

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

***West Coast Enforcement Division Report to
Pacific Fishery Management Council***



June 2018

**NOAA Fisheries Office of Law Enforcement
West Coast Enforcement Division
7600 Sand Point Way NE
Seattle, Washington 98115**

**To Report Fisheries Violations:
Call the National Hotline at 1-800-853-1964**



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West Coast Enforcement Division

The West Coast Enforcement Division

Sidebar content

Staffing Snapshot

31 Full-Time Employees

- 10 Special Agents
- 7 Enforcement Officers
- 6 Mission Support
- 5 Investigative Support
- 1 Compliance Liaison
- 2 Contractors

WCD Budget:

\$8.3 million

Headquarters

7600 Sand Point Way NE
Seattle, WA 98115

Field Offices

Alameda, CA
Arcata, CA
Astoria, OR
Bellingham, WA
Coos Bay, OR
Lacey, WA
Long Beach, CA
Monterey, CA
Newport, OR
Portland, OR
Sacramento, CA
San Diego, CA
Santa Rosa, CA
Seattle, WA
Westport, WA

Vessel Monitoring System (VMS)

1,249 Reporting Vessels

The National Oceanic and Atmospheric Administration (NOAA) Fisheries, Office of Law Enforcement (OLE), West Coast Division (WCD) provides marine enforcement and compliance assistance for the west coast of the continental United States, primarily California, Oregon and Washington, but also includes Arizona, Colorado, Idaho, Montana, Nevada, North Dakota, South Dakota, Utah and Wyoming. Our staff includes special agents, enforcement officers, and support personnel stationed in California, Oregon and Washington. The states of Washington, Idaho, Montana and North Dakota include 1,327 miles of the international border with Canada and the states of California and Arizona include 513 miles of international border with Mexico. There are 1,293 miles of rigorous Pacific Ocean coastline and 7,863 miles of tidal shoreline, five National Marine Sanctuaries (to include 290 Marine Conservation Areas), Puget Sound, 21 major international seaports, 18 international airports, 222,471 square nautical miles of Pacific Ocean within the Exclusive Economic Zone (EEZ), and 339,375 square miles of land encompassing numerous rivers and tributaries feeding into the Pacific Ocean.

The OLE staffing plan recommends the WCD have a staff of 59 support and sworn personnel positioned throughout Washington, Oregon and California. OLE has prioritized vacant positions and is striving to meet the staffing plan within the constraints of our annual budget. The plan divides the staff between three categories: Operational – which includes sworn staff (i.e. Special Agents, Enforcement Officers), Investigative Support – which includes operational support staff (i.e. Vessel Monitoring Technicians, Enforcement and Investigative Support Technicians), and Mission Support – which includes administrative staff (e.g. information technology and administrative assistants).

This past year, both the Assistant Director and Supervisory Administrative Officer positions were filled. The new Assistant Director was promoted from his previous assignment as the

Supervisory Enforcement Officer (SEO) at our Astoria, OR office and our new Supervisory Administrative Officer transferred to us from NOAA Fisheries Pacific Islands Regional Office in Hawaii. We also recently celebrated the retirement of our Investigative Support Program Manager and are preparing for the retirement of our Compliance Liaison this fall. We are working to fill both positions before the end of the year.

The Operational staff has Special Agents (SA) positioned in two districts, each with a supervisory Assistant Special Agent-in-Charge (ASAC). District One covers Washington and Oregon, with a recommended staff of seven SA positions (five currently filled). A seasoned SA will be reporting to the Seattle office this summer following a rotational assignment at Headquarters. District Two covers California with a recommended staff of eight SA positions (six remain vacant). OLE is issuing a national hiring announcement for SA's that includes one position in Washington and five positions in California. We anticipate evaluating candidates and going through the hiring process later this summer.

The Operational staff also has enforcement officers (EO) positioned in two patrol districts – Patrol North, which covers Washington and Oregon, and Patrol South, which covers California. When fully staffed, the plan calls for three patrol districts staffed by twenty EO's with each district having a SEO assigned. Currently only the Patrol South SEO position is filled, along with five EO positions. The Patrol South SEO recently accepted a position with the Pacific Islands Division and will be transferring this summer. We are working closely with Headquarters to fill both SEO positions along with several EO vacancies this year.

