



NOAA FISHERIES

September 2016 Council Report Northeast Enforcement Division

July 1, 2016 – September 15, 2016



Council Report

To report fisheries violations,
call our national hotline:
1-800-853-1964

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Enforcement and Compliance

Summary

Since the last Council meeting, there were 79 documented patrols, allowing critical face-to-face interaction between our field staff and the industry; 25 documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and 12 meetings. This list does not include the extensive outreach that the VMS team provides on a daily basis, nor can it fully capture the interaction our agents, officers, and support staff regularly have with industry.

ACIs Reported Fiscal Year 2016

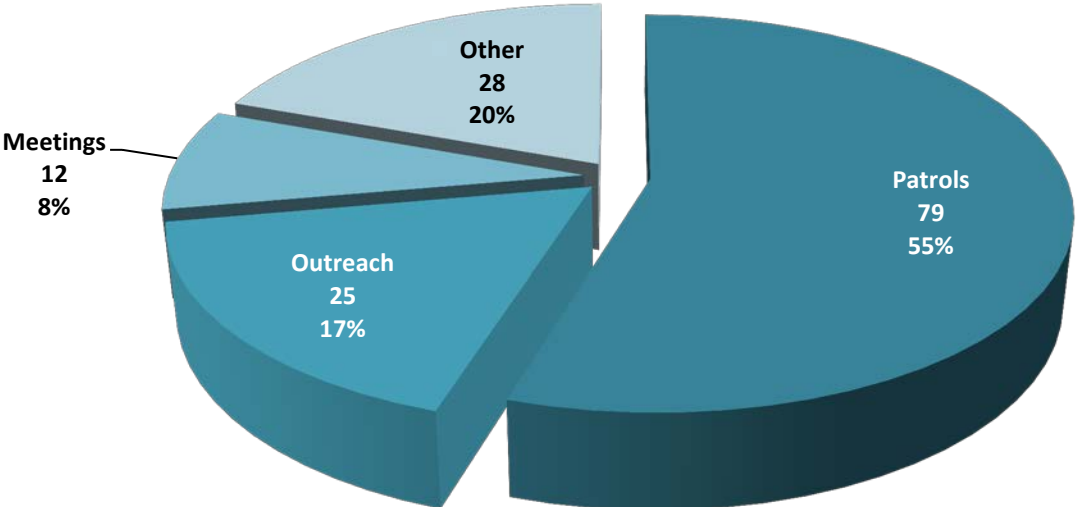


Figure 1: 144 ACIs reported from June 26, 2016 through September 15, 2016. The chart is broken down by patrols, outreach, other (collateral duties, homeland security, and info gathering) and meetings.

Table 1: Summary of Incidents By Types

Law/Regulation/Program	FY 16 Incident Totals
ACFCMA	52
Atlantic Tuna	98
Documentation/Safety (EMIS)	1
Endangered Species Act	3
Federal Regulations (non-fisheries)	2
High Seas Fisheries Compliance Act	2
Lacey Act (Federal)	4
Lacey Act (Foreign)	3
Lacey Act (State)	1
Marine Mammal Protection Act	21
MSFCMA	245
Other	3
State Regulations (fisheries)	1
State Regulations (non-fisheries)	2
Total	438

