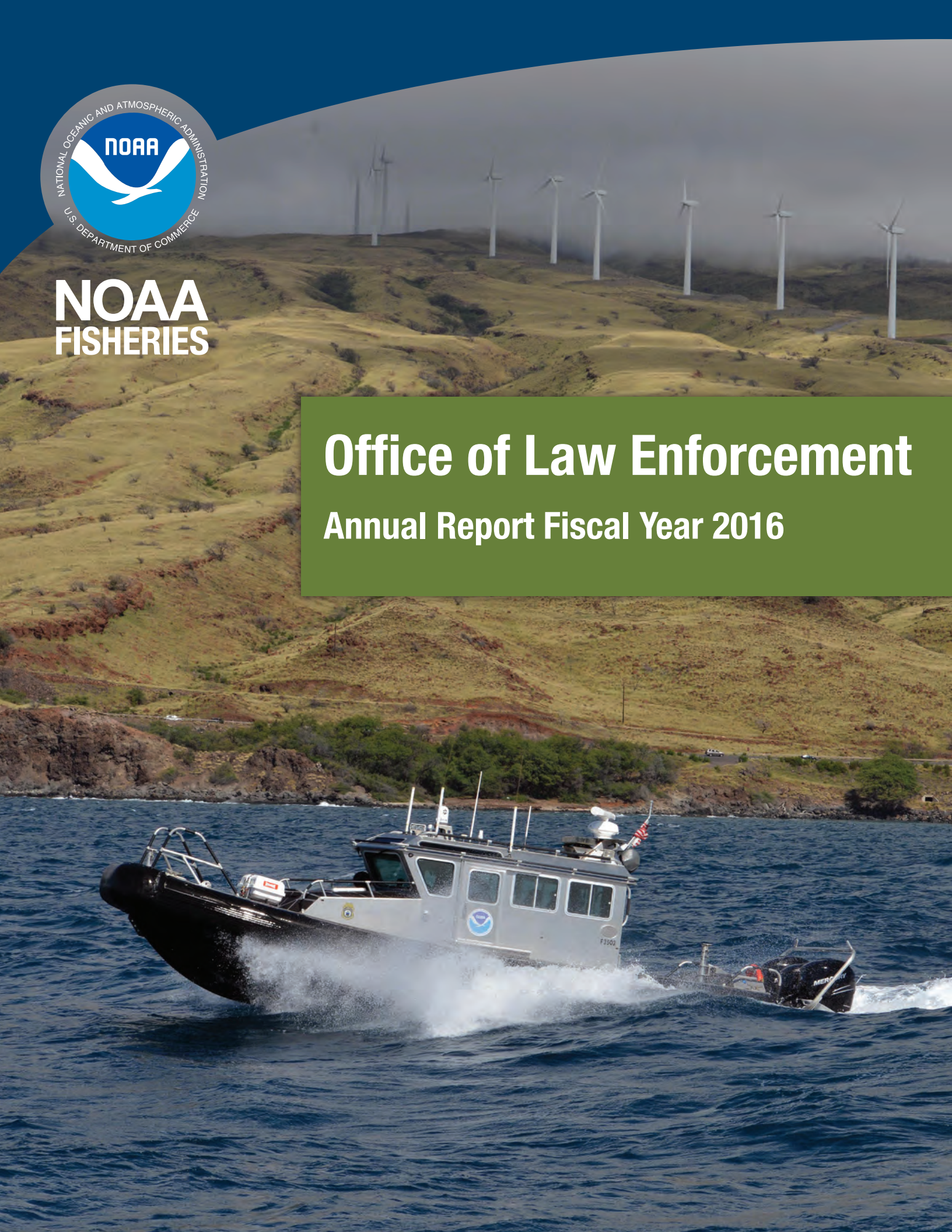


**NOAA
FISHERIES**

Office of Law Enforcement

Annual Report Fiscal Year 2016



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Director's Message



This was another productive year for NOAA's Office of Law Enforcement (OLE). Thanks to the efforts of OLE's dedicated investigative, mission support, and investigative support professionals—enhanced by the activities of our state, territorial, and federal partners—we had a number of truly significant accomplishments that I am excited to highlight in this year's Annual Report.

Recognizing that OLE's greatest strength lies with the women and men who have committed themselves to protecting this country's natural marine resources, we undertook a comprehensive staffing analysis this year to ensure that we had the right people located in the right places to focus on the most pressing enforcement priorities. To complete the staffing analysis, we met with a diverse group of stakeholders from all of our five regions to assess staffing locations and the level of effort needed to best accomplish our mission. As a result of the analysis and the work of many of our mission support staff to implement the staffing plan produced from that analysis, OLE was able to begin to reverse a years-long decline in our overall staffing strength, most noticeably increasing the number of uniformed enforcement officers by 50 percent.

Operationally, OLE continued to demonstrate its leadership in marine natural resource protection. In the pages that follow, you will read about a number of significant cases, including: the investigation and successful prosecution of multiple incidents of observer harassment in Alaska; the uncovering of systemic misreporting of landings undermining the Federal Research Set-Aside Program in the Northeast; the identification of a wildlife smuggling and trafficking ring illegally importing whale bone carvings, walrus ivory carvings, black coral carvings, and other products derived from endangered and protected species of wildlife in the Pacific Islands; a multi-defendant investigation uncovering wide-spread poaching of Atlantic striped bass from the U.S. Exclusive Economic Zone in the Southeast; the seizure of more than 2,200 pounds of illegally possessed shark fins by OLE's West Coast Division; and the expansion of OLE's international activities to combat illegal, unreported, and unregulated (IUU) fishing, including activities in support of the Port State Measures Agreement Act of 2015.

The resource allocations and operational activities outlined in this Annual Report demonstrate OLE's commitment to its conservation mandate to promote a level playing field for all who play by the rules; sustain fish stocks for commercial, recreational, and tribal users; protect marine mammals and endangered species; conserve protected areas; and combat the illegal, unreported, and unregulated harvesting of fish and the illegal trafficking of wildlife.

A handwritten signature in dark ink, appearing to read 'J Landon', with a stylized flourish at the end.

JAMES LANDON

Director, Office of Law Enforcement

National Marine Fisheries Service

National Oceanic and Atmospheric Administration

U.S. Department of Commerce

About NOAA's Office of Law Enforcement



NOAA's Office of Law Enforcement protects marine wildlife and habitat by enforcing domestic laws and supporting international treaty requirements designed to ensure global resources are available for future generations. OLE special agents, enforcement officers, as well as investigative and mission support staff provide stakeholders with compliance assistance and education about the nation's marine resource laws.

While OLE investigates violations of marine resource protection laws, the Office of the General Counsel's Enforcement Section is NOAA's civil prosecutor. Together, the two offices make up NOAA's enforcement program and work with other NOAA program offices to establish national law enforcement policy.

OLE directly supports the core mission mandates of NOAA Fisheries—maximizing productivity of sustainable fisheries and fishing communities, as well as protection, recovery, and conservation of protected species—through its efforts to enforce and promote compliance with the marine resource protection laws and implementing regulations under NOAA's purview.

Stats and Facts about OLE

OLE jurisdiction generally covers ocean waters between 3 and 200 miles offshore and adjacent to all U.S. states and territories; this is called the Exclusive Economic Zone (EEZ).

The OLE jurisdiction includes:

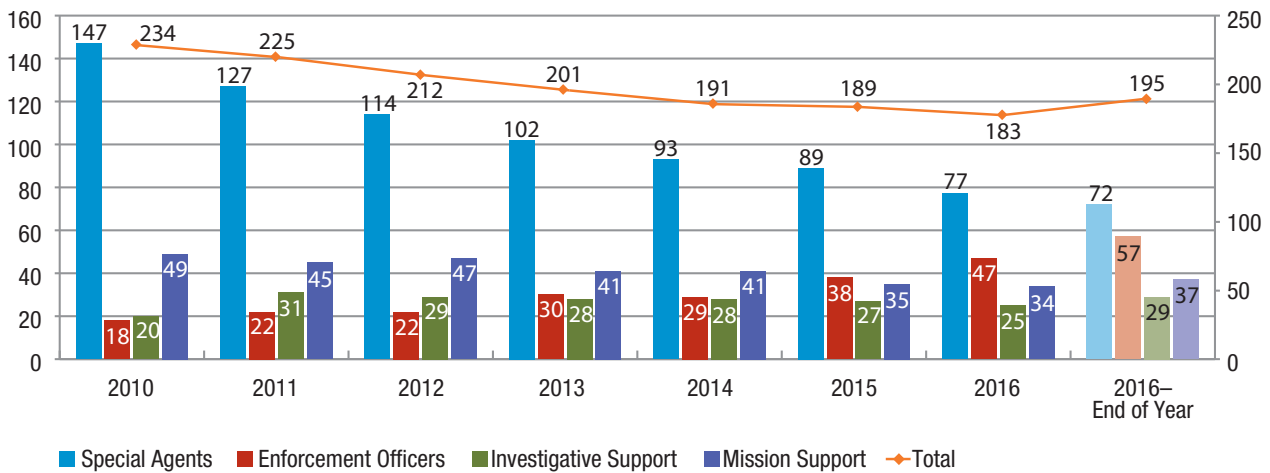
- 3.36 million square miles of open ocean.
- More than 95,000 miles of U.S. coastline.
- 13 National Marine Sanctuaries and five Marine National Monuments.

To cover this extensive territory, OLE personnel are assigned to five divisional offices and 53 field offices throughout the states and U.S. territories. Additionally, OLE partners with state and territory law enforcement agencies and other federal organizations to maximize efficiency. OLE is staffed by 183 employees—77 special agents, 47 enforcement officers, and 59 mission and investigative support personnel.¹

¹ Data as of September 30, 2016.



Staffing Numbers Per Year



Staffing

Protecting the nation's marine environment and helping to ensure a level playing field for those whose jobs and businesses rely on the fair use of our marine resources requires a significant commitment of personnel. In FY 2016, OLE undertook two significant actions related to its staffing: 1) a major review of its staffing levels and composition by an independent third party and 2) a major hiring effort to fill mission-essential positions.

The composition and distribution of OLE staff needs to be continuously reassessed to meet evolving national and regional priorities and expanding mission requirements, and our internal and external capabilities must meet these requirements within our appropriated funding levels. To that end, OLE had an independent consulting firm conduct a comprehensive staffing analysis for the office. Using that analysis

as a baseline, OLE further refined the process by incorporating its national and division enforcement priorities, budgetary constraints, and expanded mandates to produce a strategic staffing plan.

