March 03, 2020

TO:        Western Pacific Fisheries Management Council (WPFMC)
FROM:  Martina Sagapolu, Acting Assistant Director, Pacific Islands Division
SUBJECT:  NOAA OLE Report for the 181st WPFMC Meeting

Enforcement Activities

From October 03, 2019 – February 29, 2020, a total of 280 incidents were documented in the Pacific Islands Division (PID). The 280 incidents were categorized as Protected Species, Fisheries Management, and Sanctuaries.

INVESTIGATIONS

A PID Special Agent referred an investigation to GCES after issuing a $2,000.00 Summary Settlement Notice to the captain of a Hawaii based commercial longline vessel who admitted turning off the vessel’s VMS unit resulting in non-continuous operation for almost 48 hours while conducting fishing operations at sea. The captain was given several extensions however he has refused to pay and settle the matter. Case package has been forwarded to GCES for review and final disposition.

A PID Special Agent completed an investigation involving the United States flagged purse seine fishing vessel that is alleged to have violated the Western and Central Pacific Fisheries Commission (WCPFC) Conservation Fishing Restrictions related to silky sharks. Further interviews of material witnesses revealed that the vessel conducted approximately 17 sets for a combined catch of over 200 sharks in which the crew took no action or reasonable steps for their safe release. This is the first case of its kind to be sent to GCES for prosecutorial consideration.

A PID Enforcement Officer issued a $1,000.00 Summary Settlement notice to a Hawaii based Longline Fishing Vessel for refusing reasonable assistance to a NOAA observer from collecting scientific data while on fishing in the WCPFC area.

A PID Enforcement Officer issued a $2,000.00 Summary Settlement notice to a Hawaii based Longline Fishing Vessel for fishing without an operable Vessel Monitoring System (VMS) unit while conducting fishing operations in the WCPFC area.

A PID Special Agent initiated an investigation involving a foreign-flagged purse seine fishing vessel that is alleged to have conducted illegal fishing within the U.S. Exclusive Economic Zone.
(EEZ) surrounding Howland and Baker Islands. A formal Notification letter was sent to the Marshall Islands Marine Resources Authority (MIMRA), requesting their assistance in OLE’s investigation into the alleged illegal fishing activity. Investigation continues.

A PID Enforcement Officer (EO) served a $2,500.00 Notice of Violation and Assessment to the owner of a Hawaii longline fishing vessel related to fishing inside the closed Southern Exclusion Zone (SEZ).

A PID Enforcement Officer (EO) initiated and completed an investigation involving a video posted on a social media website, showing a subject approaching and slapping a Hawaiian monk seal on the Island of Oahu, a violation of the Endangered Species Act. The video quickly went viral on multiple social media platforms as well as gaining significant local, national, and International media attention. The investigation located the subject(s), who reside in North Carolina, and were subsequently interviewed. The suspects were very cooperated during the investigation. Additionally, the subject who harassed the seal plans on issuing an apology through his attorney for release to the media. A monetary penalty will be issued to the suspect.

**PATROLS / MONITORING / INSPECTIONS /OUTREACH**

A PID Special Agent attended a Conservation International “Pau Hana” event celebrating the opening of their new office in Honolulu, HI. Attendees included representatives from the Hawaii Dept. of Land and Natural Resources, NOAA, and various NGOs.

A PID EO, Special Agent & Assistant Special Agent in Charge completed a protected resources patrol along with JEA partners with the Commonwealth of Northern Marianas Islands Division of Fish and Wildlife, covering several remote beaches around Saipan. These beaches are known as active nesting sites for ESA green sea turtles. While patrolling the CNMI Forbidden Island Sanctuary, five individuals where observed illegally spearfishing within the Sanctuary. After a long surveillance, the five suspects returned to shore with multiple stringers of illegally speared fish and lobster. Many of the lobsters were egg-bearing and undersized. OLE assisted the DFW Officers with the seizure of the catch, dive equipment and two trucks utilized in the poaching activity. After interviews were completed, all five suspects admitted to illegally harvesting the marine species out of the prohibited no-take sanctuary. The case was turned over to DFW.

PID sworn personnel provided outreach and education at Radford High School for students who were on a career day excursion at the NOAA facility. The officers and special agent gave an overview of OLE’s mission, as well as some of the regulations we cover. The visit concluded with a short Q & A session about laws OLE enforces.

PID Enforcement Officers and a special agent attended the 2019 School Of Ocean and Earth Science and Technology (SOEST) open house outreach event. An estimated 4,000 students, ranging from kindergarten through high school seniors attended the event. The students were intrigued by a turtle shell that was on display by the Office of Law Enforcement (OLE) which conveyed to discussions of ESA violations.

A PID Enforcement Officer and Acting Deputy Special Agent in Charge (DSAC), along with staff from the Hawaiian Islands Humpback Whale National Marine Sanctuary gave a presentation to members from multiple canoe clubs at the sanctuary lecture hall, in Kihei, Maui.
More than 100 individuals were in attendance. OLE's presentation focused on the approach regulations regarding humpback whales, and regulations in regards to other marine mammals / animals. In addition, OLE staff conveyed about OLEs national mission, and its specific missions within the PID. The EO and A/DSAC fielded many questions from the attendees, who showed notable interest in the material presented.

A PID A/DSAC and EO assisted staff from the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS) with hosting Eric Einhorn, Chief of Staff to Senator Brian Schatz (D-HI), aboard PID's SAFEboat patrol vessel. After a briefing on OLE's mission within the humpback whale sanctuary, sanctuary staff provided Mr. Einhorn with information regarding their daily mission and challenges. One of the spectacular highlights of the trip was observing a pair of mother-calf humpback whales, along with a male escort.

Assistant Director William "Bill" Pickering has retired in early January, after nearly 47 years of law enforcement. For those who really knew Bill, he is a very low key guy and did not want folks fussing over him. Fortunately for the division, we threw him a quiet farewell luncheon and have plans for an official ‘Retirement lunch’ in the future (when he returns to HI for a visit).

AD Pickering took over PID nearly ten years ago and rebuilt & defined who PID is today. When this newly created division was established in 2005 (separating from the former Southwest Division), it came with no new FTEs. We existed only with former Southwest FTEs for Oahu, Am Samoa, Guam, and the Solomon Islands: (7 FTEs in Oahu; 1 in Pago; 1 in Guam; 1 Solomon Is.) for a staff of 10. Today, PID is nearly fully staffed, with a total of twenty three full time FTEs (and three more staff in the hopper). AD Pickering's vision for PID was to address IUU fishing entering into the U.S. markets through the Pago Pago and Guam locations, and provide a closer observation of the U.S fleet operating in the Western and Central Pacific region, while tracking all the FFVs operating in PID's AOR. AD Pickering’s vision for the PID was that we uncover as much IUU activity that is occurring in the region & take a proactive approach in investigating and bringing forth successful cases against violators who ignore the laws. As Bill would always say, "PID was doing IUU before IUU was born", and he was right. The idea to increase manpower in one of the U.S. most remote locations (Am. Samoa) where the delivery of frozen tuna is in excess of millions of tonnage per year needed to be addressed, and he succeeded. "Fair winds and a following sea Bill!"