In November 2017, the NOAA Office of Law Enforcement released six National Priorities for Fiscal Years 2018-2022: Sustainable Fisheries, Protected Resources, IUU Fishing/International, Seafood Fraud, Wildlife Trafficking, and Outreach and Education. Input from the Council, along with various stakeholders and the public greatly assisted in the development of the Priorities. The OLE Enforcement Priorities for FY 2018-2022 are available at the following link: [OLE Enforcement Priorities, Fiscal Years 2018 - 2022](#)

Office of Law Enforcement - Cooperative Enforcement Program

Under the Federally-funded NOAA Cooperative Enforcement Program (CEP), OLE has ongoing formal Cooperative Enforcement Agreements (CEA) and Joint Enforcement Agreements (JEA) with all three West Coast States: California Department of Fish and Wildlife (CDFW) – Law Enforcement Division, Oregon State Police (OSP) – Fish and Wildlife Division, and Washington Department of Fish and Wildlife (WDFW) – Police. These agreements extend federal authority for state agencies to enforce specific federal laws and regulations as defined in specific agreed upon federal priorities within each agreement. Officially affording partner officers, troopers, and wardens with formal federal deputation; limited specific federal marine law enforcement authority to assist NOAA.

In addition to providing reimbursement for marine enforcement services performed by state officers, wardens, and troopers in support of federal fisheries enforcement priorities, the agreements also provide funding for state administrative overhead (indirect costs) and direct purchases of large assets (i.e., boats, vehicles, etc.) as well as small or portable assets (i.e., radios, plotters, computers, thermal imaging, cameras, etc.) and services (maintenance of equipment and vessels).

Within the framework of each agreement, under targeted enforcement there are defined marine law enforcement, compliance assistance, and living resource management responsibilities under assorted specific federal *traditional* priorities that each agency is tasked with responsibility for – these typically include land-based services and at-sea services, and may include air services if available within the agency and if determined necessary.

The 2017 agreements include a blend of traditional (general enforcement) and targeted execution priorities. With the traditional priorities each agency has a defined pool of shared hours for marine enforcement services (sea, land, and air). With a pool of hours available our OLE West Coast Division and state partner leadership teams have flexibility on how much emphasis to apply towards specific traditional priorities based on compliance and activity level trends, fisheries data, incidents, environments, ecosystems, and the living marine resources. Execution priorities are specific and defined, they have a set funding amount, services, and timeframes, with very specific goals – these priorities for the current 2017 agreements have a 50% minimum threshold for each agreement.

The now in-drafting 2018 agreements will have newly defined strategic cooperative enforcement priorities based upon the 2018 NOAA Fisheries Priorities, the Office of Law Enforcement 2018 – 2022 National Priorities for the West Coast, and the 2018 West Coast Division Strategic Plan Priorities. The new priorities were developed through in-depth coordinated communications between NOAA Office of Law Enforcement, the West Coast Division, and our cooperative enforcement partners – with greater emphasis towards marine law enforcement operations that compliment entrusted federal living marine resources. The new agreements will have a 75% commitment towards targeted execution priorities and the remaining 25% balance dedicated to traditional (general enforcement) priorities.

These agreements foster a cooperative environment; producing a viable collaborative approach to federal living marine resources enforcement and management. There is consistent ongoing cooperative efforts between WDFW, OSP, CDFW, OLE, and the United States Coast Guard (USCG) for the

enforcement, preservation, and management of living marine resources. The USCG is an excellent federal partner, providing premier at-sea and air resources and willingly supporting state partner and federal operations. WDFW Officers, OSP Troopers, and CDFW Wardens ensure comprehensive protection and compliance through the monitoring of directed and incidental commercial, recreational, and tribal fisheries. This is accomplished by conducting vessel boardings, monitoring off-loads, inspections of processors, wholesalers, dealers, markets, air and seaports, and cold storage facilities, and through follow-up, surveillance, investigations, and collaborative operations. The significant contributions of our West Coast Cooperative Enforcement Program Partners (CDFW, OSP, WDFW), and the USCG, formulate the foundation of coastal living marine resource protection and compliance for the West Coast.

