

ANNUAL NMFS ENFORCEMENT REPORT

The National Marine Fisheries Service (NMFS) Office of Law Enforcement (OLE) will present a report covering its West Coast fishery enforcement efforts for the past year (Agenda Item I.1.b, Supplemental NMFS OLE Report). Joint efforts with other fisheries enforcement agencies, involvement in regional fisheries management programs, and the future outlook of fishery enforcement efforts will also be discussed.

Council Task:

Discussion.

Reference Materials:

1. Agenda Item I.1.b, Supplemental NMFS OLE Report, Pacific Coast Enforcement Highlights for 2011.

Agenda Order:

- a. Agenda Item Overview
- b. NMFS Enforcement Report
- c. Reports and Comments of Advisory Bodies and Management Entities
- d. Public Comment
- e. Council Discussion and Guidance, as Needed

Jim Seger

Martina Sagapolu and Bill Giles

PFMC

06/01/12

NOAA Fisheries Office of Law Enforcement Pacific Coast (Northwest & Southwest Divisions)

PACIFIC COAST ENFORCEMENT HIGHLIGHTS

Acting Special Agent in Charge Martina Sagapolu – Long Beach, CA

Deputy Special Agent in Charge Bill Giles – Seattle, WA

Trawl Rationalization Manager - Dayna Matthews

PFMC meeting, San Mateo, CA - June 2012

MISSION

- NOAA's Office of Law Enforcement is responsible for carrying out more than 35 federal statutes. The agency's jurisdiction spans more than 3 million square miles of open ocean, more than 85,000 miles of U.S. coastline, the country's 13 National Marine Sanctuaries and its Marine National Monuments. It's also responsible for enforcing U.S. treaties and international laws governing the high seas and international trade.



Southwest Division

California

Nevada

Arizona

Arcata Field Office
SA (1)
EO (1 Pending)

Santa Rosa Field Office
SA (2)
EO (1 Pending)

Sacramento Field Office
SA (1)

Monterey Field Office
SA (1)
EO (1)
Supervisor (1)

Santa Maria Field Office
SA (1)

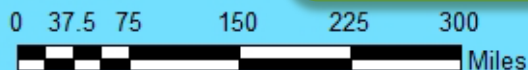
Southwest
Regional Office
Long Beach

Acting SAC (1)
ASAC (1)
SA (1)

San Diego Field Office
SA (1)

District 1
District 2
District 3
Capital

Phoenix



Staffing may change with the hire of enforcement officers

Port Angeles

SA - 1

Bellingham

SA - 2

Lacey

TRAT Manager - 1

Westport

SA - 1

Astoria

Acting ASAC D I
EO - 2

Newport

SA - 1

EO - 1

Washington

Seattle

Regional Office

SAC - 1

DSAC - 1

SA - 1

Portland

Acting ASAC D II

Oregon

Roseburg

SA - 1

Idaho

Boise

SA - 1

NORTHWEST DIVISION

Current Staffing - June 2012



DSAC Bill Giles - Seattle

Joe Albert, VMS
Program Manager - Seattle

DISTRICT I

DISTRICT II

TRAWL RATIONALIZATION PROGRAM



TRat / VMS Compliance Process

- Phone calls (perhaps as many as 3)
- Correction letter documenting all alleged violations
- In person dock side meeting/interview. (State or Federal Officer/Agent)
- Referral to States
- Summary Settlement (Federal)
- Notice of Violations (Federal NOVA)

Correction Letters/ State Referrals

- Correction Letters Sent as of 5/31/2012: 16
 - *RCA/EFH Incursions: 13*
 - *TRat Fishing in Deficit: 2*
 - *Non-Reporting VMS Unit: 1*
- State Referrals
- 1 Fishing in Deficit
- 1 First Receiver Fish Ticket

2011 Score Card Letters

- 111 Total Vessel Accounts with fishing activity in 2011
- 35 Letters sent noting Fishing in Deficit record for 2011 (31%)
- 45 Letters sent noting no violations of any kind detected in 2011 (Atta Boy!) (40%)

2011

TRat Violation Investigation Summary

- Gear Violations
 - 1 chafing gear (midwater)
- Declaration Violations, (including MSCV and Shoreside)
 - 11 improper declarations
- 30 Day Clock Violation
 - None

