



NOAA
FISHERIES

FY21 Annual Enforcement Report to the Pacific Fishery Management Council

West Coast Enforcement Division

June 2022

NOAA Fisheries, Office of Law Enforcement, West Coast Division

Report to the Pacific Fishery Management Council

June 2022

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West Coast Enforcement Division

The West Coast Enforcement Division

Staffing Snapshot

39 Full-Time Employees

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

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)

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).

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 staff of six SA positions. District Two covers California, with a staff of seven SA positions. As of May 2022, all funded SA positions have been filled. In addition, a new District Two ASAC replaced a retiring ASAC in the Long Beach, CA, Field Office in December 2021.

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. Six of the eleven funded EO positions are currently vacant (two in Washington, and four in California), but all are expected to be filled during 2022 as part of recent hiring efforts.

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. WCD's Compliance Liaison's 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.

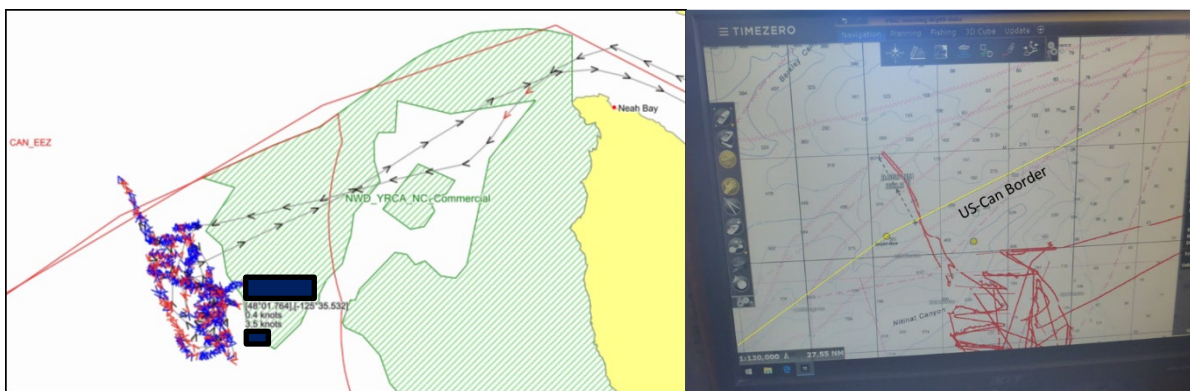
NOAA continues to seek commitment from state and territorial partners to devote 75% of their efforts on federal enforcement execution priorities identified in their state or territory. CEP partners will retain the flexibility to designate up to 25% of their JEA to less-specified enforcement activities in general support of federal marine law enforcement. The WCD federal funding for JEA 2021 was \$2.651M and funding for JEA 2022 is planned to remain \$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 2021 Investigations

Magnuson-Stevens Act

- An Enforcement Officer concluded an investigation into a limited entry fixed gear sablefish vessel with incidental halibut offloading in Bellingham, WA. During the investigation, it was discovered that the vessel entered the Canadian Exclusive Economic Zone (EEZ) and Yelloweye Rockfish Conservation Area (YRCA). Additionally, the vessel was selected for observer coverage but did not request an observer prior to departing. A dockside boarding also revealed the vessel operator was not using approved International Pacific Halibut Commission (IPHC) logbooks, did not have the IPHC incidental halibut permit onboard and was operating with an expired Coast Guard Fishing Vessel Safety Examination Sticker. NOAA General Counsel-Enforcement Section (GCES) issued a **Notice of Violation (NOVA)** in the amount of \$12,250. Fishery: Incidental Halibut (Sablefish).



- An Enforcement Officer completed an investigation into an Alaska Individual Fishing Quota (IFQ) halibut overage. The 798 pound overage exceeded the 10% allowable overage by five pounds and was subject to confiscation. A civil penalty (**Summary Settlement**) for the fair market value of the overage, \$4,149.60, was issued and paid. Fishery: Directed Halibut (AK).

- An Enforcement Officer completed an investigation for observer interference when a commercial trawl fishing vessel operator mixed loads from five tows prior to observer sampling. A **Summary Settlement** for \$1,000 was issued and paid. Fishery: IFQ shoreside trawl non-whiting.