Guided by the new staffing plan, OLE undertook an aggressive hiring initiative to fill a number of leadership, mission and investigative support, and investigative positions within OLE. Most notably, OLE recruited 19 new uniformed enforcement officers for deployment to each of OLE's five divisions in 2017.

Budget

The FY 2016 enacted Fisheries Enforcement Budget was \$68.6 million. These funds were distributed among five areas:

- \$40.06 million for Enforcement and Surveillance expenditures (salaries, benefits, etc.)
- \$18.17 million for the Cooperative Enforcement Program (CEP).

- \$6.96 million for the Vessel Monitoring System (VMS).
- \$1.42 million for the High Seas Driftnet Act Implementation.
- \$1.98 million for NOAA Fisheries activities related to Driftnet Act Implementation.

During FY 2015 and FY 2016, OLE worked closely with the Department of Commerce, Congress, and the Administration to highlight the growing importance of NOAA's efforts to combat illegal, unreported, and unregulated (IUU) fishing. The FY 2016 President's Budget requested a congressionally appropriated increase of \$3 million and 15 full-time employees in additional support for OLE to directly address efforts to combat IUU fishing and seafood fraud. These funds were included in the Fisheries Enforcement \$68.6 million enacted budget and supported training and capacity building as well as several of the hiring personnel actions initiated in FY 2016.

Equipment

Vessel Procurement

During FY 2016, NOAA awarded a contract for four new patrol vessels for OLE. The procurement will add two vessels to the Northeast Division and two vessels to the Southeast Division. With these additional resources, OLE personnel are better able to conduct at-sea patrols, inspections, and compliance assistance.

Vessels

Alaska Division

Taku Wind – 5,785 lbs / 26 feet
 Willawaw Wind – 5,785 lbs / 26 feet
 Aleutian Wind – 6,345 lbs / 27 feet
 Chinook Wind – 6,345 lbs / 27 feet
 Kenai Guardian – 6,945 lbs / 26 feet
 Susitna – 1,200 lbs / 20 feet

Maintenance cost – \$13,818
 Engines – \$95,153.31
 Fuel – \$6,971.97
 Docking – \$3,416.02
 Storage – \$25,939.92
Total cost for FY 2016
– \$145,299.22

Pacific Islands Division

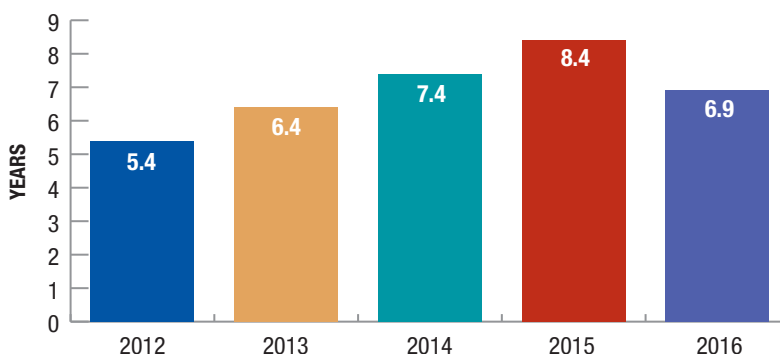
SafeBoat – 13,804 lbs / 33 feet
 Engines – \$55,740.88
 Fuel – \$5,210.68
Total cost for FY 2016
– \$60,951.56

Southeast Division

Carolina – 6,300 lbs / 25 feet
 Titusville – 5,201 lbs / 24 feet
 Galveston – 5,201 lbs / 24 feet
 Barracuda – 5,201 lbs / 24 feet
 Harlingen – 5,201 lbs / 24 feet

Maintenance cost – \$149,457.84
 Fuel – \$1,803.68
 Storage – \$5,997
Total cost for FY 2016
– \$157,258.52

Average Vehicle Age



West Coast Division

Commander – 3,780 lbs / 21 feet
 SafeBoat – 10,300 lbs / 27 feet
 SafeBoat – 10,300 lbs / 27 feet
 Northriver – 1,100 lbs / 17 feet

Maintenance cost – \$119.5
 Fuel – \$10,555.2
 Storage – \$3,626.52
Total cost for FY 2016
– \$14,301.22

Cost Differences

Each year the cost varies for the OLE vessel fleet. The determining factors include operational needs and maintenance costs. Regular inspections are conducted to ensure all equipment is properly maintained, and if the item has met its lifecycle it is replaced.

Vehicles

In FY 2015, OLE began a process of converting its fleet of vehicles from owned to General Services Administration (GSA) leased, per guidance from the Department of Commerce. In FY 2016 OLE received the first new vehicles to its fleet in more than 5 years. For the first time, OLE launched a standardized vehicle platform for all enforcement officers that included

a newly designed graphics and equipment package suited to meet OLE's specific law enforcement needs. More than 40 new patrol vehicles were received and entered into service in FY 2016. In addition, OLE continued working with GSA on a standardized package of unmarked vehicles and converted another group of vehicles to GSA leased. OLE anticipates delivery of nearly 50 new vehicles in early FY 2017, to continue the recapitalization of our fleet and the transition from owned to leased vehicles.

Headquarters – 6 vehicles
 Alaska Division – 43 vehicles, 1 ATV
 Northeast Division – 34 vehicles
 West Coast Division – 38 vehicles
 Pacific Islands Division – 14 vehicles
 Southeast Division – 44 vehicles

Training

All OLE officers and agents attend training at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. The extensive training received for initial entry to the force spans a total of 28 to 30 weeks.

Officers and agents must also attend an annual, week-long refresher training where mandatory content includes a variety of topics designed to ensure our agents and officers are maintaining required qualifications and have the most up-to-date case law review, legal requirements, and policy information.

Becoming an Enforcement Officer:

- 12 Weeks – FLETC Uniformed Police Training Program (UPTP)
- 4 Weeks – FLETC Marine Law Enforcement Training Program (MLETP)
- 12 Weeks – NOAA Field Training and Evaluation Program (FTEP)

Becoming a Special Agent:

- 12 Weeks – FLETC Criminal Investigator Training Program (CITP)
- 4 Weeks – FLETC MLETP
- 2 Weeks – FLETC Case Organization and Presentation Training Program
- 12 Weeks – FTEP

Port State Measures Training Program

When the Port State Measure Agreement (PSMA) entered into force in June 2016, OLE was identified as a subject matter expert for training and implementation of the PSMA. Since many of the standards outlined in the PSMA are long-standing operational practices of the office, OLE created a training program for state partners, as well as a capacity building training program that provides technical and operational training to foreign partner countries.

These training programs focus on the operational requirements of the PSMA, such as the examination

of pre-arrival information to screen arriving vessels, the full requirements of conducting a PSMA inspection, and final steps to be taken after the inspection. The training modules also cover all items listed in Annex E of the PSMA-Elements of training for port state inspectors (e.g., relevant regional fisheries management organizations' (RFMO) conservation and management measures, evidence, investigative tools, information analysis, vessel boardings/inspections, vessel monitoring system (VMS), and vessel, gear, and fish identification). OLE's domestic training was piloted this summer with Joint Enforcement Agreement (JEA) partners in American Samoa and Guam. Feedback from these pilot programs was integrated into finalizing the JEA PSMA training program, which will be available for all JEA partners.

For more information about Port State Measures and international training information, see page 9.



Headquarters: Special Programs

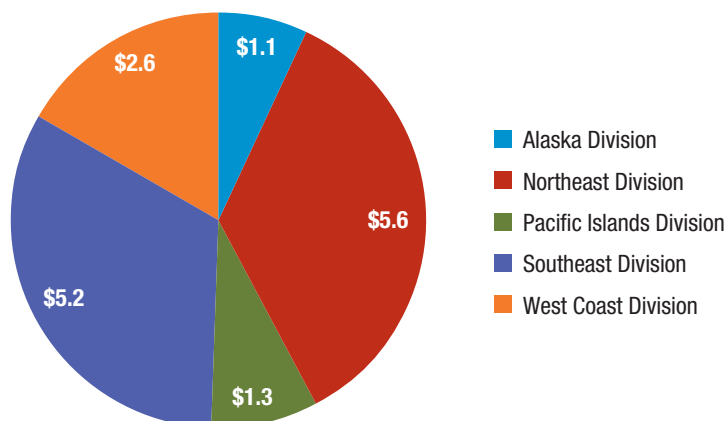
Cooperative Enforcement Program

The Cooperative Enforcement Program (CEP) aims to increase living marine resource conservation, endangered species protection, and critical habitat enforcement while strengthening state and territorial enforcement resources.

Under the CEP, OLE has signed 28 Joint Enforcement Agreements (JEAs), which deputize state and U.S. territorial marine law enforcement agencies to enforce federal laws and regulations. Below are the states and territories with which we have signed agreements:

- Alabama
- Alaska
- American Samoa
- California
- Connecticut
- Delaware
- Florida
- Georgia
- Guam (2)
- Hawaii
- Louisiana
- Maine
- Maryland
- Massachusetts
- Mississippi
- New Hampshire
- New Jersey
- New York
- Northern Mariana Islands
- Oregon
- Puerto Rico
- Rhode Island
- South Carolina
- Texas
- Virginia
- U.S. Virgin Islands
- Washington

JEA Funding to Regions Per Million



OLE enhances its active presence, visibility, and interactions with the regulated industry by partnering with state and territorial marine and natural resource enforcement agencies. OLE's partnerships with these enforcement agencies help promote compliance with federal laws and regulations under the purview of NOAA. OLE agents and officers leverage JEA partnerships to conduct joint operations to carry out OLE's mission.

Vessel Monitoring System

The vessel monitoring system (VMS) is a satellite surveillance system primarily used to monitor the location and movement of commercial fishing vessels in the U.S. EEZ and treaty areas. The system uses satellite-based communications from transceiver units that are on-board vessels required to have them installed. The transceiver units send data that include vessel identification, time, date, and location. The vessel operators can also use these units to communicate by sending text messages over email.

In FY 2016 the OLE VMS program monitored more than 3,500 vessels. VMS allows OLE and other authorized enforcement agencies to monitor vessel location for compliance purposes. In addition, the VMS Program shares data with authorized partners such as the U.S. Coast Guard and NOAA's regional fisheries science centers for enforcement and fisheries management purposes, and also shares aggregated data with the public upon approved requests.

Additional capability and uses of VMS include:

- Monitoring sensitive areas such as marine sanctuaries and marine national monuments.
- Monitoring activity and arrivals in port to plan for sampling.
- Supporting catch share programs.
- Tracking, monitoring, and predicting fishing effort, activity, and location.
- Managing observer programs.
- Verifying/validating data from other sources.
- Identifying fishing vessels.



