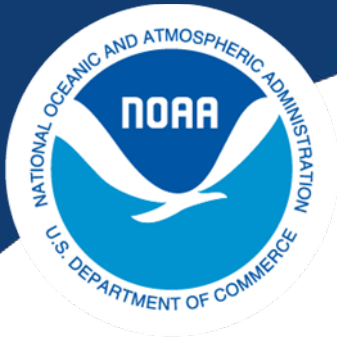


Informational Report 3
June 2020



NOAA
FISHERIES

Annual Report to the Pacific Fishery Management Council

West Coast Enforcement Division

June 2020

NOAA Fisheries, Office of Law Enforcement, West Coast Division

Report to the Pacific Fishery Management Council

June 2020

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West Coast Enforcement Division

The West Coast Enforcement Division

Staffing Snapshot

37 Full-Time Employees

- Assistant Director
- 14 Special Agents
- 8 Enforcement Officers
- 7 Mission Support
- 6 Investigative Support
- 1 Contractors

WCD Budget:

\$8.9 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
Sacramento, CA
San Diego, CA
Santa Rosa, CA
Seattle, WA
Vancouver, WA
Westport, WA

Vessel Monitoring System (VMS)

1,323 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, Investigative Analyst), and Mission Support – which includes administrative staff (e.g. information technology and administrative assistants).

This past year, one new Special Agent and one new Enforcement Officer reported to our Seattle District Headquarters Office and an additional Enforcement Officer recently reported to our Long Beach Field Office. We also recently celebrated the retirement of our Special Agent from San Diego, California. We plan to fill several additional operational and support positions this year, including our vacant Supervisory Enforcement Officer, Compliance Liaison, and Investigative Analyst positions.

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 eight SA positions (five 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, two SEO positions are vacant, with one SEO and seven 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. The WCD is in the process of hiring a Compliance Liaison Analyst whose primary job will be to work with regulators and marine resource users to provide education and promote compliance assistance.

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.

NOAA continues to seek commitment from state and territorial partners to devote 75% of their efforts on federal enforcement execution priorities identified in their state or territory. CEP partners will retain the flexibility to designate up to 25% of their JEA to less-specified enforcement activities in general support of federal marine law enforcement. The WCD federal funding for JEA 2019 was \$2.627M, and funding for JEA 2020 is \$2.651M, with the amounts distributed between Washington, Oregon, and California.

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 (OLE) – WCD Fiscal Year 2019 Investigations

Magnuson-Stevens Act

- An Enforcement Officer investigated a commercial fishing vessel for conducting commercial fishing activities without a required federal observer on board. The owner of the vessel was notified by phone and mail prior to beginning the fishing trips of the requirement, yet he failed to obtain mandatory observer coverage. NOAA General Counsel-Enforcement Section (GCES) issued a **Notice of Violation (NOVA)** with a Settlement Agreement of \$11,250.
- Enforcement Officers investigated fourteen incidents from 2017 of Pacific whiting vessels exceeding catch discard limits while operating under Electronic Monitoring (EM) Exempted Fishing Permits (EFPs). The investigations resulted in GCES issuing **four NOVAs** (two with Settlement Agreements of \$5,750 and two of \$5,175), **nine Summary Settlements** (five for \$3,000, two for \$2,000, and two for \$1,000), and one case was closed with **compliance assistance** provided.
- A Special Agent's investigation into a 2016 collision at-sea resulted in GCES issuing a **NOVA** with a Settlement Agreement of \$5,175. The investigation originated from a collision at-sea between a commercial groundfish trawler and a commercial salmon troller. Both vessels were found to be negligent in maintaining a proper lookout and wheel watch. The investigation revealed that at the time of the collision, the trawl vessel was carrying a Federal Fisheries Observer and the assigned bridge watch stander was either below decks, checking the engine room, making a sandwich in the galley, or asleep. While both vessels sustained damage in the at-sea collision, no one onboard either vessel was injured.
- An Enforcement Officer investigated a non-groundfish trawl vessel for failure to operate and maintain a VMS over a four month period while engaged in non-groundfish trawl fisheries. GCES issued a **NOVA** with a Settlement Agreement of \$4,500.