Office of Law Enforcement – West Coast Division Investigations

Magnuson-Stevens Act

- A federal observer was on board a 60' commercial trawler when the vessel capsized and sank inside the Coos Bay, Oregon bar. The observer was able to swim back to the vessel and survived with no injuries. The operator of the vessel perished in the incident. The Coast Guard Incident Report indicated the likely cause of the capsizing was due to fish hold bin boards failing and causing a shift in the load. Interviews with survivors and the vessel owner revealed no clear evidence of observer endangerment due to action or inaction by the operator or crew.
- NOAA General Counsel Enforcement Section (GCES) notified OLE that they issued an \$8,000 Notice of Violation and Assessment (NOVA) jointly and severally to the owners, master and deck boss of a commercial trawl vessel for two counts of violating the MSFCMA by unlawfully harassing and interfering with an observer, and unlawfully discarding catch before sampling. A final settlement agreement for a reduced penalty of \$7,200 was paid in full.
- A Los Angeles-based business paid a \$2,000 summary settlement for importing 17,000 kg of Antarctic toothfish without a pre-approval by NOAA Fisheries.
- Oregon State Police reported a suspected VMS violation involving a commercial fishing vessel taking and landing federally-managed groundfish without a VMS unit installed. The investigation determined the owner/operator of the fishing vessel did fish for and land groundfish while fishing in the EEZ without VMS. The investigation resulted in a written warning to the subject.
- California Department of Fish and Wildlife referred an investigation of a San Diego-based commercial harpoon vessel for failure to submit Highly Migratory Species (HMS) logbook forms for 2016. The vessel operator paid a \$500 summary settlement.
- A commercial fishing vessel reported 224 pounds over quota limit following an Area 2A commercial halibut opener. The owner/operator agreed to forfeit the halibut, and paid a summary settlement of \$1,176.
- A supervisory enforcement officer and special agent assisted Washington Department of Fish and Wildlife (WDFW) serve a search warrant on a charter fishing company in Ilwaco, WA. Evidence was collected in support of the WDFW investigation into suspected high-grading and waste of halibut during charter fishing trips.
- Multiple dockside boardings during the July 2017 commercial halibut fishery in the area of Coos Bay, Oregon and Ilwaco, Washington resulted in one written warning issued for failure to maintain a vessel log.
- The owner/operator of an HMS albacore tuna fishing vessel received a written warning for failing to submit logbook forms within 30 days of landing.

- The owner/operator of a vessel offloading sablefish in Charleston, OR was found to have a limited entry permit and fishing in the EEZ without an operational VMS unit. The subject admitted to failing to activate the VMS system prior to the fishing trip and paid a \$2,000 summary settlement.
- An investigation into an Alaska Individual Fishing Quota (IFQ) halibut overage resulted in a summary settlement payment of \$11,778.42. It was determined that the quota shareholder had an overage of 1,712 pounds.
- A federal observer reported harassment while she was working onboard a commercial fishing vessel. The officer conducted interviews of the observer, subject, and witnesses. Following consultation with NOAA GCES attorney, it was determined the best course of action, based upon the evidence gathered from the investigation, was to provide the vessel operator with guidance on how to conduct himself in the presence of a female federal observer. A compliance assistance meeting between the officer, vessel owner, and vessel operator resulted in an agreement to ensure it would not happen again.
- A vessel that participated in the HMS albacore tuna fishery received a written warning for failure to submit logbooks forms within 30 days of landing.
- Two California-based fish receivers failed to submit Economic Data Collection forms as required by fisheries regulations. Both companies previously received verbal warnings for the same offense. As a second offense, each paid a \$600 summary settlement.
- Follow-up investigation into a limited-entry trawl vessel owner's failure to submit an annual Economic Data Collection report resulted in a written warning issued for failing to submit on time.
- A sablefish overage was self-reported by a limited-entry, fixed gear fishing vessel resulted in a summary settlement payment of \$1,596.41. After review of the fish tickets, an officer determined an overage of 263 pounds occurred.
- A U. S. purse seiner was alleged to have discarded tuna in violation of Inter-American Tropical Tuna Commission (IATTC) conservation measures. Investigation determined the fish was broken or smashed, and it is permissible to discard tuna unfit for human consumption under the IATTC rules.
- An Alaska IFQ halibut vessel did not file a Manual Landing Report within six hours of landing in Bellingham, WA as required. A summary settlement for \$2,000 was paid.
- A vessel fishing for squid unlawfully retained a single groundfish without having an operational VMS. Inspection of the vessel GPS plotter and logbook showed the vessel caught and retained the groundfish while inside the EEZ. The vessel operator and registered agent each received a written warning.
- The owner/operator of a commercial fishing vessel participating in the 2017 directed Pacific halibut fishery applied for a 2017 IPHC permit in the 56' + vessel class. The vessel was measured and found to be eligible for an IPHC permit in the 51-55' class. The vessel exceeded harvest limits for the 51-55' classification by 1,048 pounds. The owner/operator paid a summary settlement for \$5,344.80.