This year, NOAA awarded a new 5-year contract for VMS software surveillance, communications, and support services. The contract covers the software used to monitor vessels and the system that collects the satellite data, as well as additional materials, services, and satellite communications.

Investigative Analysts

Background

In 2007 OLE established a team of fisheries intelligence analysts with a focus on supporting OLE's international program and requirements of the Magnuson-Stevens Fishery Conservation and Management Act to identify IUU fishing activities and detect IUU fish products in global trade. The role of the Analyst Team quickly evolved to supporting the operational activities of sworn officers and special agents in the field, as well as assisting both domestic and international enforcement programs at the national level.

OLE's Analyst Team provides in-depth research and analytic

support on a broad range of international fisheries law enforcement issues—including criminal networks, enforcement operations, investigations, suspected import trade violations, and cooperative international fisheries enforcement—and support for policy development. The Analyst Team fuses information and data from a variety of official and open sources, evaluates its reliability, and applies analytic techniques to develop judgments or additional context that can significantly enhance OLE's operations.

Team Support

In March 2014, OLE signed a memorandum of understanding (MOU) with U.S. Customs and Border Protection (CBP) to participate as a member agency of its Commercial Targeting and Analysis Center (CTAC). This multi-agency facility provides OLE analysts with direct access to CBP import processing, targeting, and law enforcement systems, as well as other member agencies' data systems. Leveraging the CTAC resources, the Analyst Team can identify suspicious shipments

prior to their U.S. arrival, place "holds" for physical examinations of selected consignments by OLE and coordinate with other CTAC participating agencies.

In addition to these programs, the Analyst Team provides direct support to OLE through the production of responses to Requests for Information (RFI) for investigations, operational enforcement support on imports of seafood products through CTAC, and international program policy support. In FY 2016, the Analyst Team responded to more than 200 RFIs in support of investigations through the use of proprietary databases and intelligence research tools. The team leveraged its presence at CTAC to respond to an additional 250 requests to research or take operational action on suspect international shipments of seafood entering the United States. Also, the Analyst Team completed approximately 175 RFIs that supported international policies (such as Port State Measures), the Presidential Task Force to Combat IUU Fishing and Seafood Fraud, and RFMO annual meetings.



International Programs

Combating Illegal, Unreported, and Unregulated (IUU) Fishing

Background

In 2014, the White House released a Presidential Memorandum that called for the creation of a task force to combat IUU fishing and seafood fraud, co-chaired by the Departments of State and Commerce. Later that year, the Task Force identified 15 recommendations to combat IUU fishing. In March 2015, the Task Force issued an action plan to implement the recommendations and the Task Force was dissolved. The work of the Task Force is now carried out by the National Ocean Council Committee on IUU Fishing and Seafood Fraud (NOC Committee).

In order to combat IUU fishing, OLE works with multiple Regional Fishery Management Organizations (RFMOs) and foreign governments to protect and conserve global marine resources. As a cooperating office of the NOC Committee, OLE also works with several federal agencies to highlight ways in which the United States can work with foreign partners to strengthen international governance, enhance cooperation, and build capacity to combat IUU fishing and seafood fraud. What follows are some examples of this work.

OLE and the NOC Committee

NOAA is identified as the leading or co-leading agency for 10 of the 15 recommendations; within NOAA Fisheries, OLE specifically co-leads Recommendations 8 (Enforcement – Information Sharing) and 11 (Enforcement – State and Local).

OLE continues coordination with CBP as well as the Department of Justice (DOJ) to carry out Recommendation 8, which calls for the creation of a strategy to optimize the collection, sharing, and analysis of information and resources to prevent IUU or fraudulently labeled seafood from entering U.S. commerce.

OLE also works with DOJ to lead Recommendation 11, which calls for federal agencies to work with state and local enforcement authorities to expand information sharing and develop tools that address IUU fishing and seafood fraud at the state and local levels. During the summer of 2016, OLE developed a targeted training curriculum for territorial and state enforcement partners to implement the PSMA. OLE continues to develop a draft curriculum for an online training program on combating IUU fishing and seafood fraud for state, local, and territorial enforcement partners and will continue to work with current and

potential partner organizations to progress this effort in FY 2017.

In addition to leading the working groups on Recommendations 8 and 11, OLE is also part of the working group for Recommendations 1 (implementing Port State Measures), 2 (identifying regional fisheries management organizations' (RFMO) best practices), 6 (capacity building), 12 (broadening enforcement authorities), and 14/15 (creation of a seafood traceability program).

Implementing the Port State Measures Agreement

Background

On June 5, 2016, the United Nations Food and Agriculture Organization (FAO) Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (PSMA) entered into force after 29 countries, including the United States and the European Union, ratified the Agreement. The Agreement sets minimum standards for exercising port state controls for foreign vessels seeking entry into ports and over activities conducted while in a country's port. The implementation of the PSMA also ensures compliance with RFMOs' conservation and management measures. Another major provision of the Agreement is an



emphasis on increased information sharing and communications among participating nations, relevant enforcement agencies, and relevant international organizations, such as RFMOs.

U.S. Implementation

As the primary office responsible for enforcement of the PSMA, OLE developed a domestic training program for implementing the agreement, as well as an international training program for providing technical assistance to our global partners.² OLE's domestic training was piloted during the summer of 2016 with JEA partners in American Samoa and Guam.

The first international training program was conducted in Indonesia in August 2016. In

collaboration with the U.S. Agency for International Development (USAID), OLE conducted both a collaborative and regionally focused workshop on the implementation of PSMA and combating IUU fishing, and provided training for fisheries officials on best practices to implement PSMA.³ More than 75 people from various countries attended the workshop. OLE led discussions that focused on combating IUU fishing in Indonesia and the role of PSMA to combat IUU fishing. The training consisted of classroom lessons and vessel boardings with staged scenarios, and set the stage for follow-on curriculum development and future training by the Indonesian and U.S. governments for all port officials working in Indonesian ports.

Other International Operations

OLE special agents, enforcement officers, and enforcement support staff regularly participate in international operations. The scope of this engagement includes providing foreign governments, organizations, and communities with the tools, resources, and information sharing avenues to allow them to address complex IUU issues. This is usually accomplished through technical assistance and training workshops.

Training and Technical Assistance

Indonesia: OLE continued to build enforcement capacity within the Government of Indonesia,

² The implementing legislation for the Agreement was passed in November 2015 under the Port State Measures Agreement Act of 2015 (16 U.S.C. § 7401 et seq.)

³ This training was announced at the 2016 Our Ocean Conference by Dr. Kathryn Sullivan, then Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator.

focusing efforts in Marine Protected Areas (MPAs) and the PSMA. In November 2015, an OLE special agent participated in a workshop on Planning for Effective Enforcement in MPAs, part of a series of cooperative training workshops for fisheries enforcement officers in Indonesia's Ministry of Marine Affairs and Fisheries. In late August 2016, a team of facilitators and support staff from OLE led a workshop in Manado and the Port of Bitung on the operational implementation of the PSMA.

West Africa: In July 2016, OLE sent a special agent and an enforcement officer to participate in a West Africa Task Force Fisheries Enforcement Workshop in Accra, Ghana, alongside representatives from NOAA's General Counsel and the NOAA Fisheries Office of International Affairs and Seafood Inspection (IASI), in collaboration with the Fisheries Committee for the West Central Gulf of Guinea (FCWC). A total of 38 participants from Liberia, Côte d'Ivoire, Ghana, Togo, Benin, and Nigeria attended. Topics of discussion included fisheries intelligence; regional information sharing; monitoring, control, and surveillance (MCS) techniques; and developing investigative operations and cases leading to prosecution by the legal teams of each country.

Philippines: In February 2016, an OLE assistant director and an OLE intelligence analyst joined representatives from the Government of the Philippines to hold a peer-to-peer exchange on

a planned U.S.-Philippines Joint Assessment on the Trafficking of Marine Turtles. A follow-on enforcement workshop to include additional enforcement agencies from the Philippines is proposed for FY 2017.

Formal Meetings

Association of Southeast Asian Nations Trade and Environment Dialogue: In November 2015, OLE participated in the Association of Southeast Asian Nations (ASEAN) Trade and Environmental Dialogue in Kuala Lumpur, Malaysia, and provided presentations on IUU fishing and ways to combat the trade in IUU fish and fish products.

Caribbean Regional Wildlife Enforcement Network: In July 2016, representatives of 11 Caribbean nations, various U.S. government agencies, NGOs, and IGOs participated in the first Caribbean Regional Wildlife Enforcement Network (CaribWEN) Workshop in Nassau, Bahamas.

U.S.-Mexico Fisheries Bilateral: In September 2016, OLE joined representatives from the NOAA Fisheries IASI, NOAA General Counsel, U.S. Coast Guard, and Department of State in a bilateral fisheries meeting with Mexico. Discussion during the enforcement portion of the meeting focused on efforts to control IUU fishing activity and prevent illegal fishing incursions into the U.S. EEZ.

U.S.-E.U. Fisheries Bilateral: Members of OLE and other NOAA

partners along with the U.S. Coast Guard met with members of the Directorate-General for Maritime Affairs and Fisheries (DG-MARE) of the European Commission during the week of April 18 in Brussels, Belgium, for the U.S.-E.U. IUU working group meeting.

International MCS Network's Global Fisheries Enforcement Training Workshop: Members of OLE along with personnel from various other NOAA offices attended the Global Fisheries Enforcement Training Workshop in Auckland, New Zealand. The workshop promoted cooperation between enforcement authorities across national borders, built trust between MCS practitioners, and delivered information about the latest, most effective MCS technologies, programs, and strategies.

INTERPOL Fisheries Crime Working Group: During its annual meeting in Cape Town South Africa, the Fisheries Crime Working Group discussed global operations dealing with transnational crime and IUU vessels.

INTERPOL International Environmental Compliance and Enforcement Conference: The second INTERPOL International Environmental Compliance and Enforcement Conference was held in Singapore. Key topics included sustainable development goals, effective environmental compliance, enforcement, capacity building, and strengthening institutions.





WILL ELLIS
Assistant Director

Staffing snapshot:

- 30 Full-Time Employees
- 10 Special Agents
- 13 Enforcement Officers
- 3 Mission Support
- 4 Investigative Support
- 3 Contractors

AKD Budget: \$3.6 million

AKD JEA Funding: \$1.1 million

Headquarters:

709 W. 9th Street
Room 831L
Juneau, AK 99802-1767

Field Offices:

Anchorage
Dutch Harbor
Homer
Juneau
Ketchikan
Kodiak
Petersburg
Seward
Sitka

**645
VMS
Vessels**

Alaska Division

Alaska supports a massive seafood industry and has the greatest number of domestic fish landings in the United States, with 59 percent of all U.S. seafood landings, measured by weight, occurring in Alaska. If it were a country, Alaska would be the ninth largest seafood producer in the world.