Incidents by Type Fiscal Year 2016

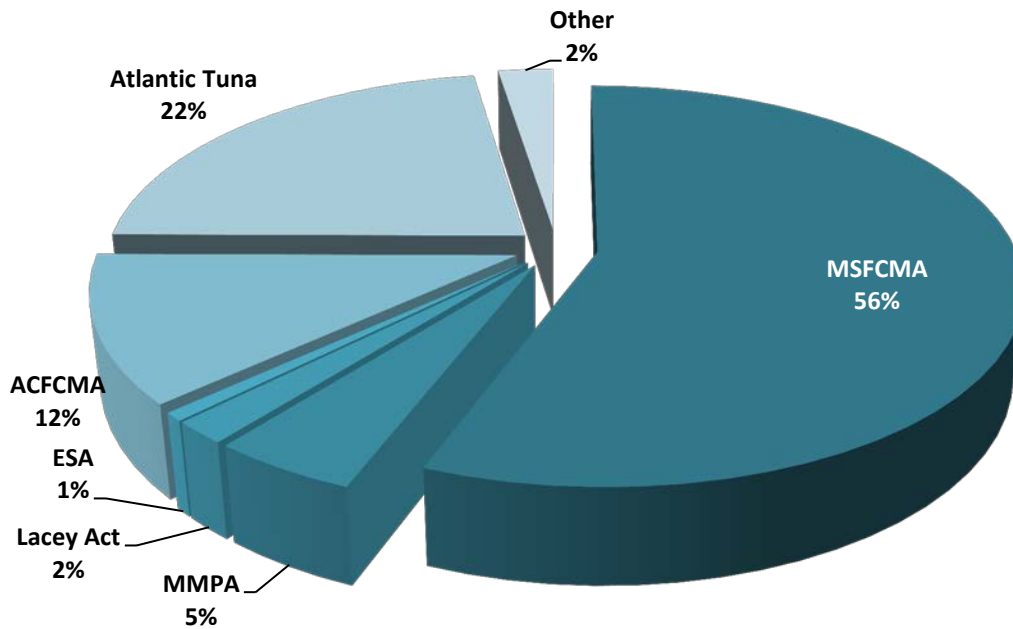


Figure 2: Incidents opened from June 26, 2016 through September 15, 2016. 438 incidents were opened.

Table 2: Summary Complaints By Types

Law/Regulation/Program	FY 16 Complaint Totals
ACFCMA	3
Atlantic Tuna	3
Documentation/Safety (EMIS)	1
MMPA	6
MSFCMA	9
State Regulations (non-fisheries)	1
Total	23

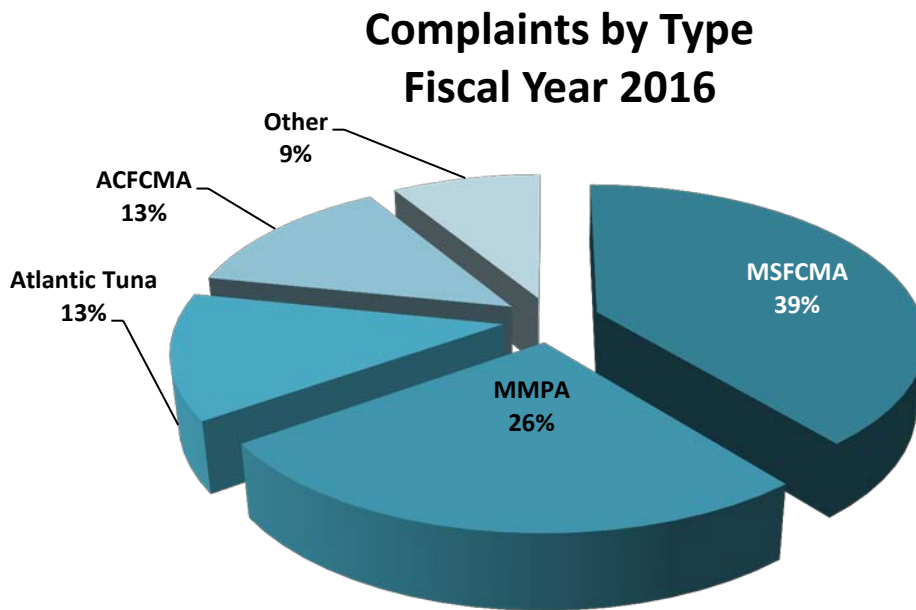


Figure 3: Complaints opened from June 26, 2016 through September 14, 2016. 23 complaints were opened.

