



**NOAA**  
**FISHERIES**

# FY20 Annual Enforcement Report to the Pacific Fishery Management Council

West Coast Enforcement Division

June 2021

# NOAA Fisheries, Office of Law Enforcement, West Coast Division

## Report to the Pacific Fishery Management Council

June 2021

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## The West Coast Enforcement Division

### Staffing Snapshot

37 Full-Time Employees

- Assistant Director
- 10 Special Agents
- 10 Enforcement Officers
- 9 Mission Support
- 7 Investigative Support

### WCD Budget:

\$10.5 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)

1,616 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 inland critical habitat 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). Several vacant Investigative Support and Mission Support positions were filled during 2020.

The Operational staff has Special Agents (SAs) 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 (three currently filled). District Two covers California, with a recommended staff of eight SA positions (four currently filled). This past year, two Special Agents departed from our Seattle District Headquarters. A SA hiring solicitation initiated in late 2020 is expected to fill all existing vacancies. We also celebrated the retirement of our Deputy Special Agent in Charge from our Seattle Regional Office in December 2020 and the position was filled with an existing WCD ASAC.

The Operational staff also has Enforcement Officers (EOs) 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 the patrol districts to be staffed by thirteen EOs, with each district having a Supervisory Enforcement Officer (SEO) assigned. As of the end of 2020, both SEO positions and eight EO positions are filled. Following up on the SA hiring solicitation mentioned above, which resulted in several WCD EOs transitioning to WCD SA positions, an upcoming EO hiring solicitation will occur in mid-2021 to fill the vacant EO positions.

## 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 hired a Compliance Liaison in 2020 whose primary job is 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 2020 was \$3.051M (which included \$400K in additional funding), and funding for JEA 2021 is planned for \$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 2020 Investigations

### Magnuson-Stevens Act

- An Enforcement Officer investigated a commercial fishing vessel for conducting four trawl groundfish fishing trips in EEZ waters and landing groundfish without an approved Pacific Coast Groundfish Exempted Fishing Permit. NOAA General Counsel-Enforcement Section (GCES) issued a **Notice of Violation (NOVA)** resulting in a Settlement Agreement of \$4,950.
- An Enforcement Officer investigated a shore-based processor for self-reporting the offloading of a commercial fishing vessel without a catch monitor present. NOAA GCES issued a **NOVA** resulting in a Settlement Agreement of \$4,025.
- An Enforcement Officer investigated a first receiver for starting two groundfish offloads of commercial fishing vessels, on two separate days, without a catch monitor present. NOAA GCES issued a **NOVA** resulting in a Settlement Agreement of \$13,500.
- A Special Agent investigated a commercial fishing vessel for conducting commercial fishing activities without a required federal observer on board. The owner of the vessel was notified of the requirement by phone and mail prior to beginning the fishing trips, yet he failed to obtain mandatory observer coverage. NOAA GCES issued a **NOVA** resulting in a Settlement Agreement of \$5,175.
- A Special Agent investigated a fishing vessel for failure to operate and maintain a VMS that had not reported since the beginning of 2016, while landing groundfish on at least one occasion. NOAA GCES issued a **NOVA** resulting in a Settlement Agreement of \$6,000.
- An Enforcement Officer investigated a commercial fishing vessel that retained bycatch of five unrecorded Pacific Halibut in their holds and failed to offload them or submit the vessel's Electronic Monitoring (EM) drive in a timely manner. Two **Summary Settlements** were issued for the combined amount of \$2,500.



Deckhand concealing Pacific Halibut while sorting groundfish.

- A Special Agent investigated a complaint from the Quinault Tribe of a Makah tribal vessel violating its usual and accustomed treaty area and illegally harvesting sablefish. NOAA GCES issued a **NOVA** resulting in a settlement agreement of \$20,000.

- An Enforcement Officer conducted an investigation into a sablefish overage during the 2016 July through August period and the 2017 May through June period. NOAA GCES issued a **NOVA** resulting in a settlement agreement of \$3,455.

- An Enforcement Officer investigated a Pacific States Marine Fisheries Commission (PSMFC) referral regarding a fishing vessel that had taken four midwater rockfish trips without registering for the 2019 EFP. PSMFC reached out to the vessel contact and asked them to discontinue trips for midwater rockfish and NOAA GCES issued a **NOVA** resulting in a settlement agreement of \$2,250.