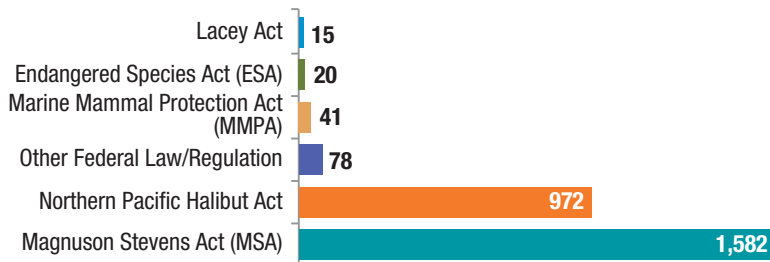
The geographic area of responsibility for the Alaska Division (AKD) covers 28 percent of the U.S. EEZ, 70 percent of the U.S. continental shelf, and five of the 11 Large Marine Ecosystems located within the U.S. EEZ. OLE's Alaska Division is unique in that the region only includes the state of Alaska, which is comprised of the mainland and more than 200 islands. Within this boundary lie some of most prolific fishing grounds on the planet. Waters off Alaska account for more than half of all annual U.S. seafood harvests, and Alaska has five of the nation's top 10 fishing ports ranked by value of landings.

Alaska's coastal communities are uniquely dependent on living marine resources and healthy marine ecosystems. The seafood industry is Alaska's largest private sector employer, accounting for one in every seven Alaska jobs. In addition to the roles of commercial and recreational fishing, subsistence fishing serves as an irreplaceable source of food and protein for much of rural Alaska and is interwoven into the cultural identity of Alaska Natives. The dynamic mix of sport, commercial, and subsistence fisheries, along with overlapping state and federal jurisdictions and regulations, underscores the importance of a strong working relationship with our state partner agencies.

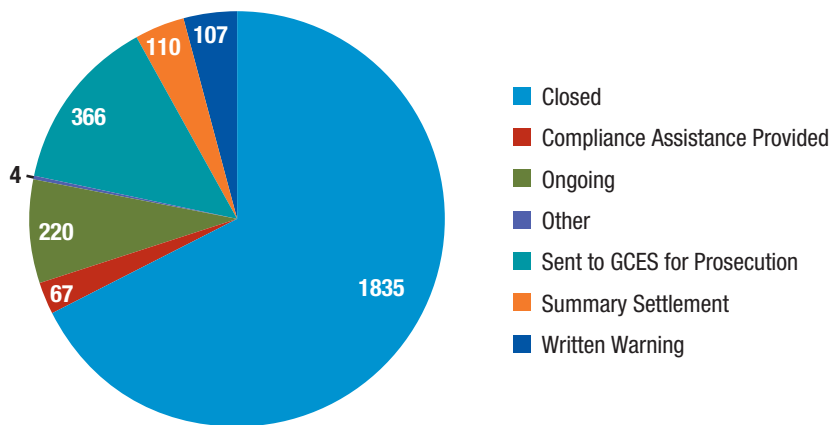
The geographic proximity to foreign countries provides an added component to interagency cooperation and international relations. The commercial fisheries include significant levels of complexity, in that international relations, regulations, and treaties all play roles in developing enforcement goals, policies, and multi-jurisdictional enforcement strategies. International relations extend to some Alaska sport fisheries as well. For example, halibut enforcement is handled cooperatively by both state and federal enforcement agencies, but it is regulated by an international treaty (International Pacific Halibut Commission).

Amidst the regulatory and geographic complexities faced by AKD, the region's diversity in terrain, challenging weather, and long distances constantly challenge the effective use of fishery enforcement resources in Alaska.

Incidents by Law, Regulation, or Program



Investigation Dispositions



Working with Regional Partners

Alaska's vast region, limited infrastructure, and complex fisheries management scheme necessitate robust interagency partnerships. These partnerships act as a force multiplier to maximize our enforcement footprint and minimize duplication of effort. To make the most of this partnership, effective interagency cooperation across the spectrum of Alaska fisheries enforcement operations is a top priority for AKD. Regional partners include the U.S. Coast Guard, Alaska Wildlife Troopers and Department of Fish and Game, U.S. Fish and Wildlife Service, U.S. Forest Service, NOAA

Fisheries Office of Sustainable Fisheries, NOAA Fisheries Office of Protected Resources, industry groups, and tribal governments.

Projected Growth

Since the development of the OLE Staffing Plan, which was finalized and approved in May 2016, AKD has gained five enforcement officers. Investigative support and mission support personnel numbers have remained consistent based on attrition, with a loss and gain of two staff members. The Staffing Plan calls for 13 additional personnel, which will bring the total number of AKD employees to 47.

Significant Outreach Efforts

- As part of our annual compliance outreach, two enforcement officers staffed the OLE booth at the 2016 Great Alaska Sportsman's Show, the largest outdoor sport show in Alaska. The officers educated the public on charter halibut, marine mammal parts, and general questions about OLE.
- Public concerns about an aggressive Steller sea lion in Sitka, Alaska, were addressed this fiscal year. After OLE received reports of anglers feeding sea lions and a call from a resident who had been charged by a sea lion at the cleaning station, an OLE agent visited the station to investigate. The agent identified an aggressive sea lion, which led to arrangements with local authorities to video surveil the station. The OLE agent also worked with NOAA Protected Resources Division and local law enforcement to post OLE signage around the station and to address the community through media and outreach events.

- During the second quarter, compliance and outreach letters were sent to Catcher Processors owners/operators and Cooperative managers in the Gulf of Alaska. These letters addressed a significant increase in reported violations for observer safety, recordkeeping and reporting, interference, and prohibited species mishandling. The goal of this correspondence was to advise all parties of OLE compliance concerns and to improve compliance through education.

Significant Investigations

Lacey Act

Between June 28, 2010, and May 20, 2013, Charles Petticrew, Sr., and Charles “Jeff” Petticrew, Jr., conspired to falsify fishing locations on Alaska Department of Fish and Game (ADF&G) Longline Fishery Logbook entries, individual fishing quota (IFQ) landing permits, and ADF&G Halibut Tickets. The reports falsely indicated that the anglers fished in a different IFQ area than they were actually fishing. The defendants illegally caught halibut valued at more than \$23,000 and falsified the IFQ records. Both defendants admitted their crimes and pleaded guilty to charges related to violations of the Lacey Act while fishing for halibut in the Gulf of Alaska. Charles Petticrew pleaded guilty to a single felony count of conspiracy to falsify IFQ records and was sentenced to pay a \$90,000 fine and was placed on probation for 5 years. Jeff Petticrew pleaded guilty to a single misdemeanor count for violating the Lacey Act by falsifying IFQ records and was sentenced to pay a \$10,000 fine and placed on probation for 5 years. Both defendants agreed to pay for and install a VMS on each vessel used by the defendants or any other vessels used on behalf of the family corporation.

OLE completed an investigation in which the owner of a vessel was purchasing sport and subsistence halibut from three fishermen and selling the halibut in his restaurant. All four subjects pleaded guilty to Lacey Act misdemeanor violations.



The owner was fined \$5,000, the sport fisherman was fined \$3,500, and the subsistence fishermen were collectively fined \$8,500. All parties were placed on probation.

Magnuson-Stevens Act

OLE concluded an investigation into a case involving multiple complaints of observer harassment and intimidation on the F/V *Aleutian Sable*. The complaints occurred over the course of a year, demonstrating a pattern of harassment and intimidation, as well as other documented violations. On March 8, 2016, GCES issued an eight-count Notice of Violation and Assessment (NOVA) in the amount of \$156,091.

While OLE audited Charter Halibut Logbook data, more than 250 violations were identified, including using/reporting invalid Charter Halibut Permit (CHP) in logbook, guide/crew retaining halibut, exceeding CHP fisherman limit, inaccurate CHP reported in logbook, reporting over daily bag limit in logbook, retention of halibut

closed day in area 3A, submitting false catch information, fishing with invalid CHP, and fishing with a CHP on two boats during the same day. In total, 143 Summary Settlements were issued, totaling more than \$80,000. Additional compliance assistance was offered to resolve more than 15 other incidents.

Marine Mammal Protection Act

OLE received a call that an entangled whale was nearing the Homer Spit and dragging a buoy behind it. OLE, NOAA's Protected Resources Division, the Homer Stranding Network, and the Alaska Sea-life Center quickly planned and executed a response to disentangle the whale. The team observed the juvenile humpback whale was highly distressed, entangled in a significant amount of pot gear, and injured. The team slowly removed and retrieved the ropes until the whale was freed from all entanglement. In the week that followed, OLE located and interviewed the owners of the gear that entangled the whale. No violations were identified.





TIM DONOVAN
Assistant Director

Staffing snapshot:

37 Full-Time Employees

- 15 Special Agents
- 12 Enforcement Officers
- 6 Mission Support
- 4 Investigative Support
- 5 Contractors

NED Budget: \$7.7 million

NED JEA Funding: \$5.6 million

Headquarters:

55 Great Republic Drive
Suite 02-300
Gloucester, MA 01930

Field Offices:

Bellport, NY
Boston, MA
Ellsworth, ME
Falmouth, MA
Gloucester, MA
Marmora, NJ
New Bedford, MA
Newport News, VA
Portland, ME
Portsmouth, NH
Salisbury, MD
Scituate, MA
Wall, NJ

**1,116
VMS
Vessels**

Northeast Division

The Northeast Division (NED) is comprised of 20 states and covers more than 100,000 square nautical miles of the U.S. EEZ. Fish are landed in more than 500 ports along 1,000 miles of coastline. Four of the top 10 international landing ports, by weight and value, are found in the NED—New York, Portland (Maine), Boston, and Norfolk.

Additionally, the NED has four of the top 10 states for domestic fish landings (measured by dollars) in the nation; this includes Massachusetts with the port of New Bedford, which has led the United States for 14 years as the top port in terms of value landed—a direct result of the scallop fishery. Scallop landings account for more than 81 percent of New Bedford seafood landings. The NED touts an \$8 billion seafood import industry with 2 billion pounds of seafood landings annually.

