



NOAA
FISHERIES

FY22 Annual Enforcement Report to the Pacific Fishery Management Council

West Coast Enforcement Division

June 2023

NOAA Fisheries, Office of Law Enforcement, West Coast Division

Report to the Pacific Fishery Management Council

June 2023

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West Coast Enforcement Division

The West Coast Enforcement Division

Staffing Snapshot

44 Full-Time Employees

- Assistant Director
- 16 Special Agents
- 12 Enforcement Officers
- 7 Mission Support
- 7 Investigative Support
- 1 Compliance Liaison

WCD Budget:

\$11.5 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
San Diego, CA
Santa Rosa, CA
Seattle, WA
Vancouver, WA
Westport, WA

Vessel Monitoring System

(VMS): 1,641 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 FY-23 OLE staffing plan for the WCD includes 45 funded positions including support and sworn personnel assigned throughout Washington, Oregon, and California. The plan divides the staff between three categories: Operational – which includes sworn staff (i.e., Special Agents and Enforcement Officers), Investigative Support – which includes operational support staff (i.e., Investigative Support Technicians and an Investigative Analyst), and Mission Support – which includes administrative staff (e.g., Program Analysts and Support Services Specialists).

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 staff of six SA positions. District

Two covers California, with a staff of seven SA positions. As of May 2023, all funded SA positions have been filled. In addition, WCD is in the process of hiring a new District Two ASAC to replace an ASAC who retired from the Long Beach, CA, Field Office in January 2023.

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; with each district having a Supervisory Enforcement Officer (SEO) assigned. Ten of the eleven funded EO positions are currently filled (three in Washington, two in Oregon, and five in California), following 2022-2023 hiring efforts. The final vacant EO position is expected to be filled by June 2023.

Office of Law Enforcement – Enforcement Priorities

The NOAA Office of Law Enforcement released a draft of six National Enforcement Priorities for Fiscal Years 2023-2027. Input from the Pacific Fishery Management Council, along with various stakeholders and the public was collected through April 2023, to assist with the pending final development of the Priorities. A full description of OLE's Draft Enforcement Priorities is available at this link and they are summarized below: [OLE Enforcement Priorities, Fiscal Years 2023 - 2027](#)

- 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. One of the ways NOAA Fisheries achieves these outcomes is through effective enforcement. OLE emphasizes investigations related to violations that jeopardize the safety of observers and the integrity of the observer data, such as assaults, interference, or harassment of observers. Additionally, OLE prioritizes investigations involving violations of gear restrictions and closed-area regulations; limitations on bycatch and catch of prohibited species; landing requirements; and incidents of fraudulent or inaccurate reporting of required data.
- 2) ***Protected Resources:*** NOAA Fisheries is responsible for the conservation and recovery of protected species and their habitats, as well as the conservation and protection of key marine and estuarine areas as mandated by the Marine Mammal Protection Act (MMPA), the Endangered Species Act (ESA), and the National Marine Sanctuaries Act. To foster the conservation of protected resources and places, OLE focuses on enforcement of bycatch reduction, gear, and area regulations designed to conserve protected species; unlawful human interactions with protected species; and marine protected areas. OLE gives particular attention to noncompliance that threatens resources and places that are particularly vulnerable, such as violations that threaten endangered species or their habitat.
- 3) ***Illegal, Unreported, and Unregulated (IUU) Fishing/International:*** The vast majority of the seafood consumed in the U.S. is imported. This demand 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. Internationally, Regional Fisheries Management Organizations and Arrangements (RFMO/As) work to ensure that seafood caught within their governing areas is taken in an authorized and sustainable manner. In accordance with the Maritime Security and Fisheries Enforcement (SAFE) Act, and in support of the U.S. Interagency Working Group on IUU Fishing 5-Year Strategy for Combating IUU Fishing, OLE coordinates across the U.S. Government and with foreign partners to: promote sustainable fisheries management and governance; enhance the monitoring, control, and surveillance of marine fishing operations; and ensure only legal, sustainable, and responsibly harvested seafood enters trade. OLE prioritizes its efforts within RFMO/As, and with foreign countries, federal partners, and non-governmental organizations to deter, detect, and prevent IUU fish and fish products from entering U.S. markets and to bring to justice those who seek to profit from this activity. In support of this priority, OLE will continue to work with the U.S. Coast Guard to implement the Port State Measures Agreement and will aggressively investigate interstate or foreign trafficking of illegally-harvested or fraudulently represented fish or fish products, including enforcement of regulations implemented under the Seafood Import Monitoring Program. In addition, OLE will provide technical assistance to international partners in fisheries law enforcement to enhance their abilities to detect IUU fish and fish products before they enter the stream of commerce, and to investigate and prosecute IUU fishing violations.

