

NOAA Office of Law Enforcement Pacific Islands Division

**Special Agent
Brandon Jim On**



Mission:

NOAA's Office of Law Enforcement is dedicated to enforcing laws that conserve and protect our nation's living marine resources and their natural habitat.

Foreign Fishing Vessel LOMALO



NOAA's Office of Law Enforcement received information that according to VMS track information the Republic of the Marshall Islands (RMI) fishing vessel FFV LOMALO may have fished inside the US Exclusive Economic Zone (EEZ) within the islands of Howland Baker

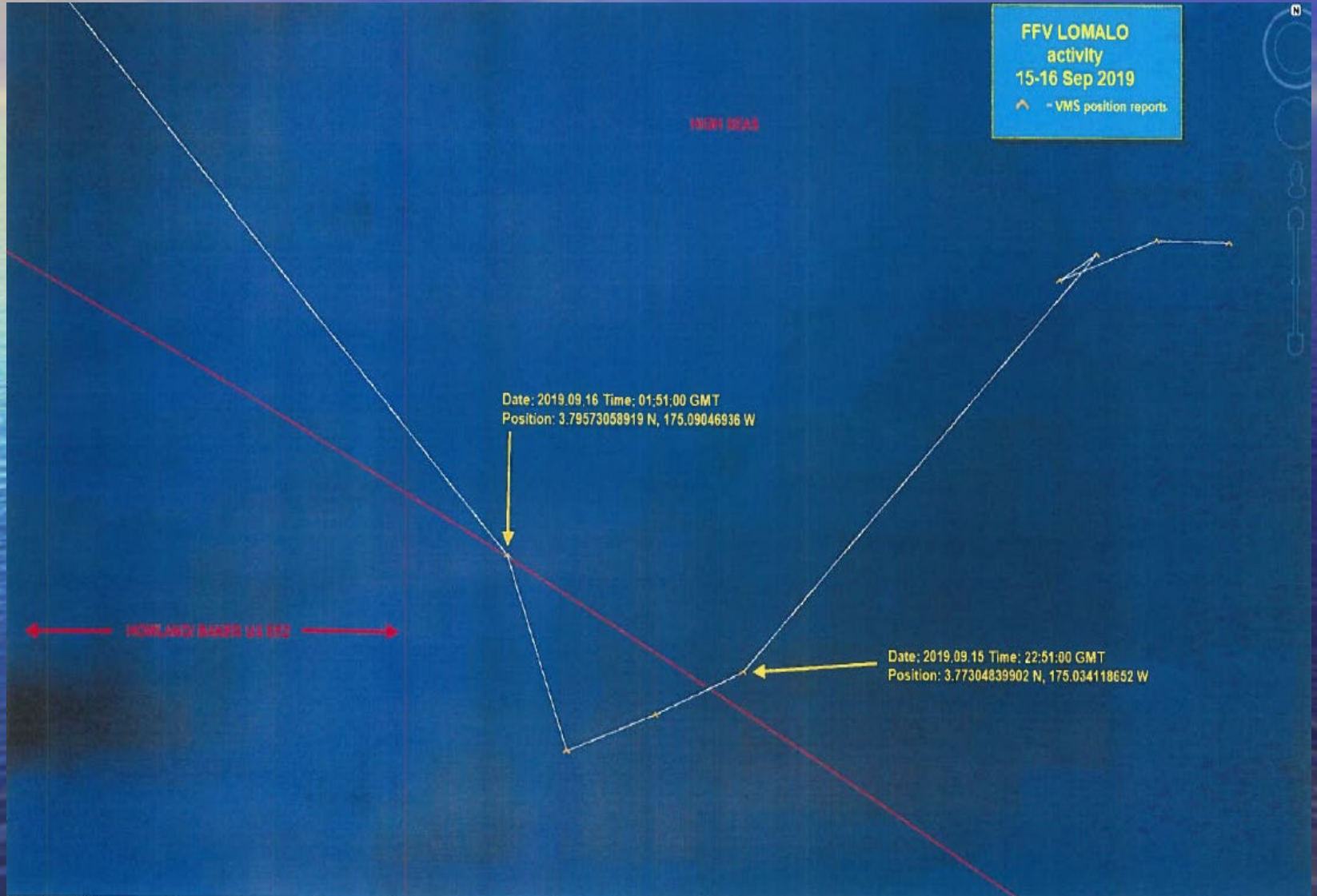


On September 15, 2019, WCPFC VMS track lines and other position data revealed that The FV LOMALO did enter the US EEZ Surrounding the Howland and Baker Islands. The vessel's VMS tracks did not appear consistent and indicated possible prohibited fishing activity approximately 1.845 nm inside the US EEZ with clear indications of at least one alleged purse seine fishing set pattern.

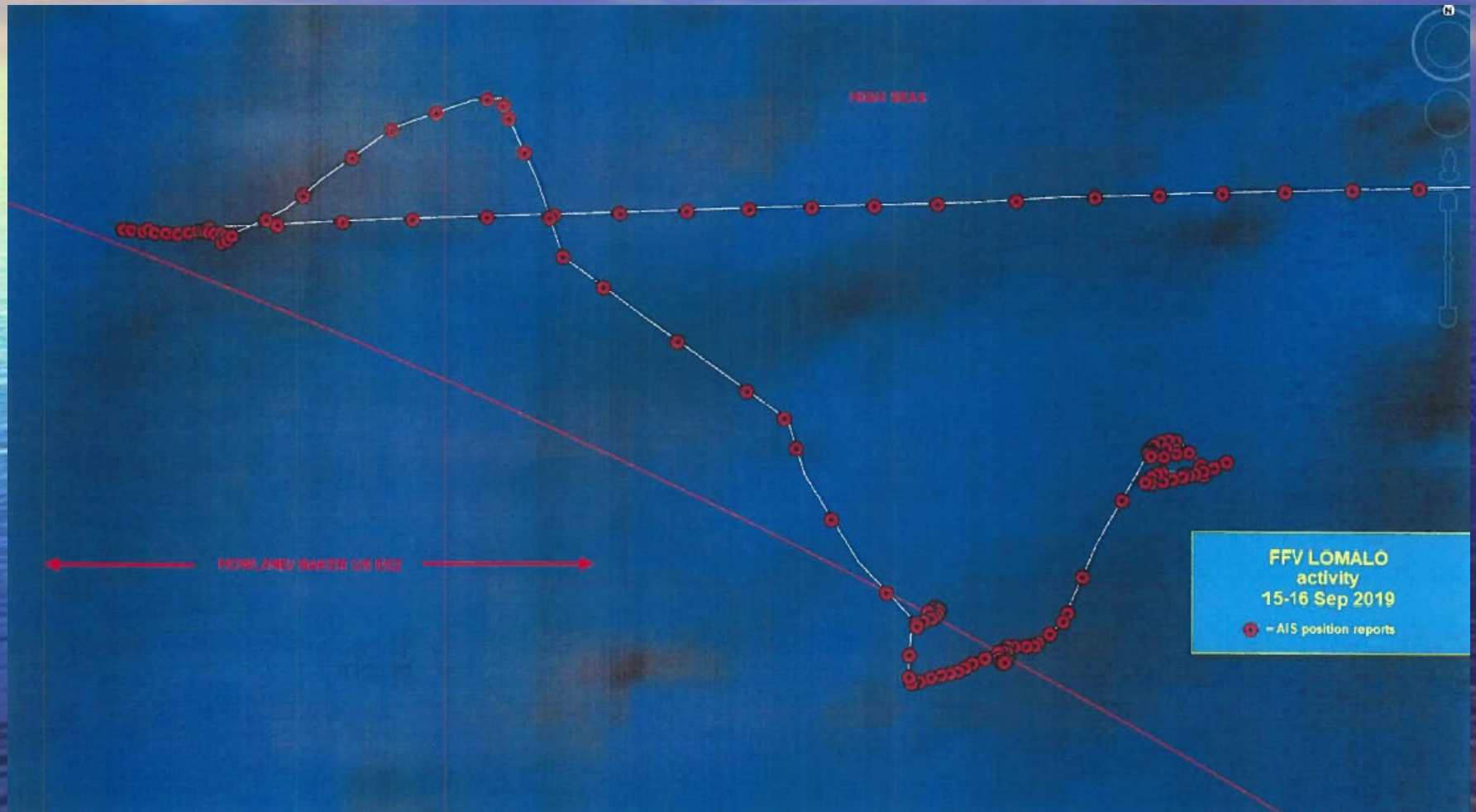


A letter requesting an investigation by RMI authorities was then sent to the Marshall Islands Marine Resources Authority (MIMRA)

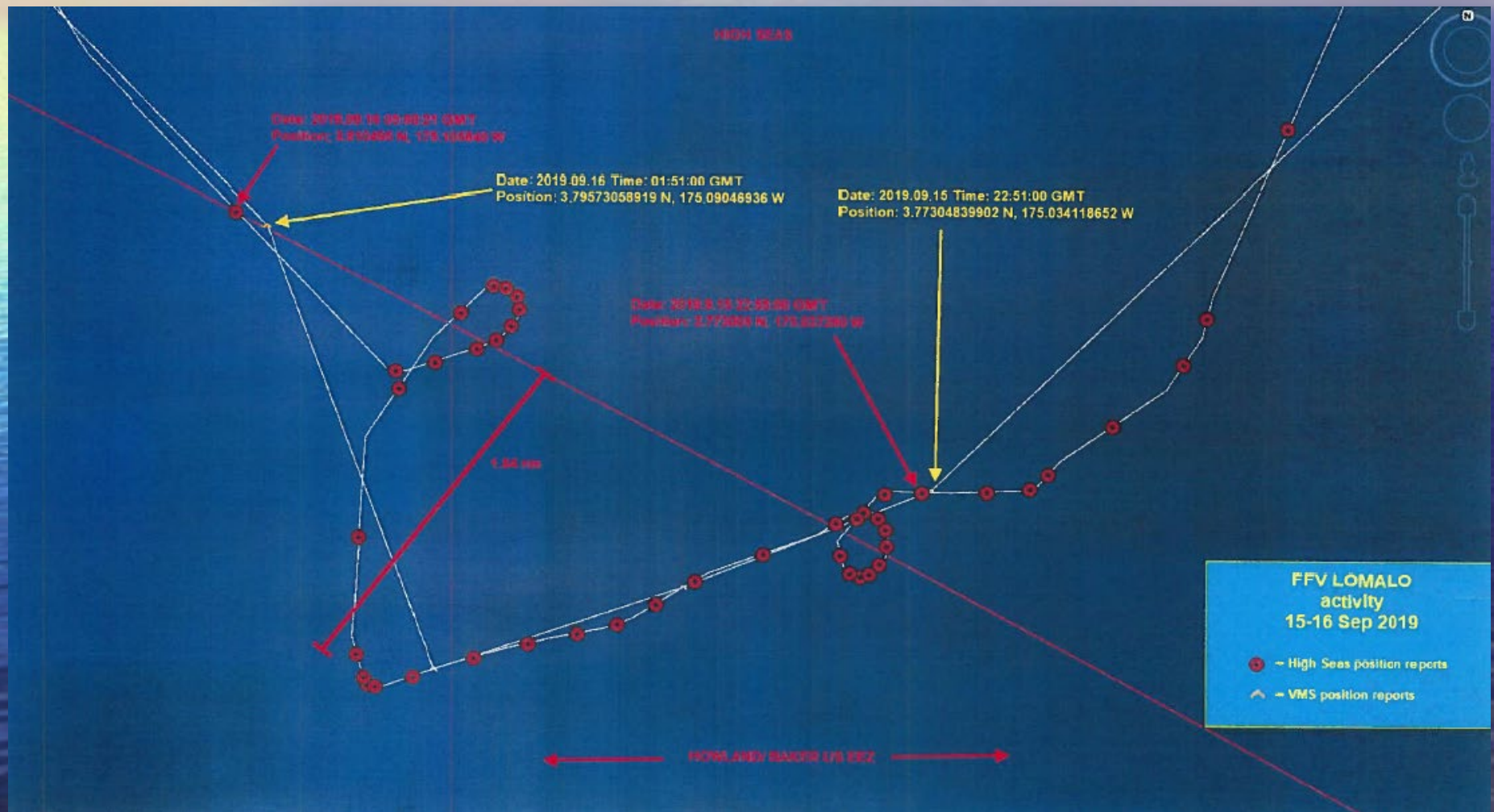
VMS Position Reports



AIS Position Reports



Comparison of VMS and AIS



VMS Lat/Long

WCPFC Record

imo	vessel_name	callsign	flag_country	from_longitude	from_latitude
9588665	LOMALO	V7UB4	Marshall Islands	-174.96064	3.849955
9588665	LOMALO	V7UB4	Marshall Islands	-174.9652267	3.84865667
9588665	LOMALO	V7UB4	Marshall Islands	-174.9697467	3.84792167
9588665	LOMALO	V7UB4	Marshall Islands	-174.9761333	3.848915
9588665	LOMALO	V7UB4	Marshall Islands	-174.9747333	3.84903
9588665	LOMALO	V7UB4	Marshall Islands	-174.9709867	3.851515
9588665	LOMALO	V7UB4	Marshall Islands	-174.96936	3.852025
9588665	LOMALO	V7UB4	Marshall Islands	-174.9667467	3.85270667
9588665	LOMALO	V7UB4	Marshall Islands	-174.9490667	3.850825
9588665	LOMALO	V7UB4	Marshall Islands	-174.9487467	3.85161
9588665	LOMALO	V7UB4	Marshall Islands	-174.9494267	3.85471333
9588665	LOMALO	V7UB4	Marshall Islands	-174.95108	3.85667
9588665	LOMALO	V7UB4	Marshall Islands	-174.9600267	3.86634667
9588665	LOMALO	V7UB4	Marshall Islands	-174.96176	3.867195
9588665	LOMALO	V7UB4	Marshall Islands	-174.9637467	3.867475
9588665	LOMALO	V7UB4	Marshall Islands	-174.9664667	3.867365
9588665	LOMALO	V7UB4	Marshall Islands	-174.96868	3.86665167
9588665	LOMALO	V7UB4	Marshall Islands	-174.97252	3.86415
9588665	LOMALO	V7UB4	Marshall Islands	-174.9736133	3.86303833
9588665	LOMALO	V7UB4	Marshall Islands	-174.97404	3.86215333
9588665	LOMALO	V7UB4	Marshall Islands	-174.97404	3.861695
9588665	LOMALO	V7UB4	Marshall Islands	-174.9739733	3.86126167
9588665	LOMALO	V7UB4	Marshall Islands	-174.9736133	3.86051167
9588665	LOMALO	V7UB4	Marshall Islands	-174.9726933	3.85951333
9588665	LOMALO	V7UB4	Marshall Islands	-174.9720133	3.85896
9588665	LOMALO	V7UB4	Marshall Islands	-174.9619333	3.86018333
9588665	LOMALO	V7UB4	Marshall Islands	-174.9609733	3.861685
9588665	LOMALO	V7UB4	Marshall Islands	-174.9619333	3.86375
9588665	LOMALO	V7UB4	Marshall Islands	-174.9703067	3.86332
9588665	LOMALO	V7UB4	Marshall Islands	-174.97456	3.860025
9588665	LOMALO	V7UB4	Marshall Islands	-174.9976	3.819245
9588665	LOMALO	V7UB4	Marshall Islands	-175.0103467	3.78996333
9588665	LOMALO	V7UB4	Marshall Islands	-175.0112133	3.786435
9588665	LOMALO	V7UB4	Marshall Islands	-175.0142667	3.78186833
9588665	LOMALO	V7UB4	Marshall Islands	-175.0231733	3.77569167
9588665	LOMALO	V7UB4	Marshall Islands	-175.0251733	3.77345
9588665	LOMALO	V7UB4	Marshall Islands	-175.0262667	3.77313667
9588665	LOMALO	V7UB4	Marshall Islands	-175.0324267	3.77287833
9588665	LOMALO	V7UB4	Marshall Islands	-175.03728	3.773005
9588665	LOMALO	V7UB4	Marshall Islands	-175.03868	3.772635
9588665	LOMALO	V7UB4	Marshall Islands	-175.04204	3.76868167
9588665	LOMALO	V7UB4	Marshall Islands	-175.04148	3.76631833
9588665	LOMALO	V7UB4	Marshall Islands	-175.04044	3.7656
9588665	LOMALO	V7UB4	Marshall Islands	-175.0396933	3.76566167
9588665	LOMALO	V7UB4	Marshall Islands	-175.0389333	3.76607167



Western & Central Pacific
Fisheries Commission

LOMALO

Owner Name: Pan Pacific Fishing (RMI) INC.

