



NOAA
FISHERIES

Annual Report to the Pacific Fishery Management Council

West Coast Enforcement Division

June 2019

NOAA Fisheries, Office of Law Enforcement, West Coast Division

Report to the Pacific Fishery Management Council

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West Coast Enforcement Division

The West Coast Enforcement Division

Staffing Snapshot

37 Full-Time Employees

- 13 Special Agents
- 6 Enforcement Officers
- 6 Mission Support
- 6 Investigative Support
- 2 Contractors

WCD Budget:

\$8.3 million

Headquarters

7600 Sand Point Way NE
Seattle, WA 98115

Field Offices

Alameda, 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 the 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. Investigative Support Technicians), and Mission Support – which includes administrative staff (e.g. information technology and administrative assistants).

This past year, one new Special Agent reported to our Seattle District Headquarters Office, and an additional four new Special Agents and a new Enforcement Officer recently reported to our Long Beach, Santa Rosa, and

Monterey Field Offices. During the past year, we also celebrated the retirement of our Special Agent from Newport, Oregon, and welcomed aboard our new Investigative Support Program Manager in Seattle. We plan to fill several additional operational and support positions this year, including our vacant Compliance Liaison position.

The Operational staff has Special Agents (SA) organized 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 (six currently filled). District Two covers California, with a recommended staff of seven SA positions (six currently filled).

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 EOs with each district having a Supervisory Enforcement Officer (SEO) assigned. Currently, the SEO positions are vacant, with one Acting SEO and six EO positions filled. We are working closely with Headquarters to fill many of the vacant SEO and EO positions this year.

Office of Law Enforcement – Enforcement Priorities

The NOAA Office of Law Enforcement released six National Priorities for Fiscal Years 2018-2022. Input from the Council, along with various stakeholders and the public greatly assisted in the development of the Priorities. A full description of OLE Enforcement Priorities is available at this link and the priorities are summarized below: [OLE Enforcement Priorities, Fiscal Years 2018 - 2022](#)

- 1) **Sustainable Fisheries:** NOAA Fisheries - in close coordination with the regional fishery management councils and state partners - is responsible for fostering healthy, productive, and sustainable living marine resources and habitats. NOAA Fisheries achieves these outcomes through: effective, transparent management actions supported by strong science; habitat conservation and restoration programs; an ecosystem approach to fisheries management; partner and stakeholder coordination and communication; and effective enforcement.
- 2) **Protected Resources:** The Endangered Species Act and the Marine Mammal Protection Act were enacted to help recover species that are facing extinction and to protect marine mammals. NOAA Fisheries is responsible for the conservation and recovery of protected species and their habitats, as mandated by the MMPA and ESA, through specific efforts focused on reducing negative effects of human activities, enforcing regulations against harming marine mammals and endangered species, and developing plans to guide the recovery and conservation of these protected species.
- 3) **Illegal, Unreported, and Unregulated (IUU) Fishing/International:** The vast majority of the seafood consumed in the U.S. is imported. This demand for seafood makes the U.S. an attractive market for IUU fish and fish products, and also places pressure on wild stocks from all over the world. Like domestic regional fishery management councils, regional fisheries management organizations (RFMOs) work to ensure that seafood caught within their governing areas is taken in an authorized and sustainable manner. Those who circumvent RFMO conservation and management measures are engaged in IUU fishing. IUU fishing disadvantages legal fishermen globally, including U.S. fishing fleets and coastal communities, and negatively impacts global fish stocks such as salmon and tuna.
- 4) **Seafood Fraud:** Seafood fraud - typically in the form of mislabeling or other forms of deceptive misidentification of seafood products with respect to quality, quantity, origin, or species - undermines the economic viability of U.S. and global fisheries, and deceives consumers. Seafood fraud is generally driven by economic motives and can occur at multiple points along the supply chain.
- 5) **Wildlife Trafficking:** Illegal wildlife trafficking is a multi-billion-dollar-per-year enterprise that targets some of the most iconic and endangered species on the planet. As economic opportunists, wildlife traffickers are also frequently involved in other illegal activities such as human trafficking, illegal weapons sales, and the illicit drug trade.
- 6) **Outreach and Education:** A primary goal of OLE is voluntary compliance by members of the public or regulated industries with marine resource protection laws and implementing regulations. Engaging in outreach and education activities to foster voluntary compliance is the cornerstone of this goal. While conducting patrol efforts, OLE enforcement officers have day-to-day interactions with industry members and the general public, and use these daily opportunities to answer questions and provide information. As part of the Vessel Monitoring System (VMS) program, OLE investigative support technicians routinely answer calls from industry members concerning regulations and make proactive contact with owners of vessels at sea when it appears that a vessel may be out of compliance with restricted area or reporting requirements.