- Following a 2018 joint boarding with the USCG and the WDFW, an Enforcement Officer from the NOAA Office of Law Enforcement investigated a report from the USCG regarding an albacore tuna troller that impeded being boarded by failing to provide an approved pilot ladder to the boarding team on two separate occasions. Upon further investigation, it was determined the vessel had also never made a VMS declaration since being required in 2015 and had never turned in a Highly Migratory Species (HMS) logbook since 2010. The investigation resulted in NOAA GCES issuing of a **NOVA** with a Settlement Agreement of \$4,500.



Deck of fishing vessel with USCG motor lifeboat in background



Out of compliance boarding ladder



Fish hold with albacore tuna

- An Enforcement Officer completed an investigation into open access sablefish overages, with an audit of a vessel's landing history revealing a two-month landing limit overage of 662 pounds in 2016 and a two-month landing limit overage of 62 pounds in 2017. The unreported overages were valued at \$1,655 and GCES issued a **NOVA** with a Settlement Agreement of \$3,455.

- An Enforcement Officer completed an investigation into a midwater trawl vessel targeting rockfish in the RCA without an EFP. It was determined the operator failed to obtain a 2019 EFP before making four trips into the RCA. A fair market value of the catch was calculated at \$29,849.30. GCES issued a **NOVA** with a Settlement Agreement of \$2,250.

- An Enforcement Officer conducted a dockside boarding of an Alaska IFQ vessel landing in Bellingham, WA. The hired operator exceeded the remaining halibut IFQ balance by 2,506 pounds. The fair market value of the excess halibut was determined to be \$16,094.22. Per the Summary Settlement guidelines a **Summary Settlement** was issued for the fair market value.
- An Enforcement Officer completed an investigation into a State Joint Enforcement Agreement referral for a commercial salmon troll vessel operating in the EEZ without VMS installed, as required. A **Summary Settlement** was issued for \$4,000.
- An Enforcement Officer conducted a dockside boarding of an albacore tuna vessel in Bellingham, WA. The Enforcement Officer inspected the offload and permits, noting the vessel did not have a high seas permit onboard. It was verified through VMS and logbook data that the vessel was fishing outside 200 miles. The vessel also had onboard past due logbook sheets for a 21-day fishing trip. A **Summary Settlement** was issued for \$2,000.
- An Enforcement Officer conducted an investigation into a limited entry sablefish landing overage of 913 pounds. A fair market value was calculated at \$1826.00 and a **Summary Settlement** penalty was paid for the same amount.
- An Enforcement Officer patrolling during the International Pacific Halibut Commission Area 2A commercial halibut fishery responded to a report from the OSP regarding a commercial vessel landing undersized Pacific halibut. The Enforcement Officer responded to the processing plant and confirmed the report. The operator of the vessel was contacted and issued a **Summary Settlement** of \$400.00. The subject abandoned the halibut and paid the settlement.



Out of compliance Pacific halibut (under 32")

- Following a joint investigation between OLE and WDFW into the illegal purchase of Chinook salmon from tribal members, the case was ultimately **referred to WDFW for prosecution**. The primary subject pleaded guilty in King County District Court for Engaging in Unlicensed Fish Dealing in the Second Degree, Unlawful Fish and Shellfish Catch Account in the Second Degree, and Attempted Unlawful Trafficking in Fish in the Second Degree (three gross misdemeanors). As part of the plea, the subject agreed to pay \$20,000 in restitution to WDFW. In addition, at sentencing the State recommended the subject serve 30 days of home detention, 15 days of work crew, or 240 hours of community service. The subject was also placed on probation for 24 months with the requirement that he “not commit any violations (criminal or civil) of applicable federal, state, or tribal rules, regulations, ordinances, codes, statutes, or laws governing fishing, fish processing, fish dealing, and/or related topics.”