- An Enforcement Officer completed an investigation into an open access sablefish overage. The overage amount of 1,268 pounds exceeded the open access trip limit by 84%. The fair market value of the overage was calculated at \$3,987. NOAA GCES issued a **NOVA** in the amount of \$3,588. Fishery: Open Access groundfish.

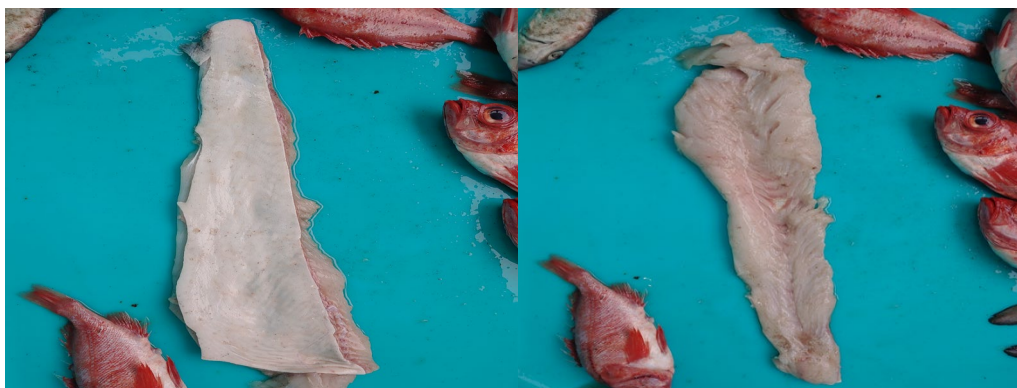
- An investigation into a commercial fishing vessel that fished for and landed groundfish without the required observer coverage concluded when a settlement agreement was reached. NOAA GCES issued a **NOVA** in the amount of \$15,250. Fishery: Open Access groundfish.

- An Enforcement Officer concluded an investigation into a limited entry fixed gear vessel participating in the sablefish primary season. The vessel exceeded the allowable catch by 3,049 pounds. A **Summary Settlement** for the fair market value of the overage, \$4,543.01, was issued and paid. Fishery: Limited Entry Fixed Gear groundfish.

- An investigation was completed for a groundfish trawler discarding fish before they could be sampled. A **Summary Settlement** for \$1,000 was issued and paid. A second **Summary Settlement** of \$300 was issued and paid for the retention of Pacific halibut, a prohibited species. Fishery: IFQ shoreside trawl non-whiting.
- An investigation was completed for a groundfish trawler failing to maintain a proper watch while at sea. A **Summary Settlement** for \$1,000 was issued and paid. Fishery: IFQ shoreside trawl non-whiting.
- An investigation was completed for a groundfish trawler sorting catch without notifying the observer. A **Summary Settlement** for \$1,000 was issued and paid. Fishery: IFQ shoreside trawl non-whiting.
- An investigation was completed for a limited entry fixed gear vessel, participating in the sablefish primary season, self-reporting an overage of 1,610 pounds. A **Summary Settlement** for the fair market value of the overage, \$2,592.10, was issued and paid. Fishery: Limited Entry Fixed Gear groundfish.
- An investigation concluded into a commercial fisherman who fished in waters subject to the fisheries jurisdiction of Canada, without the express authorization of the Government of Canada. GCES issued a **NOVA** in the amount of \$39,000. Fishery: Commercial Tribal, multiple species.
- An investigation was completed into a catch monitor report of a crewmember on a commercial groundfish trawler filleting fish before they had been landed. A **Summary Settlement** for \$450 was issued and paid. Fishery: EFP non-whiting midwater trawl.
- An investigation into a first receiver offloading IFQ groundfish without a catch monitor present was concluded. GCES issued a **NOVA** in the amount of \$6,250. Fishery: IFQ First Receiver.
- An investigation was completed for a limited entry fixed gear vessel self-report of exceeding the weekly limit of Chilipepper rockfish by 596 pounds. A **Summary Settlement** for the fair market value of the overage, \$894, was issued and paid. Fishery: Limited Entry Fixed Gear groundfish.
- An investigation into a limited entry fixed gear vessel exceeding the trip limit on shortspine thornyhead rockfish in excess of 25% was concluded. GCES issued a **NOVA** in the amount of \$2,928. Fishery: Limited Entry Fixed Gear groundfish.
- A charter fishing vessel was boarded in the process of landing a mako shark was boarded. Documents and permits were inspected, and the boat operator could not provide a Highly Migratory Species (HMS) permit at the time of inspection. A **Summary Settlement** for \$500 was issued and paid. Fishery: Recreational HMS.
- A commercial fishing vessel landed 73 pounds of Pacific halibut above the maximum landing limit allowed for the vessel length. A **Summary Settlement** for the fair market value of the overage, \$401.50, was issued and paid. Fishery: Directed Halibut.