- A Special Agent investigated a federal fisheries observer who admitted to accepting money from the crew of a fishing vessel they were assigned to and smoking marijuana onboard commercial fishing vessels. The subject surrendered their observer certification, making him ineligible to serve as a fisheries observer, and GCES issued a **NOVA** resulting in a settlement agreement of \$270, approximately twice the amount of money accepted from the crew.

- An Enforcement Officer conducted an investigation of an Alaska IFQ vessel landing in Bellingham, WA. The hired operator exceeded the remaining halibut IFQ balance by 2,335 pounds. The fair market value of the excess halibut was determined to be \$13,052.65. Per the Summary Settlement guidelines a **Summary Settlement** was issued for the fair market value.

- An Enforcement Officer conducted an investigation into an incidental halibut overage. A **Summary Settlement** was issued for \$874.54.

- An Enforcement Officer conducted an investigation into a fixed gear limited entry sablefish vessel that landed halibut without an IPHC incidental catch permit. A **Summary Settlement** was issued for \$600.

- An Enforcement Officer investigated a referral from the OSP regarding a commercial fishing vessel with an open access sablefish overage of 339 pounds. The fair market value was calculated at \$541.45. Per the Summary Settlement guidelines a **Summary Settlement** was issued for the fair market value.

- An Enforcement Officer investigated a self-reported overage of approximately 400 pounds of black gill rockfish. The fair market value was calculated at \$816.20. Per the Summary Settlement guidelines a **Summary Settlement** was issued for the fair market value.



- An Enforcement Officer investigated the take of groundfish by a commercial fishing vessel inside the Rockfish Conservation Area (RCA) around Catalina Island. A **Summary Settlement** was issued for \$500.

- An Enforcement Officer investigated a JEA referral from the CDFW. The report stated a commercial fishing vessel's captain self-reported that he had mistaken bluefin tuna for yellowfin, and landed and sold it to a first receiver. The bluefin tuna fishery was closed at the time and it was unlawful to retain or sell bluefin tuna. A **Summary Settlement** was issued for \$450.
- An Enforcement Officer investigated a referral received from the USCG concerning a commercial fishing vessel that was boarded at sea and found to be retaining an illegal groundfish (cowcod). A **Summary Settlement** was issued for \$300.
- An Enforcement Officer boarded a commercial fishing vessel and documented an overage of 240 pounds of rockfish. A **Summary Settlement** was issued for \$204.
- An Enforcement Officer investigated a USCG referral regarding a commercial fishing vessel with an incorrect VMS declaration. The FV vessel was found fishing for halibut while declared for crab. A **Written Warning** was issued.
- 60 additional investigations involving VMS issues were closed with **Compliance Assistance Provided**.

### **Marine Mammal Protection Act (MMPA)**

- An Enforcement Officer investigated the report of an individual who shot a harbor seal with a pellet rifle near Sucia Island in San Juan County, Washington. The animal required surgical removal of an eye and aborted its fetus. NOAA GCES issued a **NOVA** resulting in a settlement agreement of \$5,625.
- An Enforcement Officer investigated a complaint regarding an individual hand feeding a harbor seal on the King 5 news. The initial summary settlement for \$500 was declined by the subject. NOAA GCES issued a **NOVA** resulting in a settlement agreement of \$2,250.
- An Enforcement Officer investigated an OLE Hotline call regarding a commercial fishing vessel utilizing a purse seine net to fish for squid in the Monterey Bay National Marine Sanctuary. The caller indicated the net caught three Risso's Dolphins and ten to twenty California sea lions. The captain failed to report marine mammal take within the 48-hour reporting period requirement and failed to report the incident to a CDFW warden investigating the incident, claiming no take had occurred. NOAA GCES issued a **NOVA** resulting in a settlement agreement of \$2,700.



- An Enforcement Officer investigated an OLE Hotline call regarding a motorized vessel transiting in close proximity to a pod of killer whales in Puget Sound. The caller provided pictures of a small rigid hull inflatable vessel positioned near the orcas. The registered owner of the vessel was identified and a **Summary Settlement** was issued for \$300.



- A Special Agent investigated an incident involving a licensed fishing guide illegally harassing sea lions on the Willamette River near Oregon City, Oregon. A **Summary Settlement** was issued for \$100.

- An Enforcement Officer investigated an OLE Hotline call regarding a motorized recreational vessel transiting in close proximity to a pod of killer whales. The caller provided video of a cabin cruiser travelling slowly alongside the pod. The registered owner of the vessel was identified and a **Summary Settlement** was issued for \$300.