Owner Address:

Delap Village, P.O. Box 1289, Majuro, Republic of Marshall Islands MH 96960

Master Name: Wang Guolai

Master Nationality: China

Reg Port: Jaluit Island

Built in Country: China

Built in Year: 2010

Crew: 32

Length: 71.79

Length Units: Meters

Length Type: Overall

Moulded Depth: 7.20

Moulded Depth Units: Meters

Beam: 12.20

Beam Units: Meters

Tonnage: 1344.00

Tonnage Type: GRT

Engine Power: 2353

Power Units: KW

Freezer Types: Brine

Freezing Capacity: 200

Freezing Capacity Units: MT

Number of Freezers: 5

FishHold Capacity: 900

FishHold Cap Units: MT

Communication Details:

Inmarsat F: 870 773122244

Fishing Methods:

One boat operated purse seines, With purse lines (purse seine)

Flag: Marshall Islands

Registration Number: 60019

IRCS: V7UB4

Vessel Type: Purse seiner

WIN: V7UB4

IMO-LR: 9588665

VID: 9865

Submitted by CCM: Marshall Islands

Attachments:



Name and flag history

Previous Names: NA

Previous Flags: na

Charter

Under Charter: NO

Charterer Name:

Chartering CCM:

Address of Charter:



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Law Enforcement
1845 Wasp Boulevard, Building 176
Honolulu, Hawaii 96818

November 7, 2019

Mr. Glen Joseph
Director, Marshall Islands Marine Resources Authority
P.O. Box 860, Delap Village, Majuro, MH, 96960

**Subject: Request for assistance in the investigation of Republic of the Marshall Islands
Flagged Fishing Vessel Lomalo**

Dear Mr. Glen Joseph:

The United States National Oceanic and Atmospheric Administration (NOAA), Office of Law Enforcement (OLE), is conducting an investigation into the activities of one of RMI's flagged fishing vessels. It is the F/V LOMALO, a purse seine commercial fishing vessel.

The above-named vessel is suspected of fishing illegally inside the United States Exclusive Economic Zone (EEZ) surrounding Howland and Baker Islands on the 15th and 16th (Greenwich Mean Time, "GMT") of September 2019.

The Facts

During 15-16 September 2019, WCPFC VMS track lines and other position data showed that the subject vessel entered the U. S. EEZ surrounding Howland and Baker Islands. The vessel's VMS tracks did not appear consistent with a typical straight-course, steady-speed transit, and was indicative of prohibited fishing activity within the U.S. EEZ. Of note was the length of the VMS and other data tracks that were approximately 1.84 nautical miles (nm.) inside the U.S. EEZ with clear indications of at least two purse seine fishing patterns within the U.S. EEZ.

Alleged Offense

Under U.S. law, specifically, 16 United States Code § 1857 Sec. 307(2)(B) Magnuson-Stevens Fishery Conservation and Management Act:

"It is unlawful for any vessel other than a vessel of the United States, and for the owner or operator of any vessel other than a vessel of the United States, to engage in fishing, except recreational fishing permitted under section 201(i), within the exclusive economic zone, or for any anadromous species or Continental Shelf fishery resources beyond such zone, unless such fishing is authorized by, and conducted in accordance with, a valid and applicable permit issued pursuant to section 204(b)(c) or (d); or..."



Subjects of the Investigation

1. F/V LOMALO
Country of Registry: Republic of Marshall Islands
Port of Registry: Jaluit Island
International Radio Call Sign: V7UB4
International Maritime Organization Number: 9588665

Vessel Owner:
Pan Pacific Fishing (RMI) INC.
Delap Village, P.O. Box 1289,
Majuro, Republic of Marshall Islands MH 96960

Vessel Master: Wang Guolai

Request for Assistance

Based on the information collected and reviewed to date, NOAA OLE has reason to believe that on or about 15-16 September 2019 the Republic of Marshall Islands Flag F/V LOMALO is suspected of illegally conducting fishing operations inside the EEZ of the United States of America.

Thus, NOAA OLE is requesting that Republic of Marshall Islands authorities collect and submit to NOAA OLE fishing vessel logbooks, any Observer records, and any other records relevant to these aforementioned cited incidents within the U.S. EEZ.

NOAA OLE is also requesting that Republic of Marshall Islands authorities conduct an investigative inspections of the above named subject fishing vessel regarding physical and electronic records maintained onboard, and data files saved in their respective electronic navigational equipment during the cited times/dates that said vessel was suspected of conducting fishing operations inside the EEZ of the U.S. In particular, please provide NOAA OLE with copies of any documents, records, and/or data that indicates fishing inside the U.S. EEZ as specified in Attachment # 1 of this letter.

Please know that NOAA OLE is honored to offer assistance to you and your agency in this matter upon your request. Is you so desired, it would be my privilege to send NOAA OLE Special Agents to Republic of Marshall Islands to work alongside your staff in the inspection of the subject fishing vessel, participate in any interviews of crewmembers and/or observer(s), and in the examination of any documents and/or data recovered in this investigation.

Attachment 1 - Documents, Records, and Data Requested

Interview of Observer and Access to Observer Records

If an observer was onboard the F/V LOMALO during these above cited trip, we request the Republic of Marshall Islands examining authorities interview the observer for the vessel and report their responses to NOAA OLE concerning the following points:

1. Their presence, role and responsibilities on the F/V LOMALO on 15-16 (GMT) September 2019;
2. The particulars of the fishing voyage, including dates of departure and return;
3. Fishing activities during the voyage, including but not limited to target species, gear and fishing procedures used by the vessel;
4. The start and ending locations, and times (hour) of fishing sets and retrievals on or about 15-16 (GMT) September 2019;
5. Any conversations with the captain or crew regarding the U.S. EEZ boundary areas.

We further request that copies of the aforementioned observer records created for these trips and dates be provided to NOAA OLE for our review.

Business Records

We request copies of all records regarding the owners and operators of the F/V LOMALO, as well as the vessel's positions, date and time of positions, and type of activity taking place on (15-16 GMT) September 2019. Examples of the types of records sought by NOAA OLE include:

1. Documentation that identified ownership and the operator of the vessel from 15-16 (GMT) September 2019;
2. The vessel's navigation logs for 15-16 (GMT) September 2019;
3. The catch reports, including offload tally's/transshipment records;
4. Documents containing fishing information for the sets on 15-16 (GMT) September 2019; and
5. The data maintained within the memory or downloaded from any of the vessel's computers or electronics regarding their respective positions on 15-16 (GMT) September 2019.

Interview of Vessel Crew

We request that examining authorities interview and report the results of these interviews to NOAA OLE of the F/V LOMALO's captain, fishing-master and any other crewmember that directed fishing activities or documented locations of fishing activity regarding the following:

1. Their presence, role and responsibilities on their respective vessel during 15-16 (GMT) September 2019;
2. The particulars of the fishing voyage, including dates of departure and return;
3. Fishing activities during the voyage, including but not limited to target species, location, gear, and the start and ending locations of fishing sets on or about 15-16 (GMT)

- September 2019; and
4. The manner in which all at-sea activities are reported in the vessel's logbooks, including
 - a. Who makes the entries;
 - b. When entries are typically recorded;
 - c. How entries are recorded, i.e. hand written or electronically; and
 - d. The location of original logbooks and any source documents used to prepare these logbooks;

Government Reports / Data

Please provide NOAA OLE with the results of your inspections of the F/V 15-16 (GMT) September 2019 when representatives from the Government of the Republic of Marshall Islands complete them, including:

1. The name and title of the official;
2. The date and location of the inspection;
3. The nature and extent of the inspection;
4. The nature and extent of any inspection of the vessel's VMS and electronic charting systems; and
5. Copies of the documentations regarding all inspections, and interviews with subject vessel's personnel regarding this matter.

Forwarding Procedures

Please forward all the aforementioned documents, records, and data requested by electronic means (bill.pickering@noaa.gov) or express airmail to the following address:

Assistant Director William Pickering
NOAA Office of Law Enforcement
Pacific Islands Division
1845 Wasp Blvd., Bldg. #176
Honolulu, HI 96818



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Law Enforcement
1845 Wasp Boulevard, Building 176
Honolulu, Hawaii 96818

December 14, 2020

Mr. Glen Joseph
Director, Marshall Islands Marine Resources Authority
P.O. Box 860, Delap Village, Majuro, MH, 96960

Subject: Requesting records under the WCPFC CMM's for the Fishing Vessel Lomalo.

Dear Mr. Glen Joseph:

The United States National Oceanic and Atmospheric Administration (NOAA), Office of Law Enforcement (OLE), is now pursuing further action into the activities of RMI's purse seine commercial fishing vessel the F/V LOMALO that was suspected of fishing illegally inside the United States Exclusive Economic Zone (EEZ) surrounding Howland and Baker Islands on the 15th and 16th (Greenwich Mean Time, "GMT") of September 2019.

A formal letter requesting assistance in the investigation dated November 7, 2019, was previously forwarded to your office regarding that a full investigation be conducted. We have been patiently waiting on a response from your office for over one year now in regards to this request and still haven't received any response. May we remind you of each member's obligation under the WCPFC Conservation and Management Measures which require that the flag States to provide evidence to the injured State.

According to Article 25 under the Convention, "*Each member of the Commission shall, to the extent permitted by its national laws and regulations, establish arrangements for making available to prosecuting authorities of other members evidence relating to alleged violations.*"

RMI's failure to comply under the Convention in paragraph 2 states, "*Each member of the Commission shall, at the request of any other member, and when provided with the relevant information, investigate fully any alleged violation by fishing vessels flying its flag of the provisions of this Convention or any conservation and management measure adopted by the Commission. A report on the progress of the investigation, including details of any action taken or proposed to be taken in relation to the alleged violation, shall be provided to the member making the request and to the Commission as soon as practicable and in any case within two months of such request and a report on the outcome of the investigation shall be provided when the investigation is completed.*"



Alleged Offense

Under U.S. law, specifically, 16 United States Code § 1857 Sec. 307(2) (B) Magnuson-Stevens Fishery Conservation and Management Act:

"It is unlawful for any vessel other than a vessel of the United States, and for the owner or operator of any vessel other than a vessel of the United States, to engage in fishing, except recreational fishing permitted under section 201(i), within the exclusive economic zone, or for any anadromous species or Continental Shelf fishery resources beyond such zone, unless such fishing is authorized by, and conducted in accordance with, a valid and applicable permit issued pursuant to section 204(b)(c) or (d); or..."

Subjects of the Investigation

1. F/V LOMALO
Country of Registry: Republic of Marshall Islands
Port of Registry: Jaluit Island
International Radio Call Sign: V7UB4
International Maritime Organization Number: 9588665

Vessel Owner:
Pan Pacific Fishing (RMI) INC.
Delap Village, P.O. Box 1289,
Majuro, Republic of Marshall Islands MH 96960

Vessel Master: Wang Guolai

We consider this matter a very serious offense and may take escalating steps for our office to consider possible IUU listing for the vessel if we are unable to resolve this matter. **Please provide us any and all observer records, business records, and other additional data records for the FV Lomalo during the above cited trip by January 20, 2021.**

I appreciate your consideration of this request and look forward to continuing our longstanding tradition of cooperation in enforcement and compliance matters.

Sincerely,

Martina Sagapolu
Assistant Director
NOAA Office of Law Enforcement

Over a year has passed and still NO RESPONSE from Marshall Islands Authorities.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Law Enforcement
1845 Wasg Boulevard, Building 176
Honolulu, Hawaii 96818

February 21, 2021

Mr. Glen Joseph
Director, Marshall Islands Marine Resources Authority
P.O. Box 860, Delap Village, Majuro, MH, 96960

Subject: Requesting records under the WCPFC CMM's for the Fishing Vessel Lomalo

Dear Mr. Glen Joseph:

The United States National Oceanic and Atmospheric Administration (NOAA), Office of Law Enforcement (OLE), is investigating the activities of RMI's purse seine commercial fishing vessel the F/V LOMALO which was suspected of fishing illegally inside the United States Exclusive Economic Zone (EEZ) surrounding Howland and Baker Islands on the 15th and 16th (Greenwich Mean Time, "GMT") of September 2019.

A letter dated November 7, 2019, requesting RMI investigate this infringement of U.S. sovereignty and breach of international rules was previously forwarded to your office from NOAA OLE. OLE has waited on a response from your office for over one year. Due to RMI's failure to promptly investigate and provide NOAA OLE with the results of the investigation, NOAA OLE is conducting its own investigation and is requesting relevant documents from RMI. Keep in mind that each member of WCPFC has an obligation under Article 25 to cooperate with investigations and to provide a requesting member with the information necessary to undertake such investigations.

Alleged Offense

Under U.S. law, specifically, Title 16 United States Code § 1857 Sec. 307(2) (B) Magnuson-Stevens Fishery Conservation and Management Act:

"It is unlawful for any vessel other than a vessel of the United States, and for the owner or operator of any vessel other than a vessel of the United States, to engage in fishing, except recreational fishing permitted under section 201(i), within the exclusive economic zone, or for any anadromous species or Continental Shelf fishery resources beyond such zone, unless such fishing is authorized by, and conducted in accordance with, a valid and applicable permit issued pursuant to section 204(b)(c) or (d); or..."