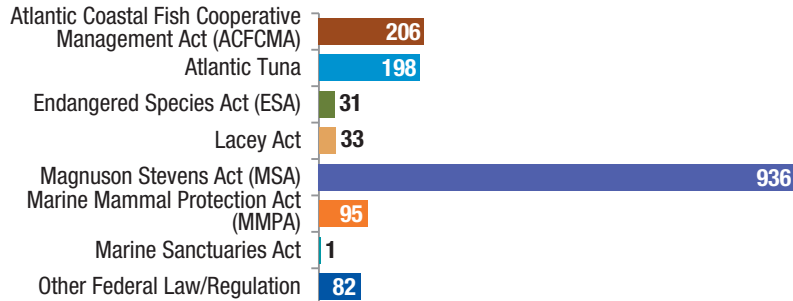
On September 15, 2016, President Obama designated the first marine national monument in the Atlantic Ocean—the Northeast Canyons and Seamounts Marine National Monument—using his authority under the Antiquities Act of 1906. The monument is located approximately 130 miles southeast of Cape Cod and covers a total area of more than 4,900 square miles, which equates to the size of Connecticut. The Department of Commerce and the Department of the Interior share management responsibility for the monument. NOAA is responsible for managing activities and species within the monument under the Magnuson-Stevens Act, Endangered Species Act, and Marine Mammal Protection Act, and any other applicable Department of Commerce legal authorities. The two agencies will work cooperatively on management, and the proclamation allows 3 years to prepare a joint management plan.

Working with Regional Partners

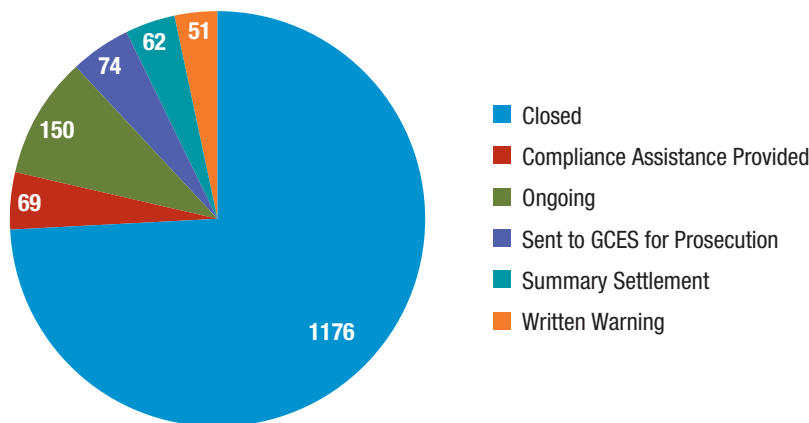
The NED has strong working relationships with the 10 coastal state fishery enforcement agencies under the Cooperative Enforcement Program (CEP). These relationships enable OLE to leverage resources and improve compliance with federal fishery regulations. In addition to state partners, NED works closely with two U.S. Coast Guard districts. Recent partnerships have expanded with key federal agencies, including the Food and Drug Administration (FDA) and Customs and Border Protection (CBP), which are involved in ensuring consumer safety and integrity as it relates to seafood fraud.

In an effort to enhance interagency cooperation and to better identify seafood fraud and IUU activities, the NED has initiated two seafood fraud

Incidents by Law, Regulation, or Program



Investigation Dispositions



working groups, one in Boston area and the other in the New York-New Jersey area. The working groups are bringing together federal, state, and local resource agencies to facilitate interagency cooperation and information sharing.

The Boston Seafood Fraud Working Group currently has approximately 40 members from nine federal agencies and three state agencies. The NY/NJ Seafood Fraud Working Group has approximately 20 members, from seven federal agencies. Collectively, the two working groups have initiated and conducted four multi-agency seaport cargo inspections.

NED also works closely with two regional fishery management councils and one major interstate commission. The New England Fishery Management Council is one of eight regional councils established by the Magnuson-Stevens Act (MSA) and manages fishery resources within the EEZ off the coasts of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Mid-Atlantic Fishery Management Council is responsible for management of fisheries in federal waters that occur predominantly off the mid-Atlantic coast. States with voting representation on the Mid-Atlantic Council include New York, New Jersey, Pennsylvania,

Delaware, Maryland, Virginia, and North Carolina.

NED provides support to the Atlantic States Marine Fisheries Commission. This group was formed by the 15 Atlantic coast states in 1942 in recognition that fish do not adhere to political boundaries. The Commission serves as a deliberative body, coordinating the conservation and management of the states shared near-shore fishery resources—marine, shell, and anadromous—for sustainable use.

Projected Growth

Based on the OLE Staffing Plan, which was finalized and approved in May 2016, NED is expected to gain 10 additional staff members.

In FY 2016, NED grew the number of permanent field office locations with the addition of a duty station in Ann Arbor, Michigan. This is the first time OLE has placed anyone in the Great Lakes region. NED is prioritizing seafood imports throughout the area of responsibility, with particular interest in the Great Lakes and New York/New Jersey areas.

Significant Outreach Efforts

- NED sworn personnel provided guidance on enforcing the MMPA, as well as participating in at-sea patrols, during a whale stranding incident in Moriches Bay, New York. OLE partnered with the New York JEA, USCG, local stranding network, and NOAA's Protected Resources Division. The incident developed into a politically sensitive event that garnered significant media attention. The Governor of New York, one New York State Senator, and local government officials were present during parts of the incident.

Significant Investigations

Magnuson-Stevens Act

The NOAA Administrator denied the respondent's petition for review and upheld the Administrative Law Judge's (ALJ) decision in finding that *Anthony & Enzo, Inc.* and the owner violated the MSA when, in January 2013, the F/V *Princess Laura* was found to be operating with an obstructed net or mesh sizes that were too small. For this violation the ALJ assessed a penalty of \$20,000, imposed jointly and severally against the vessel owner and operator.

The NOAA Administrator denied the respondent's petition for review and upheld the ALJ's decision in finding that the F/V *Princess Elena, Inc.* and the owner violated the MSA when, in August 2012, the F/V *Capt. Joe* was found to be operating an obstructed net or mesh sizes that were too small. For this violation the ALJ assessed a penalty of \$40,000, imposed jointly and severally against the vessel owner and operator.

In June 2016, James Kaminsky, a fisherman from Mattituck, New York, pleaded guilty to federal felonies stemming from his role in systematically covering up the landing and sale of illegal fluke (summer flounder), scup, and black sea bass that were overharvested in violation of New York state quotas and the federal Research Set-Aside Program. Kaminsky pleaded guilty to one count of aiding and abetting false documents in connection with a scheme that ran from May through August 2011. A second charge was the result of false statements that Kaminsky made to NOAA criminal investigators during a November



2014 proffer session with a federal prosecutor.

A \$30,000 NOVA was issued to a crewmember for an observer harassment violation. The observer reported that the crewmember made multiple, verbal advances of a sexual nature. The observer rejected the unwanted and unwelcome behavior, which resulted in further verbal harassment from the crewmember.

Marine Mammal Protection Act

OLE met Canadian partners at the Calais, Maine, border crossing to arrest Gregory Logan of Woodman's Point, New Brunswick. Logan was turned over to OLE by the Royal Canadian Mounted Police after a 3-year extradition process from Canada. He was transported to the U.S. District Court in Bangor, Maine, and arraigned on numerous counts of smuggling, money laundering, and conspiracy. Logan smuggled more than 250 narwhal tusks in hidden compartments from

Canada into the United States and laundered the proceeds through U.S. banks back into Canada.

IUU Fishing and Seafood Fraud

Legacy Seafood Inc. pleaded guilty in October 2016 to criminal information charging one count of misdemeanor misbranding of codfish. The company was sentenced to pay a restitution penalty of \$25,000 to the victim company. Between July and December 2011, Legacy contracted with a national grocery store chain to supply frozen-at-sea Icelandic cod fillets. Between those dates Legacy supplied a repacking facility with approximately 122,328 pounds of Russian-caught frozen-at-sea codfish, which was labeled "product of Russia" with an approximate market value in excess of \$750,000, and caused that product to be shipped in interstate commerce to the national grocery store chain as a product of Iceland.





BILL PICKERING
Assistant Director

Staffing snapshot:

27 Full-Time Employees

- 9 Special Agents
- 8 Enforcement Officers
- 4 Mission Support
- 6 Investigative Support
- 0 Contractors

PID Budget: \$4.3 million

PID JEA Funding: \$1.3 million

Headquarters:

1845 Wasp Blvd.
Building 176
Honolulu, HI 96818

Field Offices:

American Samoa
Guam
Honolulu, HI

**268
VMS
Vessels**

Pacific Islands Division

The Pacific Islands Division (PID) was established in October 2004 and is geographically the largest division in OLE. Bound by the Hawaiian Islands in the north, American Samoa and U.S. Pacific remote island areas in the south, and the Mariana Archipelago, including Guam in the west, the Pacific Islands Division encompasses the largest geographical management area within both NOAA Fisheries and the regional fishery management council system. The total area of the U.S. EEZ waters included in the region is more than 1.5 million square nautical miles, which accounts for nearly half of the entire U.S. EEZ.

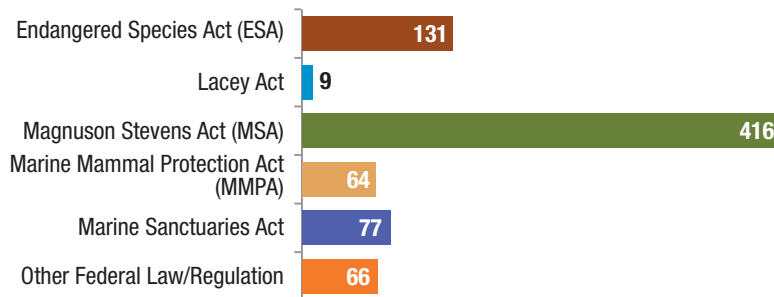
Within this massive marine area is the Papahānaumokuākea Marine National Monument (PMNM), which OLE is charged with protecting. The area of PMNM quadrupled in size in August 2016 and is now nearly 583,000 square miles. In addition to PMNM, the division is also charged with protecting the Marianas Trench, the Pacific Remote Islands, and the Rose Atoll Marine National Monuments.

PID regularly conducts tuna investigations, along with investigations involving other highly migratory species. The various longline and purse seine vessels within the U.S. permitted fleet operate extensively throughout established U.S. and foreign EEZs in the Pacific, and in international waters. The need to effectively monitor these U.S. vessels, along with foreign vessels that engage in IUU fishing in these vast waters, poses a unique enforcement challenge for PID.