Office of Law Enforcement – WCD 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 and specific federal marine law enforcement authority to assist NOAA.

In addition to providing reimbursement for direct federal fisheries enforcement work performed by state officers, wardens, and troopers in support of federal fisheries enforcement priorities, the agreements also provide funding for state administrative overhead and program-related direct purchases of large marine enforcement assets (e.g., boats, vehicles, etc.) as well as small or portable assets (e.g., dry suits, thermal imaging, cameras, etc.), in addition to targeted program meetings or specific training needs and services (maintenance of equipment and vessels).

Within the framework of each agreement, there are defined marine law enforcement, compliance assistance, and living marine resource management responsibilities under (mutually agreed upon) federal priorities; these typically include both land-based and at-sea services, and may include air services, if available within a state partner agency and if determined to be of added value in support of one or more federal priorities.

Under the 2018 agreement, the performance threshold requires a minimum of 75% be directed toward execution priorities, with the remaining balance being assigned to general enforcement priorities. Execution priorities are defined and specific in funding, performance, and reporting. The emerging 2019 agreements will also have the same applied balance of execution and general enforcement priorities. The federal funding for both JEA 2018 and JEA 2019 in the WCD is \$2.545M per agreement lifecycle, with these amounts being equitably distributed to our three state partner agencies.

These agreements foster a cooperative environment, producing a viable collaborative approach to federal and state living marine resources enforcement and management. There are consistent ongoing cooperative efforts between WDFW, OSP, CDFW, OLE, and the U.S. Coast Guard (USCG) for the enforcement, preservation, and management of living marine resources. The USCG is a valuable federal partner, providing premier at-sea and air resources, and willingly supporting state partner and federal operations. WDFW Officers, CDFW Wardens, and OSP Troopers 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, buyers, restaurants, air and sea ports, and cold storage facilities, as well as 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 our coastal living marine resource protection and compliance.

Office of Law Enforcement – WCD Fiscal Year 2018 Investigations

Magnuson-Stevens Act

- An Enforcement Officer initiated an investigation after receiving a self-report of a limited-entry fixed gear sablefish overage. After review of the fish tickets, the Enforcement Officer determined an overage of 250 pounds occurred. Based on the fair market value of \$5.44/pound, a Summary Settlement penalty of \$1,596.41 was issued for the violation.
- During an investigation into an Alaska Individual Fishing Quota (IFQ) Pacific halibut overage, an Enforcement Officer determined an overage of 1,712 pounds had occurred. Based on the fair market value of \$6.87 per pound, a Summary Settlement penalty of \$11,778.42 was issued for the violation.
- During an investigation into an Alaska Individual Fishing Quota (IFQ) sablefish overage, an Enforcement Officer determined an overage of 2,093 pounds had occurred. Based on the fair market value of \$9.66 per pound, a Summary Settlement penalty of \$20,218.38 was issued for the violation.
- A Special Agent initiated an investigation into two California-based first receivers for failing to submit Economic Data Collection forms as required by groundfish regulations. Both companies had received past warnings from OLE for similar prior offenses. The most recent offenses resulted in Summary Settlement penalties of \$600 for each of the first receivers.
- An Enforcement Officer initiated an investigation into a vessel that left Alaskan waters with approximately 6,500 pounds of Pacific halibut and failed to file a landing report in the required timeframe. A Summary Settlement penalty of \$2,000 was issued for the violation.
- During an Enforcement Officer's investigation into a commercial fishing vessel participating in the directed Pacific halibut fishery off Oregon, it was revealed the owner allegedly applied for an International Pacific Halibut Commission (IPHC) permit for a classification greater than the vessel's actual length. The owner/operator applied for an IPHC permit in the 56' or greater classification, but the vessel was measured and found to be eligible for an IPHC permit in the 51'-55' class. During one of the directed fishing periods the vessel exceeded harvest limits for the 51-55' classification by 1,048 pounds. A Summary Settlement penalty of \$5,344.80 was issued for the violation.
- An Enforcement Officer completed an investigation into reports of a commercial fishing vessel fishing for and retaining salmon out of season. A Summary Settlement penalty of \$300 was issued for the violation.
- An Enforcement Officer in Charleston, OR, completed an investigation regarding a commercial trawler fishing within the EEZ with double-netted trawl gear and making eleven landings without a functional VMS unit. A Notice of Violation (NOVA) penalty of \$4,500 was issued for the violations.
- While monitoring offloads of vessels in Ilwaco, WA, participating in the Pacific halibut directed commercial Pacific halibut fishery, an Enforcement Officer inspected the vessels for compliance with size limit, logbook, and permit regulations. One vessel operator caught and retained halibut in excess of the established quota for the vessel's length. The other operator exceeded both halibut and rockfish quotas. Summary Settlement penalties of \$294.00 and \$858.00, respectively, were issued for the violations.