Office of Law Enforcement – Enforcement Priorities (continued)

- 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. OLE prioritizes monitoring and investigating major seafood fraud violations, including increased efforts to deter and detect illegal products at ports of entry into the U.S., through implementation of the Seafood Import Monitoring Program and other NOAA trade monitoring programs. OLE works with international partners and state, local, and other federal agencies to strengthen seafood fraud detection throughout the supply chain, through continued coordination via interagency task forces and information-sharing mechanisms.

- 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. OLE identifies and investigates fish and other marine wildlife illegally taken, possessed, shipped, or transported through airports, ports, or borders. To support this effort, OLE will continue deployments of enforcement personnel to strategic ports of entry to better interdict these shipments. OLE will also continue its efforts to detect and investigation the illegal trafficking of marine mammals and endangered species parts or products.

- 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 VMS reporting requirements. In addition to day-to-day interactions, OLE conducts regular outreach and education initiatives regarding new and changing regulations to foster voluntary compliance. OLE works with our federal and state partners, as well as using social media, outreach events, web stories, compliance liaisons, and news articles to help the public understand and follow to the law to promote voluntary compliance. The WCD Compliance Liaison analyzes and evaluates violation history, and works 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 (CEAs) and Joint Enforcement Agreements (JEAs) 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 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 2022 was \$2.651M and funding for JEA 2023 is planned to be \$2.617M, 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 2022 Investigations

Magnuson-Stevens Act

- An investigation into the operator of a commercial fishing vessel who altered a Highly Migratory Species (HMS) permit to make it appear current and valid, thus violating the Magnuson-Stevens Act by landing albacore tuna in 2020 and in 2021 without having a valid HMS Vessel Permit, as well as failing to maintain and submit required logbooks for the 2020 and 2021 seasons, resulted in a **Notice of Violation and Assessment (NOVA)** of \$22,500.00.
- An investigation into a commercial fishing vessel retaining groundfish from the exclusive economic zone (EEZ) while having a non-reporting vessel monitoring system (VMS) resulted in a **NOVA** of \$15,000. The vessel operator also failed to update gear declarations prior to making the fishing trips.
- An investigation into a shore based Individual Fishing Quota (IFQ) trawl vessel fishing for Pacific Whiting on three separate occasions while the vessel's account was in deficit resulted in a **NOVA** of \$5,750.00.
- An investigation into a Limited Entry IFQ trawl vessel failing to have an observer on board when required resulted in a **NOVA** of \$3,250.
- An investigation into a commercial open access troll vessel landing groundfish without an active VMS, as well as the operator not recording three trips for albacore tuna into their HMS logbook, resulted in two separate **Summary Settlements** for a total amount of \$2,500.
- An investigation into a commercial fishing vessel exceeding seasonal limits for sablefish and the vessel owner admitted to a 951 pound overage resulted in a **Summary Settlement** of \$2,089.02.
- An investigation into a commercial fishing vessel retaining groundfish while having a non-reporting VMS resulted in a **Summary Settlement** of \$2,000.
- An investigation into a non-groundfish trawl vessel not having an operational VMS onboard while fishing resulted in a **Summary Settlement** of \$2,000.
- An investigation into sampling bias on board a commercial trawl vessel where the observer alleged three Pacific halibut were discarded prior to sampling resulted in a **Summary Settlement** of \$1,000.
- An investigation into a fishing vessel targeting albacore tuna with an expired HMS permit was discovered during a joint at-sea boarding with the US Coast Guard and Canadian Department of Fisheries and Oceans and resulted in a **Summary Settlement** of \$500.00.
- Two investigations into commercial fishing vessels retaining albacore tuna from the EEZ without a valid HMS permit resulted in **Summary Settlements** of \$500 for each.
- An investigation into a commercial fishing vessel fishing without a HMS permit resulted in a **Summary Settlement** of \$500.
- An investigation into a commercial fishing vessel landing Bluefin tuna without a HMS permit resulted in the operator receiving a **Written Warning**.