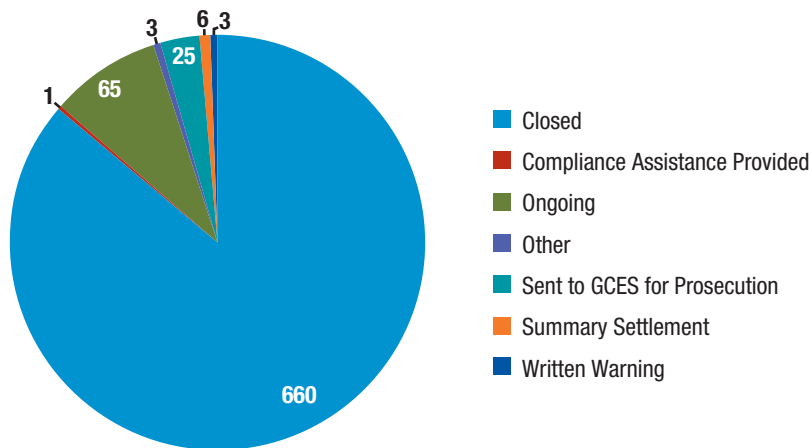
With the Port State Measures Agreement (PSMA) entering into force, PID has served as the center of activity for implementation of both domestic and international responsibilities. While the standards outlined in PSMA have long been used by OLE, there have been minor adjustments with communications and coordination with other agencies, as well as new reporting guidelines to the vessel's flag state and relevant RFMO. Numerous PID sworn personnel have traveled overseas to train international partners on the intricacies of the PSMA and how to effectively apply the standards to prevent IUU fish from entering into U.S. commerce.

PID is also a home to numerous marine mammals and endangered species. The Hawaiian Islands Humpback Whale National Marine Sanctuary is adjacent to the main Hawaiian Islands, and during Humpback whale season this puts large numbers of ocean users close to these protected animals. In addition, several endangered species of sea turtles, Hawaiian monk seals, and spinner dolphins frequent the waters and beaches

Incidents by Law, Regulation, or Program



Investigation Dispositions



throughout the region. Managing human interactions with these species and protecting them from harassment and harm place great demands on the division's assets.

Working with Regional Partners

The extensive landing/importation and processing of fish within Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (CNMI), and landings by U.S. purse seine vessels in foreign ports, present significant challenges to PID. The division works closely with the governments of the foreign nations that make up the region, the U.S. Coast Guard, and the U.S. Department of State in supporting

and enforcing a number of treaties and conventions, such as the South Pacific Tuna Treaty, Western and Central Pacific Fisheries Commission, South Pacific Regional Fisheries Management Organization, Inter-American Tropical Tuna Commission, and Convention on the Conservation of Antarctic Marine Living Resources.

Projected Growth

Since the development of the OLE Staffing Plan, which was finalized and approved in May 2016, PID has gained five employees—two investigative support specialists and three enforcement officers. The staffing plan calls for three additional personnel.

Significant Outreach Efforts

- OLE staff from the PID, Alaska Division, and Headquarters conducted a 2-week IUU fishing enforcement workshop in Manila, Philippines. Participants included maritime law enforcement staff from the Philippines, Indonesia, and Malaysia. The training consisted of an introduction to RFMOs and applicable conservation management measures. The training was hosted by the U.S. State Department International Narcotics and Law Enforcement Program, Philippine Coast Guard, and Bureau of Fisheries Aquatic Resources.
- PID personnel, along with JEA partners from State of Hawaii Department of Conservation and Enforcement, attended the public meetings held on Oahu, Kauai, and Maui concerning proposed regulations under the Marine Mammal Protection Act, which prohibits swimming with or approaching within 50 yards of Hawaiian spinner dolphins. The regulations are designed to reduce human activities that result in a take of spinner dolphins.
- A special agent attended a Northwestern Hawaiian Islands Reserve Advisory Council meeting at the NOAA Inouye Regional Center. The main topic of discussion was the newly expanded area of the Papahānaumokuākea Marine National Monument. The agent provided operationally based responses about protection and patrolling of the expended area.

Significant Investigations

Lacey Act

OLE uncovered wildlife smuggling and trafficking activities perpetrated by a Honolulu-based business, Hawaii Accessories, Inc. Following a joint OLE and U.S. Fish and Wildlife Service investigation, the company and five individuals were indicted for conspiring to illegally import whale bone carvings, walrus ivory carvings, black coral carvings, and other products derived from protected species of wildlife into the United States. The 21-count indictment included charges of conspiracy to smuggle, smuggling, Lacey Act trafficking, Lacey Act mislabeling, and export smuggling. The U.S. District Court for the District of Hawaii sentenced the president and CEO to 6 months in federal prison, 3 years of supervised release, and a \$40,000 fine. He also surrendered approximately

\$100,000 of merchandise to the U.S. Government. The Court placed the corporation on 5 years of probation and fined it \$50,000. Other defendants also received fines, home detention, and probation.

Marine Mammal Protection Act

OLE completed an investigation involving the crew of a U.S. flagged purse seine fishing vessel that illegally set gear on live whales during a November 2013 fishing operation in the South Pacific. GCES issued an eight-count NOVA in the amount of \$88,000.

Magnuson-Stevens Act

OLE completed an investigation involving a Hawaii-based longline fishing vessel, in which the captain allegedly fished within the high seas with an expired High Seas Fishing Compliance Act permit and an expired WCPFC area endorsement.

A \$6,296.75 Summary Settlement notice was issued.

National Marine Sanctuaries

GCES issued a NOVA in the amount of \$49,012.59 to the F/V *Fetuolemoana*, an American Samoa-based longline vessel that was found to have unlawfully fished in the Rose Atoll National Marine Monument and the American Samoa Large Vessel Prohibited Area, which is reserved for the local traditional Alia fleet.

OLE completed an investigation and issued a \$1,500 Summary Settlement to the owner/operator of a Hawaii-based longline fishing vessel. The vessel allegedly did not make the proper notifications before entering and exiting the Papahānaumokuākea Marine National Monument and also failed to submit logbooks to the Pacific Islands Fisheries Science Center within the allotted 72 hours.







TRACY DUNN
Assistant Director

Staffing snapshot:

34 Full-Time Employees

- 18 Special Agents
- 8 Enforcement Officers
- 2 Mission Support
- 6 Investigative Support
- 3 Contractors

SED Budget: \$6.7 million

SED JEA Funding: \$5.3 million

Headquarters:

263 13th Avenue South
St. Petersburg, FL 33701

Field Offices:

Charleston, SC
Corpus Christi, TX
Houston/Galveston, TX
Marathon, FL
Miami/Sunrise, FL
Morehead City, NC
New Orleans, LA
Panama City, FL
Port Orange, FL
San Juan, Puerto Rico
St. Petersburg, FL

**1,091
VMS
Vessels**

Southeast Division

The Southeast Division (SED) is comprised of eight coastal states, extending from Texas to North Carolina, and also includes Puerto Rico and the U.S. Virgin Islands. SED is responsible for enforcing regulations mandated by three regional fishery management councils, the conservation and protection of three national marine sanctuaries, and ensuring compliance with commercial and federal recreational laws and regulations throughout nearly 350,000 square miles of EEZ.

SED covers more than 3,160 miles of coastline, second only to AKD. However, the SED coastline offers a vastly greater number of potential landing sites where commercial and recreational vessels have the ability to land economically important species, such as red snapper and grouper, and IFQ managed fish stocks, swordfish, tuna, and other federally regulated species.

SED also has the largest recreational fisheries sector in the continental United States. In 2015, SED accounted for nearly 60 percent of the more than 61 million recreational fishing trips taken by U.S. anglers. Making the necessary number of contacts to ensure compliance in this sector poses a huge enforcement challenge.

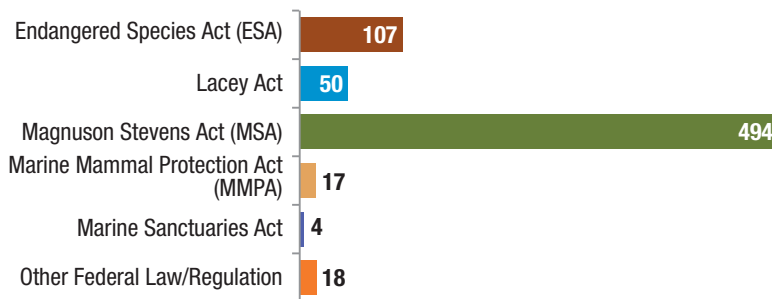
SED also has a robust commercial industry. In 2015, federally permitted vessels conducted more than 178,247 trips totaling \$610,414,051 in revenue. SED also has the fifth (Louisiana), sixth (Florida), and seventh (Texas) ranked states for domestic fish landings in the United States. Four of the top 10 international landing ports, by weight and value, are found in this region—Miami, Savannah, Galveston, and Tampa—as well as the ports of entry on the U.S.-Mexico border. Among the most common imports found in this region are tuna, shrimp, and crab.

Working with Regional Partners

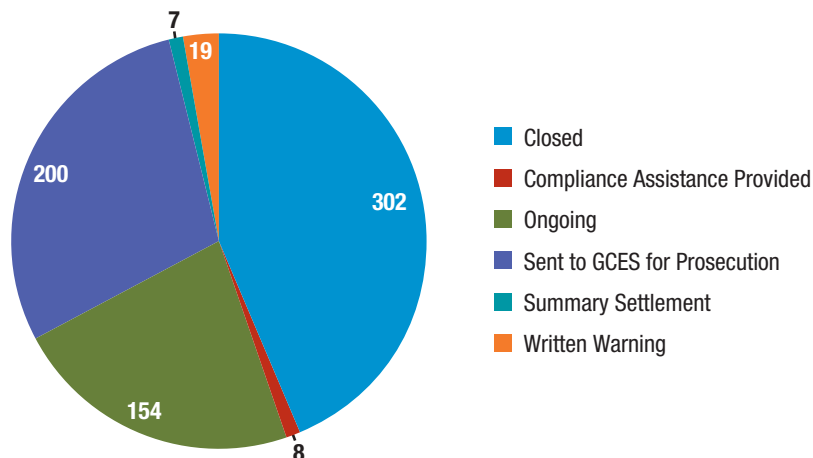
To accomplish its mission, SED works closely with the NOAA Fisheries Southeast Regional Office and the Southeast Fisheries Science Center, and two interstate marine fisheries commissions, as well as local, state, territorial, and federal agency partners.

One of the partners that SED works with is the South Atlantic Fishery Management Council, which is charged with managing fisheries off the coasts of Florida, Georgia, South Carolina, and North Carolina.

Incidents by Law, Regulation, or Program



Investigation Dispositions



The main partner program providing the SED with the means to increase patrol, monitoring, and inspection services is the Cooperative Enforcement Program (CEP). Seven states and two territories have entered into Joint Enforcement Agreements (JEAs), conferring state and territorial officers the authority to enforce federal regulations under NOAA's jurisdiction.