- A West Coast limited entry trawl vessel that retained Pacific halibut failed to sort and discard three Pacific halibut from two separate trips. An enforcement officer contacted the observers and vessel operator to determine the circumstances, and provided compliance assistance to the vessel operator.
- A commercial groundfish vessel boarding determined the operator did not have 2018 fishing permits onboard his fishing vessel. The officer verified 2018 permits existed and later the operator obtained a photograph of the permits. The operator received a verbal warning for not having the permits onboard.

Marine Mammal Protection Act

- A subject self-reported after learning six cans of sea lion curry he ordered from a Japanese company as a joke gift for friends may not be legal. He abandoned the product after learning it was illegal.
- A subject called the hotline to report harassment of harbor seals at Children's Pool in La Jolla, California (AKA Casa Beach). The caller reported a City of La Jolla employee, a lifeguard, flushed the beach of seals, which included recently born pups and pregnant females, in order to recover a tourist's dropped cellular phone. Photographs taken by the complainant showed no evidence of malicious intent to support the allegations.
- A maintenance worker for the city of Oxnard, CA observed a person illegally dump an ice chest on city property. The worker looked inside the cooler and found fleshy remains of a pinniped. The city maintenance supervisor attempted to get video footage to identify the license plate of the vehicle, with negative results.

Endangered Species Act

- A subject admitted to selling fish, harvested under a tribal subsistence treaty right, at a farmer's market in Portland, OR. The fish, including salmon protected by the Endangered Species Act, were seized and delivered to a laboratory for testing. The investigation concluded when the subject pleaded guilty to two counts of unlawful fishing during a closed season before a magistrate in the Judicial District of Oregon. The sentence is 24 months of probation, 40 hours of community service, and \$720 restitution payable to NOAA-Fisheries Office of Law Enforcement. This was a joint investigation between OLE, the Oregon State Police, and the U.S. Fish and Wildlife Service.
- Oregon State Police notified OLE of four anglers in possession of ESA-protected wild Coho salmon in Oregon. Officers contacted the subjects and offered each a \$450.00 summary settlement. The subjects each paid the \$450 summary settlement and forfeited the unlawful Coho salmon.
- OLE assisted with two complaints received from the U.S. Army Corps of Engineers (ACOE) and California Department of Fish & Wildlife alleging ESA violations on the Sacramento River and North Cow Creek in Redding, CA. The complaints allege property owners have deposited fill material (dirt, concrete and debris) into Coho salmon and steelhead critical habitat. Investigation resulted in a Corrective Action Plan by ACOE, a Notice of Violation by CDFW, and a citation for non-permitted fill along the Sacramento River Bank from CA State Dept. of Housing for the Sacramento River violation. A Corrective Action Plan by ACOE and a Notice of Violation by CDFW are the result of North Cow Creek in Redding, CA.

- NOAA/Central Valley Protected Resources Division reported the premature mortality of approximately 48 ESA-listed spring-run Chinook salmon at the confluence of the Sacramento River and Butte Creek Bypass. OLE conducted a site visit with a NOAA/Protected Resources Division (PRD) engineer and determined the issue affecting fish migration was an antiquated culvert system that depends on flood discharge to operate tide doors at the end of each culvert. A recent and significant rain event carried down a large amount of woody debris that appears to have entered the culvert system; coupled with an enormous flood discharge through the culverts, this prevented the salmon from passing through from the Sacramento River toward Butte Creek. The Army Corps of Engineers and California State Dept. of Water Resources (owners of the flood control dam and culvert system) have begun working on an improved and updated (modern & computerized) replacement culvert system and have formally requested that NOAA/PRD begin consultation on the project.