- An investigation concluded into a South East Alaska commercial fishing vessel with a sablefish overage that occurred during an offload in Bellingham, WA, in the amount of 1,164 IFQ pounds. A **Summary Settlement** for the fair market value of the overage, \$2,223.24, was issued and paid. Fishery: Limited Entry Fixed Gear groundfish (AK).

- While fishing for IFQ Catch Share Groundfish, a deckhand on a commercial fishing vessel retained and filleted a Pacific Halibut. A **Summary Settlement** for \$300 was issued and paid. Fishery: IFQ shoreside trawl non-whiting.



- The operator of a limited entry, Individual Fishing Quota (IFQ) commercial fishing trawler caught and retained approximately 100 pounds of Lingcod. The vessel offloaded its primary catch but did not offload the Lingcod. A **Summary Settlement** for \$450 was issued and paid. Fishery: IFQ shoreside trawl non-whiting.

- An investigation into a first receiver revealed they did not complete their Economic Data Collection (EDC) form for 2019. A **Summary Settlement** for \$400 was issued and paid. Fishery: IFQ First Receiver.

- An investigation was completed for a commercial groundfish vessel not displaying its official markings/numbers and not transmitting the proper VMS code. A **Summary Settlement** for \$250 was issued and paid. Fishery: Open Access groundfish.

- A Supervisory Enforcement Officer concluded an investigation, initiated during the boarding of a commercial Albacore tuna fishing vessel, for failing to record two trips in his logbook. A **Summary Settlement** for \$500 was issued and paid. Fishery: Highly Migratory Species (HMS).

- An Enforcement Officer conducted a joint boarding of a commercial fishing vessel and discovered logbooks had not been submitted since December 2019. A **Summary Settlement** for \$500 was issued and paid. Fishery: HMS.

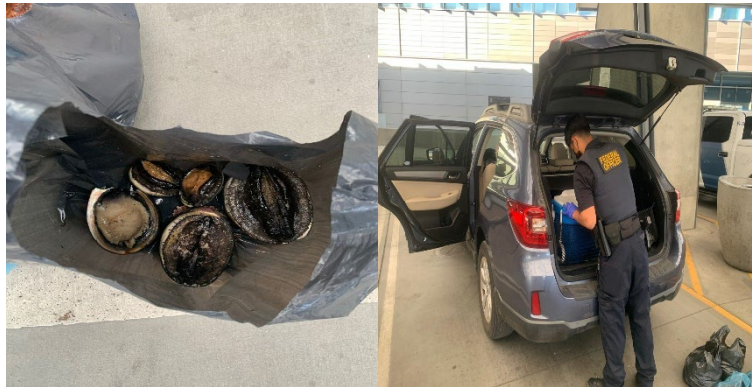
- 24 additional investigations involving violations of the Magnuson Stevens Act (MSA) were closed with a **Written Warning** issued. 154 investigations involving violations of the MSA were closed after **Compliance Assistance** was provide.

Endangered Species Act (ESA)

- An Enforcement Officer completed an investigation into the illegal take of a wild Coho salmon by a recreational angler in Southern Oregon. The incident was discovered during a joint enforcement operation conducted with Oregon State Police Fish and Wildlife Division and the U.S. Coast Guard. A **Summary Settlement** for \$450 was issued and paid.



- An Enforcement Officer completed an investigation regarding live black abalone being imported into the U.S. at the San Ysidro port of entry. An individual attempted to import five live black abalones in a blue cooler along with other non-regulated wildlife products. The five live black abalones were abandoned to NOAA OLE. A **Summary Settlement** for \$750 was issued and paid.



- An investigation was concluded into a report of two Fin Whales listed under the Endangered Species Act (ESA) and Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Appendix "I" being struck by an Australian Naval Military Destroyer in San Diego, CA. Both of the whale carcasses were discovered floating near the bow of the vessel while conducting mooring evolutions in the harbor. NOAA personnel responded to the scene to document the incident by photograph and obtain point of contact information for follow-up. The Naval Criminal Investigative Service was also notified regarding the incident. The incident was closed after **Compliance Assistance** was provided.



