

NOT TO BE
CITED

NPAFC
DOC 1132

**UNITED STATES OF AMERICA
2008 ENFORCEMENT REPORT**

By

UNITED STATES COAST GUARD

And

NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE
OFFICE FOR LAW ENFORCEMENT

submitted to the

North Pacific Anadromous Fish Commission

by

the United States of America

November 2008

Review and Evaluation of U.S. Enforcement Actions

Monitoring compliance with the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean (the Convention), supporting efforts of the North Pacific Anadromous Fish Commission (NPAFC), and coordinating enforcement actions supporting the United Nation's General Assembly Resolution 46/215 calling for a moratorium on Large Scale - High Seas Driftnet (HSDN) fishing continues to be an important mission for the United States Coast Guard (USCG) and the National Oceanic & Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS). Illegal high seas fishing activity continues to threaten the world's ocean resources and the United States Government is committed to assisting with the protection of these resources from Illegal, Unregulated, and Unreported (IUU) fishing.

In recent years, the U.S. has witnessed the threat of illegal HSDN fishing in the north Pacific shift from targeting salmon to squid with tuna as bycatch. The Convention has been successful in providing high seas enforcement authority against high seas salmon fishing and the NPAFC has been successful in providing a forum for joint IUU enforcement planning and coordination in the NPAFC Convention Area. However, the NPAFC enforcement scheme is not designed to deter non-salmon, non-Party HSDN fishing threats. Even so, fishing for salmon on the high seas has historically been accomplished through the use of large-scale high seas driftnets. In addition, the nature of the HSDN threat (target species & vessel flags) requires countries to work multilaterally through both enforcement and diplomatic channels to bring pressure on fishing vessels and their flag states to end IUU fishing practices in the north Pacific.

United States Coast Guard NPAFC Enforcement Effort

Operation North Pacific Watch 2008, the USCG's North Pacific high seas fisheries enforcement plan, commenced in July with the patrol of USCG cutter MUNRO. Coast Guard cutter patrols were augmented with several USCG HC-130 deployments punctuated throughout the summer and fall to Shemya Island, Alaska and Midway Island in July, September, and October. The Canadian Air Force and Department of Fish and Oceans also made an extended CP-140 deployment to Shemya in September. Japan Coast Guard aircraft patrolled the Convention Area as well and coordinated surveillance efforts with the USCG in September and October. USCG aircraft flew a total of 115 surveillance hours this year, and USCG cutters dedicated a combined total of 97 days (72 patrol days in the Convention Area) in direct support of Operation North Pacific Watch. There were several potential HSDN vessel sightings reported by both USCG and Canadian flights resulting in two vessel seizures by Chinese fishery enforcement authorities.

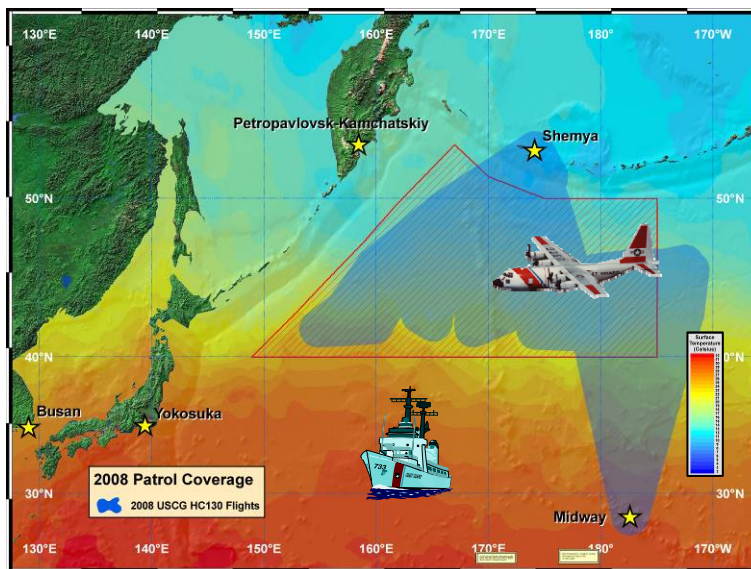


Figure 1. US Coast Guard HC-130 Patrol Coverage

Operation North Pacific Watch 2008, the USCG's North Pacific high seas fisheries enforcement plan, commenced in July with the patrol of USCG cutter MUNRO. Coast Guard cutter patrols were augmented with several USCG HC-130 deployments punctuated throughout the summer and fall to Shemya Island, Alaska and Midway Island in July, September, and October. The Canadian Air Force and Department of Fish and Oceans also made an extended CP-140 deployment to Shemya in September. Japan Coast Guard aircraft patrolled the Convention Area as well and coordinated surveillance efforts with the USCG in September and October. USCG aircraft flew a total of 115 surveillance hours this year, and USCG cutters dedicated a combined total of 97 days (72 patrol days in the Convention Area) in direct support of Operation North Pacific Watch. There were several potential HSDN vessel sightings reported by both USCG and Canadian flights resulting in two vessel seizures by Chinese fishery enforcement authorities.