National Marine Sanctuaries Act

- A merchant vessel that unlawfully discharged 12 shipping containers into the Monterey Bay National Marine Sanctuary (NMS) due to the crew's failure to properly secure their cargo before departing the Port of Oakland, California has resulted in the parent company paying a \$9,000 NOVA.

- A complaint referred from the Greater Farallones NMS alleged three discharges of dredge material into GFNMS waters. A summary settlement payment of \$2,400 was paid by the company conducting the dredge operations.

Lacey Act

- A San Diego-based seafood importer pled guilty to a felony Lacey Act violation for knowingly importing approximately 148,500 pounds of abalone worth \$3 million from Mexico to the U.S. using false invoices. Between February 2012 and July 2015 the defendant made approximately 43 different illegal imports of abalone from a vendor which did not sell him the abalone and was not located at the address on the Mexican invoice. The defendant has agreed to pay a \$15,000 fine and \$500,000 forfeiture.

International Cooperation

- A fourth defendant in a 2014 totoaba trafficking case was sentenced in San Diego federal court for his role in the smuggling of 12 endangered totoaba swim bladders into the U.S. from Mexico. His sentence included five years' probation and an order to pay \$15,000 restitution to the government of Mexico (PROFEPA) at the rate of \$250/month.

- A special agent, enforcement officer and a U. S. Fish and Wildlife special agent arrested a subject at the San Ysidro Port of Entry (POE) (based on a complaint) in September 2015 who conspired with a relative to smuggle 61 pounds of Convention on International Trade in Endangered Species (CITES)-listed sea cucumber in October 2014. The relative, the subject's sister-in-law, was arrested, sentenced for smuggling, and ordered to pay \$1,000 restitution and received three years' probation. Upon the subject's arrest in September 2015, he experienced a medical issue and due to his condition, the Assistant U. S. Attorney agreed to issue the person a notice to appear the following week in San Diego federal court for his initial appearance. During a proffer session, the defendant said that he had been

smuggling dried sea cucumber, ten bags at a time (four pounds per bag), for approximately 40 weeks each year since 2014. Payment was \$10 per bag. After crossing the border, he delivered the product to another individual in a shopping center parking lot on the U.S. side. The defendant said he began this smuggling scheme after answering an advertisement in a Mexican newspaper looking for drivers who could transport things to the U.S. from Mexico.

- A San Diego-based seafood company and its owner received a sentence of five years' probation and an order to pay a \$15,000 fine, \$100 penalty assessment, and forfeit \$500,000 to the U.S. government. Between February 2012 and July of 2015, the company illegally imported 148,500 pounds of Mexican harvested abalone to the U.S. using false Mexican invoices. The value of the product imported is approximately \$3 million.

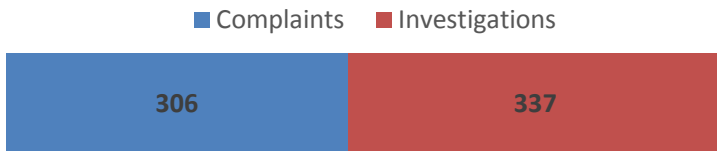
- A San Diego man, sentenced by a judge in a San Diego federal court, received 10 months custody, \$7,600 fine, \$16,600 restitution to Mexico's National Aquaculture and Fishing Commission (CONAPESCA), and three years' probation for his role in smuggling protected fisheries products into the U.S. In February 2016, he and a female co-conspirator concealed 38 kg of frozen endangered black abalone and 78 kg fresh and dried fuscus sea cucumber in luggage when attempting to enter the U.S. through the San Ysidro POE. The individual claimed during an interview that the product was personal use for his family. The estimate of the value of the product is \$16,000. This is the longest sentence a judge in San Diego has given for any of our wildlife smuggling cases. The defendant was scheduled to report to the Marshal Service in the Eastern District of New York in March 2018, where he currently resides. The female co-defendant was found not guilty of all charges including conspiracy and smuggling of 250 pounds of fuscus sea cucumber and black abalone through the San Diego POE. Circumstantial evidence included red and pink luggage with the defendant's name on them which contained abalone and sea cucumber, a ledger found in her purse at the port of entry written in Chinese and Spanish containing cash amounts, the words abalone and sea cucumber, and a hand writing expert who stated that the ledger was written in the defendant's writing. The defendant's statement (at the border) was thrown out during a suppression hearing; the argument was that she should have been Mirandized in Mandarin, even though the videotaped interview shows that she was Mirandized in both English and Spanish, and answered questions in Spanish. Her co-defendant previously pled guilty to conspiracy and sentenced to ten months custody. This was a joint investigation involving NOAA, FWS, and HSI.

