



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Law Enforcement
Pacific Islands Enforcement Division
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184th CM

November 20, 2020

TO: Western Pacific Fisheries Management Council (WPFMC)
FROM: Martina M. Sagapolu, Assistant Director, Pacific Islands Division
SUBJECT: NOAA OLE Report for the 184th WPFMC Meeting

ENFORCEMENT ACTIVITIES

From September 1, 2020 – November 16, 2020, a total of **198** Incidents were documented in the Pacific Islands Division (PID). A breakdown of incidents by programs are as follows:

121 – Protected Species
77 – Fisheries Management
0 – Sanctuaries

INVESTIGATIONS

A PID Special Agent (SA) completed an investigation involving a United States flagged purse seine fishing vessel that is alleged to have conducted illegal fishing within the EEZ surrounding the Cook Islands. The Cook Islands Ministry of Fisheries sent a formal request seeking OLE's assistance in the investigation. OLE conducted an investigation, and sent a completed case package to Cook Islands Fisheries for their review and final disposition.

A Southeast Division General Counsel Enforcement Section (GCES) attorney issued a NOVA in the amount of \$20,000.00 involving the vessel operator and the owner of a U.S. flagged longline fishing vessel that ran aground in the Aunu'u Unit of the American Samoa National Marine Sanctuary. During the 2016 grounding, the vessel was hired to transport freight for the American Samoa government, without the required permitted documentation. Further investigation into the owners of the vessel revealed that the corporation was a sham, and that it applied for federal fishing permits by providing false statements. The case package was completed and referred to NOAA General Counsel for Natural Resources (GCNR) for initial prosecution; however the investigation was declined and referred back to NOAA General Counsel for Enforcement Section for review, and final disposition.

A PID SA completed an investigation into the owner, operator and fishing master of a U.S. purse seine fishing vessel for allegedly setting a purse seine net on or around a live whale shark in the Western and Central Pacific Fisheries Commission (WCPFC) Convention Area. This case stems from allegations made by a Forum Fisheries Agency (FFA) observer working aboard the subject



vessel who also reported that the fish master requested he not report the violation. Case was forwarded to GCES for prosecution.

A PID SA completed an investigation involving a Hawaii longline fishing vessel fishing in the Main Hawaiian Islands Southern Exclusion Zone - an area closed to longline fishing in an effort to protect False Killer Whales. A Notice of Violation Assessment (NOVA) in the amount of **\$2,500.00** was issued to the vessel operator and owner.

The Pacific Islands General Counsel Enforcement attorney issued a seventeen (17) count NOVA in the amount of \$119,000.00 involving the operator and crew of a U.S. flagged purse seine fishing vessel. The captain failed to properly release silky sharks while in the Convention Area as soon as possible, after they were caught and failed to take reasonable steps for their safe release. The incident occurred in May through June 2018. After months of deliberating and preparing for an administrative hearing, a final Settlement Agreement of \$63,000.00 was issued and paid for by the respondents. This was a successful case and 'a first case of its kind' resulting in a successful prosecution involving silky shark regulations.

A PID SA initiated a case involving an alleged shooting death of a male juvenile Hawaiian monk seal identified as RL-52 found along the remote coastline south of Anahola Beach Park on the island of Kauai. Last week, a second monk seal was discovered dead in the same vicinity as RL-52. PID agents are working jointly with the Kauai Police Department and our Joint Enforcement Agreement (JEA) Kauai Division of Conservation and Resources Enforcement (DOCARE) Officers on the investigation. A necropsy of the carcasses will be conducted at a later time due to COVID-19 and the interisland quarantine travel restrictions. **A monetary reward was approved for any information leading up to the death of the monk seal.**

PID Enforcement Officers (EOs) assisted DOCARE with the arrests of three (3) commercial marine life fishermen. These arrests are for violations of state law regarding the illegal harvest of marine life out of closed protected areas

A PID SA continues to work on investigations involving two separate foreign-flagged purse seine fishing vessels that were alleged to have conducted illegal fishing within the US EEZ surrounding Howland and Baker Islands. Letters requesting assistance were previously sent to Marshall Islands Marine Resources Authority (MIMRA) for further follow-up investigation into both matters. The outcome for one of the investigations was recently provided to OLE along with an enforcement action that was taken against the vessel in accordance with Marshall Islands laws and regulations.

A PID EO initiated an investigation into a kayak fisherman feeding multiple Hawaiian monk seals within Pokai Bay, Island of Oahu, and a violation of the Marine Mammal Protection Act (MMPA). This investigation stemmed from a referral from NOAA's Protected Resources Division (PRD) in cooperation with Hawaii Marine Animal Response (HMAR). PRD forwarded a video clearly showing the subject feeding the monk seals with baitfish.

A PID EO issued a \$1,000.00 Summary Settlement Notice to an importer for importing illegal sea cucumbers. The violation was discovered during cargo inspections at United Airlines Cargo, Honolulu, HI. operating under the Seafood Inspection Monitoring Program (SIMP).

In two separate cases, PID Officers were conducting a surface patrol via **P/V NOAA-F3503**, when they observed a male subject harassing a pod of Spinner dolphins in Kona Bay, Hawaii. The officers contacted the subject and explained that they witnessed him pursue and harass a pod of Spinner dolphins, in violation of the Marine Mammal Protection Act (MMPA). For each case, a Summary Settlement Notice of \$100.00 was issued for the harassment of Spinner dolphins.

PATROLS / MONITORING / INSPECTIONS / OUTREACH

PID EOs in conjunction with U.S Coast Guard, DOCARE, National Park Service, and local law enforcement conducted seventy six (76) sea, land, and air patrols on the Isle of Hawaii during two Joint Surge Operations. These efforts resulted in seven (7) summary settlements regarding MMPA violations, numerous compliance assistance and local outreach while establishing a positive NOAA/OLE presence on the Big Island.

A PID EO participated in a joint at sea patrol with JEA partners from the Guam Customs Maritime Interdiction Task Force (MITF). While on patrol, officers recovered a dead Green sea turtle floating approximately four (4) miles Northwest of Guam. The EO contacted Guam's Marine Biologist regarding the Green turtle and made arrangements to meet upon arrival into the Agana Marina. The turtle was turned over for necropsy to determine the cause of death.

A PID EO provided compliance assistance during a vessel boarding of a Hawaii permitted longline fishing vessel. During the boarding, the EO found that the vessel's fishing buoys were not marked in compliance with regulations. The EO located the vessel owner and instructed the owner to ensure that the vessel's buoys were marked properly.

Three (3) PID EOs conducted an MMPA patrol near Honokohau boat harbor to Honaunau bay, Hawaii. The Officers stopped a vessel carrying a group of swimmers who had been pursuing a pod of Hawaiian spinner dolphins. While the officers conducted the boarding, they discovered the vessel captain was not operating under a commercial tour license. Investigation is ongoing.

Two (2) PID EOs and three (3) State of Hawaii Conservation Officers (JEA) conducted a waterborne patrol via the **NOAA Patrol Vessel (F-3503)** in Kona, Hawaii. During the patrol, the officers came across an unknown female swimming near spinner dolphins. The Enforcement Officers could not ascertain if the swimmer did pursue the spinner dolphins, but DOCARE officers confirmed the female swimmer was in fact, violating state law, by swimming in a marked vessel channel. DOCARE Officers issued the female swimmer a citation.