- An investigation into an IFQ shorebased trawl vessel fishing while in deficit resulted in the owner and operator receiving **Written Warnings**.
- An investigation into a commercial fixed gear IFQ vessel fishing without an observer on board and landing its catch without a catch monitor present at the first receiver resulted in the owner and operator receiving **Written Warnings**.
- An investigation into a commercial fishing vessel observed offloading at port following the second Pacific halibut open period of the 2022 International Pacific Halibut Commission (IPHC) Area 2A commercial halibut fishery, revealing no seabird avoidance gear on board, resulted in the owner/operator receiving a **Written Warning**.
- An investigation into a charter fishing vessel not possessing an IPHC permit while fishing for Pacific halibut, discovered during a joint at-sea boarding with the WDFW resulted in the owner/operator receiving a **Written Warning**.
- 193 additional investigations involving violations of the Magnuson Stevens Act were closed with **Compliance Assistance Provided**.

Endangered Species Act

- An investigation into a recreational boater operating their vessel within 200 yards of a pod of endangered Southern Resident Killer Whales in the Puget Sound resulted in a **NOVA** of \$3,000.



- An investigation into two recreational fishermen targeting and retaining five wild Coho Salmon during a closed season resulted in **Summary Settlements** of \$1,125 for each.

- An investigation into three separate Be Whale Wise complaints pertaining to a sailboat being under power and tracking endangered Southern Resident Killer Whales for more than 30 minutes closer than 200 yards resulted in a **Summary Settlement** of \$500.

- An investigation into a recreational vessel operating within 200 yards of endangered Southern Resident Killer Whales in Puget Sound resulted in a **Summary Settlement** of \$300.



- 5 additional investigations involving violations of the Endangered Species Act were closed with **Compliance Assistance Provided**.

Marine Mammal Protection Act

- An investigation into 6.6 pounds of pickled whale meat being imported from Iceland, which the respondent stated was for the Seattle Icelandic Festival, resulted in a **Summary Settlement** of \$250.
- An investigation into an OLE hotline complaint regarding a recreational boater harassing California sea lions by using his vessel's propeller to spray the sea lions with water, causing them to disperse, resulted in a **Summary Settlement** of \$100.



- 22 additional investigations involving violations of the Marine Mammal Protection Act were closed with **Compliance Assistance Provided**.



National Marine Sanctuaries Act

- An investigation into a fishing vessel running aground and sinking within the Monterey Bay National Marine Sanctuary (MBNMS) resulted in a **NOVA** of \$5,625.
- An investigation into a 54' pleasure craft running aground within the MBNMS resulted in a **NOVA** of \$5,625. The cleanup of debris associated with the grounding was hampered by weather and the remoteness of the incident location, requiring much of the debris to be removed via helicopter.
- 3 additional investigations involving violations of the National Marine Sanctuaries Act were closed with **Compliance Assistance Provided**.

Illegal, Unreported, and Unregulated (IUU) / International Fisheries

- A San Diego based business was sentenced to pay a \$150,000 fine for shipping coral, falsely labeled as ceramic figurines, to foreign countries. The investigation began as a referral from a Fish and Wildlife Service (FWS) inspector at United Parcel Service (UPS) in Louisville, KY, who discovered the product and reported it to San Diego NOAA agents.

Dept. of Justice Bulletin – Environmental Crimes Section

United States v. Aqua San Diego Marine, LLC, et al.

