



UNITED STATES DEPARTMENT OF COMMERCE
NOAA Office of Enforcement
Pacific Islands Enforcement Division
Daniel Inouye Regional Center
1845 Wasp Blvd., Building 176
Honolulu, Hawaii 96818

5.E.2(1)
170th CM

TO: Western Pacific Fisheries Management Council (WPFMC)

FROM: William Pickering – Assistant Director, Pacific Islands Division

SUBJECT: NOAA OLE Report for the 170th WPFMC Meeting

Enforcement Activities

From March 1-May 30, 2017, a total of 133 incidents were reported to the Pacific Islands Division (PID). The 133 incidents were categorized as: Protected Resources; Fisheries Management; and Sanctuaries.

INVESTIGATIONS

A PID Special Agent completed an investigation involving a Hawaii longline fishing vessel allegedly fishing on the high seas in the Western and Central Pacific Fishing Convention (WCPFC) Area without a valid WCPFC Area Endorsement. Case package referred to GCES for prosecution.

A PID Enforcement Officer completed an investigation involving a Hawaii based longline fishing vessel that failed to follow seabird mitigation techniques by not using blue dyed bait and not discarding spent bait. A \$2,000.00 Summary Settlement notice was issued.

A PID Enforcement Officer conducted an investigation involving a Hawaii based longline fishing vessel that failed to use blue dyed bait which ended up drowning several Albatross Seabirds. A \$1,000.00 Summary Settlement notice was issued.

PID Enforcement Officers conducted a dockside boarding and investigation of a Hawaii longline fishing vessel at Pier 17 in Honolulu Harbor. A Fix-It Notice was issued to the captain for failing to have the vessel's official number on the top deck. A follow up compliance check conducted the next day – infraction was corrected.

A PID Enforcement Officer initiated an investigation involving a Hawaii longline fishing vessel regarding turtle mitigation gear prohibition during a dockside boarding at Pier 38. A \$1,000.00 Summary Settlement Enforcement Action Report was issued to the captain.



A PID Enforcement Officer and Special Agent interviewed an individual who was stopped by U.S. Fish and Wildlife Service for attempting to import six (6) cans of whale meat from Japan through Honolulu International Airport. The individual subsequently signed an abandonment form for the whale meat. A Summary Settlement notice of \$500.00 was issued.

A PID Enforcement Officer and a Special Agent along with JEA partners from the Guam Customs and Quarantine Agency, Maritime Interdiction Task Force and Guam Department of Agriculture Wildlife Conservation officers conducted a Port State Measure investigation of a foreign longline fishing vessel at the Guam Harbor. The vessel was found to be in compliance.

A PID Enforcement Officer issued a \$500.00 Summary Settlement notice to the captain of a Hawaii based longline fishing vessel for not having the vessel's fishing gear markings in compliance with current regulations. The vessel had prior violations for the same offense.

A PID Enforcement Officer issued a \$1,000.00 Summary Settlement notice to the captain of a Hawaii based longline fishing vessel for possessing a short finned Mako Shark with the fins removed. A crewmember admitted to the violation.

A PID Enforcement Officer closed an investigation involving a private citizen approaching within 100 yards of a Humpback Whale. An initial investigation was conducted by the State of Hawaii, DOCARE (JEA partner) and was referred to NOAA OLE for prosecution. A \$350.00 Summary Settlement notice was issued.

PATROLS / MONITORING / INSPECTIONS

A PID Special Agent and Enforcement Officer worked together with the Hawaii Department of Conservation and Resource Enforcement (DOCARE – JEA partner) Officers on the Big Island of Hawaii, conducting multiple sea patrols enforcing Humpback Whale approach regulations and removing ocean debris from the ocean. Land patrols were also conducted regarding Green Sea Turtles as they were being observed by nearby tourists.

Two (2) PID Enforcement Officers conducted a MMPA patrol within the Hawaii Humpback Whale Sanctuary aboard the **NOAA Safe Boat F3503** during the final week of the Humpback Whale enforcement detail. During two (2) of the patrols they were accompanied by Joint Enforcement Agreement (JEA) partners from DOCARE. Areas of patrols covered from Ma'alaea Harbor to Kihei, La Perouse Bay, Molokini, Lahaina and Lanai. Officers also conducted educational outreach with recreational boaters and whale tour companies regarding MMPA regulations for viewing Humpback Whales. No violations were observed.

A PID Special Agent and Enforcement Officer conducted overnight surveillance at Wing beach, on the Island of Saipan over the Easter weekend in response to calls concerning illegal turtle poaching occurring at nesting beaches. The surveillances were from dusk to dawn but no beach activity was observed. Other locations and sites were also checked and the CNMI JEA partners advised that they will continue periodic surveillances. While on CNMI, PID personnel also

worked with the resident USFWS Special Agent regarding joint enforcement operations.

PID Enforcement Officers responded to an after-hours Hotline call involving a possible entangled and/or deceased Green Turtles under Rainbow Bridge in Haleiwa on the Island of Oahu. NOAA turtle response biologists removed two (2) deceased Hawaiian Green Turtles from the Anahulu Stream, which were entangled in fishing lines. Enforcement Officers along with an officer from Hawaii DOCARE interviewed witnesses and searched the area for any evidence of foul play. Investigation is ongoing.

A PID Special Agent and Enforcement Officers took part in “*Operation Puhi*,” a joint effort initiated by the United States Coast Guard. The three-day operation focused on commercial fishing vessel safety and living marine resource regulations. A 25’ USCG Safe boat was launched each day from Sand Island with USCG and NOAA OLE personnel aboard. All inbound and outbound Hawaii longline vessels and bottom fish vessels were boarded. A Fix-It Notice was issued to the captain of a Hawaii longline vessel for failing to have properly marked longline buoys.

VESSEL MONITORING SYSTEM

A PID VMS Technician deployed to Honiara, Solomon Islands for three (3) weeks in May 2017 to perform Watch duties and International Fisheries Intelligence assessment at the Regional Fisheries Surveillance Center (RFSC) at the Forum Fisheries Agency (FFA) headquarters.

We would like to take this opportunity to highlight a recent trend that requires attention by our longline fishing vessels that maintain a WCPFC “Area Endorsement” to fish for highly migratory species on the high seas. Specifically, we have noticed some difficulty recently in contacting fishing vessels at sea within a reasonable time. The requirement in the relevant federal regulations (50 CFR Section 300.219) is that each vessel with a WCPFC Area Endorsement must, while the vessel is at sea, carry on board and continuously monitor a two-way communication device that is capable of real-time communication with our (OLE) office.

The VMS unit itself may not be used to satisfy the above communication requirement. Very often the reason our office is reaching out to a vessel is to notify them that they have a VMS problem. We realize that constant monitoring of a satellite phone may be difficult for some vessel operators. OLE’s practice has been to phone the person who called the departure notification in to the Observer Program to see if they can relay the necessary information to the vessel to address the issue. If we are unable to communicate with the vessel, OLE may proceed with enforcement action. In order to avoid such an outcome, we seek the continued cooperation and support of vessel operators and their shore-side points-of-contact.