Subjects of the Investigation

1. F/V LOMALO



Country of Registry: Republic of Marshall Islands
Port of Registry: Jaluit Island
International Radio Call Sign: V7UB4
International Maritime Organization Number: 9588665

Vessel Owner:
Pan Pacific Fishing (RMI) INC.
Delap Village, P.O. Box 1289,
Majuro, Republic of Marshall Islands MH 96960

Vessel Master: Wang Guolai

We consider this matter a very serious offense and may consider possible IUU listing for the vessel if we are unable to resolve this matter. **Please provide us the following information by March 1, 2021, for the trip conducted by this vessel in September 2019:**

- The observer report
- Full investigation report from RMI Officials;
- Witness interview notes,
- Interview notes of the captain and fishing master
- Logbooks from the vessel;
- The captain's personal logbook for this fishing trip;
- GPS Plotter log;
- Catch effort/ fishing log;
- Landing receipts of catch aboard the F/V Lomalo;
- Any other applicable documents relating to the F/V Lomalo fishing trip;
- Name of Captain, including his date of birth and place of birth and recent mailing address and email;
- Name of Fishing Master, including his date of birth and place of birth, recent mailing address and email address;
- Name of owner(s) of the F/V Lomalo, including mailing address and email addresses;
- Vessel Registry for F/V Lomalo

I appreciate your consideration of this request and look forward to continuing our longstanding tradition of cooperation in enforcement and compliance matters.

Sincerely,
SAGAPOLU.MARTINA.MALUOMALO, Digitally signed by
1179914987 SAGAPOLU.MARTINA.MALUOMALO.1179914987
Martina M. Sagapolu Date: 2021.02.21 19:28:37 -10'00'
Assistant Director
NOAA Office of Law Enforcement

Finally a Response from MIMRA



REPUBLIC OF THE MARSHALL ISLANDS
MARSHALL ISLANDS MARINE RESOURCES AUTHORITY
PO BOX 860 MAJURO, MARSHALL ISLANDS 96960

March 04, 2021

Ms. Martina M. Sagapolu
Assistant Director (Acting)
NOAA Office of Law Enforcement
1845 Wasp Boulevard, Building 176
Honolulu, Hawaii 96818

Dear Martina,

RE : Request for assistance in the investigation of Republic of the Marshall Islands Flagged Fishing Vessel LOMALO.

Firstly, regrets for the delay of response in a timely manner as re-investigations required additional time for the Flag State, with limited resources, to effectively and diligently scrutinize all documentation pertaining to the alleged time and date (September 15-16, 2019), especially for a SIDS nation.

Secondly, the Marshall Islands Marine Resources Authority ("MIMRA"), on behalf of the Government and People of the Republic of the Marshall Islands, has received your letter dated April, 27, 2020 in relation to the above-mentioned subject matter. As the Flag State, MIMRA has diligently taken steps to conduct our flag state investigation regarding the fishing vessel, Lomalo (V7UB4), and also contacted the owner of this vessel, Pan Pacific Fishing (RMI), Inc. ('the Company') regarding the allegations of alleged infringement purported to have occurred on 15-16 September, 2019 inside the United States Exclusive Economic Zone (EEZ) surrounding Howland and Baker Islands.

From May 1 2020 to March 2, 2021, MIMRA had initiated another re-investigation per the request by your Office. In this regard, the Flag State contacted the Vessel Operator regarding the complaint for allegedly fishing within the closed area (Howland and Baker Islands), while at the same time MIMRA has compiled relevant documentation and snapshots of the Vessel, Lomalo (V7UB4). After reviewing the Observer's relevant journal pages we had reviewed the case file and have not received any confirmation of the Observer's observance of alleged illegal fishing within the Howland and Baker Islands, there is insufficient evidences to warrant any violation against the Vessel Operator.

Outcome:



REPUBLIC OF THE MARSHALL ISLANDS
MARSHALL ISLANDS MARINE RESOURCES AUTHORITY
PO BOX 860 MAJURO, MARSHALL ISLANDS 96960

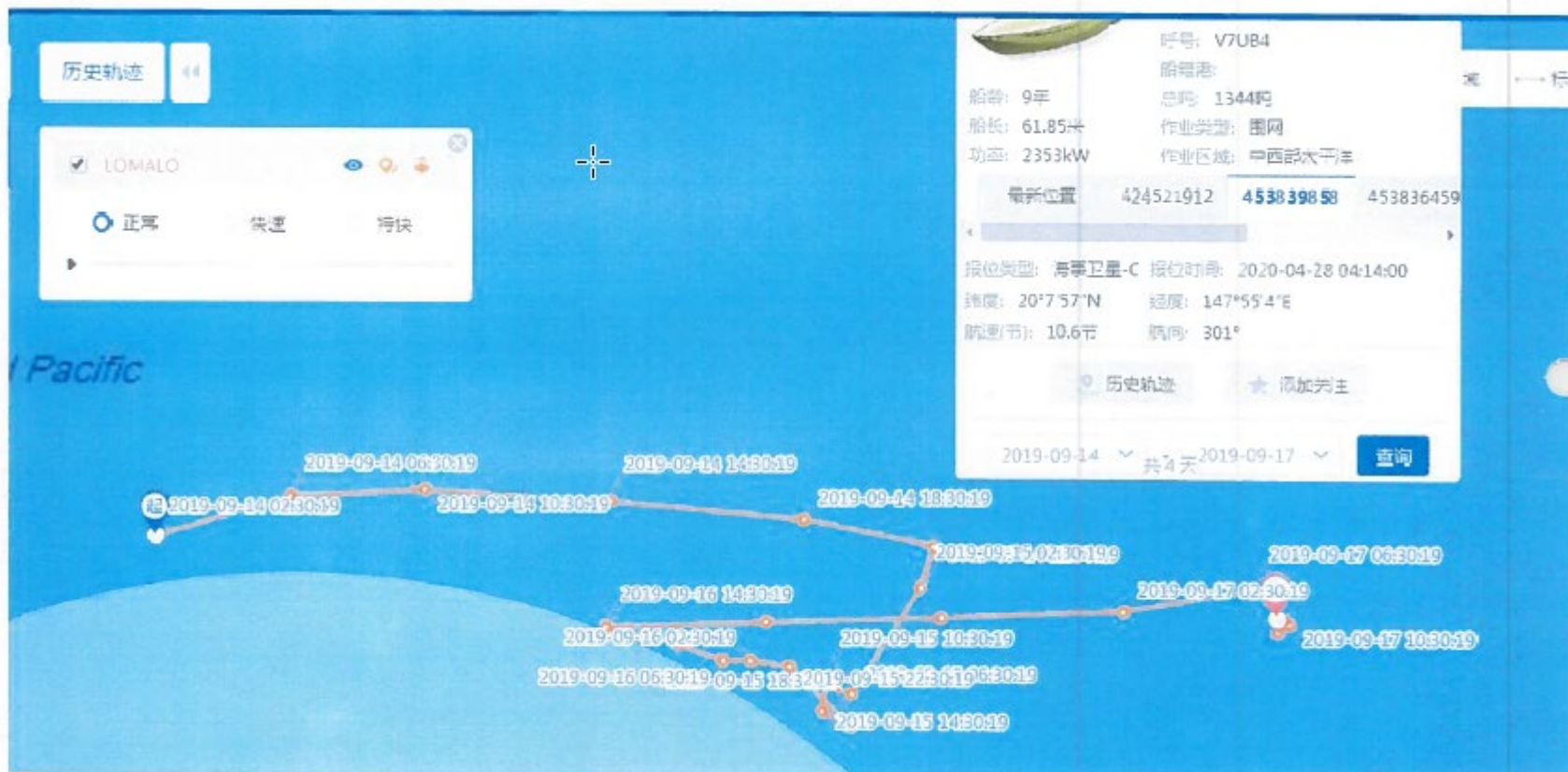
Based on the information provided along with relevant documents, Flag State wishes to inform you that enforcement action was taken against the vessel, Lomalo (V7UB4) based on the re-investigation of the case file and additional information from the FSI team, along with the close coordination of the Company, Pan Pacific Fishing (RMI), Inc. and the Observer that was on the vessel at aforesaid date. Therefore, the matter is closed and RMI is of the same view of the US to eliminate any forms of IUU.

Thank you and should you have any questions or comments, please do let us know at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurence E. Edwards, II".

Laurence E. Edwards, II
Legal Counsel
MIMRA



Mauri,

Concerning the fishing activity of FV Lomalo as at September 15th 2200 hrs to 16th 2019 0500 hrs. I may not have forgotten what had happened actually. But after looking back at my data reports, I found that there were three sets carried out very close to Howland and Baker EEZ. If there's a reason or explanation by the vessel, I cannot recall it recently. Or I could have missed or didn't notice vessel's drifting into the zone during the set. Attached is a brief detail about our setting positions and some information that could assist. Should you require more information, do not hesitate to contact me.

Thank you.

KI Observer,
Timon Etuare

Observer Statement for alleged illegal fishing of FV Lomalo

Observer believed that the vessel was fishing at the High Sea very close to Howland and Baker EEZ according to recorded Set and end positions around aforementioned reported times (2200 hrs on September 15 to 0500 hrs on September 16) cross checked and found to be less than a mile outside the US EEZ.

There were three sets carried out (as from Form PS-2);

- Start of Set#15 at 1849hrs September 15, Coordinates; 03°51.899'N, 174°54.905'W, End of Set at 2138hrs September 15, Coordinates; 03°50.171'N, 174°58.550'W.
- Start of Set#16 at 2254hrs September 15, Coordinates; 03°45.707'N, 175°02.345'W, End of Set at 0149hrs September 16, Coordinates; 03°46.524'N, 175°04.895'W.
- Start of Set#17 at 0401hrs September 16, Coordinates; 03°56.925'N, 175°23.538'W, End of Set at 0651hrs September 16, Coordinates; 03°57.007'N, 175°26.320'W.

These were the only positions recorded by Observer and he couldn't obtain positions during setting operations while vessel may have drifted into Howland and Baker zone but positions obtained were start and end of sets only. The observer was engaged in other duties like sampling and catching up with data entries and couldn't check the GPS or track plotter while drifting.

To observer's experience;

- Some vessels can start main engine and move away or move out slowly from the prohibited zone during hauling, brailing or before skiff gets onboard. This could be the case that vessel moved away before set ends.
- Vessels use different software as 'track plotters' which in some cases; EEZ marked zones could be different from each other. E.g. Vessel is already inside the zone but the other software states that it is still outside.

Attached with Statement is a plot on Start of Sets (marked green) and end of sets (marked red) but vessel could have drifted inside the zone which was unnoticed by observer. Drifting pattern is shown in set #15 (the furthest from the zone) bearing west-south-west due to the ocean current and wind flow. The other two sets closer to the zone drifting pattern seems different which shows vessel could have moved out before set ends. If the vessel Lomalo is to be prosecuted for illegally entering and fishing in the US Zone (Howland and Baker EEZ) then it should be and observer can prove that setting position is just 0.3 nautical miles away from the US EEZ. A great possibility, that the vessel can drift into the zone due to ocean current and wind. This is obviously proven by the track records sent by NOAA. The vessel Operators know that observers have to record start of set and end of set positions during setting, so they are concerned more on these, other than positions during drifting. Observers sometimes do not record positions directly from track plotter but GPS and Radar are also available.

In case more details or information needed I would be glad to cooperate. Thank You.



KI Observer, Timon Etuare.
tietuare@gmail.com

OBSERVER PROGRAMME POA		SPC/FFA REGIONAL OBSERVER VESSEL TRIP MONITORING SUMMARY		FORM GEN - 3 (pg 1)	
REV. DEC 2016		TRIP START DATE 19/11/19		YY MM DD	
OBSERVER NAME TIMON ETUARE		This form must be filled in by the observer for every trip			
TRIP END DATE 19/09/21		YY MM DD		TRIP ID NUMBER FSA/POA/26/421	
OBS. NATIONALITY KI		COASTAL STATE LICENCES (IF ANY) R/3606-1111-2019-00 441100-3606 02 11119-1 235-01		NATIONALITY OF BOARDING VESSEL BOARDING DURING TRIP AT SEA	
VESSEL NAME LOHALO		COUNTRY REG # 60019		VESSEL FLAG MH	
VESSEL REG # IMO: 9522665		VESSEL TYPE PS		VESSEL GEAR	

Did the vessel do any of the following (Indicate 'Yes' or 'No' with an 'X' for every item)

		Yes	No	PG No.	
Observer rights / social behaviour	RS -a	Did the operator or any crew member assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with observers in the performance of their duties	<input type="checkbox"/>	<input type="checkbox"/>	
	RS -b	Request that an event not be reported by the observer	<input type="checkbox"/>	<input type="checkbox"/>	
	RS -c	Mistreat other crew	<input type="checkbox"/>	<input type="checkbox"/>	
	RS -d	Did operator fail to provide observer, while onboard, at no expense to observer or the observer's Government, with food, accommodation, access to safety gear and medical facilities of reasonable standard - equivalent to those normally available to an officer onboard the vessel	<input type="checkbox"/>	<input type="checkbox"/>	
National regulations	NR -a	Fish in areas where the vessel is not permitted to fish	<input type="checkbox"/>	<input type="checkbox"/>	
	NR -b	Target species other than those they are licenced to target	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	NR -c	Use a fishing method other than the method the vessel was designed or licenced	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	NR -d	Not display or present a valid (and current) licence document onboard	<input type="checkbox"/>	<input type="checkbox"/>	
	NR -e	Transfer or tranship fish from or to another vessel	<input type="checkbox"/>	<input type="checkbox"/>	
	NR -f	Was involved in bunkering activities	<input type="checkbox"/>	<input type="checkbox"/>	
	NR -g	Fail to slow fishing gear when entering areas where vessel is not authorised to fish	<input type="checkbox"/>	<input type="checkbox"/>	
WCPFC CMMs	WC -a	Fail to comply with any Commission Conservation and Management Measures (CMMs)	<input type="checkbox"/>	<input type="checkbox"/>	
	WC -b	High-grade the catch	<input type="checkbox"/>	<input type="checkbox"/>	
	WC -c	Fish on FAD during FAD Closure	<input type="checkbox"/>	<input type="checkbox"/>	
Logsheet recording - Position Logsheet recording - Catch	LP -a	Inaccurately record vessel position on vessel log sheets for sets, hauling and catch	<input type="checkbox"/>	<input type="checkbox"/>	
	LP -b	Fail to report vessel positions to countries, where required when entering and leaving an EEZ (crossing to or from an EEZ into or out of the High Seas)	<input type="checkbox"/>	<input type="checkbox"/>	
	LC -a	Inaccurately record retained "Target Species" in the Vessel logs (or weekly reports)	<input type="checkbox"/>	<input type="checkbox"/>	
	LC -b	Inaccurately record "Target Species" Discards	<input type="checkbox"/>	<input type="checkbox"/>	
	LC -c	Record target species inaccurately [eg. combine bigeye/yellowfin/skipjack catch]	<input type="checkbox"/>	<input type="checkbox"/>	
	LC -d	Not record bycatch discards	<input type="checkbox"/>	<input type="checkbox"/>	
	LC -e	Inaccurately record retained bycatch Species	<input type="checkbox"/>	<input type="checkbox"/>	
SSIs	SI -a	Land on deck Species of Special Interest (SSI) (eg. Mammals, turtles, seabirds or protected sharks)	<input type="checkbox"/>	<input type="checkbox"/>	
	SI -b	Interact (not land) with SSIs	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	PN -a	Dispose of any metals, plastics, chemicals or old fishing gear	<input type="checkbox"/>	<input type="checkbox"/>	
	PN -b	Discharge any oil	<input type="checkbox"/>	<input type="checkbox"/>	
	PN -c	Lose any fishing gear	<input type="checkbox"/>	<input type="checkbox"/>	
	PN -d	Abandon any fishing gear	<input type="checkbox"/>	<input type="checkbox"/>	
	PN -e	Fail to report any abandoned gear	<input type="checkbox"/>	<input type="checkbox"/>	
Sea safety	SS -a	Fail to monitor international safety frequencies	<input type="checkbox"/>	<input type="checkbox"/>	
	SS -b	Carry out-of-date safety equipment	<input type="checkbox"/>	<input type="checkbox"/>	