- Special Agents and Enforcement Officers investigated eleven referrals from the NMFS Sustainable Fisheries Division of groundfish and HMS permit holders that were delinquent in providing 2017 Economic Data Collection (EDC) forms and other required records. The Agents and Officers worked with company representatives to explain the importance of submitting the missing documents within regulatory timeframes. Six of the cases were closed with **compliance assistance** provided and the five others are being considered for escalated enforcement action, with one resulting in a **Summary Settlement** for \$600.
- An Enforcement Officer investigated a first receiver off-loading groundfish caught in the Individual Fishing Quota (IFQ) fishery without a catch monitor present. The first receiver was issued a **Written Warning**.
- An Enforcement Officer investigated an observer's complaint of a fishing vessel operator failing to notify the observer prior to haul back of catch. The vessel operator was issued a **Written Warning**.
- An Enforcement Officer boarded a commercial fishing vessel offloading albacore tuna at a first receiver. The vessel operator failed to complete an HMS logbook and failed to submit logbook pages from four earlier trips during the year. After determining the owner/operator had no prior violations, a **Written Warning** was issued for the violations. The owner/operator stated he was a board member of an association representing West Coast albacore tuna trollers and that he would share details of the enforcement action with fellow board members in order to get the word out to the fleet to comply with logbook regulations.
- An Enforcement officer conducted an investigation into a vessel failing to coordinate with a required observer during fishing trips. Multiple incidents of failing to carry a required observer were documented and **compliance assistance** was provided and the case was closed.
- An Enforcement Officer and Investigative Support Technician (IST) investigated a self-report of a Rockfish Conservation Area (RCA) incursion by a trawl vessel. It was determined the vessel operator incorrectly programmed waypoints into his plotter. As soon as he realized his incursion into the RCA, he called the Enforcement Officer and exited the RCA. The Enforcement Officer provided **compliance assistance** and the case was closed.
- An Enforcement Officer conducted an investigation into alleged observer harassment. The investigation revealed the behavior of the crew toward the observer was unprofessional, but it was determined no harassment had occurred. **Compliance assistance** was provided and the case was closed.
- An Enforcement Officer investigated a shrimp trawler suspected of fishing without an observer after being selected for coverage and then alleged observer harassment when the observer was allowed on board. The Enforcement Officer determined the operator of the vessel adequately resolved a dispute between a deckhand and the observer and the case was closed with **compliance assistance** provided.
- An Enforcement Officer provided **compliance assistance** to a fishing vessel crew when they left port with a non-functional VMS unit. The officer convinced the operator to return to port before any further enforcement action was taken. The operator returned and subsequently repaired their VMS unit the following day.
- An Enforcement Officer completed an investigation into alleged observer harassment. An observer felt intimidated when asked to review data collected during the fishery. When the suspect subsequently discussed the incident with the observer, an apology was made. The observer did not believe any further action was needed and **compliance assistance** was provided.

- An Enforcement Officer conducted an audit of a vessel with a VMS declaration for Limited Entry groundfish. The Enforcement Officer discovered no fish tickets for groundfish had been filed with the appropriate state, although VMS data indicated fishing trips had been made. The operator stated the vessel had made landings of Dungeness crab and that he had the fish tickets. **Compliance assistance** was provided for the incorrect VMS declaration.

- Enforcement Officers and ISTs investigated five incidents of vessels equipped with VMS failing to make a correct declaration prior to a trip. **Compliance assistance** was provided in all of the incidents. However, a process has been established to consider escalated penalties for vessel operators who repeatedly violate the VMS declaration regulations, which have been in place since the implementation of VMS on the West Coast in 2004.

Marine Mammal Protection Act (MMPA)

- An OLE West Coast Division investigation initiated in 2017 resulted in the issuance of a **NOVA** with a Settlement Agreement of \$235,947.03 for violations of the MMPA and International Dolphin Conservation Program Act. A Houston, TX, based business imported approximately 80 shipments of embargoed canned yellowfin tuna product into the United States from January to December 2017. The fish were harvested by purse seine vessels.

- Enforcement Officer investigated an individual allegedly shooting a harbor seal with a pellet rifle in the San Juan Islands. The San Juan County Sheriff's Officers (SJCSO) were originally able to respond to the incident, capturing the seal and taking it to a rehabilitation center. The SJCSO located and interviewed the suspect and collected evidence. The case was transferred to OLE and GCES issued a **NOVA** with a Settlement Agreement of \$5,625.



Harbor Seal with gunshot wounds



Pellet rifle used in shooting



Ammunition used in shooting

- An Enforcement Officer completed an investigation into an individual feeding a harbor seal during a local radio interview. The subject was initially offered a Summary Settlement, but declined, and GCES subsequently issued a **NOVA** with a Settlement Agreement of \$2,250.