- Two additional investigations involving violations of the ESA were closed after **Compliance Assistance** was provided.

Marine Mammal Protection Act (MMPA)

- A criminal investigation was concluded into a Santa Maria, CA, man who was sentenced in federal court after pleading guilty to killing an elephant seal at the San Simeon State Beach in 2019. The man is serving three months in federal prison, to be followed by three months home confinement, and then one year of probation. In addition he paid a \$1,000 fine and will have to service 120 hours community service. A local resident's tip after seeing the posting of a NOAA reward for information on the animal's killing was the key to the case that led to a successful prosecution of the subject.

Dept. of Justice press release

Central District of California – April 12, 2021

<https://www.justice.gov/usao-cdca/pr/former-santa-maria-resident-sentenced-three-months-federal-prison-shooting-elephant>

- Two separate investigations were concluded involving Highly Migratory Species (HMS) gillnet vessels that failed to use pingers, failed to submit marine mammal mortality reports and HMS logs. The vessel owners were issued **NOVAs** in the amount of \$8,750 and \$40,750, respectively.

- An investigation was completed into a ski boat that had been contacted earlier and warned for approaching too close to killer whales within Puget Sound and was observed again traveling toward the pod of orcas at a high rate of speed and approaching closer than 200 yards to the whales. **A Summary Settlement** for \$300 was issued and paid.

- An investigation was completed into a social media post of a subject taking a live dolphin on his boat. A **Summary Settlement** for \$100 was issued and paid.



- 7 additional investigations involving MMPA violations were closed with a **Written Warning** issued.

- 17 additional investigations involving MMPA violations were closed after **Compliance Assistance** was provided.

National Marine Sanctuaries Act

- An investigation was concluded into five cruise ships unlawfully discharging materials into National Marine Sanctuaries along the West Coast. GCES has reached a global civil settlement under two separate settlement agreements. A combined \$750,000 **NOVA** was agreed upon. Specifically, one corporation will pay \$12,000 for two **NOVAs** upon execution of the settlement agreement. The other corporation will pay \$738,000 for three **NOVAs** with \$73,800 paid upon execution of the settlement agreement, followed by two equal balloon payments of \$332,100 in 2022 and 2023. This penalty will also include \$9,979 in interest paid out in 2022/23.

- An investigation was concluded into a vessel that unlawfully discharged inside the boundaries of the Monterey Bay National Marine Sanctuary. The owner was issued a \$5,625 **NOVA** by GCES. The owner defaulted on the NOVA and the matter will now go to NOAA Finance to start collection efforts on the full \$5,625 penalty assessed.

- An investigation involving a German owned cruise ship M/S EUROPA that discharged gray water into the Monterey Bay National Marine Sanctuary was concluded with a **NOVA** issued. The company agreed to pay an \$18,000 civil penalty as part of the settlement agreement with GCES.

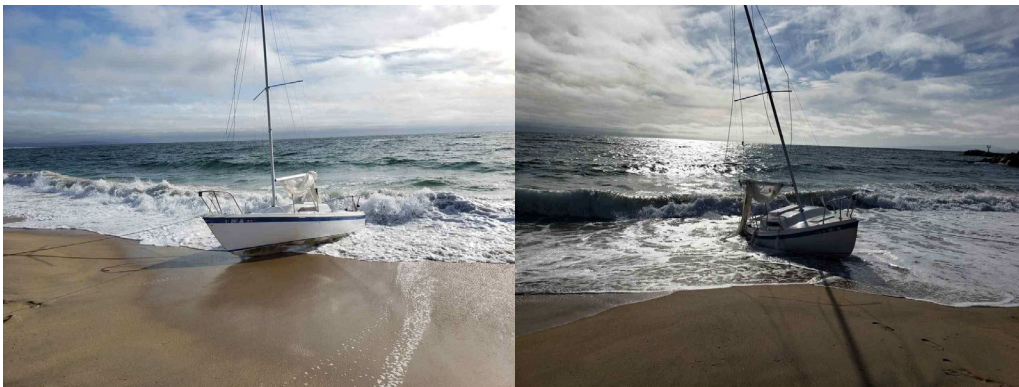
- An investigation was concluded into a recreational vessel fishing while transiting the federal boundaries of the Footprint Marine Reserve, located within the Channel Islands National Marine Sanctuary (CINMS). A **Summary Settlement** for \$300 was issued and paid.