SPC/FFA REGIONAL OBSERVER VESSEL TRIP MONITORING SUMMARY		FORM GEN - 3 (pg 2)	
REV. DEC 2016		OBSERVER NATIONALITY KI	
OBSERVER NAME TIMON ETUARE		VESSEL NAME LOHALO	
TRIP ID NUMBER FSA/POA/26/421		OBSERVER PROGRAMME POA	

IF YOU ANSWERED YES TO ANY ITEM ON THE GEN-3 FORM PLEASE EXPLAIN BRIEFLY IN THE AREA BELOW.
A FULL EXPLANATION MUST BE WRITTEN IN THE OBSERVER DAILY JOURNAL AND/OR TRIP REPORT
JOURNAL PAGE NUMBERS FOR THE EXPLANATION SHOULD BE RECORDED IN THE BOXES PROVIDED ON THE FRONT OF THIS FORM

(K) FISH ON FAD DURING FAD CLOSURE. VESSEL OPERATED ON FAD DURING FAD CLOSURE PERIOD ON 19/09/21 AS DETAILED IN JOURNAL PAGE 2. SIMILAR INCIDENTS: DATED: AUGUST 17, 18, 27, 28. JOURNAL PAGES: 9, 10, 19, 21.

(NR-B) UNLAWFUL BUNKERING ACTIVITY. VESSEL WAS INVOLVED IN BUNKERING WITH ANOTHER VESSEL ON 19/09/21. DATED: 19/09/21. DETAILED IN JOURNAL PAGE 2. SIMILAR INCIDENTS: DATED: AUGUST 28. JOURNAL PAGE: 20.

(LC-C) RECORD TARGET SPECIES INACCURATELY. VESSEL RECORDED BLOWN TUNA AS 1.5% OF TOTAL TUNA. DATED: AUGUST 28 AND DETAILED IN JOURNAL PAGE 2. SIMILAR INCIDENTS: DATED: SEPTEMBER 19, 23. JOURNAL PAGE: 14, 40.

FAD Closure

Date: 28 April 2020

To Whom it may concern,

Subject: the Investigation of Republic of the Marshall Islands Flagged Fishing Vessel LOMALO

F/V LOMALO, a purse seine commercial fishing vessel, is owned by Pan Pacific Fishing (RMI) Inc. The company has received the letter issued by NOAA and conducted the investigation immediately into the activities of the vessel on the alleged date 15th and 16th (GMT) September 2019.

Firstly, the company checked the logsheet on board. The vessel started of fishing set at 2255 15th September, position 03°46'N,175°02'W ,and end of set at 0148 in the position 03°47'N,175°05'W on 16th September 2019(GMT) as specified in Attachment#1. After double checking, the said netting position is in High Sea.

Secondly, the company checked the VMS, such as buoy monitoring system(BMS) on board, IFIMs by PNA, **overseas fishery service platform(OFSP) by China**. The all positions of the vessel on the alleged date are located in the High Sea in IFIMS and OFSP as specified in Attachment#2 #3 and Attachment#4.

Immediately, the company checked the electronic navigational equipment on board. The vessel track line of the alleged date is already removed automatically due to a long time. Based on the setting fish positions in LOGSHEET, the vessel marks the closest approach points respectively on electronic navigational equipment as specified from Attachment#5 to Attachment#9, which shows that the positions are located in the High Sea.

According to the above, the company believe that the vessel completed her netting in the High Sea on the alleged date.

Hereto, to avoid similar affairs in the further, the company will announce that the owned vessels must be 5 nautical miles (FROM 1 JAN 2020)away from the prohibited area using in current electronic navigational equipment. Furthermore, the company will look for accurate electronic charts to solve such problems completely.

Finally, we appreciate your consideration of the vessel situation at that time and feel free let us know if you have further request.

Sincerely,

XXXXXXXXXXXX

Vessel Captain's Logsheets

20 19 年 9 月 11 日
 Date YY MM DD

星期 Sunday 农历 月 日
 Week Lunar MM DD

第 26 页 (共 200 页)
 Page Common Page

时间 Time	动态 Condition	罗经差 (东或西) Compass Error	罗航向 Compass Course	航速 Speed	水深 Depth of Ocean	船位 Vessel Position	风 Wind		流 Current		能见度 Visibility	值班员 Signature
							向 Class	级 Class	向 Class	节 Class		
0105	set end					21°42'N 174°20'W						
0204	fishing set			④		23°45'N 174°48'W						
0340	set end					03°46'N 174°40'W						
0850	fishing set			④		03°51'N 174°15'W						
2140	set end					03°51'N 174°18'W						
2255	fishing set			④		03°46'N 175°02'W						

Observer's Diary Journal

Observer: TIMON KJURGE
Trip ID: FSMA/PSA/26/1/21

Date: 17/09/16 Monday
Vessel: LEMALO

HOURS EVENTS:

SEARCH COMMENCES

0539 Vessel was drifting since late last night and now starts moving. Binoculars and search electronics manned - commencing search.

INVESTIGATING FREE-SCHOOL

0611 Skipjack tuna free-school feeding on baitfish, spotted on bird-radar is investigated.

SET No. 15 (14 NT)

0649 14th set on free-school this trip carried out similar to previous free-school sets with 8 minutes circling school and 30 minutes pursuing. Successful with Retained whole weight (RWW) catch: OBS = 13.70 NT (SKJ = 13.70 NT, YFT = 0 NT, BET = 0 NT), YES = 10 NT (SKJ = 10 NT, YFT = 0 NT, BET = 0 NT). Other Retaining and Discard Totes Nil. Bycatch: Nil. Wells filled: 14 (14 NT - empty before baiting).

END OF SET - SEARCH

0938 Set ends when skiff onboard, binoculars reopened and search is resumed.

INVESTIGATING FREE-SCHOOL

1045 Skipjack tuna free-school feeding on baitfish, sighted from vessel is investigated

SET No. 16 (29 NT)

1054 15th set on free-school this trip carried out similar to previous free-school sets with 8 minutes circling school and 38 minutes pursuing. Successful with Retained whole weight (RWW) catch: OBS = 23.25 NT (SKJ = 23.25 NT, YFT = 0 NT, BET = 0 NT) VES = 30 NT (SKJ = 30 NT, YFT = 0 NT, BET = 0 NT). Other Retaining and Discard Totes Nil. Bycatch: Nil. Wells filled: 14 (29 NT - preoccupied NT).

END OF SET - SEARCH

1349 Set ends when skiff onboard, binoculars reopened and search is resumed.

INVESTIGATING FREE-SCHOOL

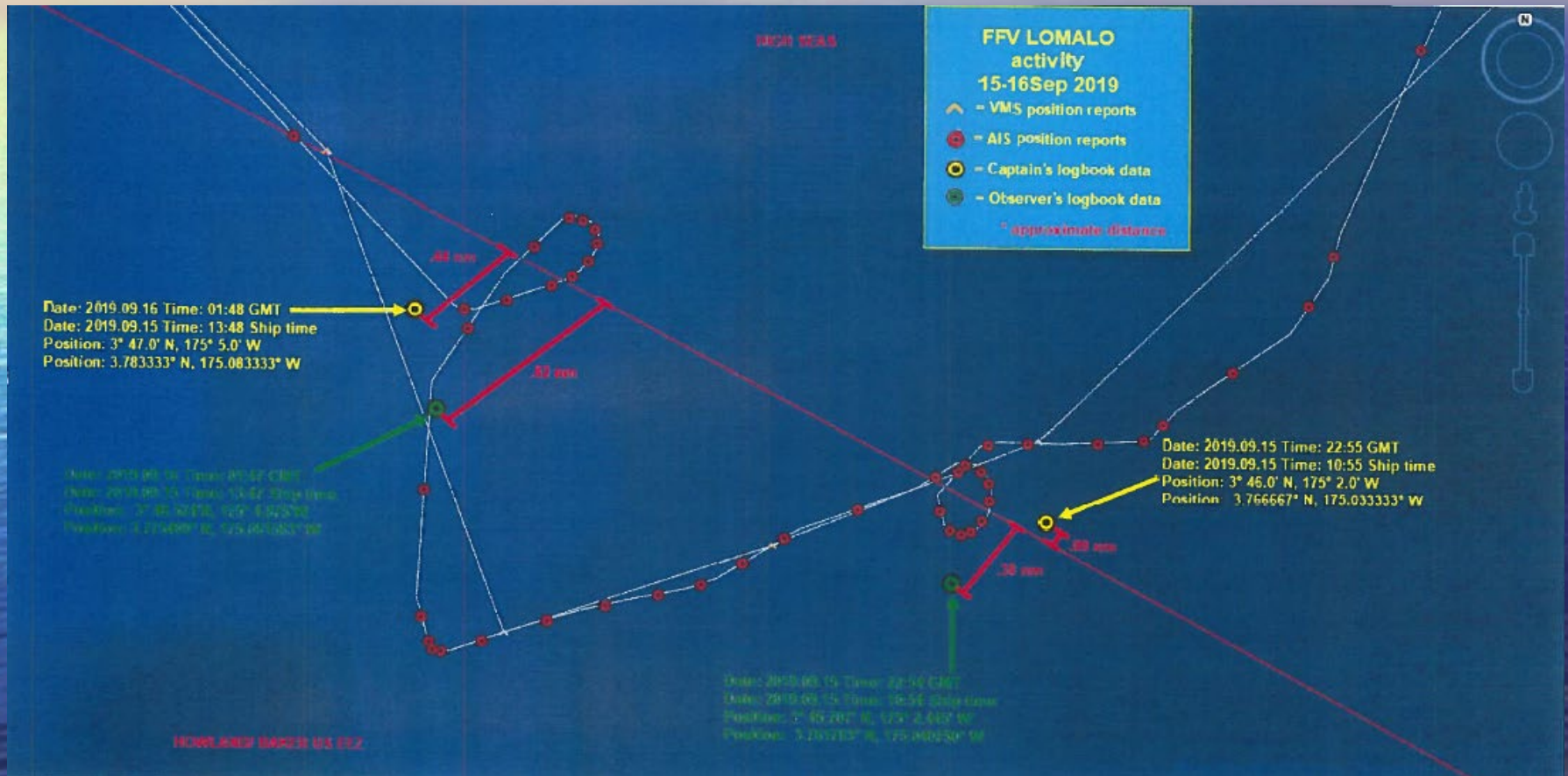
1557 tuna free-school feeding on baitfish, spotted on bird radar is investigated

SET No. 17 (31 NT)