Incident and Case Information

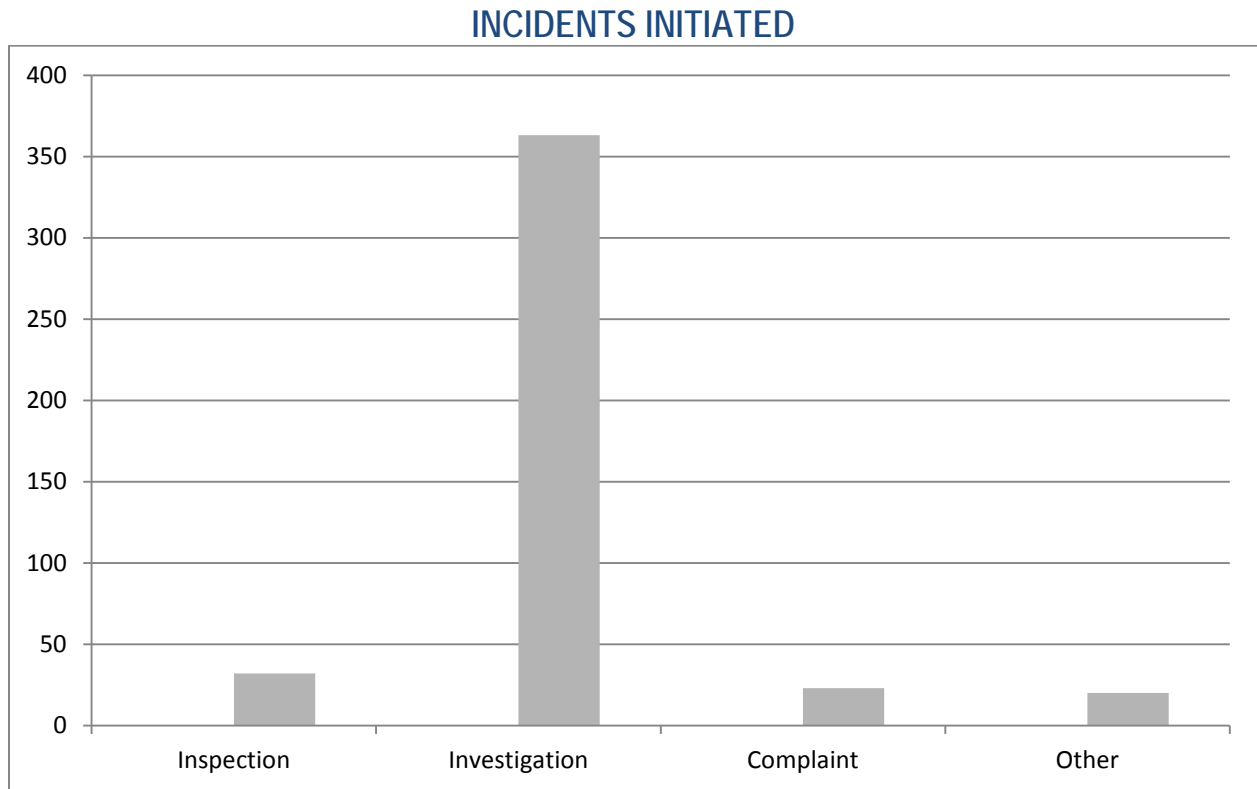


Figure 4. FY2016 June 26, 2016 – September 26, 2016: 32 inspections, 363 investigations, 23 complaints, 20 other. **438 total**

Incident Dispositions

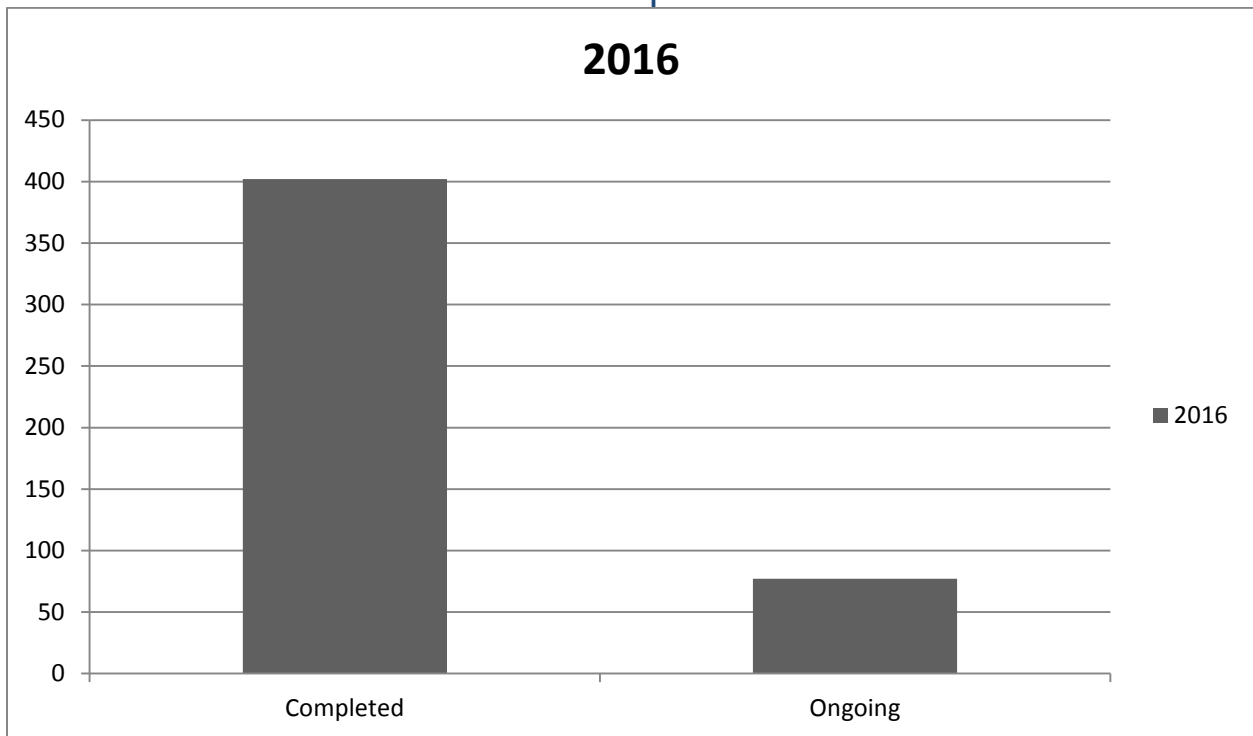


Figure 5. Status of incidents from June 26, 2016 – Sept 15, 2016 (402 completed, 36 ongoing).