Projected Growth

Since the development of the OLE Staffing Plan, which was finalized and approved in May 2016, SED

has gained eight employees—two investigative support specialists and six enforcement officers. The staffing plan calls for 12 additional personnel.

In FY 2016, SED also increased the number of permanent field office locations with the addition of the ports of Savannah, Georgia; Jacksonville, Cape Canaveral, West Palm Beach, Miami, and Fort Myers, Florida; San Juan, Puerto Rico; Mobile, Alabama; Houma, Louisiana; and Houston, Texas. These additional locations ensure OLE personnel are geographically

positioned to more effectively support the office mission, division priorities, and industry needs, with the availability of rapid deployment in cases of emergency.

Significant Outreach Efforts

- A special agent participated in a Flower Garden Banks National Marine Sanctuary Boundary Expansion Working Group meeting. The group discussed issues raised by the Gulf of Mexico Fishery Management Council regarding the expansion. The agent provided information to the group regarding the enforceability of recommended regulations.
- Enforcement officers participated in the St. Petersburg Science Festival to educate local students on protected sea turtles and turtle excluder devices (TED). A full shrimp trawl with an installed TED was set up for students to crawl through and escape.
- Special agents participated in a multiday entangled bottlenose dolphin rescue on South Padre Island, Texas. Working with teams from SeaWorld Orlando, SeaWorld San Antonio, and the Texas Marine Mammal Stranding Network, the agents captured the dolphin to remove the fishing gear. The dolphin was treated and assessed by an on-scene veterinarian, and then released. After release a special agent provided compliance assistance to local dolphin-watch and fishing operations to help them prevent illegal feeding of dolphins.

Significant Investigations

Endangered Species Act

On September 16, 2013, U.S. Customs and Border Protection (CBP) conducted a routine border security patrol off the coast of St. Thomas, Virgin Islands, when the crew encountered a dinghy with one person on board returning from sea. After the vessel was stopped, the CBP Marine Interdiction Agents saw several conchs, a red cooler with a speared fish, and fishing gear. When a CBP agent asked the dinghy operator what was in the cooler, the contents of the cooler were dumped overboard. Although the operator claimed he just dumped conchs and speared lobsters, the CBP agent could see a turtle carcass lying on the ocean floor. The turtle was recovered and later identified as a green sea turtle. The evidence was collected on-scene and turned over for investigation by an OLE special agent from the Aguadilla, Puerto Rico, field office. The investigation resulted in the indictment of the operator on three counts, including an ESA violation for the illegal take and possession of an ESA-listed species, the destruction or removal of evidence, and a Lacey Act charge for the illegal take and transportation of the green sea turtle. The operator entered a guilty plea to one count of the indictment and was sentenced to 45 days of intermittent confinement, a 5-year term of probation, and 200 hours of community service.

Marine Mammal Protection Act

The owner/operator of the M/V *Cosco New York* agreed to settle the NOVA assessed against them for violations of speed restrictions.

The owner/operator of the vessel agreed to pay \$40,250, the full amount of the assessed penalty. The OLE investigation revealed the vessel had been used to transit over 90 miles within Seasonal Management Areas off of the East Coast, enacted for the protection of North Atlantic right whales, and had previously received a compliance assistance letter from OLE that warned the operator of prior violations.

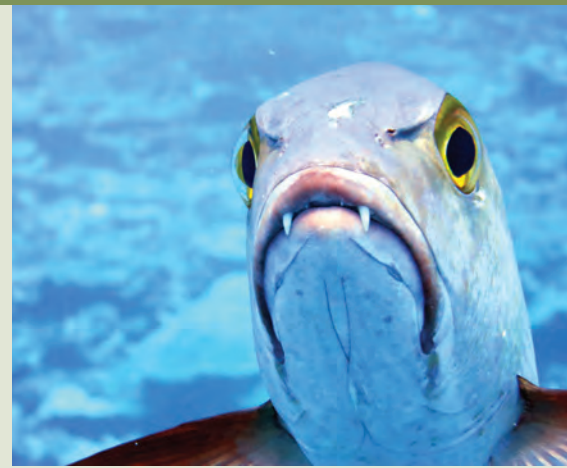
Magnuson-Stevens Act

GCES issued a \$62,625 NOVA to Holly Trading, Inc., of Oakland Park, Florida. The OLE investigation documented 114 imports of sharks/shark fins between January 1, 2011, and March 3, 2015, without the required International Trade Permit (ITP) in violation of the Magnuson-Stevens Act.

Lacey Act

As part of his plea agreement and conviction, Phillip Gould surrendered his federal shark dealer permit and commercial shark incidental permit to OLE. Gould pleaded guilty to Lacey Act violations involving the illegal purchase of live sharks and other marine life harvested from the Florida Keys National Marine Sanctuary, and then placing the illegal marine life in interstate commerce through sales to public aquariums and zoos.

Dan Lin, a naturalized citizen from China, pleaded guilty to illegally exporting approximately a half ton of spiny lobsters from August to September 2010. Lin was sentenced to a 3-year term of probation. Lin was vice president, director, and co-owner of a Florida



corporation engaged in the export of live Florida spiny lobsters to markets in China without a valid Florida Wholesale Dealer's license. A co-defendant, Eric Burman, was sentenced in August 2014 to pay a \$250,000 fine and a 3-year term of probation. Burman and his company allowed Lin to package and ship the unreported spiny lobster harvested in Florida Keys through the company in Pompano Beach, Florida, to Hong Kong, China.

As part of a criminal striped bass Lacey Act investigation out of North Carolina, the Circuit Court of Appeals in Richmond, Virginia, reinstated the indictments of four individuals based on an appeal by the government. The government appealed the case after the District Court dismissed the indictments, citing the Lacey Act's exemption of activities regulated by a fisheries management plan under the MSA. The published Court of Appeals opinion stated that, because striped bass regulations were promulgated from an authority other than the MSA, those regulations could be used as underlying violations of the Lacey Act. The case was then sent back to the lower court.





BILL GILES
Assistant Director

Staffing snapshot:

29 Full-Time Employees

- 10 Special Agents
- 4 Enforcement Officers
- 6 Mission Support
- 9 Investigative Support
- 0 Contractors

WCD Budget: \$5.4 million

WCD JEA Funding: \$2.6 million

Headquarters:

7600 Sand Point Way NE
Seattle, WA 98115

Field Offices:

Alameda, CA
Arcata, CA
Astoria, OR
Bellingham, WA
Coos Bay, OR
Lacey, WA
Long Beach, CA
Monterey, CA
Newport, OR
Portland, OR
Sacramento, CA
San Diego, CA
Santa Rosa, CA
Seattle, WA
Westport, WA

**1,168
VMS
Vessels**

West Coast Division

The West Coast Division (WCD) encompasses the coastal states of Washington, Oregon, and California. The area of responsibility also extends inland to Idaho, North and South Dakota, and Montana.

This unique division shares borders with Canada and Mexico, has five national marine sanctuaries along its coast, and includes 290 Marine Conservation Areas. The WCD is responsible for 1,293 miles of Pacific coastline and 7,863 miles of tidal shoreline, 222,471 nautical miles of EEZ, and 339,375 square miles of land encompassing numerous rivers and tributaries feeding into the Pacific Ocean.

Two of the top 10 international landing ports, by weight and value, are found in the WCD—Seattle and Los Angeles. Additionally, there are 16 other international airports and 21 major international seaports monitored by the WCD.

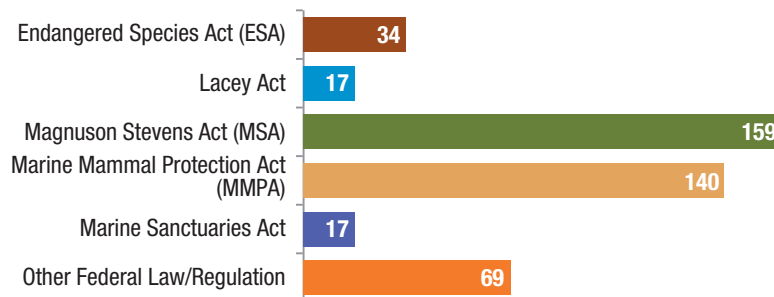
Throughout the WCD are managed fisheries for salmon and steelhead, more than 90 species of groundfish, coastal pelagics such as anchovy and sardine, and highly migratory species such as billfish, sharks, and tunas. WCD also includes a number of ESA-listed species, including the Southern Resident Killer Whale population in the Puget Sound. The division is responsible for protecting ESA-listed species critical habitats from harm caused by stream alteration, water depletion, and drought conditions.

Working with Regional Partners

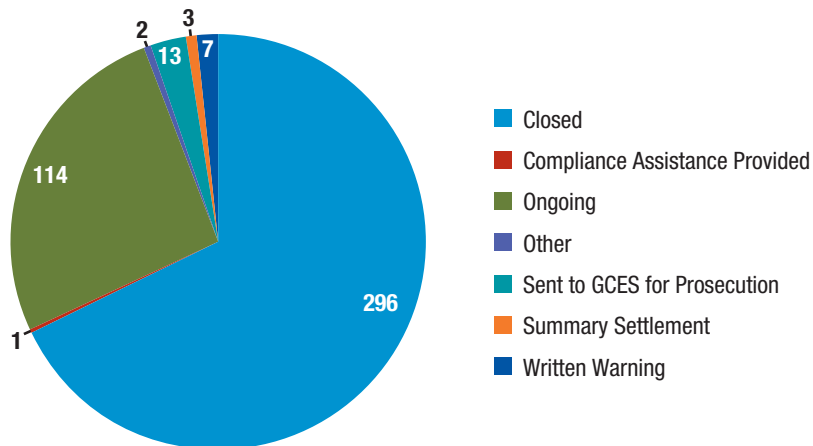
The number of violations detected throughout the WCD exceeds the division's capacity to investigate them. The division's enforcement officers and special agents leverage federal partners and Cooperative Enforcement Program (CEP) to address these violations. Federal partners like the U.S. Coast Guard, Customs and Border Protection (CBP), U.S. Fish and Wildlife Service, and the Environmental Protection Agency help the division identify and investigate incidents at sea, in critical habitat, and on the borders. State law enforcement partners, through the CEP, are given authority and responsibility to conduct patrols and outreach in areas where division resources are scarce.

An integral part of OLE's enforcement effort is done through education and outreach efforts. Ensuring the general public has the latest information is of the utmost importance to maintaining sustainability and conservation standards.