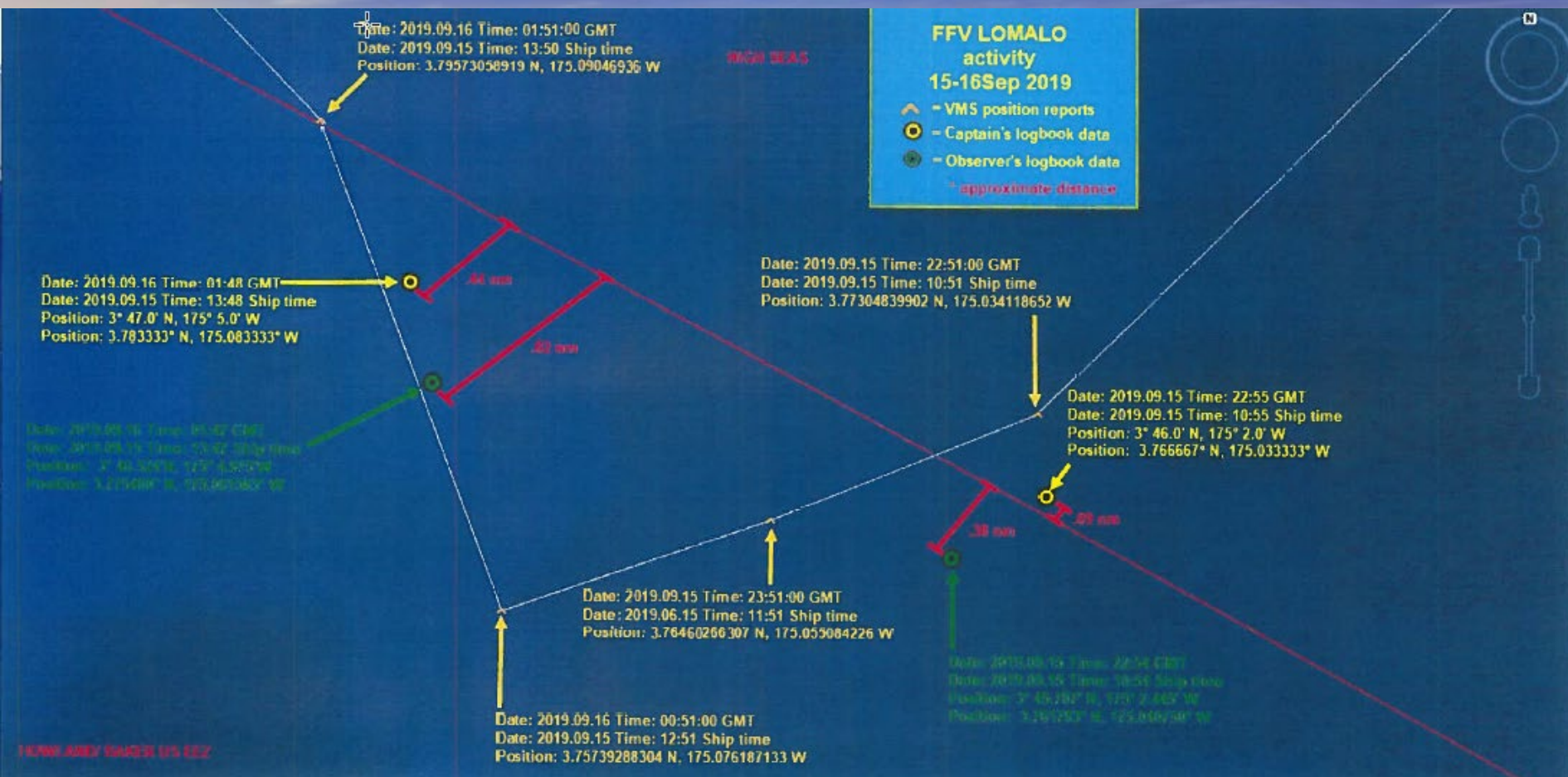
FORM PS-2 filled out by observer

SPC/FFA REGIONAL PURSE SEINE OBSERVER												FORM PS - 2				
DAILY LOG																
REV. DEC. 2010		OBSERVER NAME		VESSEL NAME				OBSERVER TRIP # NUMBER				PAGE		OF		
		TIMOTHY J. JAMES		LORALEE				FSMA/SEA/26/921				32		41		
SHPS TIME	LATITUDE (dd°mm.mmm')	N S	LONGITUDE (ddd°mm.mmm')	E W	EEZ CODE	ACTIVITY CODE	WIND (kts)	SEA (°)	C-S-M-R-V	HOW DETECT	SCHOOL ASSOC	COMMENTS (and Set No. - from PS-3)	START OF DAY			
													SHIP DATE	SHIP TIME	UTC DATE	UTC TIME
0536	03°05.679'	N	174°14.424'	N	1W	2	08	160	S	-	-	start engine/bioculars open	19/09/12	0536		
0744	03°41.950'	N	174°29.864'	N	1W	2	11	175	M	+	2	skipjack turn from school	17/09/14	1736		
0752	03°41.628'	N	174°29.662'	N	1W	1	11	175	M	+	2	Set No. 13 (12 mt)	ALL MUST BE RECORDED			
1242	03°42.742'	N	174°32.322'	N	1W	2	06	165	S	-	-	end of set/bioculars open	ACTIVITY and HELICOPTER CODES			
1451	03°45.972'	N	174°38.526'	N	1W	4	05	165	S	1	2	skipjack turn from school	1 Set 2 Searching 3 Trawl 4 No fishing - Breakdown 5 No fishing - Bad weather 6 In port - please specify 7 Net clearing set 8 Investigate free school 9 Investigate floating object 10 Deploy - reef, FAD or payee 11 Retrieve - reef, FAD or payee 12 Drifting at day's end 13 Drifting with floating object 14 Other reason (specify) 15 Drifting - With fish aggregating light 16 Retrieve radio buoy 17 Deploy radio buoy 18 Transhipping or bunkering 19 Servicing FAD or floating object 20 Drifting - No fishing H1 Helicopter takes off to search H2 Helicopter returned from search		If FAD involved use to fill out a GEN-5 Form FAD and Floating Object Information Record	
1504	03°45.275'	N	174°38.283'	N	1W	1	06	165	S	1	2	Set No. 14 (4 mt)	Charging Buoy? - use this in for 16 or 17			
1940	03°45.537'	N	174°40.871'	N	1W	2	06	165	S	-	-	end of set/underway	HOW DETECTED			
												1 Seen from vessel		* Seen from helicopter		
												2 Seen from helicopter		Use when vessel gets the school of tuna the helicopter with		
												3 Marked with beacon		1 reported on or 2. swapped buoy c		
												4 Bird radar				
												5 Sonar / depth sounder				
												6 Info. from other vessel				
												7 Anchored FAD / payee (recorded)				
												SCHOOL ASSOCIATION (tuna)				
												1 Unassociated		Free schools		
												2 Feeding on bait/fish				
												3 Drifting log, debris or dead animal				
												4 Drifting reef, FAD or payee				
												5 Anchored reef, FAD or payee				
												6 Live whale				
												7 Live whale shark				
												8 Other (please specify)				
												9 No tuna associated				
FLOATING OBJECT AND SCHOOL SIGHTINGS		Anchored floating objects (with NO school)		Anchored floating objects (with school)		Free floating objects (no anchor) (with NO school)		Free floating objects (with school)		Free schools		DID YOU OBSERVE ANY EVENTS TO RECORD ON FORM GEN-3 TODAY				
Example	Tally	Tally	Tally	Tally	Tally	Tally	Tally	Tally	Tally	Tally	YES	NO	JOINT			
N/1	6	No 0	No 0	No 0	No 0	No 0	No 0	No 0	No 0	No 0	YES	NO	1/2/3/4			

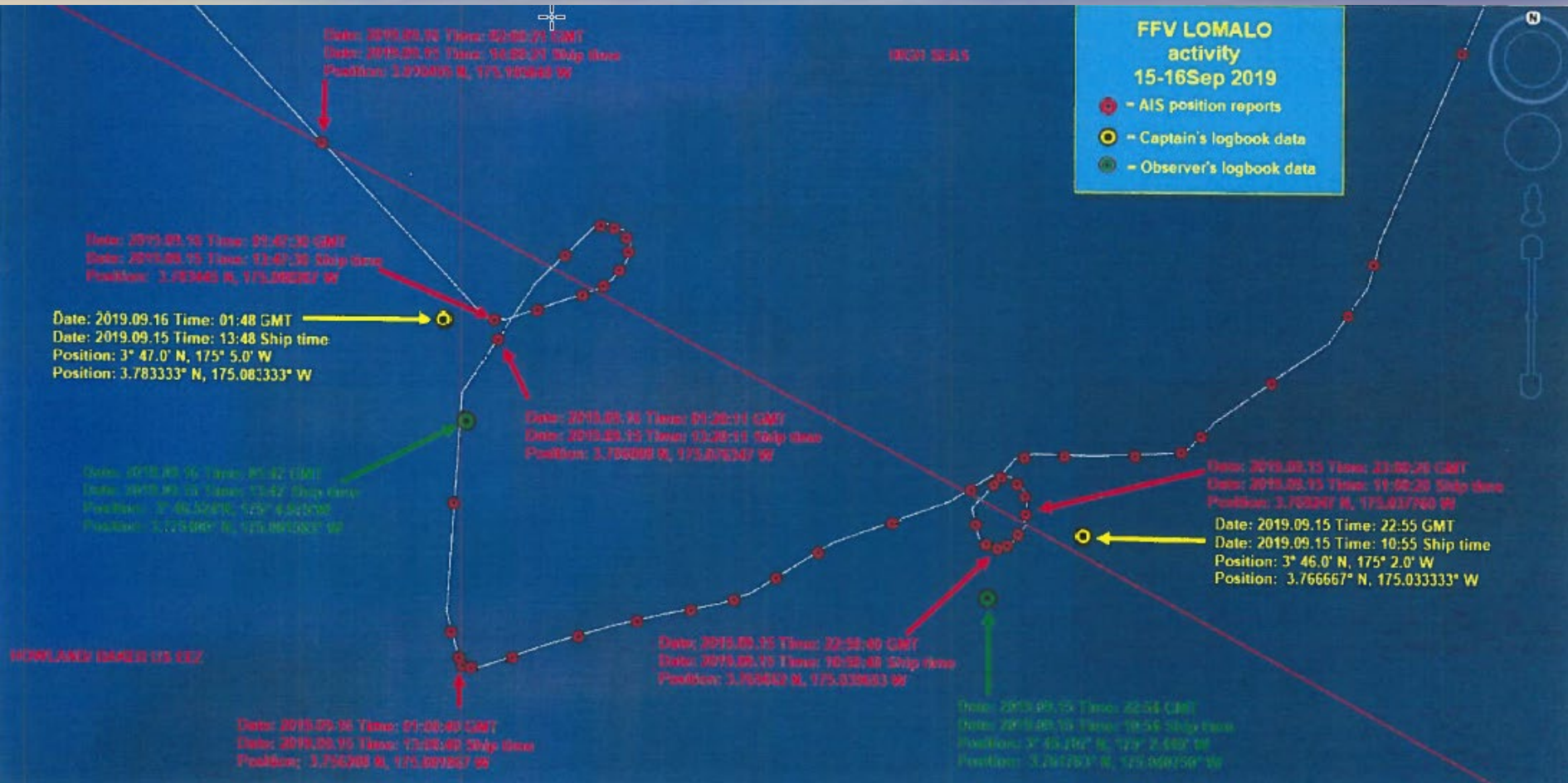
VMS plots to include the captains data



Distance inside the EEZ



Fishing tracks inside the EEZ



VESSEL NAME: HAI FENG 618 VESSEL TYPE: TUNA FISHERY VESSEL VESSEL REGISTRATION: MARSHALL ISLANDS VESSEL IDENTIFICATION NUMBER: 00019	VESSEL ADDRESS: MARSHALL ISLANDS VESSEL TYPE: TUNA FISHERY VESSEL VESSEL IDENTIFICATION NUMBER: 00019	VESSEL LENGTH: 18.00 M VESSEL BEAM: 3.00 M VESSEL GROSS TONNAGE: 100 T VESSEL NET TONNAGE: 100 T VESSEL DEADWEIGHT: 100 T VESSEL YEAR BUILT: 2010	VESSEL NAME: HAI FENG 618 VESSEL TYPE: TUNA FISHERY VESSEL VESSEL REGISTRATION: MARSHALL ISLANDS VESSEL IDENTIFICATION NUMBER: 00019
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• ALL DATES AND TIMES MUST BE IN NAUTICAL TIME
 • RECORD SMALL AND LARGE YELLOWFIN AND BIGEYE SEPARATELY
 • RECORD SMALL AND LARGE YELLOWFIN AND BIGEYE SEPARATELY

ACTIVITY CODE	NAUTICAL HOUR TIME OF SET POSITION			SCHOOL ASSOC. CODE	START OF SET TIME	END OF SET TIME	RETAINED CATCH (METRIC TONNES)					DISCARDS									
	LATITUDE	N	LONGITUDE				W	SCHOOL	YELLOWFIN		BIGEYE		OTHER SPECIES	TUNA SPECIES							
									Small 0-9 kgs	Large >9 kgs	Small 0-9 kgs	Large >9 kgs		WELL NUMBERS	INDEX	METRIC TONNES	CODE	NAME			
1	03°42'00"	N	174°20'00"	W	1	2152	5 T							S4							
1	03°43'00"	N	174°30'00"	W		0105															
1	03°45'00"	N	174°38'00"	W	1	0304	0540	10 T						S4							
1	03°51'00"	N	174°55'00"	W	1	1859	2440	10 T						S4 P4							
1	03°46'00"	N	175°02'00"	W	1	2255	30 T							P4							
1	03°47'00"	N	175°05'00"	W		0148															
1	03°57'00"	N	175°23'00"	W	1	0400	0654	30 T						P4 S5							
WELL TRANSFER							-27 T		2 T	-1 T				S4							
WELL TRANSFER							27 T		2 T	1 T				S8							
1	04°06'00"	N	172°57'00"	W	1	2128	2343	0 T						SKUNK NET							
1	03°58'00"	N	172°40'00"	W	1	0157	0528	90 T						S5 P5 S3							
WELL TRANSFER							-20 T							S4							
WELL TRANSFER							20 T							S8							
1	04°00'00"	N	172°01'00"	W	1	0154	0430	10 T						S3							
1	03°56'00"	N	172°51'00"	W	1	0538	0910	15 T						S3							
1	03°53'00"	N	172°42'00"	W	1	1909	2200	50 T													
1	04°00'00"	N	172°34'00"	W	1	2324		10 T													
1	03°57'00"	N	172°35'00"	W		0225															
1	03°48'00"	N	172°49'00"	W	1	0431	0650	0 T						SKUNK NET							
TUNA TOTAL							280 T	0 T	0 T	0 T	0 T										
TRP TOTAL							414 T	0 T	2 T	1 T	0 T										

SCHOOL ASSOCIATION CODES
 1 UNASSOCIATED
 2 FEEDING ON BAIT FISH
 3 DRIFTING LOG, DEBRIS OR DEAD ANIMAL
 4 DRIFTING RAFT, FAD OR PAYAO
 5 AND FLOED RAFT, FAD OR PAYAO
 6 LIVE WADDE
 7 LIVE WHALE SHARK
 8 OTHER - PLEASE SPECIFY

TUNA DISCARD CODES
 1 FISH DAMAGED / UNFIT FOR CONSUMPTION
 2 VESSEL FULL / LOADED
 3 GEAR FAILURE
 4 OTHER REASON (SPECIFY)

START DATE		END DATE	CANNERY OR VESSEL AND DESTINATION	INTL. RADIO CALL SIGN	YELLOWFIN	BIGEYE	MOYED
28 SEP 2010	29 SEP 2010		HAI FENG 618	3FHE6	414	3	

NAME OF CAPTAIN: _____
 SIGNATURE OF CAPTAIN: 



United States Department of Commerce
National Oceanic & Atmospheric Administration
Office for Law Enforcement
Pacific Islands Division
1845 Wasp Blvd., Bldg. 176
Honolulu, HI 96818



STATEMENT

I, Timon Etuare make this statement voluntarily, without threat or promise of immunity, with the knowledge that I may refuse to be a witness against myself and that any statement I make may be used against me. Knowing this, I make the following statement to SA Brandon Jim On, who has identified himself to me as an official of the United States Department of Commerce (USDOC), National Oceanic and Atmospheric Administration (NOAA), Office for Law Enforcement (OLE).

This statement is requested in connection with the investigation of the FV LOMALO for the alleged violation of conducting fishing operations inside the U.S. Exclusive Economic Zone (EEZ) surrounding the U.S. Islands of Howland/Baker Islands as documented in your Forum Fisheries Agency Observer reports (26/421 - August 15, 2019 through September 27, 2019).

Name: TIMON ETUARE

Citizenship: KIRIBATI

Passport Number: K130554

Date of Birth: 26/12/84

Mailing Address: C/O MFMRD, BAIRIKI TARAWA, KIRIBATI

Physical Address: BIKENIBEU TARAWA, KIRIBATI

Telephone Number: +686 73004856

Email Address (if any): tietuare@gmail.com

How long have you been an observer?
12 years.

Who did you work for as an observer?
I work for the Kiribati Government Fisheries, PNA Program and FFA Program, under the WCPFC.

When and where were you trained?
I was trained in 2008 at the Vanuatu Maritime College (Vanuatu).

How long was the training you had last?
5 weeks.