- An Enforcement Officer investigated an individual who removed a harbor seal pup from the Grayland State Beach without authorization. A **Summary Settlement** was issued for \$100.

- An Enforcement Officer investigated a complaint from Laguna Beach Life Guards reporting a video was released by television media outlet "TMZ" of an individual allegedly cutting pieces off a dolphin at Camel Point Beach before cooking and consuming it. A **Summary Settlement** was issued for \$250.

- An Enforcement Officer investigated footage on social media posts showing an individual harassing elephant seals in San Simeon, California. The video showed the subject placing his lips directly on the snout of a resting elephant seal. The video also showed the subject jumping over one hauled out elephant seal and sneaking up on another, causing them to have negative reactions. A **Summary Settlement** was issued for \$100.

- An Enforcement Officer investigated reports of a vessel positioning itself directly in the path of a pod of killer whales. The subject stated it was unintentional and a **Written Warning** was issued.
- 9 additional investigations involving OLE Hotline calls pertaining to suspected MMPA violations were closed after **Compliance Assistance** was provided.

**National Marine Sanctuaries Act**

- A Special Agent investigated the report of a wastewater treatment provider discharging an estimated 2.87 million gallons of untreated wastewater into the Monterey Bay National Marine Sanctuary. NOAA GCES issued a **NOVA** resulting in a settlement agreement of \$84,000.

**NOAA investigating massive sewage spill into Monterey Bay**  
Monterey Herald – January 25, 2018  
<https://www.montereyherald.com/2018/01/25/noaa-investigating-massive-sewage-spill-into-monterey-bay/>

- An Enforcement Officer investigated a sailing vessel that broke free from its mooring and drifted aground to the east end of Capitola City Beach, California, within the boundaries of the Monterey Bay National Marine Sanctuary. A **Summary Settlement** was issued for \$800.



- An Enforcement Officer investigated a contracting company for the City of Monterey, California, engaging in storm water pipe rehabilitation work. During the installation, debris was carried down the storm drain and deposited directly into the waters within the jurisdiction of the Monterey Bay National Marine Sanctuary and the Edward F. Ricketts State Marine Conservation Area. A **Summary Settlement** was issued for \$1,600.
- An Enforcement Officer investigated a discharge of 5,634 gallons of untreated sewage from a pump station into waters subject to the jurisdiction of the Monterey Bay National Marine Sanctuary. A **Summary Settlement** was issued for \$1,600.

- An Enforcement Officer investigated a report of a vessel that broke free from its anchor during inclement weather. The vessel drifted toward Del Monte Beach and was in the surf zone when it was taken into tow by Monterey Harbor staff. The owner was issued a **Written Warning**.

- An Enforcement Officer investigated the report of a Motorized Personal Watercraft (MPWC) being operated within the boundaries of the Monterey Bay National Marine Sanctuary. The incident was resolved with **Compliance Assistance**.

### **Lacey Act**

- A Special Agent investigated a JEA referral from WDFW. A commercial importer, located in Montebello, California, failed to obtain an International Fisheries Trade Permit (IFTP), failed to collect, maintain, and record Seafood Traceability Program information, and failed to properly label their shipments before shipping King Crab to Washington State. Two **Summary Settlements** were issued, one for \$2,500 and another for \$250.

- An Enforcement Officer conducted an inspection of chilled fresh fish from Japan at the All Nippon Airways warehouse at Los Angeles International Airport and discovered boxes were not labeled in accordance federal requirements. A **Summary Settlement** was issued to three separate importers for \$250 each.



### **Highly Migratory Species (HMS)**

- An Enforcement Officer conducted audits of the fishing histories of multiple commercial fishing vessels and found two vessels with HMS landings and without valid HMS permits. A **Summary Settlements** was issued for \$500 to each vessel owner.

- An Enforcement Officer conducted audits of the fishing histories of multiple commercial fishing vessels and found three vessels with HMS landings and without valid HMS permits. A **Written Warning** was issued to each vessel owner.

- An Enforcement Officer conducted audits of the fishing histories of multiple commercial fishing vessels and found three vessels with HMS landings and without valid HMS permits. The incidents were resolved with **Compliance Assistance**.

### **Endangered Species Act (ESA)**

- An Enforcement Officer investigated a dead leatherback sea turtle found entangled in a commercial crab trap offshore in the vicinity of Malibu, California. The owner of the trap was identified and admitted to

not servicing the trap every 96 hours as required by California state regulations. A **Summary Settlement** was issued for \$750.