- An individual picked up a baby harbor seal and brought it to his residence due to concerns about not seeing the animal's mother nearby. The seal was reported to WDFW, which reported it to OLE. Due to the violation of the MMPA, an Enforcement Officer issued a **Summary Settlement** to the individual for \$100.

- An Enforcement Officer received a complaint regarding an individual selling bait so that people could feed a local sea lion at the Santa Monica boardwalk. The Enforcement Officer made contact with the complainant and patrolled the area where the suspect was last seen. Unable to locate the suspect, the Enforcement Officer arranged with Santa Monica Harbor Police to post NOAA-approved signs that would inform the public not to feed the sea lions. The signs were posted and the case was closed with **compliance assistance** provided.

- An Enforcement Officer received a complaint that included a link to an Instagram video of an individual jumping into the water off Morro Bay, CA, to disentangle a humpback whale from fishing gear. The video showed the individual jump into the water, climb onto the back of the whale and cut ground line that was wrapped around the animal. The individual was provided **compliance assistance**, including information on proper reporting, the risk associated with his actions, and the violation committed. The individual was given contact information for the Marine Mammal Stranding Network for future reference.

Endangered Species Act (ESA)

- An Enforcement Officer completed an investigation into a recreational vessel operating within 200 yards of transient killer whales in Washington waters. The vessel owner was contacted and admitted to operating the vessel. A **Summary Settlement** was issued for \$300.



NOAA Enforcement Officer patrolling with GCES Attorney
USCG motor lifeboat in background



Orca whale dorsal fins

National Marine Sanctuaries Act

- A Special Agent completed an investigation into the sinking of a 57-foot recreational vessel inside the Monterey Bay National Marine Sanctuary (NMS). The investigation revealed that the vessel began taking on water while transiting along the coastline inside the NMS. The passengers of the vessel were successfully rescued by the USCG before the vessel sank in approximately 250 feet of water. The vessel's owner worked with salvors to collect vessel debris that washed ashore along the NMS shoreline. The incident resulted in the issuance of a **Summary Settlement** of \$800.00.

- Two WCD enforcement officers investigated a fuel discharge from a 28-foot recreational vessel that ran aground in the Monterey Bay NMS. The officers coordinated the investigation with Monterey Bay Sanctuary personnel and the USCG. Preliminary investigation indicated the vessel lost power offshore and was not able to gain control before crashing into the rocks. Through the course of the investigation it was determined negligence on the part of the owner/operator contributed to the vessel running aground. In addition to occurring within the NMS, the grounding impacted the habitat of ESA-listed black abalone. The case resulted in the owner/operator being issued a **Summary Settlement** of \$800.00.



Recreational vessel on the rocks in the Monterey Bay NMS

- A Special Agent responded to a report of a sinking 30' sailing vessel inside the Monterey Bay NMS. The NOAA Special Agent and a Special Agent from the Coast Guard Investigative Service documented the salvage of the vessel, collected evidence and conducted interviews in support of the investigation. Initial indications were that the vessel was intentionally scuttled at sea. The case was **referred to the USCG** for disposition.

Lacey Act

- In a Lacey Act case initiated in 2016, a Yakama Tribal member entered into a conditional plea agreement with the Eastern District of Washington U.S. Attorney's Office and entered a change of plea from "not guilty" to "guilty" with the Eastern District of Washington. The subject pleaded guilty to one felony count of violating the Lacey Act and one felony count of conspiracy to violate the Lacey Act. The investigation was initiated into the sale of salmon harvested in violation of tribal law and resulted in a Yakama Nation Tribal member being sentenced to four years of **probation**, \$4,720 **restitution**, and a \$200 **special assessment fee**. The subject had illegally taken and sold in violation of Yakama Tribal law a total of 27 sturgeon, 11 Chinook salmon, 200 pounds of smelt, and five deer.

Illegal Trafficker of Fish and Wildlife Sentenced to Four Years Probation

DEPARTMENT OF JUSTICE NEWS RELEASE SUMMARY – September 5, 2019

<https://www.justice.gov/usao-sdca/pr/former-border-patrol-agent-sentenced-prison-trafficking-fentanyl-precursor-and-sea>

- A Special Agent conducted a 2018 investigation into a subject suspected of unlawfully purchasing and transporting 165 subsistence-caught Klamath River Chinook salmon from a Tribal member on Yurok Tribal land and attempting to transport the fish home. The subject was stopped by a state trooper for a vehicle violation. The state trooper contacted a California Department of Fish and Wildlife (CDFW) warden after he became suspicious of the truckload of fish and the CDFW warden then contacted NOAA OLE. There was no open commercial salmon season under the Yurok Tribe 2018 Harvest Management Plan. The Lacey Act investigation resulted in the issuance of a **NOVA** with a Settlement Agreement of \$3,150.