Violation Summary Continued

- VMS/RCA Incursions (all fisheries)

| | | | |
|------------|----|----------|-----|
| ➤ SW 2010: | 50 | NW 2010: | 119 |
| ➤ SW 2011: | 86 | NW 2011: | 142 |

VMS/RCA (Trawl)

- 11 Non Reporting violations, no formal action /with notification, problems fixed
- 122 RCA/EFH incursions evaluated
- 59 total vessels
- 16 vessels with 3 to 10 incursions

Violation Summary Continued

- Fishing in 2 Management Areas on the Same Trip
 - 2 events
- Fishing Prior to establishing Vessel Account
 - 2 events
- Fishing in Deficit
 - 60 events involving 35 vessels, (Trawl and Fixed Gear)
 - 6 written warnings
 - Multiple events by a single vessel
 - 7 vessels with 2 events
 - 2 vessel with 3 events
 - 4 vessels with 4 events
 - 1 vessel with 6 events

Violation Summary

E Fish Ticket Reporting

- 2370 E Ticket submittals (1/1/11-10/31/2011)
- 13 Open Investigations
 - Inaccurate Reporting by FR (7)
 - E Ticket 24 hour submittal requirement (6)
 - 982 submitted within 24 hrs (41%)
 - 2122 submitted within 48 hrs (90%)
 - 248 greater than 48 hours (10%)
 - Of those 248: 118 were greater than 72 hours (4%)
 - 62 were greater than 5 days (2%)
 - 38 were greater than 10 days (1.6%)
 - Of these 38, three FRs account for 25 of the 10+ day submittals (66%)

Investigative Overview



West Coast

Civil and Criminal Cases 2010 – 2011

2010

- SW Civil Cases: 69
- SW Criminal Cases: 18
- NW Civil Cases: 123
- NW Criminal Cases: 22

2011

- SW Civil Cases: 65
- SW Criminal Cases: 19
- NW Civil Cases: 121
- NW Criminal Cases: 28

Protected Resources

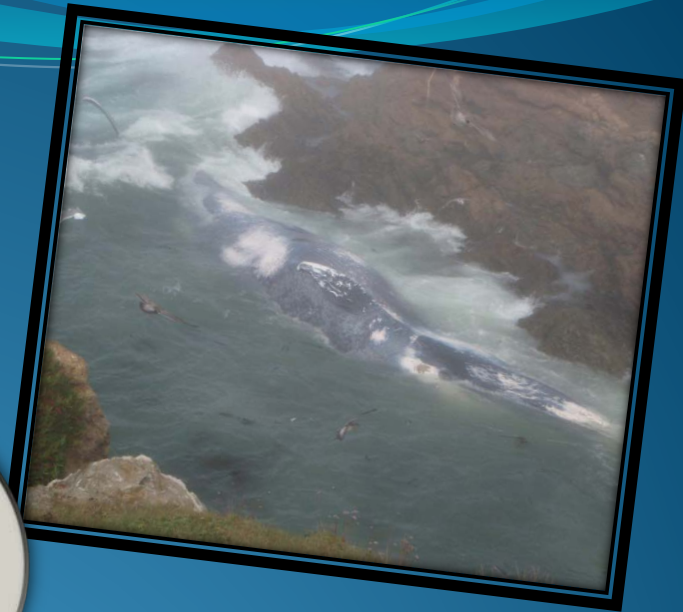
- Examples of actions, which resulted in the “take” of the ESA listed species:
 - Operation of in-stream dams
 - De-watering events
 - Discharge of harmful material into critical habitat
 - Knowingly and willfully “take” and/or “hunt” of listed species
 - Negligent “take” due to vessel operation [ship strikes]