- A Special Agent investigated an incident concerning four local residents of Monte Rio, California, using trenching tools to breach open the mouth of the Russian River, despite posted signs warning that such actions are illegal and harmful to endangered fish species. The subjects' actions caused the water level in the estuary to drop from ten feet to three feet in a matter of hours. The incident was resolved with **Compliance Assistance**.

### **High Seas Fisheries Compliance Act**

- An Enforcement Officer conducted a dockside boarding of a commercial fishing vessel. The operator's High Seas permit expired in 2018. A **Summary Settlement** was issued for \$2,000.

### **North Pacific Halibut Act**

- An Enforcement Officer investigated a commercial fishing vessel participating in the International Pacific Halibut Commission Area 2A Pacific Halibut fishery that exceeded its allotted quota by 19 pounds. A **Summary Settlement** was issued for \$76.

### **International Cooperation**

- A Special Agent investigated a commercial quantity of abalone illegally imported to the US from Mexico. NOAA GCES issued a **NOVA** resulting in a settlement agreement of \$6,750.

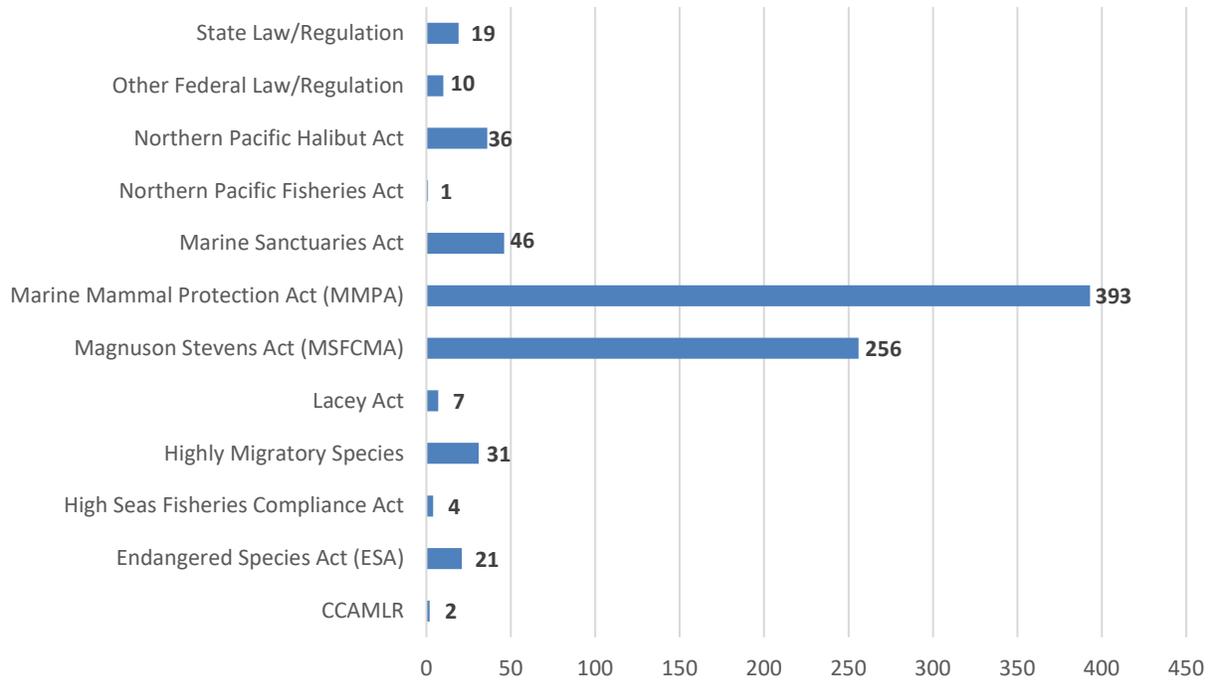
- A Special Agent investigated a report from the IATTC regarding a fishing vessel failing to follow sea turtle handling release guidelines and failure to retain 2 metric tons of skipjack that was discarded due to small size. A **Summary Settlement** was issued for \$4,000.

- A Special Agent investigated an importer that attempted to bring two commercial shipments of Patagonian toothfish into the U.S. without a pre-approval form or valid catch documents being submitted to NOAA Fisheries. A **Summary Settlement** was issued for \$2,000 for each attempt.