Have you ever had refresher training? If so, when and where?
Yes, the last time we do refresher training was in 2016 here in Tarawa.

Were you an observer on board the F/V Lomalo from August 15, 2019 through Septemeber 27, 2019?
Yes I was the observer onboard the F/V Lomalo from August 15, 2019 through Septemeber 27, 2019.

Prior to your trip aboard the F/V Lomalo, about how many observer trips have you made for the FFA or FSMA?
I have made 9 FSMA trips and no FFA trips.

Of those trips, how many were on U.S. purse seine vessels?
None of these trips on the U.S. purse seine vessels.

Prior to your trip aboard the F/V Lomalo, approximately how many trips have you made total, including any trips done for your national programs?
I have made 49 total trips together since 2008 till present day.

What types of vessels have you observed on?
Purse seine vessels, Fish Carriers for longlines, and Tankers (Bunker vessels).

Have you at any other time served as an observer on board the F/V Lomalo? If so when?

Yes, I kept a written diary/journal of daily activities while I was on board the F/V Lomalo.

If so, did that diary/journal reflect your own independent observations and thoughts from your trip?

Yes, that diary/Journal reflected my own independent observations and thoughts from my trip.

Did you write your diary/journal while on board the vessel as events occurred?

Yes, I wrote my diary/ journal while on board the vessel as events occurred.

Did anyone ask you to change, delete, add, or modify any of the information included in the Workbook, Report or Diary?

Nobody asked me to change, delete, add or modify any of the information included in the Workbook, Report or diary.

If yes, then what were you asked to change, delete, add, or modify? Also, did you make the changes that you were asked to make?

There's no change, deletion, addition of modification to my Workbook, Report or diary.

Are the Workbook, Report, and Diary an accurate and complete account of your observations aboard the vessel?

Yes, the Workbook, Report, and Diary an accurate and complete account of my observations aboard the vessel

If need be, and your travel, accommodations, and expenses were met, would you be willing to testify in U.S. Court?

I am not willing to testify in U.S Court because I cannot cover for my travel, accommodations, and expenses met. Also I already testify in my Workbook, Report, Diary and this Written Statement.

Please see the attached written statements that you had signed earlier as it says "Observer believed that the vessel was fishing at the High Seas very close to Howland Baker EEZ according to the recorded Set and end positions

around aforementioned reported times (2200 hrs on September 15 to 0500 hrs on September 16) cross checked and found to be less than a mile outside the U.S. EEZ"

Please take a closer look at Set #16:

"Start of Set #16 at 2254 hrs September 15, Coordinates; 03°45.707 N, 175°02.345 W, End of Set at 0149 hrs September 16, Coordinates;03°46.524 N, 175°04.895 W."

We believe these coordinates start and end inside the U.S. EEZ boundary lines. Are these both a correct and accurate statement that you had signed earlier? If not then please explain further.

I, the observer cannot change these coordinates and if you find them inside the U.S EEZ Boundary lines, then let them be proof that the vessel had crossed into the zone and be penalized accordingly. I may change what I believed that the vessel was fishing in the High Sea very close to the U.S zone. Statement changed to, "I didn't notice that the vessel was already inside the U.S zone because the e-map (Orb Map) I was using stated that the vessel was still outside". If the vessel plead their innocence depending on my report then it is inappropriate because these coordinates I gave are already inside the U.S zone as abovementioned. I may not have noticed where they are plotted but my coordinates prove them guilty. Also if they plead that I let them operate there, then understand that observers have no authority to give orders to the vessel but just recorded what was observed. The vessel knows the rule but wasn't to take the risks.

According to your Journal you write the following:

End of Set-Search

0938 - Set ends when skiff onboard, binoculars reopened and search is resumed.

1347 - Set ends when skiff onboard, binoculars reopened and search is resumed.

Could you explain this more in detail? Is gear still in the water? Are they searching and conducting fishing operations still at this point in time?

Actually during end of set, vessel starts searching again, binoculars and searching facilities manned. If the vessel stop searching then I would have noticed we are at the prohibited zone. The vessel wouldn't want that.

Do you have anything you wish to add to this statement?

I think I already clarify everything.

I have read this statement consisting of 5 pages and have initialed all corrections. I fully understand its entire contents and declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Vessel owner charged a NOVA in the amount of **\$99,300.00**



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NOAA Daniel K. Inouye Regional Center
Office of General Counsel, Enforcement Section
1845 Wasp Blvd., Building 176
Honolulu, HI 96818

OFFICE OF GENERAL COUNSEL
ENFORCEMENT SECTION

May 10, 2021

Sent via E-mail and UPS

Pan Pacific Fishing (RMI) Inc.
c/o Mr. Wan Jun Yang, General Manager
Delap Village
P.O. Box 1289
Majuro, Republic of the Marshall Islands
96960
PPFI.Trading@gmail.com
YWJ_tuna1973@vip.163.com

Re: PI1906931, F/V Lomalo; Pan Pacific Fishing (RMI) Inc.

Dear Sir:

The National Oceanic and Atmospheric Administration (NOAA), Office of General Counsel, is responsible for prosecuting violations of the Magnuson-Stevens Fishery Conservation and Management Act on behalf of the U.S. Secretary of Commerce.

An investigative report prepared by the NOAA Office of Law Enforcement regarding events that occurred on September 15-26, 2019, was referred to this office for prosecution. Based on our review of that report, this office has determined that you violated the Magnuson-Stevens Fishery Conservation and Management Act. This office hereby assesses a civil monetary penalty of \$99,300.00 US dollars for your violation of this statute.

Accordingly, NOAA issues the enclosed Notice of Violation and Assessment ("Notice") to Pan Pacific Fishing (RMI) Inc. This is a civil administrative action, not a criminal proceeding. The Notice and the enclosed copy of the regulations governing NOAA civil administrative proceedings explain your rights in this process. Read these documents carefully.

If you choose not to contest the charged violation and the civil monetary penalty assessed above, you may resolve this matter by signing the Settlement Agreement, which is included with the Notice.

To encourage your prompt acceptance of responsibility for this violation and early resolution of this matter, NOAA is willing to settle this case for a reduced amount. If you sign the Settlement



Agreement within 30 days after your receipt of the Notice, the base penalty assessed in the Notice will be reduced by 10%. Therefore, the amount of your assessed penalty of \$99,300.00 US dollars would be reduced to \$89,370.00 US dollars. This offer expires 30 days after your receipt of the Notice, but may be extended by the Enforcement Attorney for an additional 30 days upon request. After the expiration of this early settlement offer, NOAA will proceed against you for the full-assessed penalty amount of \$99,300.00 US dollars, as indicated in the Notice. If you seek to settle the case after the expiration of the 30-day early settlement period, you must contact the undersigned Enforcement Attorney, who will discuss settlement terms and conditions with you or your legal representative.

By signing the Settlement Agreement, you waive your right to a hearing and agree to pay the civil monetary penalty. To resolve the case at this point and on these terms, sign and date the Settlement Agreement at the bottom of the last page and return it to me by email at Elizabeth.osullivan@noaa.gov or by mail to my attention:

Elizabeth O'Sullivan
Enforcement Attorney
Enforcement Section, Office of General Counsel
National Oceanic and Atmospheric Administration
NOAA Daniel K. Inouye Regional Center
1845 Wasp Blvd., Building 176
Honolulu, HI 96818

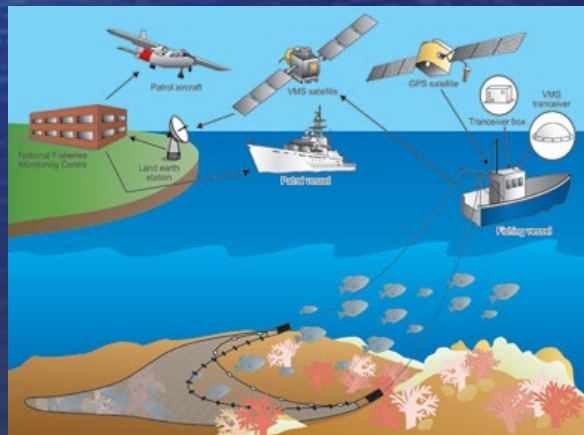
The NOAA Finance Office will then contact you with payment instructions.

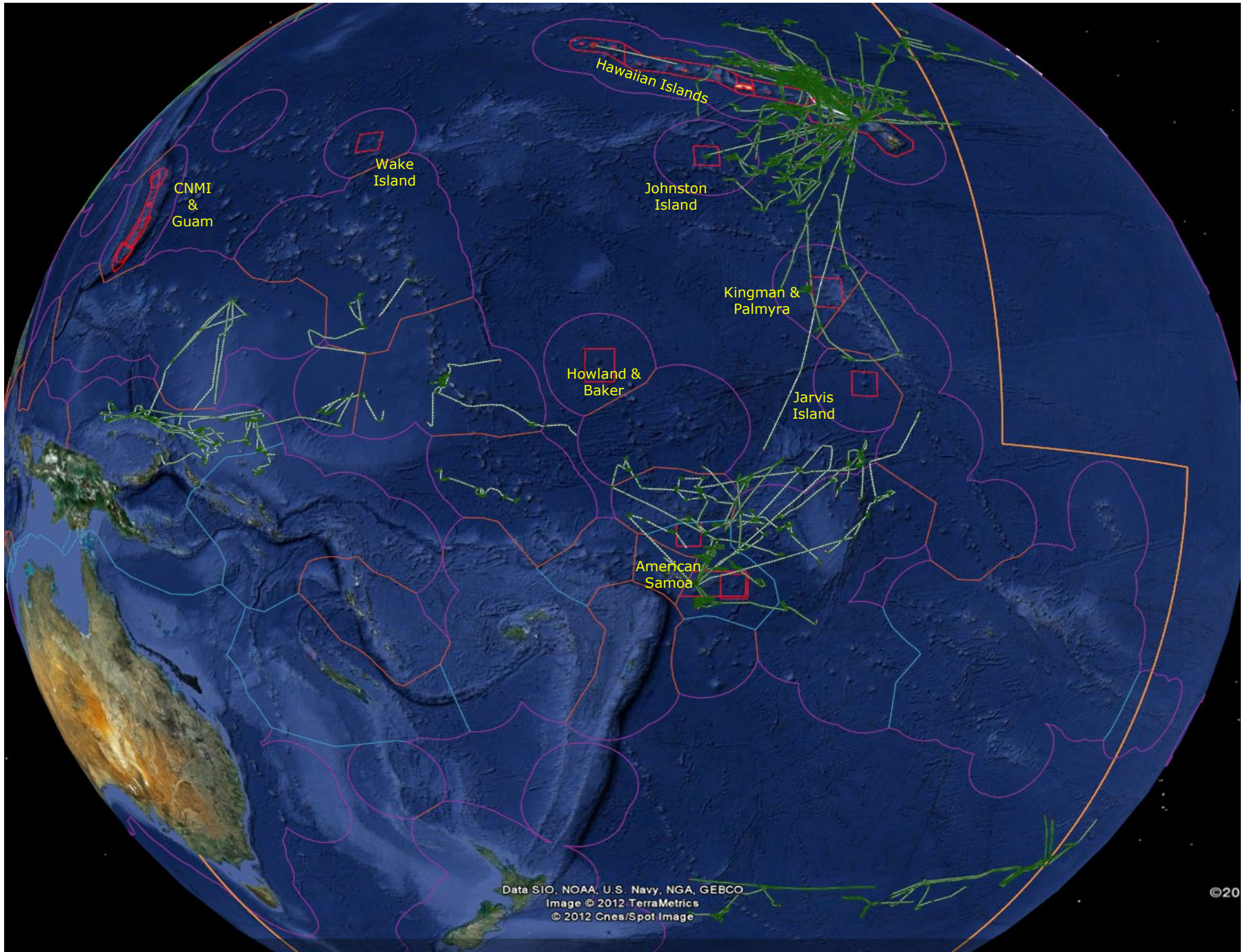
If you wish to contest the charged violation and/or the civil monetary penalty assessed in the Notice, you must request a hearing before an administrative law judge by sending a written, dated request to the address shown above within 30 days of your receipt of the Notice. At the hearing, the administrative law judge will conduct an independent determination of whether the charged violation occurred and, if so, what the penalty should be. The administrative law judge is not bound by the amount assessed in the Notice, but may, after taking into account all of the factors required by applicable law, assess a penalty up to the maximum amount provided by law.

IMPORTANT: If you fail to respond within 30 days of your receipt of the Notice by either 1) signing and returning the enclosed Settlement Agreement, 2) contacting me to seek to have the Notice amended, modified, or rescinded, 3) requesting a hearing, or 4) requesting an extension of time to respond to the Notice, you will become liable for the violation and assessed penalties described in the Notice.