- An investigation was concluded into a pleasure craft with two subjects who were actively trolling with rod and reel while transiting the federal boundaries of the Footprint Marine Reserve, located within the CINMS. Two separate **Summary Settlements** for \$300 were issued and paid.

- An investigation concluded into a motorized personal watercraft (MPWC) observed operating outside of the designated Monterey Bay National Marine Sanctuary (MBNMS), MPWC Zone 3, in violation of MBNMS rules and regulations. A **Summary Settlement** for \$350 was issued and paid.

- An investigation was concluded into a sailing vessel that ran aground approximately 100 yards south of the entrance to Moss Landing Harbor. During an attempt to salvage the vessel, it was towed from the beach into the ocean where it subsequently sank in the MBNMS. No attempt at notification of the sinking was ever made to MBNMS staff following the incident. A **NOVA** of \$6,750 was issued and accepted.



- Two additional investigations involving National Marine Sanctuary violations were closed after **Compliance Assistance** was provided.

- Additionally, an investigation was concluded with **No Violations Documented** into a report of a vessel grounding which occurred within the Monterey Bay National Marine Sanctuary. An unoccupied 35' vessel had broken free from its mooring located in nearby Monterey Harbor. A gale warning had been in effect at the time. The owner was notified and a joint response was initiated involving sanctuary staff, USCG, California State Parks, and the California Department of Fish and Wildlife. The quick mobilization resulted in the safe removal of the vessel from the beach.



Lacey Act

- An investigation was included into a subject who failed to declare 8 bags (19 lbs.) of dried shark fins when entering the U.S. from Mexico. The subject had no receipts showing the lawful origin of the product. A **Summary Settlement** for \$500 was issued and paid.