Incidents by Law, Regulation, or Program



Investigation Dispositions



Projected Growth

Since the development of the OLE Staffing Plan, which was finalized and approved in May 2016, WCD has grown by three investigative support personnel. The staffing plan calls for the addition of 29 personnel, which includes 13 enforcement officers and eight special agents.

In FY 2016, WCD also grew the number of permanent field office locations with the addition of Clarkston, Washington, and Morro Bay and Ventura, California. These additional locations ensure OLE personnel are geographically positioned to more effectively support the office mission, division priorities, and industry needs, with

the availability of rapid deployment in cases of emergency.

Significant Outreach Efforts

- Enforcement officers attended a public meeting about recreational halibut fishing and retention of rockfish in Newport, Oregon. The meeting was also attended by Oregon State Police Fish and Wildlife Division. This meeting presented an opportunity to have an open dialogue with the public and update attendees on the OLE staffing plan.

- The WCD attended the North Sound Intergovernmental Tribal/State Natural Resource Enforcement Meeting in Bow, Washington. The meeting was attended by five area tribes in addition to the Washington Department of Fish and Wildlife. Presenters discussed several recent joint state/tribal investigations of seafood and shellfish poaching, as examples of what went well and what can be improved. OLE requested assistance with encouraging reporting of marine mammal takes. OLE also discussed the commercial fisheries exemption to the Southern Resident Killer Whale vessel rules and how the exemption only applies while vessels are actively fishing.

Significant Investigations

CITES

A shipment marked “dried shark skin” was inspected by OLE while in transit at Seattle-Tacoma International Airport and was found to be shark fins. The shipment originated from Guatemala and was destined for Hong Kong. Further inspection by a shark identification expert revealed the dried shark fins were from hammerhead sharks, which are prohibited species. More than 2,200 pounds of shark fins were seized. OLE was the lead agency for this investigation and worked with Guatemalan officials. GCES issued a NOVA to the respondents. The case resulted in forfeiture of the entire shipment of shark fins to the United States.

A shipment of fish maw (swim bladders) was inspected by U.S. Fish and Wildlife Service inspectors while in transit at Los Angeles International Airport and was found to be dried shark fins. The shipment originated from Mexico and was destined for Hong Kong. Further inspection by a shark identification expert revealed the shark fins were from hammerhead sharks, which are prohibited species. More than 600 pounds of shark fins were seized. OLE was the lead agency for the investigation and worked with Homeland Security and the U.S. Fish and Wildlife Service. In August 2016, a U.S. District Court Judge ordered the product to be forfeited to the United States.

Endangered Species Act

In March 2016, Olga and Jose Jimenez were ordered to pay \$9,000 in restitution to the Government of Mexico for illegally smuggling 911 sea turtle eggs into the United States. The olive and Kemp’s ridley sea turtle eggs had been placed in a large cooler in Nayarit, Mexico, and transported by one of the defendants to Tijuana, Mexico, where they were placed in two smaller coolers and concealed under layers of ice and fish. Due to the couple’s inability to pay, the court ordered each individual to pay \$25 per month. Both had previously been sentenced to 6 months of jail time, which began on June 17, 2016.

A Los Angeles-based individual pleaded guilty in San Diego federal court to one count of smuggling totoaba swim bladders into the United States from Mexico. In May 2014, the defendant arranged for drivers to pick up swim bladders and drive them to Koreatown Los Angeles.

An investigation into a U.K. citizen and a Napa, California, subject who conspired to smuggle protected wildlife products labeled as household goods from Europe into the Port of Oakland concluded. The U.K. citizen appeared before a federal judge in the Northern District of California for his sentence hearing. The defendant pleaded guilty to a single wildlife smuggling count and received a \$73,000 fine, 3 years of probation, and restriction from entry into the United States for a period of 1 year.

Marine Mammal Protection Act

A couple from California and two of their import and distribution companies were sentenced after previously pleading guilty to a wide variety of criminal activity. The charges included smuggling harp seal oil into the United States from China, falsely classifying goods to avoid import duties, and importing mislabeled food into the United States from China. Lynn Leung received a \$20,000 fine, 5 years of probation, and 1 year home detention. Leung’s husband, Daniel Fu, received a \$20,000 fine, 5 years of probation, and 6 months home detention. One company was ordered to pay \$1.29 million (\$230,000 fine and \$941,000 forfeiture of proceeds derived from criminal activity), and \$119,000 in restitution to the CBP for import duties it avoided as a result of the criminal scheme. The second company was ordered to pay a \$30,000 fine.

Lacey Act

A transshipment of 1,122 pounds of dried fish maw at Seattle-Tacoma International Airport was inspected by OLE and approximately 660 pounds of dried shark fins were found hidden within the shipment. The shipper is from Chile and the consignee is located in Hong Kong. The dried shark fins were seized. OLE worked closely with Chilean officials in determining the shipment was mislabeled contrary to Chilean laws. GCES issued a NOVA to the respondents. The case resulted in the forfeiture of the dried shark fins to the United States.

NOAA's Office of Law Enforcement is responsible for enforcing more than 35 federal statutes, with the majority of cases falling under the ESA, Lacey Act, MSA, MMPA, NMSA, and NPHA.

Appendix

Endangered Species Act of 1973

(16 U.S.C. 1531-1543). This act prohibits the importation, exportation, taking, and commercialization in interstate or foreign commerce of fish, wildlife, and plants that are listed as threatened or endangered species. The act also implements the provisions of the Convention on International Trade in Endangered Species (CITES).

Lacey Act Amendments of 1981

(16 U.S.C. 3371-3378). This act prohibits the importation, exportation, transportation, sale, or purchase of fish, wildlife, or plants taken or possessed in violation of state, federal, tribal, and foreign laws. It also authorizes the Secretary of the Interior to designate injurious wildlife and ensure the humane treatment of wildlife shipped to the United States. Originally enacted in 1900, the Lacey Act is the nation's oldest federal wildlife protection law.

Magnuson-Stevens Fishery Conservation and Management Act

(16 U.S.C. 1801-1882). This act is the primary law governing marine fisheries management in U.S. federal waters. First passed in 1976, the MSA fosters long-term biological and economic sustainability of our nation's marine fisheries within the U.S.

EEZ. Key objectives of the MSA are to prevent overfishing, rebuild overfished stocks, increase long-term economic and social benefits, and ensure a safe and sustainable supply of seafood.

Marine Mammal Protection Act of 1972

(16 U.S.C. 1361-1407). This act establishes a moratorium on the take and importation of marine mammals, including parts and products, and defines federal responsibilities for the conservation of marine mammals. The Department of Commerce through the National Marine Fisheries Service is charged with protecting whales, dolphins, porpoises, seals, and sea lions. Walrus, manatees, otters, and polar bears are protected by the Department of the Interior through the U.S. Fish and Wildlife Service. The Animal and Plant Health Inspection Service, a part of the U.S. Department of Agriculture, is responsible for regulations managing marine mammals in captivity.

National Marine Sanctuaries Act

(16 U.S.C. 1431-1439). This act authorizes the Secretary of Commerce to designate and protect areas of the marine environment with special national significance due to their conservation, recreational, ecological, historical, scientific,

cultural, archeological, educational, or esthetic qualities as national marine sanctuaries. Day-to-day management of national marine sanctuaries has been delegated by the Secretary of Commerce to NOAA's Office of National Marine Sanctuaries. The primary objective of the NMSA is to protect marine resources, such as coral reefs, sunken historical vessels, or unique habitats.

Northern Pacific Halibut Act of 1982 (16 U.S.C. 773-773k). This Act is the implementing legislation for the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea. The Act authorizes the Secretary of State, with the concurrence of the Secretary of Commerce, to accept or reject on behalf of the United States the halibut fishery regulations and management recommendations developed by the International Pacific Halibut Commission (IPHC). The Act also authorizes the North Pacific Fishery Management Council and the Pacific Fishery Management Council to develop, and the Secretary of Commerce to implement, additional halibut fishery regulations governing the U.S. portion of Convention waters. Ultimately, the Act was created to conserve, manage, and rebuild the halibut stocks in the Convention Area to those levels that would achieve and maintain the maximum sustainable yield from the fishery.

Other Statutes and Responsibilities

Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing 2015 (16 U.S.C. 7401-7409)
American Fisheries Act of 1998 (Pub. Law 105-277)
Anadromous Fish Products Act (16 U.S.C. 1822 note, Section 801(f))
Antarctic Conservation Act of 1978 (16 U.S.C. 2401-2413)
Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2431-2444)
Antarctic Protection Act of 1990 (16 U.S.C. 2465(a))
Antigua Convention Implementing Act of 2015 (Pub. Law 114-181)
Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5103(b))
Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601-3608)
Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note)
Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971-971k)
Billfish Conservation Act of 2012 (Pub. Law 112-183, 126 Stat. 1422-1423)
Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific 2017 (16 U.S.C. 7801-7810)
Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1401 et seq.)
Dolphin Protection Consumer Information Act (16 U.S.C. 1385 et seq.)
Driftnet Impact Monitoring, Assessment, and Control Act (16 U.S.C. 1822 note, section 4006)
Eliminate, Neutralize, and Disrupt Wildlife Trafficking 2015 (16 U.S.C. 7601-7644)

Fish and Seafood Promotion Act of 1986 (16 U.S.C. 4001-4017)
Fisherman's Protective Act of 1967 (22 U.S.C. 1980(g))
Fur Seal Act Amendments of 1983 (16 U.S.C. 1151-1175)
High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826(d)-1826(k))
High Seas Fishing Compliance Act (16 U.S.C. 5506(a))
Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015 (Public Law 114-81)
Land Remote-Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.)
North Pacific Anadromous Stocks Convention Act of 1992 (16 U.S.C. 5002-5012)
North Pacific Fisheries Convention 2017 (16 U.S.C. 7701-7710)
Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5601-5612)
Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.)
Pacific Albacore Tuna Treaty Act (Pub. Law 108-219, 118 Stat. 615- 617, 16 U.S.C. 1821 note)
Shark Conservation Act (Pub. Law 111-348, 124 Stat. 3668-3673, 16 U.S.C. 1801 note)
Shark Finning Prohibition Act (Pub. Law 106-557, 114 Stat. 2772-2775, 16 U.S.C. 1822 note)
South Pacific Tuna Act of 1988 (16 U.S.C. 973-973r)
Sponge Act (16 U.S.C. 781 et seq.)
Tuna Conventions Act of 1950 (16 U.S.C. §§ 951-961)
Weather Modifications Reporting Act (15 U.S.C. 330-330e)
Western and Central Pacific Convention Implementation Act (16 U.S.C. 6901 et seq.)
Whaling Convention Act of 1949 (16 U.S.C. 916-9161)



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