- An Enforcement Officer in Newport, OR, responded to JEA complaints and seized one Coho salmon each from three different individuals. Summary Settlement penalties of \$450.00 were issued to two of the individuals and a Summary Settlement penalty of \$900.00 was issued to the third for the violations.
- Enforcement Officers in Newport, OR, conducted dockside boardings on fishing vessels that had participated in the Highly Migratory Species albacore tuna fishery, one vessel received a Written Warning for failure to submit logbooks during the required timeframe.
- The U.S. Coast Guard contacted an Enforcement Officer to assist in the boarding of a commercial fishing vessel in Charleston, OR. The boarding team found groundfish onboard, which the vessel's GPS plotter and logbook indicated had been caught and retained in the EEZ, while the vessel did not have an operational VMS. The violation resulted in a Written Warning being issued.
- A Supervisory Enforcement Officer (SEO) conducted an investigation into a limited-entry trawl vessel owner's failure to submit an annual Economic Data Collection form as required. The owner subsequently submitted the report. A Written Warning was issued for failing to submit the form by the required date.
- An Enforcement Officer initiated an investigation into a commercial fishing vessel operator for retention of prohibited species and for landing an overage of rockfish during an open access, fixed gear fishing trip. The case was referred to WDFW for prosecution.
- While monitoring the offload of a trawler in Charleston, OR, an Enforcement Officer found a total of six undersized lingcod in the catch. The operator of the vessel abandoned the fish and was issued a Written Warning for the violation.
- An Enforcement Officer conducted a boarding of a fishing vessel with a non-transmitting VMS. The fishing vessel operator was unaware of the issue and was issued a Written Warning for the violation.
- An Enforcement Officer received five JEA case referrals from OSP regarding commercial salmon fishing vessels landing groundfish, along with salmon, taken in the EEZ. None of the fishing vessels were equipped with VMS. After interviewing all of the owners/operators, four were determined to be in violation of VMS regulations and were issued Written Warnings. During the investigation, several other owners/operators of commercial salmon vessels were interviewed dockside. The result of the interviews revealed a large portion of the fleet did not understand the applicable VMS carriage requirements and were relying on misinformation from other operators. The Enforcement Officer provided Compliance Assistance to everyone contacted in order to resolve the misunderstanding.
- A WCD Enforcement Officer in Charleston, OR, completed an investigation into an RCA non-continuous transit case. It was determined the operator of the vessel fell asleep in his quarters and drifted into the RCA during that time, while a federal observer was also on board. The Enforcement Officer provided Compliance Assistance to the owner/operator.

Marine Mammal Protection Act

- An Enforcement Officer completed an investigation into an individual removing a harbor seal pup from the beach and taking it to a veterinary clinic in Snohomish, WA. A Summary Settlement penalty of \$100 was issued for the violation.
- An Enforcement Officer initiated an investigation into an individual who removed a harbor seal pup from the beach on Orcas Island, WA, and gave it to a friend. A Summary Settlement penalty of \$100 was issued for the violation.
- An Enforcement Officer investigated a complaint from the USCG regarding the detention of several individuals observed harassing a whale in San Diego Bay. The Enforcement Officer discovered one of the subjects intentionally made contact with the whale. A Summary Settlement penalty of \$100 was issued for the violation.
- An Enforcement Officer started an investigation into a commercial fishing charter in Everett, WA. WDFW forwarded a complaint that the operator of the charter vessel encouraged customers to feed the sea lions at the public dock by providing pieces of fish meat. Compliance Assistance was provided to the vessel operator, consisting of an explanation of the applicable Marine Mammal Protection Act regulations.