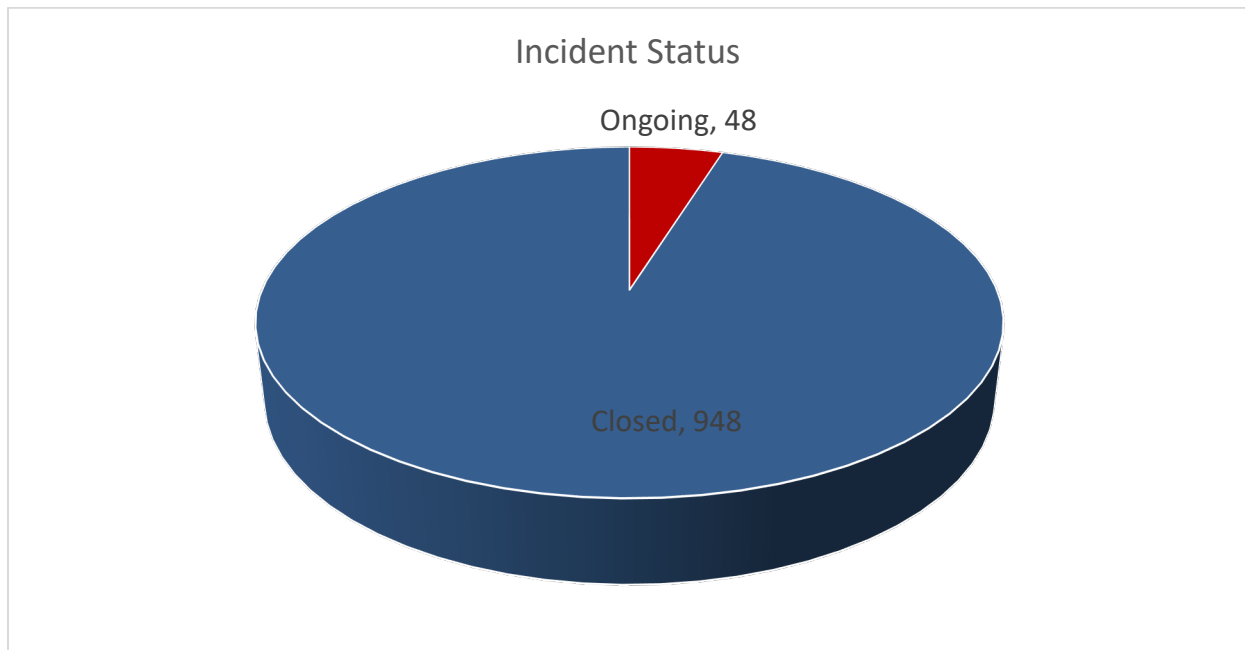
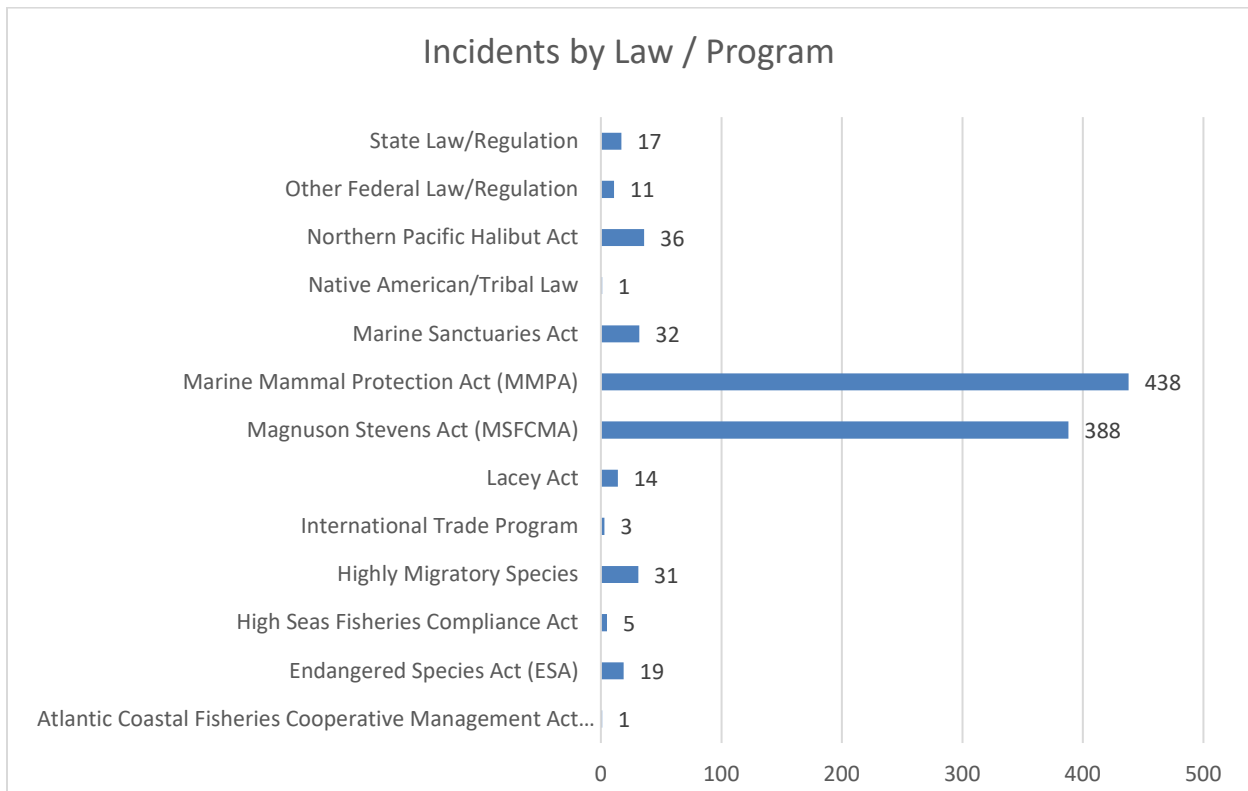
- An investigation was concluded into a subject who failed to declare large quantities of fish swim bladders and shark fins when entering the U.S. from Mexico. The items totaled 8.5KG (18.7 lbs.) for the swim bladders and 19.2KG (42.3 lbs.) for shark fins. The items were seized and a **Summary Settlement** for \$500 was issued and paid.

- One additional investigation involving the violations of the Lacey Act was closed after **Compliance Assistance** was provided.

