

Appendix 6

Enforcement Activities

United States Coast Guard Enforcement Activities

The United States Coast Guard (USCG) conducted roughly 799 hours of fisheries patrols with C-130 aircraft in the Central and Western Pacific ocean during fiscal year 2001. This was a significant decrease from FY 2000 due to operating tempo and budget reductions made during the year. They also undertook a major upgrade to the electronic sensors on their fleet of C-130s. All of the aircraft had to travel to the mainland for up to three months each, as the upgrade was accomplished. This impacted the USCG ability to deploy, and overall there was a significant reduction in the total number of C-130 hours flown in support of fisheries enforcement.

The C-130 surveillance of the eight non-contiguous EEZ s was broken down as follows: 60 hours in the Main Hawaiian Islands, 3 hours in the Northwest Hawaiian islands, 90 hours in Guam and the Northern Mariana Islands, 41 hours in American Samoa, 30 hours in Palmyra Atoll/Kingman Reef, 34 hours in Jarvis Island, and 8hours in Howland/Baker Islands.

In FY 2001, over 300 cutter days of fisheries patrol was conducted in the Central and Western Pacific ocean. There were over 500 fishing vessel boardings. The breakdown of vessels boarded is as follows: 400 were U.S and 107 were foreign.

It is estimated that 46 EEZ encroachments by foreign fishing vessels occurred in FY 2001 and only two suspected violators were intercepted by Coast Guard units.

NOAA Fisheries Office for Law Enforcement Southwest Enforcement Division

Marine Mammal Protection Act:

Public education, deterrence, and intervention remained the primary focus of NOAA Fisheries Office of Law Enforcement with regards to averting marine mammal harassment within Hawaii. Several marine mammal investigations were initiated during this reporting period, to include violations of the Humpback Whale approach regulations by recreational water craft in Kailua-Kona, Hawaii and Kihei, Maui, the mauling of a Hawaiian Monk Seal on the island of Kauai by a Pit Bull terrier, and harassment of spinner dolphins on the Big Island. Coordination continued with volunteer organizations and local law enforcement agencies, in order to provide a timely response to marine mammal incidents.

In addition, several contraband investigations involving marine mammal products were initiated. Purported medicinals containing marine mammal parts were intercepted and seized prior to their introduction into local markets. Exotic medicinals containing ingredients extracted from seals were intercepted prior to their introduction into local commerce on Oahu. These purported remedies pose an additional threat to public health and safety due to the fact that they are

routinely adulterated with dangerous levels of heavy metals, to include arsenic and mercury. Handbags constructed of seal skin and sperm whale teeth were also intercepted and seized prior to their introduction into local commerce in Hawaii.

A NMFS special agent stationed on Oahu conducted several enforcement workshops for members of the U.S. Coast Guard and the Hawaii Department of Conservation and Resources Enforcement Division in 2001, which concentrated on various aspects of the MMPA and ESA relative to the Humpback Whale Sanctuary on the Big Island of Hawaii.

Marine Sanctuaries Act:

Vessel based patrols resumed near American Samoa's Fagatele Bay National Marine Sanctuary in 2001. Suspected coral damage was investigated and assessed by the resident NMFS special agent. Enforcement activities have resulted in note-worthy civil penalties for violators of the MSA in American Samoa's Fagatele Bay National Marine Sanctuary.

Public education efforts in conjunction with the Humpback Whale Sanctuary Enforcement Workshops were conducted in November of 2001. Consistent with previous years, public education, deterrence, and intervention strategies were maintained throughout the 2001-2002 whale watching season. The NOAA Office for Law Enforcement was also represented on the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council. The Assistant Special Agent in Charge was recently appointed to sit on the Council in an advisory capacity.

In order to address the unique challenges posed by the creation of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the NOAA OLE designated a special agent to coordinate enforcement activities and public education relative to the reserve.

Endangered Species Act:

Cooperative enforcement efforts continued between the Hawaii NMFS Office of Enforcement and the Hawaii Division of Conservation and Resources Enforcement regarding the status of sea turtles at Punalu'u Beach, on the Big Island of Hawaii. Furthermore, NOAA OLE agents investigated the destruction of sea turtle nests on the island of Molokai. NMFS OLE agents also investigated the illegal take of two mature Green Sea Turtles on Kauai. Upon discovery, one turtle was dead, and the other was mortally wounded and was later euthanized.

At the outset of March, NOAA Fisheries special agents arrested a 34 year old Kauai man pursuant to a warrant charging him with four separate counts of violations of the Endangered Species Act, to include the unlawful taking and possession of adult green sea turtles. Defendant Daniel Isobe was sentenced to a term of 6 months in federal prison on Monday, April 30th, after entering a guilty plea to Counts 1 and 5 of a Superseding Information to wit, knowingly taking 2 Green Sea Turtles, a threatened species of wildlife in violation of the Endangered Species Act, and knowingly transporting same in violation of the Lacey Act. The six month custodial term was imposed by Magistrate Judge Barry M. Kurren for the District of Hawaii.

While on assignment to the Hawaiian Islands Humpback Whale National Marine Sanctuary, NOAA Office for Law Enforcement special agents investigated 39 alleged violations and five whale collisions with recreational watercraft. In addition, public education efforts continue in conjunction with the Humpback Whale Sanctuary Enforcement Workshops. NMFS OLE agents participated in a comprehensive review of the current Hawaii's Ocean User's Handbook. Consistent with previous years, public education, deterrence, and intervention strategies was maintained throughout the 2001 whale watching season.

Forum Fisheries Agency:

The resident NMFS special agent in Guam continued to be available to conduct enforcement workshop sponsored by the Forum Fisheries Agency for member countries.. He was responsible for developing and teaching a comprehensive fisheries enforcement workshop which was held in Chuuk, FSM , with both classroom and practical field training exercises spanning two weeks, at the close of January, 2001. Similar training programs were also conducted on the island nation of Vanuatu, in November, 2000. The resident NOAA Fisheries Enforcement agent has also conducted several training sessions for personnel from the maritime unit from Guam Customs and Quarantine.

Monitoring, Control and Surveillance

NOAA Fisheries Southwest Enforcement hosted the initial efforts to develop an international network of agencies that are involved in fisheries-related monitoring, control, and surveillance (MCS) around the world. The country participants in the International Conference on Monitoring, Control, and Surveillance indicated their intention to create this network for the coordination of fisheries-related enforcement in Santiago, Chile, in January 2000. The objectives of the "International MCS Network" are to improve the efficiency and effectiveness of MCS activities through enhanced cooperation, coordination, and information collection and exchange among national organizations and institutions.

Participation in the MCS program is voluntary, and nations will achieve the aforementioned objectives through the following activities: (a) identifying their national organizations/institutions responsible for fisheries-related MCS, and the primary contact person who shall act as the main national coordinator for the purposes of this network; (b) collecting and providing timely and accurate MCS information to other parties to the arrangement; (c) considering requests and, where appropriate and possible, cooperating in joint fisheries-related MCS activities; (d) promoting technical assistance, training, experience exchange, and institutional development, to increase MCS knowledge and capability amongst participating parties; and (e) considering the particular needs and obstacles faced by developing countries.