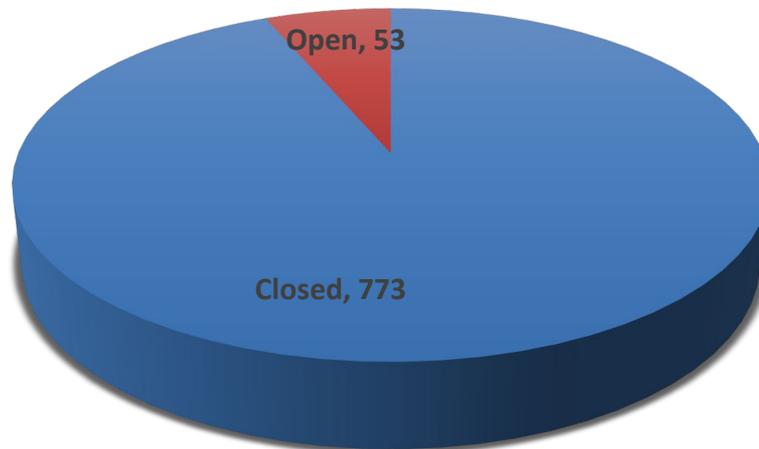
- A Special Agent investigated a business for submitting a falsified/fraudulent catch certificate to the European Union for export of shrimp to Denmark. GCES issued a **NOVA** with a settlement agreement of \$1,000.

## Office of Law Enforcement – WCD Fiscal Year 2020 Metrics

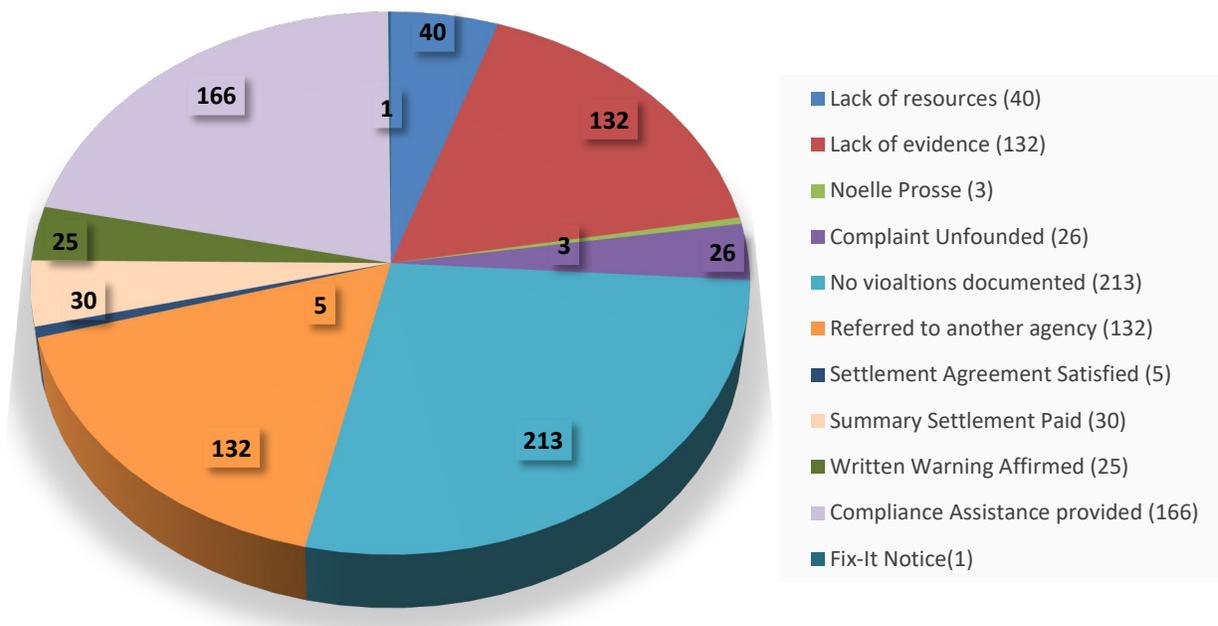
### Incidents by Law / Program



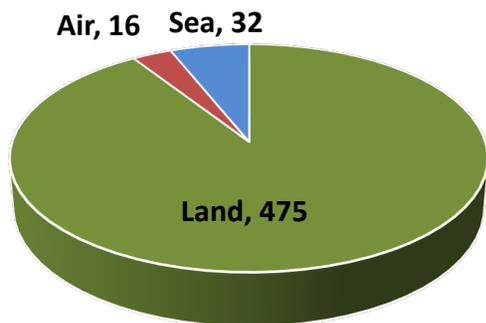
### Incident Status



## Disposition of Closed Incidents



### Enforcement Patrols



### Civil Penalties