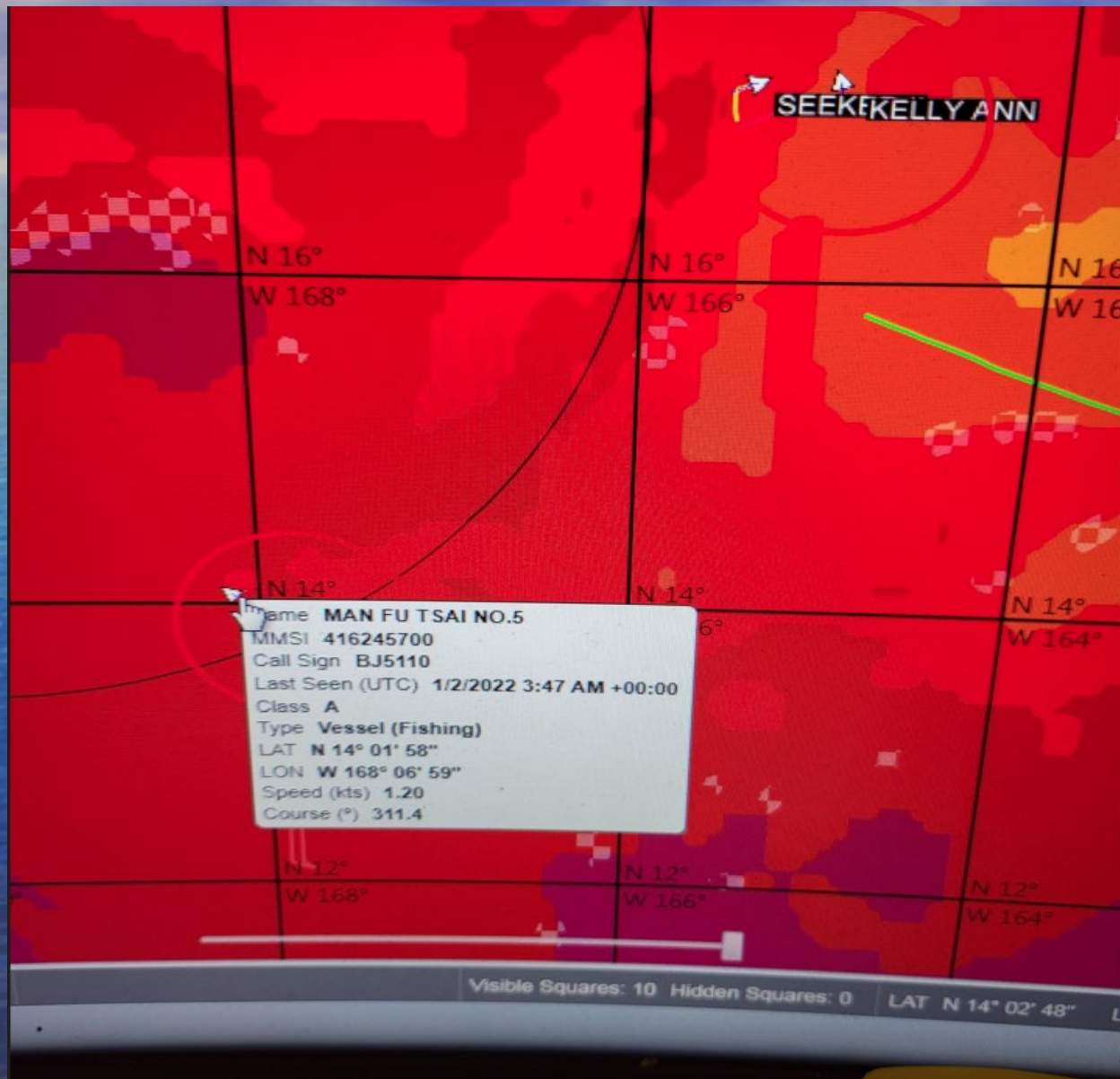
Vessel Monitoring System

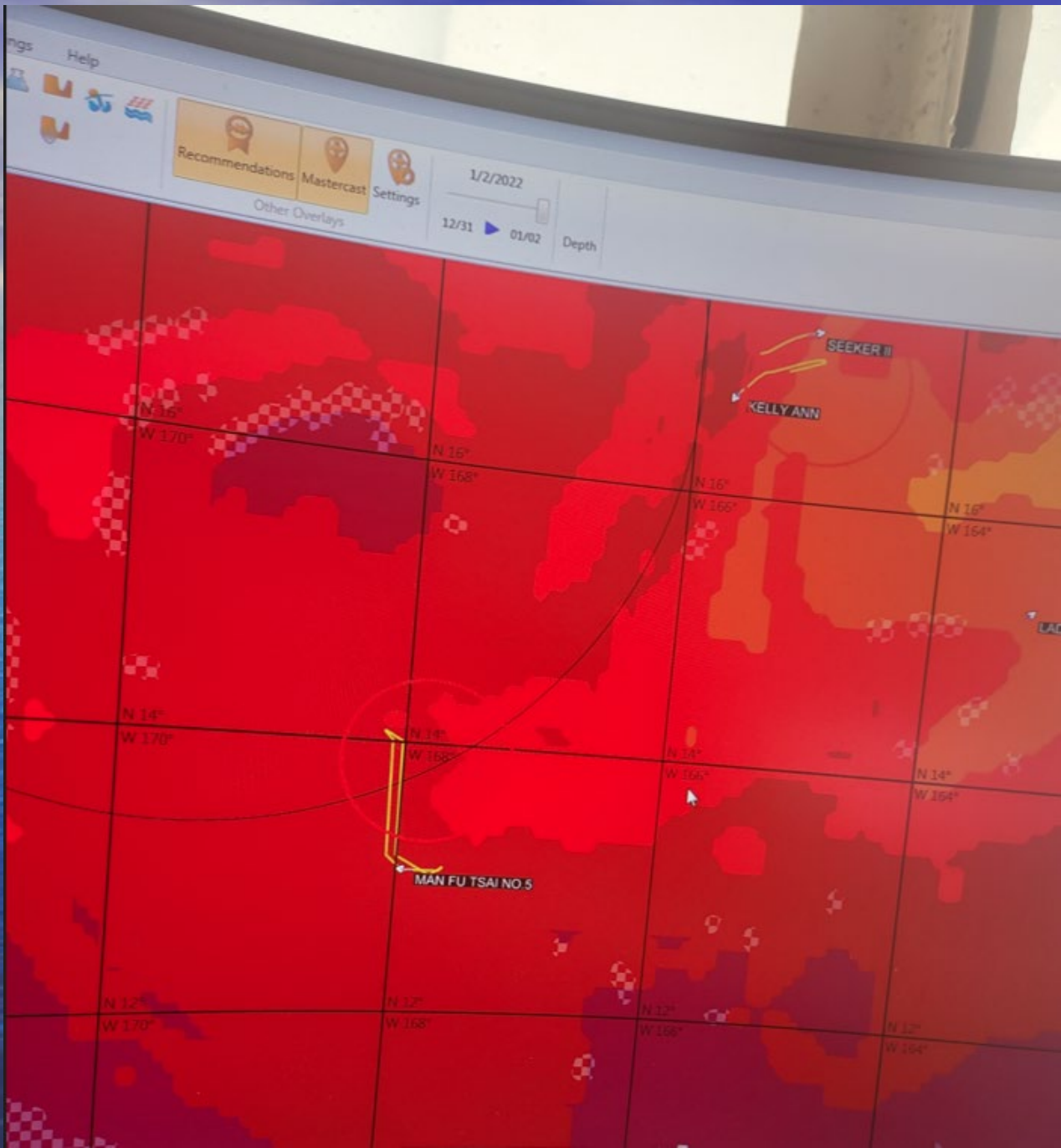
- **Satellite surveillance system**
- **Track movement fishing vessels in EEZ & treaty areas**

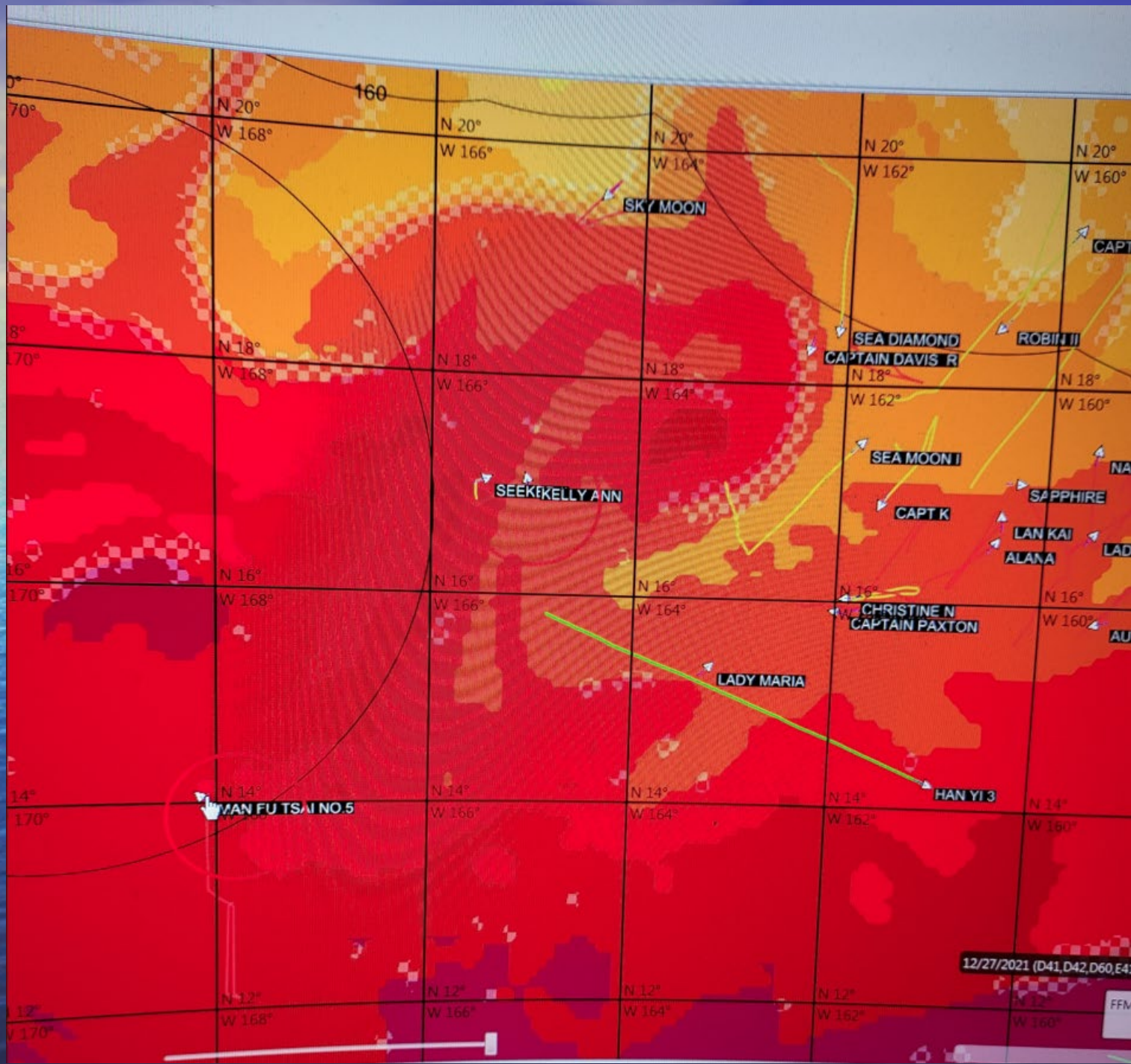




Case example of AIS reliability







12/27/2021 (D41,D42,D60,E4)

FFM





Western & Central Pacific
Fisheries Commission

MAN FU TSAI NO.5

Owner Name: CHERN, WEN SHENG

Owner Address:

No.20, Heping Rd., Liouciou Township, Pingtung County 92942, Taiwan
(R.O.C.)

Master Name: WANG SHUN CHIH

Master Nationality: Chinese Taipei

Reg Port: Pingtung

Built in Country: Chinese Taipei

Built in Year: 2013

Crew: 15

Length: 23.95

Length Units: Meters

Length Type: Overall

Moulded Depth: 2.00

Moulded Depth Units: Meters

Beam: 5.80

Beam Units: Meters

Tonnage: 99.17

Tonnage Type: GT

Engine Power: 940

Power Units: HP

Freezer Types: Blast

Freezing Capacity: 50

Freezing Capacity Units: RT

Number of Freezers: 2

FishHold Capacity: 157

FishHold Cap Units: CuM

Communication Details:

Inmarsat C (422802194)

Fishing Methods:

Longlines (not specified)

Flag: Chinese Taipei

Registration Number: CT4-3110

IRCS: BJ5110

Vessel Type: Tuna longliner

WIN: BJ5110

IMO-LR: 8791899

VID: 10933

Submitted by CCM: Chinese Taipei

Attachments:



Name and flag history

Previous Names: NONE

Previous Flags: NONE



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Law Enforcement
1845 Wasp Boulevard, Building 176
Honolulu, Hawaii 96818

January 28, 2022

Wenying Wang
Section Chief, International Fisheries Affairs Section
Deep Sea Fisheries Division
Fisheries Agency, Council of Agriculture
wenying@msl.f.gov.tw

Subject: Requesting assistance in the investigation of the Chinese fishing vessel MAN FU TSAI NO. 5

Dear Chief Wang:

The United States National Oceanic and Atmospheric Administration (NOAA), Office of Law Enforcement (OLE), is conducting an investigation into the activities of the Chinese-flagged fishing vessel MAN FU TSAI No. 5, a commercial longline fishing vessel.

This vessel is suspected of fishing illegally inside the Pacific Remote Islands Marine National Monument surrounding the Johnston Atoll U.S. Exclusive Economic Zone (EEZ), on the dates of December 31, 2021, through January 4, 2022.

Alleged Offense

Under U.S. law, specifically, 16 United States Code § 1857 Sec. 307(2) (B) Magnuson-Stevens Fishery Conservation and Management Act:

"It is unlawful for any vessel other than a vessel of the United States, and for the owner or operator of any vessel other than a vessel of the United States, to engage in fishing, except recreational fishing permitted under section 201(i), within the exclusive economic zone, or for any anadromous species or Continental Shelf fishery resources beyond such zone, unless such fishing is authorized by, and conducted in accordance with, a valid and applicable permit issued pursuant to section 204(b)(c) or (d); or..."

Subject of the Investigation

F/V Man Fu Tsai No. 5
Country of Registry: China



Port of Registry: Pingtung
International Radio Call Sign: BJ5110
International Maritime Organization Number: 8791899

Vessel Owner:
Chern, Wen Sheng
No. 20, Heping Road, Liouciou Township
Pingtung County 92942, Taiwan (R.O.C.)

Vessel Master: Wang Shun Chih

Request for Assistance

Based on the information collected and reviewed to date, NOAA OLE has reason to believe that on January 2, 2022, the Chinese Flag F/V Man Fu Tsai No. 5 is suspected of illegally conducting fishing operation inside the EEZ of the United States of America on or about December 31, 2022 through January 4, 2022. Please note that all dates and times in this document are in international standard Coordinated Universal Time (UTC).

NOAA OLE is requesting that China authorities conduct an investigative inspection of the F/V Man Fu Tsai No. 5 regarding physical and electronic records maintained onboard, and data files saved in their respective electronic navigational equipment during cited times/dates that the subject vessel is suspected of conducting fishing operations inside the EEZ of the United States. In particular, please provide NOAA OLE with copies of any documents, records, and/or data that indicates fishing inside the U.S. EEZ as specified in Attachment #1 of this letter.

Please know that NOAA OLE is honored to offer assistance to you and your agency in this matter upon your request. If you so desire, it would be my privilege to travel to China to work alongside your staff in the inspection and examination of any documents and/or data recovered in this investigation.

I appreciate your consideration of this request and look forward to continuing our longstanding tradition of cooperation in enforcement and compliance matters.