Enforcement Highlights

ISF Trading Company pled guilty in U.S. District Court to seven counts of violating the Lacey Act and the Canadian Seafood Inspection Act. ISF bought Canadian sea urchins from a Canadian supplier, TKG Fisheries of Grand Manan that was not authorized under Canadian law to export them to the United States. ISF brought them across the Calais Port of Entry under the false label of another Canadian supplier, Matthews Seafood of New Brunswick, Canada. NOAA Office of Law Enforcement and Homeland Security Investigations led the investigation with assistance from the Canadian Food Inspection Agency, the Royal Canadian Mounted Police, the Canadian Border Services Agency, the Royal Newfoundland Constabulary and Fisheries and Oceans Canada. Under its agreement with the United States, ISF faces up to \$1,250,000 in fines and forfeitures and up to five years of probation for the violations.

OLE has attended numerous Highly Migratory Species (HMS) tournaments during the summer months. OLE staff have been available at tournament Captain's meetings to provide compliance assistance. Many vessel owners have required assistance obtaining HMS permits and information regarding the HMS regulations. During the tournaments fishing days OLE has provided a presence on the water.

Overview of Summary Settlements

Table 3. Summary of Summary Settlements Issued/Paid

Program/Law	Violation	Amount	Amount Paid
MSFCMA	Landing Shortfin mako shark with an expired HMS permit	\$250	\$250
MSFCMA	Failure to maintain VTR	\$500	\$500
MSFCMA	Retain on board, land, or possess whole American lobster that fail to meet the minimum carapace length	\$400	\$400
MSFCMA	Retain on board, land, or possess any female lobster that do not meet the area-specific v-notch requirements	\$500	\$500
MSFCMA	No GARFO charter/party permit when on a for-hire trip and possessing scup	\$500	\$500
MSFCMA	To exceed the daily landing limit of spiny dogfish	\$518.76	\$518.76
MSFCMA	To exceed the daily landing limit of spiny dogfish	\$530.20	-
MSFCMA	Retain on board, land, or possess any female lobster that do not meet the area-specific v-notch requirements	\$500	-
MSFCMA	Fishing without operator permit onboard	\$500	-
MSFCMA	Fish for, catch, possess, retain, or land Atlantic HMS without the appropriate valid vessel permit	\$500	-
MSFCMA	Atlantic scallop overage	\$260	\$260
MSFCMA	22 pound overage of Atlantic scallops	\$765	-
MSFCMA	Failure to complete VTR in a timely manner	\$500	-
MSFCMA	Unlawful possession of undersized Atlantic cod	\$600	-
MSFMCA	Unlawful possession of regulated species that are smaller than the minimum fish sizes specified in §648.89(B)(1) and (B)(3).	\$700	-
ACFCMA	Fishing for American lobster inside LMA4 during closure	\$500	\$500
ACFCMA	Import, export, transport, sell, receive, acquire, or purchase in interstate or foreign any fish of wildlife taken, possessed, transported, or sold in violation of any law or in violation of any foreign law	\$250	\$250
ACFCMA	Possession of Striped bass in the EEZ	\$1,500	\$1,500
ACFCMA	Retain on board, land, or possess any berried female American lobster	\$2,500	\$2,500
ACFCMA	Possession of Striped bass in the EEZ	\$1,000	-
ACFCMA	Possession of Striped bass in the EEZ	\$2,500	-
Atlantic Tuna	Fishing for shark without a valid HMS permit	\$250	\$250
Atlantic Tuna	Fished for sharks in the EEZ during a HMS registered tournament without a valid HMS permit	\$250	\$250
Atlantic Tuna	Catch Atlantic bluefin tuna with unauthorized gear	\$750	\$750
Atlantic Tuna	Failure to report Atlantic bluefin tuna	\$1,500	\$1,500
Atlantic Tuna	Possession of Atlantic bluefin tuna without valid HMS permit	\$2,000	\$2,000
Atlantic Tuna	Failure to maintain Atlantic HMS in proper form	\$1,000	\$1,000
Atlantic Tuna	Fish for, catch, possess, retain, or land Atlantic HMS without the appropriate valid vessel permit; Failure to maintain Atlantic HMS in proper form	\$2,500	\$2,500
Atlantic Tuna	Possession of Atlantic bluefin tuna without valid HMS permit	\$2,000	-
Atlantic Tuna	Failure to report Atlantic bluefin tuna	\$500	-
Atlantic Tuna	Fish for, catch, possess, retain, or land Atlantic HMS without the appropriate valid vessel permit	\$500	-
MMPA	Unlawful take of a marine mammal	\$250	\$250
MMPA	Unlawful take of a marine mammal	\$100	\$100
MMPA	Unlawful importation, possession, sale, purchase, and/or transport of marine mammal parts or products	\$250	\$250