<http://www.sandiegouniontribune.com/news/courts/sd-me-ren-guilty-20170929-story.html><http://www.latimes.com/sns-bc-ca--sea-life-smuggler-20170930-story.html>

- A San Diego special agent and enforcement officers seized a commercial import of approximately 35,000 pounds of Russian-caught crab legs, which were falsely labeled as red king crab, with the assistance of the Los Angeles based Customs and Border Protection (CBP) In-Bond Enforcement Team. DNA testing by the NOAA forensic lab in Seattle, WA determined that the product is blue king crab. Also seized were undeclared turbot fish fillets and snow crab legs in the shipment. CBP auditors assessed the value of the shipment at approximately \$530,000. The seafood company signed a settlement agreement where they paid a \$4,500 civil penalty for exporting six boxes of undeclared snow crab legs and arrowtooth flounder from Canada through the Port of Long Beach, CA. The blue king crab was re-

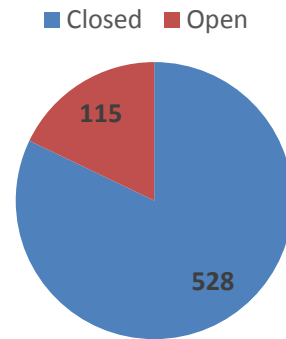
exported from the U.S. as part of the settlement agreement. The importer had no knowledge of the falsely labeled crab legs. The product is valued at \$530,000.

Number of Incidents Reported in FY 2017

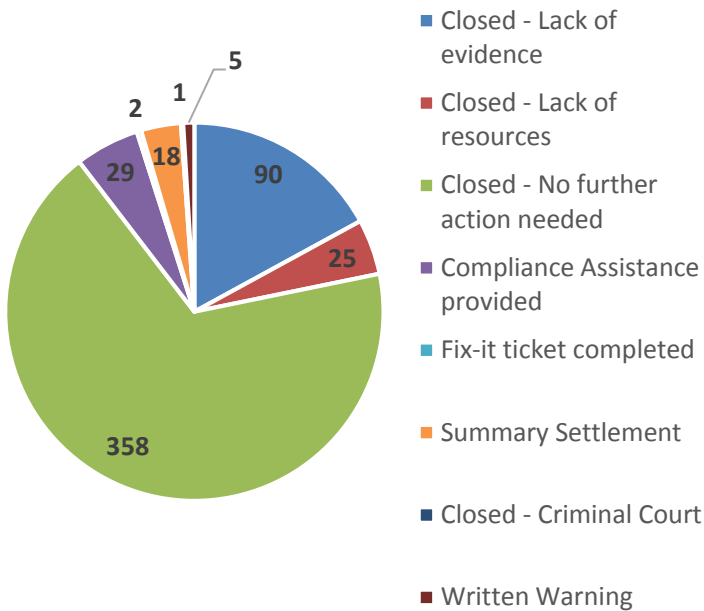


*Complaint: (define)
*Investigation: (define)

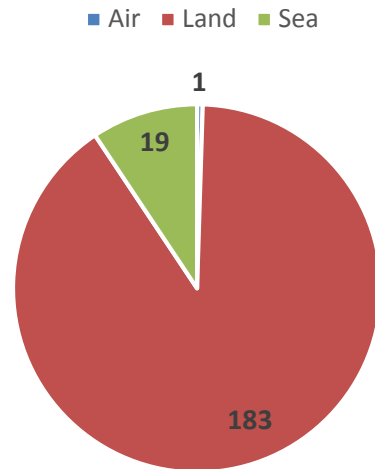
FY 2017 Incident Status



Disposition of Closed Incidents



Number of Patrols



Incidents by Law/Program

