

Appendix 6

NOAA Office for Law Enforcement Activities

NOAA Fisheries Office for Law Enforcement Special Agents and Enforcement Officers perform a variety of tasks associated with the protection and conservation of our nation's living marine resources.

OLE Special Agents and Enforcement conduct complex criminal and civil investigations, board vessels fishing at sea, inspect fish processing plants, review sales of wildlife products on the internet and conduct patrols on land, in the air and at sea.

The following NOAA Office for Law Enforcement (OLE) report has been extracted from reports given to the Council at its 126th, 127th, and 129th meetings.

In the first quarter of 2005, the NOAA OLE Pacific Islands Division (PID) and its Special Agent in Charge (SAC) had initiated 52 investigations. Of these roughly 37% were Magnuson-Stevens Fishery Conservation and Management Act (MFCMA) cases stemming from seabird and sea turtle mitigation measures, discarding bait, and logbook violations.

NOAA OLE PID had a small number of Endangered Species Act (ESA) cases which resulted from illegal take and harassment of both humpback whales and sea turtles. They also observed a few Marine Mammal Protection Act (MMPA) cases involving the take and illegal sale of marine mammal parts. NOAA OLE PID had one Lacey Act case for shark finning, one Marine Sanctuary case for illegal fishing and anchoring, and two State of Hawaii cases were turned over to the Division of Conservation and Resources Enforcement (DOCARE).

Humpback whale season during this period was in full swing with minor violations of encroachment reported. One whale strike case was written up in the news involving a ferry boat with no indication of intent or visual harm to the whale.

NOAA OLE PID assisted in the management plan for the Northwestern Hawaiian Islands (NWHI) Sanctuary designation during this period. They also were back filling an agent position in Guam and hope to have an additional agent in Guam in American Samoa in 2005. An analyst was added to their office to manage the budget.

SAC/PID-OLE was expected to move into the NMFS Pacific Islands Regional Office (PIRO) by June 2005. They would continue to have a field office in the Federal Building. They were also working on their eventual move to the Ford Island facility which will occur in 2009.

In the next quarter of 2005, the SAC/PID-OLE had initiated 71 investigations. Of these, roughly 575 were ESA and Sanctuary cases involving violations of the approach regulations and harassment of humpback whales. There were 22 MFCMA violations stemming from seabird and sea turtle mitigation measures, discarding bait, logbook violations, and observer interference, harassment, and intimidation.

NOAA OLE PID initiated several MMPA cases involving the take and illegal sale of marine mammal parts. They also had one Lacey Act case for shark finning.

NOAA OLE PID continued to assist in the management plan for the NWHI sanctuary during this period. They also expected to move into the PIRO office by July.

The NOAA OLE PID had some personnel changes including the loss of their Assistant SA, John Reghi, who took a lateral transfer to the NOAA OLE headquarters office in Silver Spring, Maryland, and their VMS Program Manager who recently transferred to PIRO as the Regulatory Chief. They also looked to fill 6 new positions within PID with one each in Guam, American Samoa, and Honolulu, and to fill the position for VMS Program Manager, Enforcement Technician, and Administrative Assistant.

In the third quarter, SAC/PID-OLE initiated 41 investigations. Of these, 28 were MFCMA violations, 2 ESA cases, 1 Lacey Act case, 4 MMPA cases, 5 Sanctuary cases, and 1 South Pacific Tuna Act investigation.

NOAA OLE PID was investigating the use of explosives in the Fagatele National Marine Sanctuary, which suffered structural damage to the reef. A \$5000 reward for information leading to the conviction of the responsible individuals was offered. They also hired 3 new personnel during this period, including an Information Technology Specialist, a Management and Program Analyst for VMS, and an agent in Guam.

No report was available for the 4th quarter of 2005.