Endangered Species Act

- A Consent Decree in a federal civil injunction case was signed by the Federal District Court. This was a joint Endangered Species Act/Clean Water Act injunction case resulting from the activities of a ranch owner on the Van Duzen River (a tributary of the Eel River near Fortuna, CA) for placement of construction spoils and various large objects in the river bed and along the river banks over several years. These actions caused the take and had potential for continued future take of Southern Oregon/Northern California Coast Coho salmon, California Coastal Chinook salmon, and Northern California steelhead within critical habitat. In addition to the Notice of Violation (NOVA) penalty of \$10,000, the Consent Decree requires the property owner to undertake extensive actions to clean up the river and restore fish habitat, as well as applying for permits to further access the river under certain situations.
- An Enforcement Officer conducted an investigation into a case referred by WDFW. The alleged violations involved a vessel in the vicinity of San Juan Island, WA, approaching within 200 yards of Southern Resident Killer Whales, in violation of federal regulations. Compliance Assistance was provided to the vessel operator.

National Marine Sanctuaries Act

- A Special Agent initiated an investigation in response to a complaint referred from the Greater Farallones National Marine Sanctuary, alleging dredge material was discharged on three occasions from a scow under tow in sanctuary waters. A Summary Settlement penalty of \$2,400 was issued for the violation.

- A Special Agent initiated an investigation in response to a complaint referred from the Greater Farallones National Marine Sanctuary, alleging dredge material was discharged from a scow under tow in sanctuary waters while transiting to an offshore dump site. A Summary Settlement penalty of \$1,600 was issued for the violation.

- A Special Agent initiated an investigation in response to a complaint referred from the Greater Farallones National Marine Sanctuary, alleging dredge material was discharged from a scow under tow in sanctuary waters while transiting to an offshore dump site. A Summary Settlement penalty of \$800 was issued for the violation.

Lacey Act

- A one count felony was filed in the U.S. Attorneys Office in the Western District of Washington against the ringleader in a conspiracy to purchase, process, and sell unreported sea cucumber harvested by state and tribal fishermen in Washington State. A multi-year investigation revealed the subject trafficked \$1.49 million in unlawful sea cucumber. Illegal purchases of over 250,000 pounds of sea cucumber were documented from 2013-2016. The product was subsequently processed and sold in China, Canada, and several U.S. states. The scheme allowed co-conspirator fishermen to circumvent weekly harvest limits and annual quotas. The subject pled guilty to one count of Conspiracy to Violate the Lacey Act in the U.S. District Court, Western District of Washington, and was sentenced to 24 months in prison, three years supervised release, and \$1.5 million in restitution. Four other subjects related to the scheme pled guilty in Clallam County Superior Court to multiple counts of Unlawful Fish and Shellfish Accounting and were each sentenced to 240 hours of community service and fines of \$5,800, \$4,800, \$2,700, and \$2,700, respectively. Over 25 tribal fishermen associated with the scheme also had cases adjudicated in the tribal court system. The overharvest by some tribal fishermen resulted in Puget Sound tribes as a whole exceeding annual quotas by as much as 30% in some areas, and has required the tribes repay the state sector in a multi-year restitution agreement.

- OLE and U.S. Fish and Wildlife Special Agents interviewed a Los Angeles-based seafood importer who failed to declare 68 kg of sea urchin roe at the San Ysidro Port of Entry. The product was not declared as required by Fish and Wildlife regulations and was seized by a Fish and Wildlife inspector at the border. The subject also did not possess documentation to prove the lawful origin of the product. The company owner was issued a Central Violation Bureau ticket in the amount of \$500 for failing to file a completed Declaration for Importation form.

International Cooperation

- An OLE and U.S. Fish and Wildlife investigation resulted in a San Diego Grand Jury returning a five-count indictment against a husband and wife team who were caught smuggling a total of 86 pounds of *fuscus* sea cucumbers into the U.S. from Mexico. The estimated retail value of the product is \$34,000. The couple was arrested at their residence and transferred to a U.S. Marshall holding facility and a magistrate judge ordered bail of \$15,000. Charges included Conspiracy, Smuggling/Importation Contrary to Law, and Aiding and Abetting. Customs records indicate both subjects were caught attempting to bring abalone meat, sea cucumbers, seahorses, and dried shark fins across the border over the past 10 years. Both subjects pled guilty and each was ordered to pay restitution of \$1,500.