Illegally retained Chinook salmon

International Cooperation

- In a joint NOAA OLE and U.S. Fish and Wildlife Service (FWS) investigation initiated in 2018, a San Diego-based business, its principle owner, and the shipping manager pled guilty in federal court to felony Lacey Act charges for submitting false records for shipments of coral exported from the U.S. to multiple countries such as Australia, Ireland, and England. The owner's wife, the company's bookkeeper, was sentenced to three years of **probation** and 300 hours of **community service** for her part in knowingly engaging in exporting corals without a CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) permit. Between September 2015 and August 2018 the company exported coral through UPS declared as "ceramic collectibles." Evidence recovered from the business computers and email accounts showed the owner and shipping manager discussed how to falsely label the export invoices to potential customers. The scheme allowed the business to avoid \$50,032 in FWS export inspection fees. The value of the coral exported was reported to be \$123,801.

- In a joint NOAA OLE and FWS investigation initiated in 2014, a Tijuana, Mexico, based individual was sentenced to pay \$3,600 **restitution** to the Government of Mexico for importing 6.6 kg *fuscus* sea cucumber into the U.S. from Mexico in September 2015 without a CITES permit. During a proffer session, the individual admitted that between 2014 and 2016, he smuggled 10 bags of dried sea cucumber into the U.S. on approximately 80 occasions for another individual who was the organizer of the conspiracy. He received a downward departure in his sentence for substantial cooperation against the organizer who took possession of the sea cucumber on the U.S. side of the border.

- In an investigation initiated in 2018 by NOAA OLE, a former Border Patrol agent was sentenced in San Diego federal court for conspiring with others to smuggle dried sea cucumber into the United States from Mexico. The defendant organized couriers to conceal and transport bags of dried *fuscus* sea cucumber (a CITES Appendix III species) into the U.S. from Mexico on approximately 80 occasions. One of the couriers from another case said that he would transport 10-15 bags of dried sea cucumber approximately 40 times per year for two years between 1:00am and 3:00am, then call the defendant and meet him in a parking lot to transfer the product. It is estimated the courier transported approximately 1600 kg of dried sea cucumber worth over \$250,000. The former agent was also caught twice in 2014 attempting to smuggle sea cucumber and seahorses into the U.S. He was sentenced to 24 months **jail time**, and ordered to pay \$5,400 **restitution** to the Government of Mexico which regulates *fuscus* sea cucumber. This was a joint investigation with FWS. After this sentence, the subject was also sentenced to 30 months (concurrently) for attempting to export fentanyl precursors to Mexico.

Former Border Patrol Agent Sentenced to Prison for Trafficking in Fentanyl Precursor and Sea Cucumber

DEPARTMENT OF JUSTICE NEWS RELEASE SUMMARY – May 31, 2019

<https://www.justice.gov/usao-sdca/pr/former-border-patrol-agent-sentenced-prison-trafficking-fentanyl-precursor-and-sea>

- An Enforcement Officer concluded the investigation regarding a U.S.-flagged small commercial vessel fishing in Mexico's territorial waters. The fishing vessel crew docked in Newport Beach, California, and landed multiple species of groundfish. The Enforcement Officer organized a boarding team, including state and local county officers, boarded the vessel, and conducted an investigation. The investigation confirmed that the fishing vessel was operating in Mexican waters. A **Summary Settlement** for \$4000.00 was issued to the responsible parties.