The USCG cutter MUNRO participated in a multi-national IUU fisheries enforcement patrol from 1 August through 31 October, which included enforcement coordination with NPAFC parties plus China. MUNRO spent approximately 67 days in the Convention Area, made port calls in Korea and Japan, and embarked Chinese Fisheries Law Enforcement Command (FLEC) officers. The Japan Coast Guard conducted a joint Gulfstream-V (G5) flight coincidental with MUNRO's visit in September and conducted a second coordinated flight in October. The two G5 flights continued joint U.S.-Japan HSDN aircraft patrol operations (the first was in 2006) and sighted several fishing vessels, however none were configured for large-scale high seas driftnet fishing.

The USCG cutter JARVIS and the Russian Border Guard Patrol Vessel DZERJINSKIY conducted joint operations in August within the northwest corner of the Convention Area. Although the goal was for both vessels to support each other in conducting high seas fishery boarding operations, no vessels of interest warranting a boarding were detected. However, increased enforcement coordination was realized as DZERJINSKIY conducted flight operations



Russian Border Guard Patrol Vessel DZERJINSKIY

and both vessels passed vessel contact information. The vessels conducted officer exchanges, during which USCG and Russian officers observed their counterparts' vessel procedures. Both vessels were supported by HC-130 surveillance coverage from USCG Air Station Kodiak. Concluding the operation, JARVIS made a port call in Petropavlovsk-Kamchatskiy.

On 08 September 2008, MUNRO sighted a vessel rigged for HSDN fishing (e.g., net bin, tubes, and spreader). The vessel was identified as the LU RONG YU 2880, a 138-ft Chinese flagged fishing vessel with 28 people on board consisting of a Chinese master and Chinese crew. The Chinese FLEC officer on board MUNRO verified the Chinese registration of the vessel and requested USCG support to assist



FF/V LU RONG YU 2880

with boarding the vessel to determine whether it was in violation of Chinese fisheries law. The joint boarding team observed the presence of HSDN gear on board, and the Chinese FLEC officer seized the vessel. MUNRO assisted with the escort of the vessel for 475 nautical miles until it was able to rendezvous with a Chinese FLEC patrol vessel for further adjudication by Chinese authorities.

On 24 October 2008, MUNRO’s embarked HH-65 helicopter sighted another vessel rigged for large-scale high seas driftnet fishing approximately 400 nm east of Hokkaido, Japan. Despite evasive maneuvers by the vessel, MUNRO intercepted the fishing vessel ZHE PU YU LENG 9 which claimed Chinese flag. The FLEC officer verified the Chinese registry of the vessel and a joint USCG-FLEC boarding team boarded the vessel to find over 20,000 meters (10.8 nautical miles) of stowed driftnets, a dismantled net tube, and other assorted large-scale HSDN fishing gear. The vessel also had onboard approximately 140 tons of squid. Because the vessel was suspected of fishing with large-scale HSDN gear, the Chinese FLEC Officer seized the vessel for violation of Chinese fishery law. MUNRO assisted with escorting the vessel to Tsugaru Straits, where the vessel, crew and catch were transferred to a Chinese FLEC patrol vessel.

The following is a summary of enforcement effort by USCG assets:

Coast Guard Enforcement Effort

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Cutter operating days	50	10	0	0	60	0	46	31	66	97
Aircraft operating hours	236	151	117	125	195	109	138	123	121	115
HSDN vessels apprehended	3	1	0	0	6	0	0	0	6	2

NOAA/NMFS Enforcement Effort

NOAA/NMFS Special Agents and Enforcement Officers deployed with USCG HC-130 and Canadian CP-140 patrols (139 hours) to assist in the identification of vessels and investigation into suspected illegal activity. The following is a summary of enforcement effort by NOAA/NMFS:

NOAA/NMFS Special Agent & Enforcement Officer Effort (person-hours)

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Patrol	190 hrs	210 hrs	459 hrs	271 hrs	257 hrs	125 hrs	159 hrs	225 hrs	166 hrs	162 hrs
Logistics	427 hrs	1204 hrs	180 hrs	0 hrs	0 hrs	0 hrs	0 hrs	0 hrs	0 hrs	37 hrs
Investigation	265 hrs	234 hrs	46 hrs	0 hrs	0 hrs	0 hrs	0 hrs	0 hrs	17 hrs	183 hrs
Total	882 hrs	1648 hrs	685 hrs	271 hrs	257 hrs	125 hrs	159 hrs	225 hrs	183 hrs	382 hrs

Additional USCG Scientific Support



Salmon found in abandoned driftnet

USCG cutter MUNRO carried multiple NOAA *Satellite Tracked Drifter Buoys* with the intent to mark any significant marine debris for NOAA to track. MUNRO did not locate any untended nets in the Convention Area and therefore did not have an opportunity to deploy any of the buoys. MUNRO did note the presence of an abandoned and tangled driftnet in the Russian EEZ containing both salmon and birds.