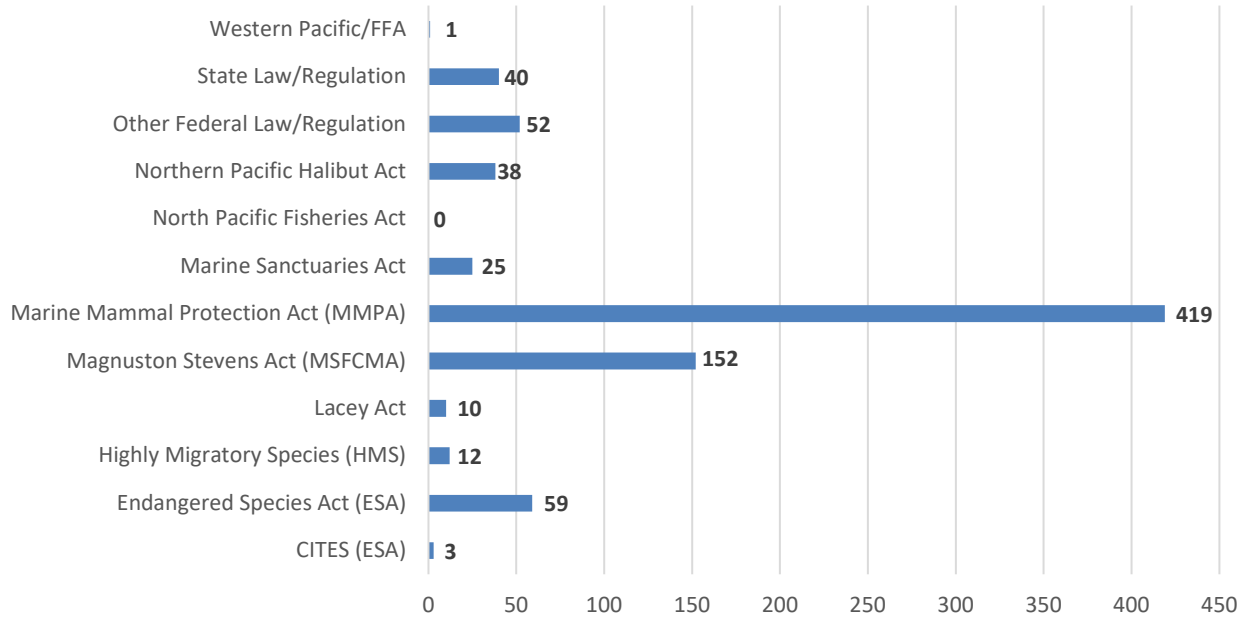
- A Los Angeles-based man pled guilty in San Diego Federal Court to a misdemeanor and was sentenced in San Diego federal court for unlawfully importing 126 pounds of *fuscus* sea cucumber and 2.8 pounds of dried abalone into the U.S. from Mexico without an import permit. The product was concealed in a spare tire well. The court ordered one year probation and \$21,954 restitution which will be split between the Mexican agencies PROFEPA (\$12,427) and CONAPESCA (\$9,527). The subject cooperated and provided information on possible targets in the Los Angeles area who have received and sold smuggled seafood from Mexico.

- An Enforcement Officer received information that a U.S. Customs officer at the Seattle-Tacoma International Airport intercepted a shipment of what was believed to be mislabeled shark fins. The product was transferred to the Enforcement Officer and the NOAA Forensics Lab confirmed that all but one of 100 dorsal fins sampled were from Convention on International Trade in Endangered Species (CITES) listed species - scalloped hammerhead. NOAA General Counsel - Enforcement Section transferred the case to the U.S. Fish and Wildlife Service for prosecution.