Chart plotter indicating fishing in Mexico Territorial Waters

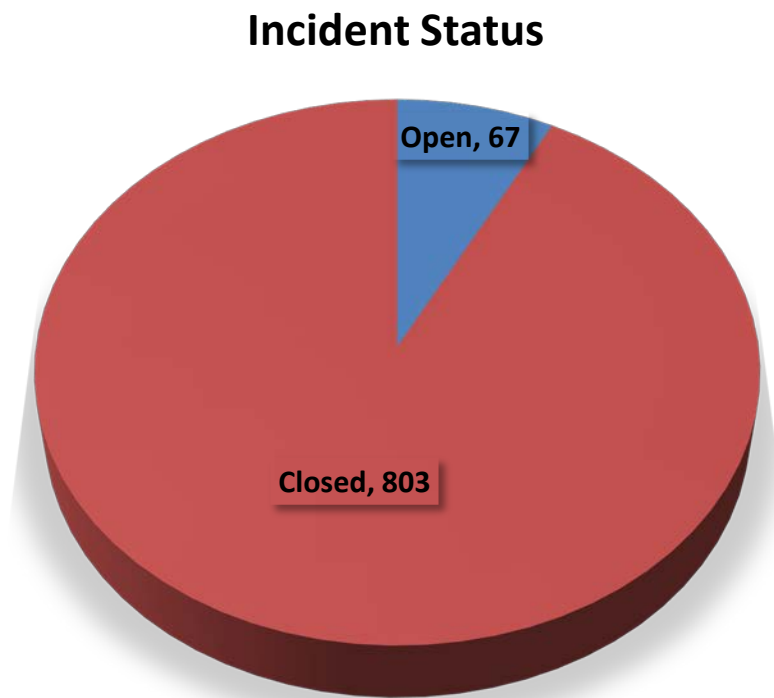
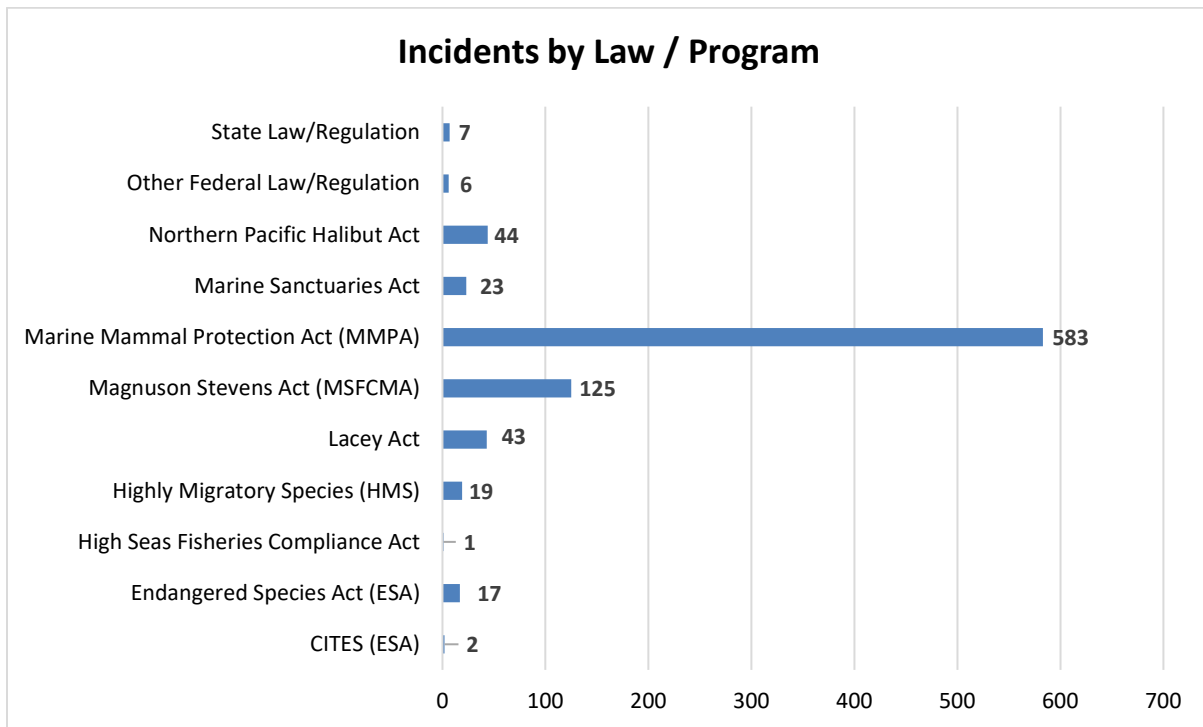
- In an investigation initiated in 2017 by NOAA OLE, a San Diego based husband and wife entered into a plea agreement with San Diego federal court for smuggling commercial quantities of *fuscus* sea cucumbers into the U.S. from Mexico. Each smuggled dried sea cucumber into the U.S. on different dates in 2017. Both had been warned previously by law enforcement for attempting to bring commercial quantities of seafood into the U.S. Each of the subjects was sentenced to pay \$1,500 **restitution**.