Debris Tracking Buoy

The USCG cutters MUNRO and JARVIS both carried sampling equipment on board to collect salmon tissue samples for genetic analyses. NOAA’s Ted Stevens Marine Science Institute in Juneau, Alaska provided basic lab supplies (sampling vials, reagent dispensers, etc.) for the effort. No opportunities for sample collection in the Convention Area were realized.



Right: Packaging Tissue Samples

Sighting of Vessels Fishing Contrary to the Provisions of the Convention

USCG aircraft patrols detected seven vessels rigged for HSDN fishing (one was actively fishing) contrary to the Convention. The combined efforts of U.S. Coast Guard and Canadian Air Force aircraft sighted more than a dozen vessels that appeared to be rigged for HSDN operations. There were numerous other vessels detected only by radar in the Convention Area, however their rigging or employment could not be confirmed. Many of the vessels observed could not be definitively identified from their markings, nor did names on the vessels correlate to available registry databases. Some vessels were suspected to be Indonesian registered based on vessel name or homeport markings. The U.S. has, consequently, initiated bilateral maritime law enforcement agreement talks with Indonesia. There were also many vessels sighted in the Convention Area engaged in legitimate fisheries.

Most notable of the sighted vessels was the fishing vessel BANGUN SATRIA. On 18 July 2008, a USCG HC-130, flying out of Shemya with two NMFS agents on board sighted the vessel actively fishing with nets extending 3.8 nautical miles astern of the vessel. The vessel was retrieving its nets in position 42-31.7N,



LEFT: FF/V BANGUN SATRIA retrieving nets

RIGHT: Nets trailing vessel

174-01.5E hauling in fish that the NMFS agents identified as appearing to be salmon. The aircrew repeatedly hailed the vessel on all available VHF channels with no response. The BANGUN SATRIA was sighted again by a Canadian CP-140 flight in September. Unfortunately, no surface patrol vessels were in the vicinity to respond to either of these sightings.

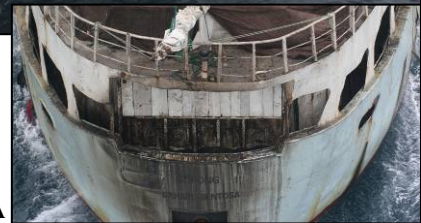
MUNRO sighted a HSDN while patrolling in the convention area on 16 August 08. MUNRO began following along the length of the driftnet in an attempt to locate the vessel that had deployed it. After traveling approximately 4.8 nautical miles, MUNRO located the fishing vessel TIRTA RAYA 2. Upon sighting MUNRO, TIRTA RAYA 2 immediately initiated evasive maneuvers which included deploying another net directly in front of MUNRO in an apparent attempt



FF/V TIRTA RAYA 2

to foul the MUNRO's screws. TIRTA RAYA 2 came to a stop when MUNRO's small boat approached and the Chinese FLEC officer established communication with the master. The master claimed that TIRTA RAYA 2 was Indonesian-flagged but had an all Chinese crew. The master also provided a crew list, catch log, vessel Certificate of Documentation, and Radio Operating permit which appeared to support the claim of Indonesian registry. The vessel documents were subsequently relayed to Indonesian fisheries officials along with a request to verify registry. A response from Indonesian authorities a week later stated that the vessel was not Indonesian and the documents presented were false. Unfortunately, efforts to later relocate TIRTA RAYA 2 were not successful.

While MUNRO was engaged with the TIRTA RAYA 2, the cutter's embarked HH-65 helicopter located a second potential HSDN vessel with markings identifying it as the BAHARI SENTOSA. After MUNRO had completed communications with TIRTA RAYA 2, the helicopter returned to the area where the BAHARI SENTOSA had been spotted but was unsuccessful in relocating the vessel. Later, the helicopter sighted a large group of approximately 80 fishing vessels. It is believed that the suspected HSDN fishing vessel BAHARI SENTOSA mingled with the larger fleet to avoid detection. The majority of the large concentration of fishing vessels had markings indicating that they were homeported in China. None appeared to be engaged in High Seas Drift Net activity.



FF/V BAHARI SENTOSA

Canadian CP-140 aircraft patrolled out of Shemya, Alaska in the Western Aleutian Islands in September. The Canadian deployment involved two aircraft and sighted and photographed six HSDN-rigged vessels. Seawater temperatures in the area indicated that the vessels were most likely targeting squid. The one USCG asset at the time deployed to the high threat area (MUNRO) was already engaged with escorting the LU RONG YU 2880 to Chinese authorities and was therefore unable to respond. The Canadian sightings were relayed to Japan, China and Russia for a possible multi-nation, joint response but unfortunately no patrol vessels were reported as being available to respond.