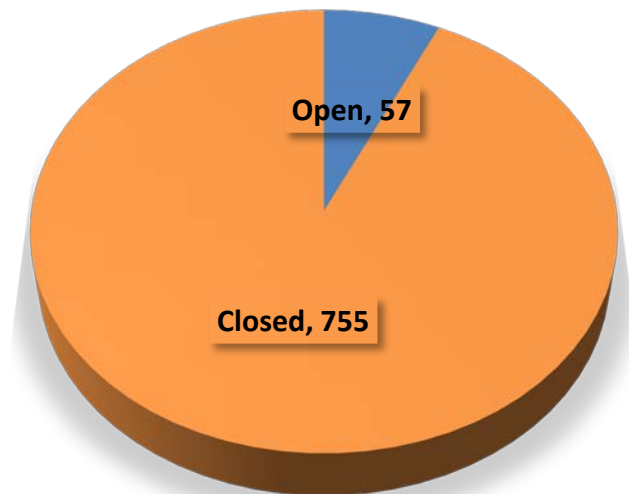
- An Enforcement Officer received information that a U.S. Customs officer intercepted a shipment of what was believed to be black abalone being transported by a subject crossing the San Ysidro, CA, International Port of Entry. The subject declared the abalone and willfully surrendered the product to Customs officials, who transferred the product to a NOAA Enforcement Officer. The NOAA Forensics Lab confirmed the product was black abalone and the subject explained to the Enforcement Officer that it was intended for personal consumption. The Enforcement Officer provide Compliance Assistance.

Office of Law Enforcement – WCD Fiscal Year 2018 Metrics

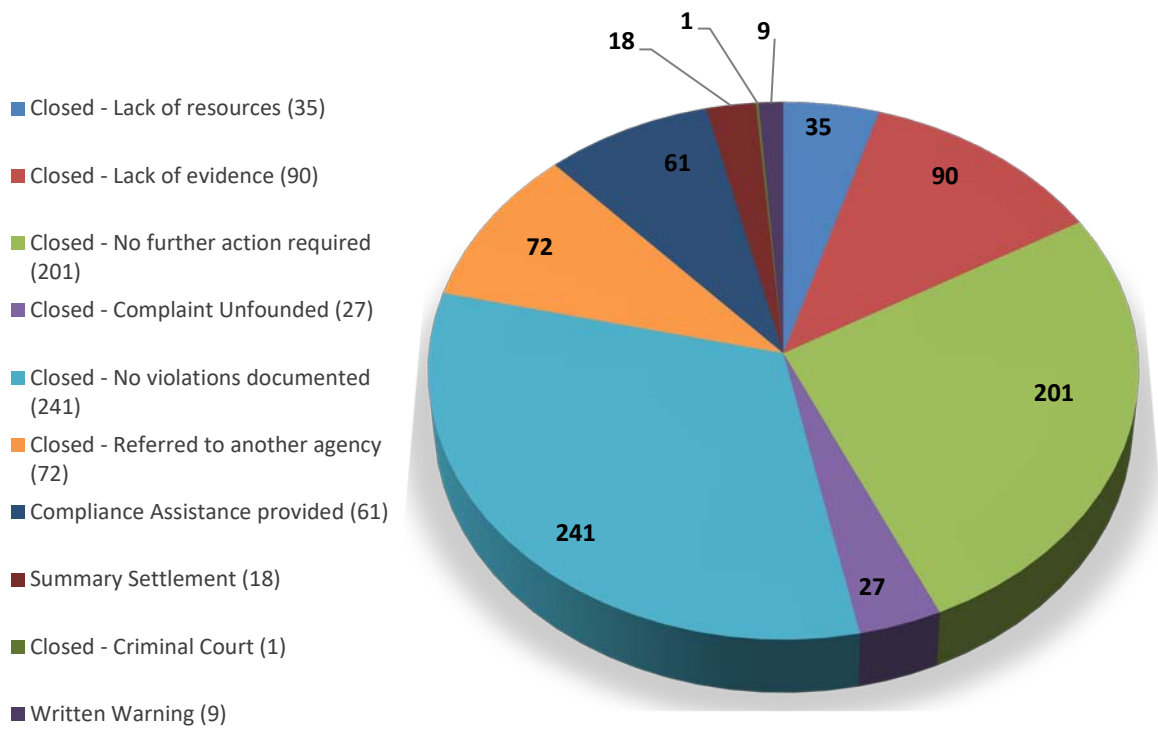
Incidents by Law / Program



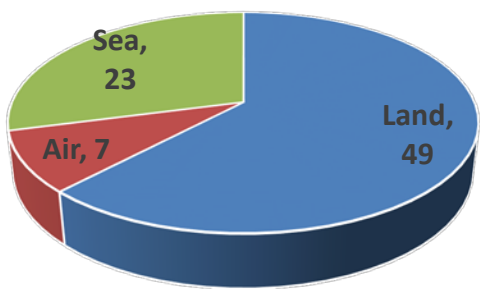
Incident Status



Disposition of Closed Incidents



Enforcement Patrols



Civil Penalties