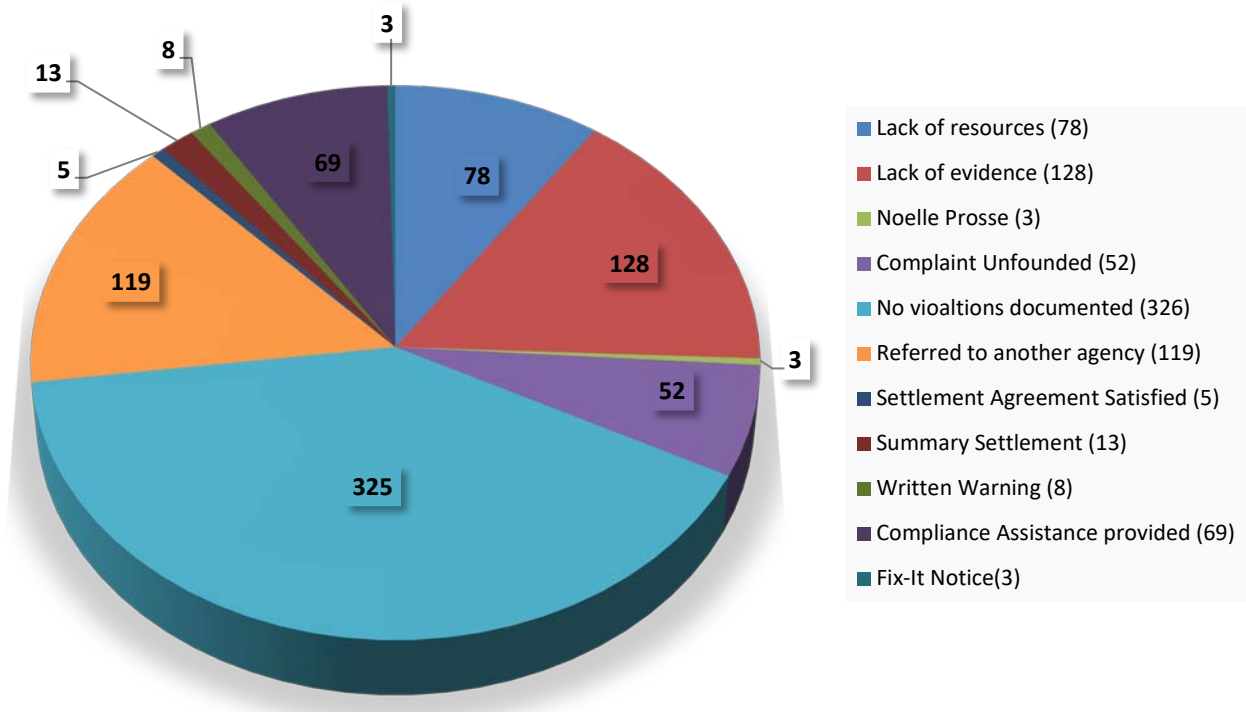
Illegally imported sea cucumbers

- An Enforcement Officer concluded an investigation on a subject who unlawfully attempted to import black abalone through the United States Port of Entry San Ysidro, CA. The black abalone was seized and the subject was issued a **Summary Settlement** for \$500.00.

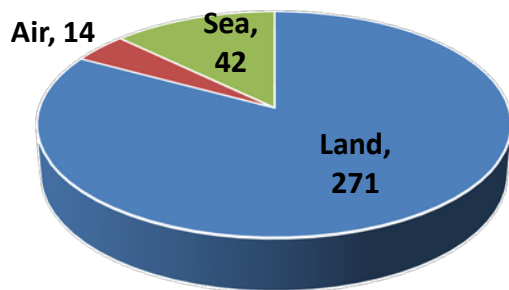
Office of Law Enforcement – WCD Fiscal Year 2019 Metrics



Disposition of Closed Incidents



Enforcement Patrols



Civil Penalties