Blue whale

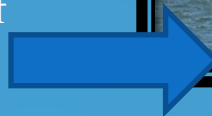
Interaction Involving Protected Species

- Coho salmon

CCC Steelhead



Blue whale & calf
in the Klamath
River



Marine Mammal Harassment



- Green Sturgeon investigation



- “Scutes” from sturgeon



Impacting ESA Critical Habitat

Marijuana Eradication

Marijuana cultivation site



Recreational Mining



Commercial Mining



Water Usage & its Impact on Critical Habitat

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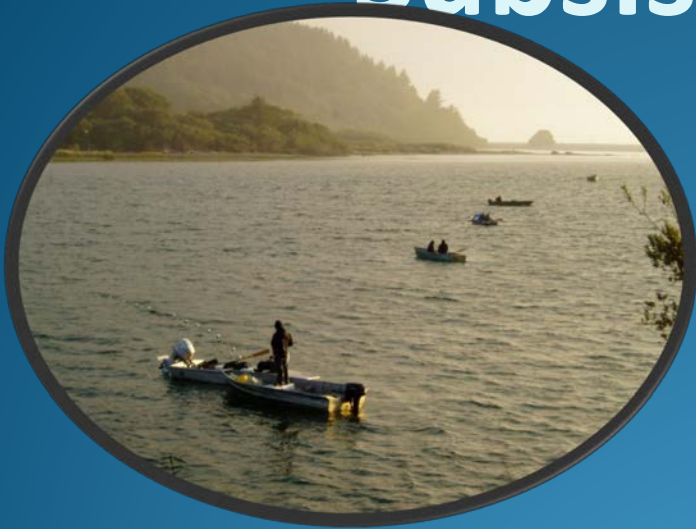
Subsistence Fishing

Is this commercial or subsistence salmon?

Identifying responsible parties who sell subsistence-caught salmon



Subsistence fishing



Sustainable Fisheries

- In 2011, NOAA OLE SWD conducted multiple investigation regarding illegal activity within salmon and groundfish fishery management plans.



Sustainable Fisheries Cont.



Sustainable Fisheries cont.



Sustainable Fisheries cont.



International Trade

Working jointly with state and other federal partners in addressing shark fin trade in CA.



International Trade

- The illegal trade & trafficking of marine mammal parts is increasing with SW & NW divisions
- Investigations show this trade is a very lucrative business in the west coast



International Trade



RUSSIAN CRAB CASE

International Trade cont.



NOAA Office of General Counsel

The NOAA General Counsel Office, Enforcement Section, publishes enforcement charging and settlement information online, updated twice annually:

<http://www.gc.noaa.gov/enforce-office.html>

Next update: 8/1/2012.

Recent significant cases:

- NWo804364; F/V Capt. Ryan – Magnuson-Stevens Act, \$35,388 NOVA, issued for fishing in the trawl RCA and interfering with enforcement, settled for \$35,388.
- SW1102750; F/V BLAZER II – Owner/operator was charged under the Marine Mammal Protection Act for one count of interference, intimidation of an observer. An \$11,000 NOVA was issued.

Recent significant cases:

- SW0803338; F/V IRENE'S WAY – Owner and operator was charged under the Magnuson-Stevens Act for 3 counts of failing to operate a vessel monitoring system mobile transceiver unit and 3 counts of operating a vessel in essential fish habitat conservation areas. A \$109,271 NOVA was issued.
- SW0803838; F/V SAN GIOVANNI - Owner and operator were charged under the Magnuson-Stevens Act for 2 counts of fishing in the Rockfish Conservation Area. A \$33,545 NOVA was issued.
- SW1002974; F/V RISA LYNN – Owner and operator were charged under the Magnuson-Stevens Act for one count of fishing in the Rockfish Conservation Area. A \$17,345 NOVA was issued.

West Coast Buyback Program cases

- SW100146; P Seafood – Fish buyer was charged under the Magnuson-Stevens Act for one count of failing to submit fees collected under the Pacific Coast Groundfish Capacity Reduction Program. A \$30,000 NOVA was issued.
- SW0904489; The Seafood Guys – Fish buyer was charged under the Magnuson-Stevens Act for two counts of failing to collect/submit fees collected under the Pacific Coast Groundfish Capacity Reduction Program. A \$42,500 NOVA was issued.
- SW0904360; Giuseppe Pennisi – Fish buyer was charged under the Magnuson-Stevens Act for one count of failing to submit fees collected under the Pacific Coast Groundfish Capacity Reduction Program. A \$30,000 NOVA was issued.