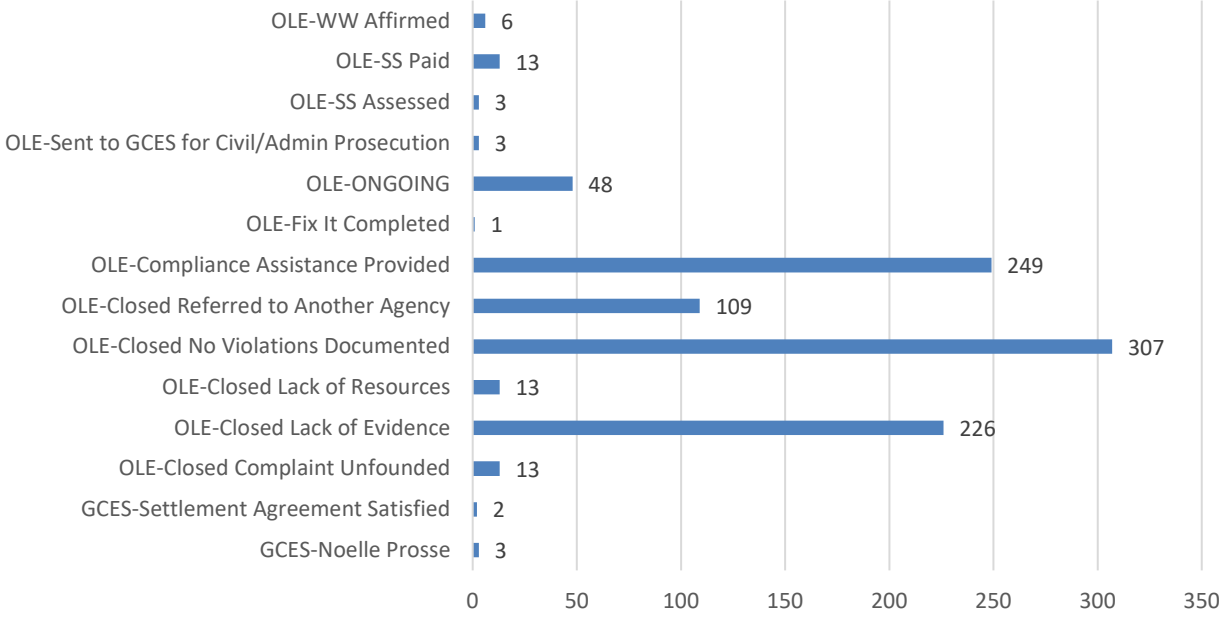
International Fisheries

- An investigation into the owner/operator of a U.S. fishing vessel that failed to properly handle and release sharks while fishing in the Inter-American Tropical Tuna Commission (IATTC) Convention area was concluded. GCES issued a **NOVA** in the amount of \$2,250.
- An investigation was concluded into a U.S. fishing vessel that failed to properly handle and release sharks and Mobulid rays while retaining silky sharks in violation of the IATTC provisions. GCES issued a **NOVA** in the amount of \$5,850.
- A Seafood Import Monitoring Program (SIMP) audit was conducted on a commercial seafood importer. Fishing vessel information and harvest events were not entered to the Automated Commercial Environment (ACE) Customs System. A **Summary Settlement** for \$1,000 was issued and paid. Fishery: Importer.
- An Enforcement Officer received an HMS trade program referral and conducted a site visit. The importer did not submit bi-weekly reports and provided only partial Partner Government Agency (PGA) data for bluefin tuna. A **Summary Settlement** for \$2,000 was issued and paid.
- An Enforcement Officer conducted a site visit on an importer who did not submit bi-weekly reports. A **Summary Settlement** for \$1,000 was issued and paid.
- 4 investigations involving North Pacific Halibut Act violations were closed with a **Written Warning** issued.
- 3 investigations involving North Pacific Halibut Act violations were closed after **Compliance Assistance** was provided.

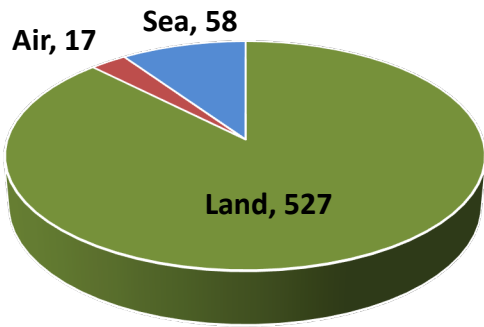
Office of Law Enforcement – WCD Fiscal Year 2021 Metrics



Disposition of Closed Incidents



Enforcement Patrols



Civil Penalties

Summary Settlement
Paid, \$30,303.45