Sincerely,

Martina Sagapolu
Assistant Director
NOAA Office of Law Enforcement

Attachment 1: Documents, Records, and Data Requested
Attachment 2: Vessel position data of FV Man Fu Tsai No. 5

Taiwan's Outcome Response

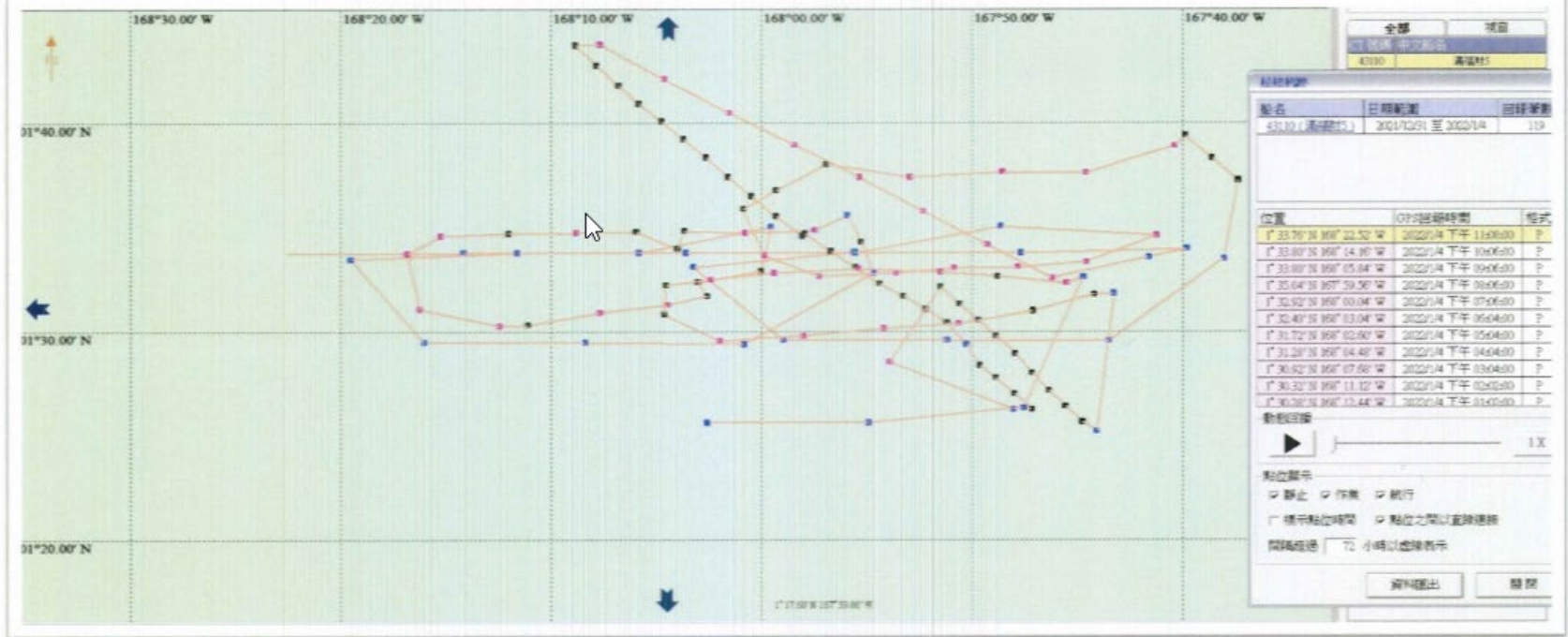
As per our investigation, it is found that the F/V VMS reported her positions regularly during her trip, including the period covering between December 31, 2021 to January 04, 2022. The vessel position reporting is in compliance with the requirements stipulated in the related CMM. In addition, the positions above-mentioned F/V reported are 670 miles away from the Johnston Atoll. As such, there is no opportunity for this vessel to engage in the illegal fishing activity within the Johnston Atoll. Attached please find the vessel position reports of the F/V MAN FU TSAI No. 5. We would appreciate further information from your side to facilitate our investigation.

Thank you once again for the continued effort on combating illegal, unreported and unregulated fishing operations. Should you need further information, please do not hesitate letting me know.

Best regards,

International Fisheries Affairs Section
Deep Sea Fisheries Division,
Fisheries Agency, Council of Agriculture 6F., No.100, Sec. 2, Heping
W. Rd., Zhongzheng Dist., Taipei, Taiwan

VMS Vessel: MAN FU TSAI No. 5 IRCS:BJ5110 Date:20211231~20220104

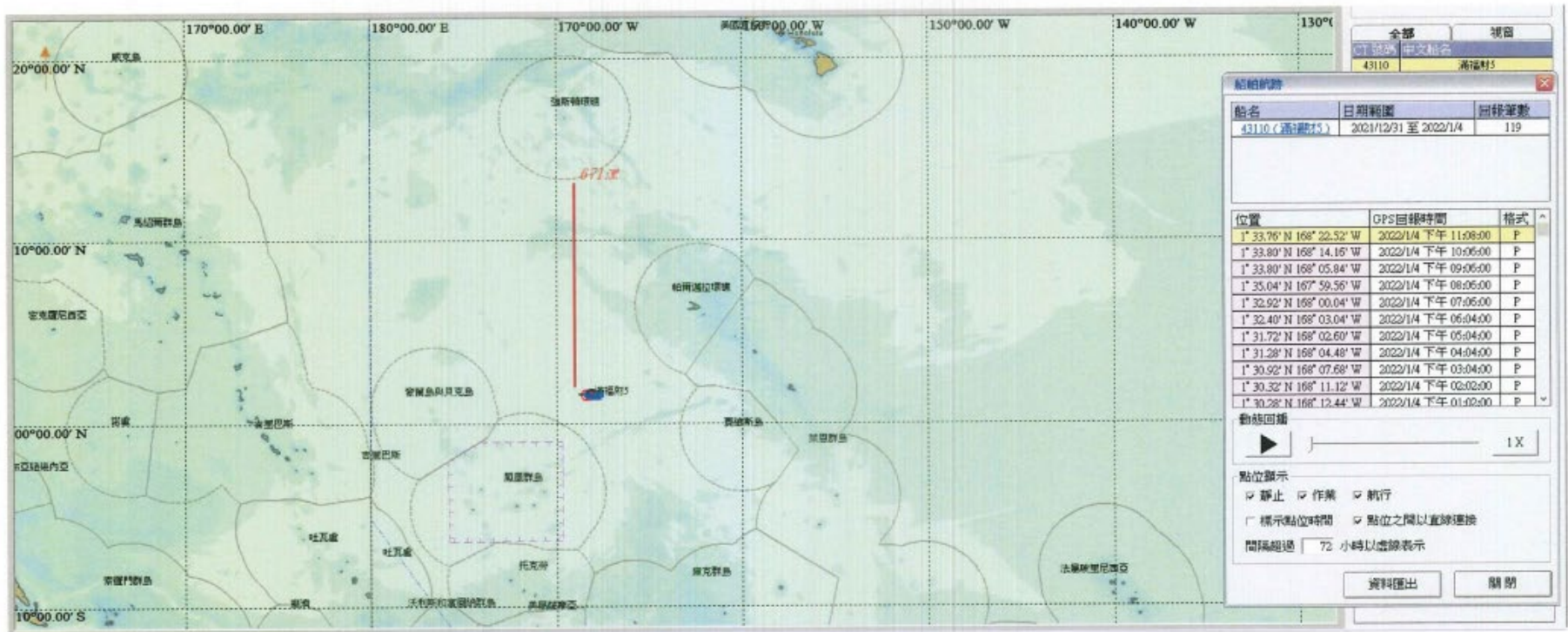


Location	GPS report time	Location	GPS report time	Location	GPS report time
1° 25.64' N 168° 02.60' W	2021/12/31 00:10	1° 33.12' N 167° 55.56' W	2022/1/1 16:30	1° 35.92' N 168° 00.88' W	2022/1/3 08:48
1° 25.64' N 167° 54.92' W	2021/12/31 01:10	1° 33.88' N 167° 56.72' W	2022/1/1 17:30	1° 33.68' N 167° 59.88' W	2022/1/3 09:50
1° 26.36' N 167° 47.56' W	2021/12/31 02:12	1° 34.72' N 167° 57.96' W	2022/1/1 18:30	1° 32.68' N 167° 57.28' W	2022/1/3 10:50
1° 32.64' N 167° 44.72' W	2021/12/31 03:12	1° 34.60' N 167° 58.08' W	2022/1/1 19:32	1° 32.84' N 167° 53.64' W	2022/1/3 11:50
1° 32.36' N 167° 45.52' W	2021/12/31 04:12	1° 35.56' N 167° 59.32' W	2022/1/1 20:32	1° 33.08' N 167° 50.88' W	2022/1/3 12:50

1° 32.68' N 167° 48.80' W	2021/12/31 05:12	1° 36.52' N 168° 00.48' W	2022/1/1 21:32	1° 33.12' N 167° 47.84' W	2022/1/3 13:52
1° 32.88' N 167° 51.52' W	2021/12/31 06:14	1° 37.44' N 168° 01.60' W	2022/1/1 22:32	1° 33.36' N 167° 44.60' W	2022/1/3 14:52
1° 33.04' N 167° 55.40' W	2021/12/31 07:14	1° 38.36' N 168° 02.64' W	2022/1/1 23:34	1° 34.64' N 167° 41.24' W	2022/1/3 15:52
1° 32.84' N 167° 59.40' W	2021/12/31 08:14	1° 39.24' N 168° 03.72' W	2022/1/2 00:34	1° 35.08' N 167° 48.64' W	2022/1/3 16:52
1° 32.52' N 168° 02.40' W	2021/12/31 09:14	1° 40.08' N 168° 04.76' W	2022/1/2 01:34	1° 33.80' N 167° 55.56' W	2022/1/3 17:54
1° 32.24' N 168° 04.56' W	2021/12/31 10:16	1° 40.92' N 168° 05.84' W	2022/1/2 02:34	1° 33.80' N 168° 03.60' W	2022/1/3 18:54
1° 30.84' N 168° 04.64' W	2021/12/31 11:16	1° 41.80' N 168° 06.80' W	2022/1/2 03:34	1° 33.80' N 168° 11.60' W	2022/1/3 19:54
1° 29.56' N 168° 02.00' W	2021/12/31 12:16	1° 42.76' N 168° 07.84' W	2022/1/2 04:36	1° 33.48' N 168° 19.52' W	2022/1/3 20:54
1° 29.80' N 167° 58.00' W	2021/12/31 13:16	1° 43.72' N 168° 08.84' W	2022/1/2 05:36	1° 29.48' N 168° 16.04' W	2022/1/3 21:56
1° 30.16' N 167° 54.20' W	2021/12/31 14:18	1° 43.76' N 168° 07.68' W	2022/1/2 06:36	1° 29.48' N 168° 08.40' W	2022/1/3 22:56
1° 30.40' N 167° 50.64' W	2021/12/31 15:18	1° 42.12' N 168° 04.64' W	2022/1/2 07:36	1° 29.40' N 168° 00.84' W	2022/1/3 23:56
1° 31.00' N 167° 47.12' W	2021/12/31 16:18	1° 40.48' N 168° 01.52' W	2022/1/2 08:38	1° 32.84' N 167° 54.68' W	2022/1/4 00:56
1° 31.80' N 167° 44.20' W	2021/12/31 17:18	1° 38.96' N 167° 58.44' W	2022/1/2 09:38	1° 34.32' N 167° 55.28' W	2022/1/4 01:56
1° 31.84' N 167° 43.28' W	2021/12/31 18:20	1° 37.44' N 167° 55.36' W	2022/1/2 10:38	1° 35.60' N 167° 55.92' W	2022/1/4 02:58
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1° 25.68' N 167° 44.76' W	2021/12/31 20:20	1° 34.20' N 167° 49.28' W	2022/1/2 12:40	1° 34.76' N 168° 00.80' W	2022/1/4 04:58
1° 26.44' N 167° 45.56' W	2021/12/31 21:20	1° 32.60' N 167° 46.20' W	2022/1/2 13:40	1° 34.84' N 168° 03.68' W	2022/1/4 05:58
1° 27.20' N 167° 46.36' W	2021/12/31 22:22	1° 33.60' N 167° 41.60' W	2022/1/2 14:40	1° 34.00' N 168° 04.00' W	2022/1/4 06:20
1° 28.04' N 167° 47.16' W	2021/12/31 23:22	1° 34.00' N 167° 39.80' W	2022/1/2 15:40	1° 34.80' N 168° 05.96' W	2022/1/4 07:00
1° 28.96' N 167° 47.96' W	2022/1/1 00:22	1° 33.80' N 167° 47.68' W	2022/1/2 16:42	1° 34.76' N 168° 08.80' W	2022/1/4 08:00
1° 29.80' N 167° 48.88' W	2022/1/1 01:22	1° 33.84' N 167° 55.64' W	2022/1/2 17:42	1° 34.72' N 168° 12.04' W	2022/1/4 09:00
1° 30.56' N 167° 49.72' W	2022/1/1 02:22	1° 33.12' N 168° 03.24' W	2022/1/2 18:42	1° 34.60' N 168° 15.24' W	2022/1/4 10:00
1° 31.32' N 167° 50.60' W	2022/1/1 03:24	1° 29.60' N 167° 58.96' W	2022/1/2 19:42	1° 33.76' N 168° 16.84' W	2022/1/4 11:02
1° 32.16' N 167° 51.52' W	2022/1/1 04:24	1° 29.60' N 167° 51.20' W	2022/1/2 20:44	1° 31.08' N 168° 16.24' W	2022/1/4 12:02
1° 28.56' N 167° 53.92' W	2022/1/1 05:24	1° 29.56' N 167° 43.52' W	2022/1/2 21:44	1° 30.28' N 168° 12.44' W	2022/1/4 13:02
1° 26.28' N 167° 48.04' W	2022/1/1 06:24	1° 33.52' N 167° 38.04' W	2022/1/2 22:44	1° 30.32' N 168° 11.12' W	2022/1/4 14:02
1° 26.28' N 167° 47.16' W	2022/1/1 07:26	1° 37.28' N 167° 37.36' W	2022/1/2 23:44	1° 30.92' N 168° 07.68' W	2022/1/4 15:04
1° 27.04' N 167° 48.00' W	2022/1/1 08:26	1° 38.32' N 167° 38.60' W	2022/1/3 00:44	1° 31.28' N 168° 04.48' W	2022/1/4 16:04

VMS Vessel: MAN FU TSAI No. 5 IRCS:BJ5110 Date:20211231~20220104

(About 670 Nm from the Johnston Atoll)



船舶航跡

船名	日期範圍	回報筆數
43110 (漁船25)	2021/12/31 至 2022/1/4	119

位置	GPS回報時間	格式
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1° 33.80' N 168° 14.16' W	2022/1/4 下午 10:56:00	P
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1° 35.04' N 167° 59.56' W	2022/1/4 下午 08:05:00	P
1° 32.92' N 168° 00.04' W	2022/1/4 下午 07:05:00	P
1° 32.40' N 168° 03.04' W	2022/1/4 下午 06:04:00	P
1° 31.72' N 168° 02.60' W	2022/1/4 下午 05:04:00	P
1° 31.28' N 168° 04.48' W	2022/1/4 下午 04:04:00	P
1° 30.92' N 168° 07.68' W	2022/1/4 下午 03:04:00	P
1° 30.32' N 168° 11.12' W	2022/1/4 下午 02:02:00	P
1° 30.28' N 168° 12.44' W	2022/1/4 下午 01:02:00	P

動態回播

▶ 1 X

點位顯示

靜止 作業 航行

標示點位時間 點位之間以直線連接

間隔超過 72 小時以虛線表示

資料匯出 關閉

Questions?



Mahalo!