Conventions Act	1	1	0	0
TOTAL	128	454	107	107