Northeast VMS Program

Northeast Active VMS Vessel Population: 991

Population Breakdown by (VMS) Permits held¹:

- 638 Surfclam/Ocean Quahog (Permit Category 1,6,7)
- 566 Scallop General Category (Cat. A,B,C)
- 413 Multispecies (Cat. A,D,F)
- 344 Scallop Limited Access (Cat. 2,3,5,6,7,8)
- 301 Longfin Squid/Limited Access Mackerel (Cat. 1,T1,3,T3)
- 130 Herring (Cat. A,B,C,E)
- 47 Combination (Multispecies Cat. E)
- 19 Monkfish (Cat. F)

Note: There are 456 groundfish sector vessels and 118 common pool vessels registered to the NE VMS Program. There are 27 sector and 7 common pool vessels on a NMFS-authorized power down Letter of Exemption.

VMS Significant Issues:

VMS REPORTING COMPLIANCE: Our emphasis during this quarter has been on trip hail and prelanding reporting requirements in the groundfish, scallop, herring, and squid/mackerel fisheries. We developed a daily report to track individual vessel trip compliance and to reach out to owners/operators. Our outreach is showing positive results with improved reporting across these fisheries.

VMS Industry Contact Log Report:

The NE VMS Team addressed 785 industry issues this quarter and closed 688 issues. The most-frequently reported issues were: Declaration and Forms assistance, Non-reporting, and Miscoding. A total of 51 issues were referred, primarily to: Observer Program, GARFO APS Division, and VMS Vendors.

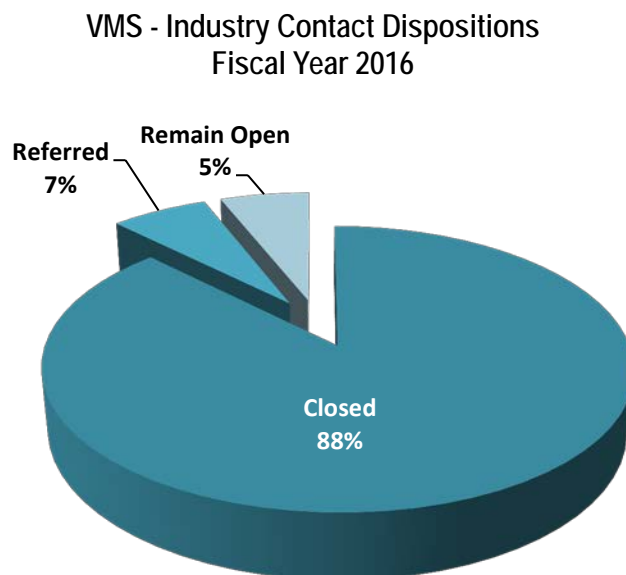


Figure 6: Status of contacts from June 1, 2016 – Aug 1, 2016 (688 closed, 51 referred, 46 remain open).

¹ The total count below exceeds the VMS population count since most vessels hold multiple permits

Cases sent to NOAA General Counsel Enforcement Section (GCES)

- 68 cases opened
- 34 summary settlements issued (\$27,633.96)
- 11 cases forwarded to GCES

Table 5. Cases sent to GCES

Program/Law	Violation
MSFCMA (10 cases)	Fishing with an obstructed and constricted codend
	Scallop Overage; Observer refusal
	Failure to submit PTNS notification prior to entering and fishing within the red fish exemption area
	Closed Area I incursion
	Misreporting; Fish for scallops without a valid scallop permit; Possession of undersized fish; Possession of berried female lobsters
	Possession of undersized cod; Failure to comply with the 2 inch by 2 inch Identification requirement
	Illegal gear configuration
	No current Dealer permit
	Scallop Overage; Incomplete VTR
	Possession of Ocean pout
MMPA (1 case)	Unlawful possession of marine mammal parts or products