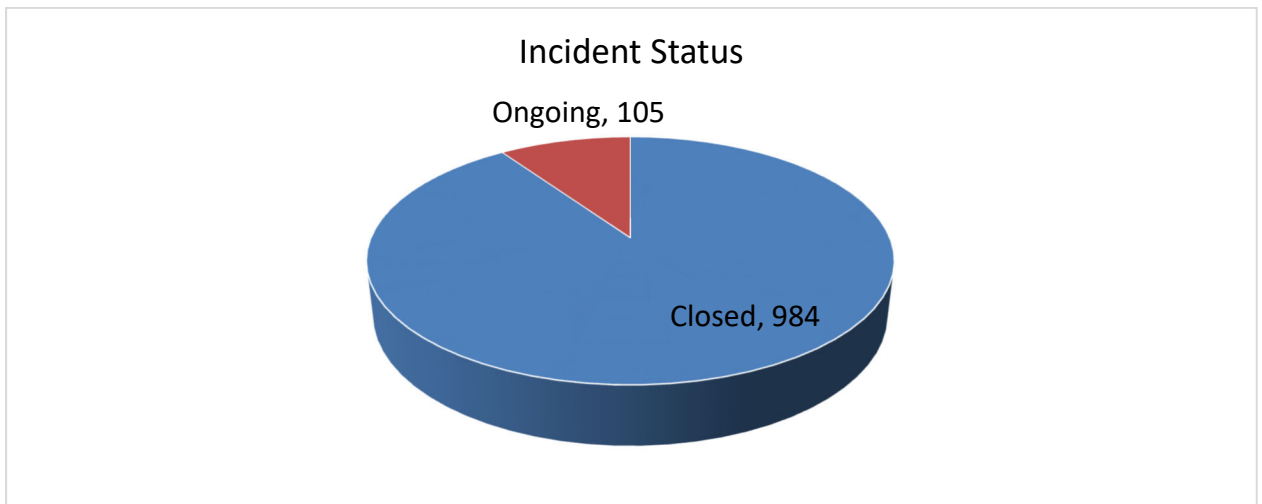
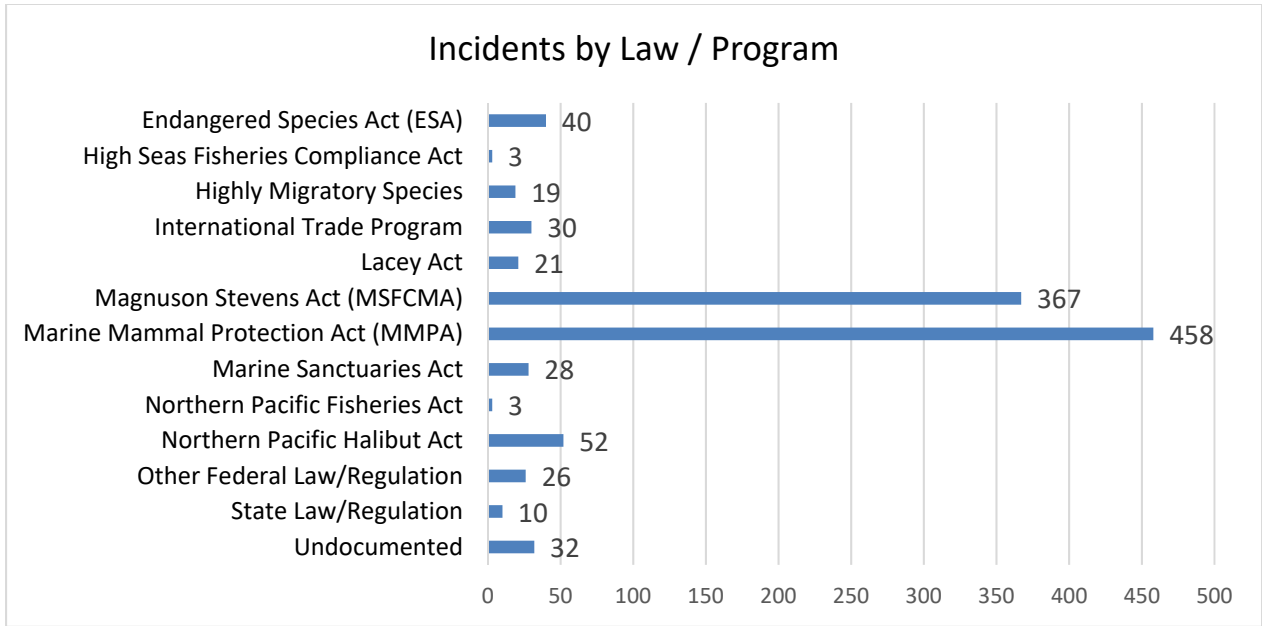
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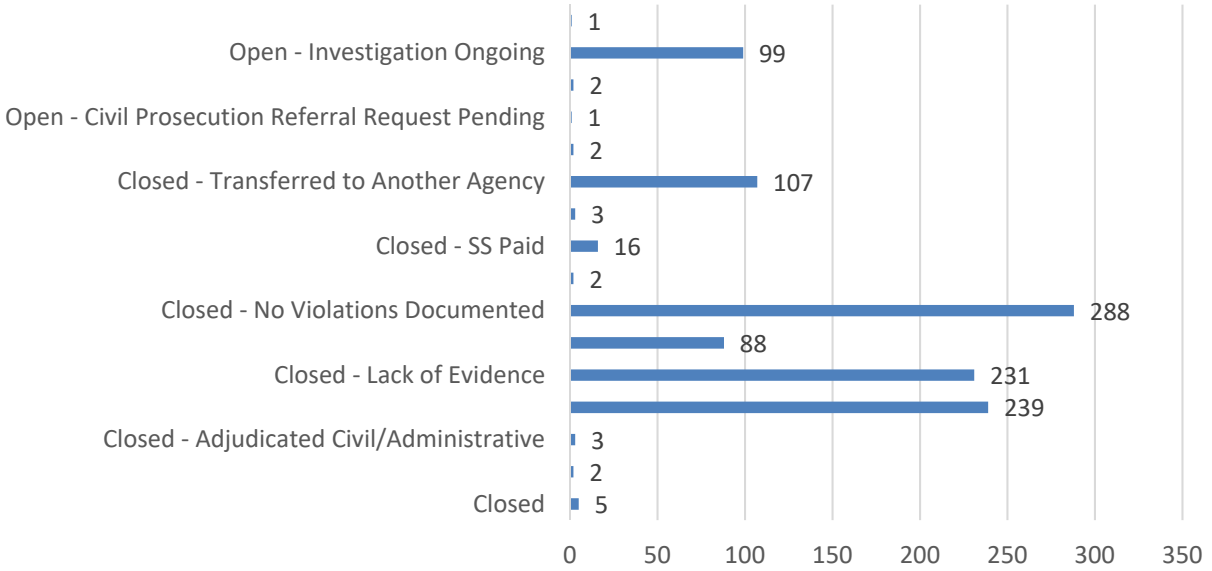
- An investigation into a Seafood Import Monitoring Program (SIMP) referral, revealing violations involving an incomplete chain of custody and missing documentation for harvest events, resulted in a **Summary Settlement** of \$1,000.

- 2 additional investigations involving International Fisheries violations were closed with **Compliance Assistance Provided**.

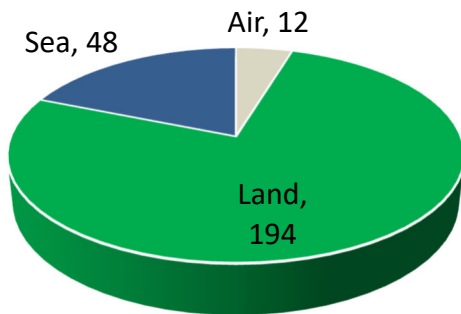
Office of Law Enforcement – WCD Fiscal Year 2022 Metrics



Disposition of Closed Incidents



Enforcement Patrols



Civil Penalties

Summary Settlements

Paid: \$15,989.32

