

FIFTH COAST GUARD DISTRICT ENFORCEMENT REPORT



01 August 2016 – 30 September 2016

Presented to the Mid-Atlantic Fisheries Management Council

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List of Abbreviations

CFVS – Commercial Fishing Vessel Safety	SAR – Search and Rescue
HC-130 – USCG Fixed-Wing Aircraft	WLB – 225ft Buoy Tender
WPB – 110ft or 87ft Patrol Boat	P/C – Pleasure Craft
STA – USCG Small Boat Station	F/V – Fishing Vessel
EPIRB – Emergency Position Indicating Radio Beacon	A/S – Air Station
WMEC – 210’ or 270’ Medium Endurance Cutter	SEC - Sector
M/V – Motor Vessel	M/T – Motor Tanker

I. Mid-Atlantic Fisheries Enforcement and Marine Protected Species Operations

Operations Summary

During this period, WPBs and stations conducted fisheries patrols in the Mid-Atlantic in an effort to curtail illegal fishing throughout D5’s jurisdictional area (northern New Jersey to the North Carolina/South Carolina border). Throughout this period, units conducted 103 boardings and issued one enforcement action report.

Boarding Statistics (Note: “This Period” data should be considered preliminary and is subject to change)

01 August 2016 – 30 September 2016 Activities	Comparison to FY15
Fisheries Boardings.....	103..... 76
Fisheries Boardings w/Fishery Violations.....	1..... 10
Violation Rate.....	0.9%..... 13.1%
Activities Fiscal Year 2016	Comparison to FY15
Fisheries Boardings.....	669..... 739
Fisheries Boardings w/Fishery Violations.....	21..... 41
Violation Rate.....	3.1%..... 5.5%

Violation Summary

26SEP16: STA OAK ISLAND issued a fishery violation to a commercial fishing vessel for a vermillion snapper overage.

Marine Protected Species Support Summary

29AUG16: STA Manasquan Inlet assisted the Marine Mammal Stranding Center in locating a humpback whale to confirm that it was not injured or entangled.

II. Commercial Fishing Vessel Safety Efforts

(August 1, 2016 – September 30, 2016)

Fishing Vessel Dockside Safety Examinations.....	This Period.....	Fiscal Year to Date
Dockside Exams.....	34.....	619
Decals Issued	26.....	485
Commercial Fishing Vessel Safety Terminations.....	0.....	12

III. Search and Rescue Highlights

From August 1, 2016 – September 30, 2016, there were 7 marine casualties reported involving commercial fishing vessels:

- Allision – 2
 - MOSQUITO POINT (O.N. 943908) – 18 AUG 2016;
 - FLICKA (O.N. 669492) – 29 AUG 2016
- Capsize – 0
- Collision – 0
- Damage to Environment (Pollution/Hazmat) – 0
- Death – 0
- Disabled (Equipment Failure) – 1
 - BLUE DIAMOND (O.N. 516195) – 30 AUG 2016
- Fire – 0
- Flooding – 1
 - SAINT JAMES (O.N. 585114) – 17 AUG 2016
- Fouling – 0
- Grounding – 1
 - WILLIAM LEE (O.N. 901666) – 9 AUG 2016
- MEDEVAC – 6
 - VILA NOVA DO CORVO I (O.N. 1110463) – 11 AUG 2016; crewmember fainted and experienced high blood pressure.
 - MISS BARNEGATE LIGHT (O.N. 555530) – 13 AUG 2016; male onboard experiences seizures.
 - PEROLA DO CORVO (O.N. 584692) – 15 AUG 2016; male onboard feeling sick, vomiting and experiencing shortness of breath.
 - CALCASIEU PASS (O.N. 651261 – 15 AUG 2016; crewmember passed out on deck due to heat exhaustion.
 - MASTER JOSEPH (O.N. 7742877) – crewmember became disoriented, experienced difficulty in breathing, and lost control of bowel movements.
 - MOORE BILLS (O.N. 1183074) – 29 AUG 2016; male onboard experience severe abdominal/groin pains.
- Injury – 2
 - JET LAG II (O.N. 918814) – 4 AUG 2016;
 - WILLIAM LEE (O.N. 901666) – 9 AUG 2016
- Fall(s) Overboard – 0
- Sinking – 1
 - LADY GERTRUDE (O.N. 613723) – 15 AUG 2016
- Terminations – 0

IV. Outreach Information

National Marine Fisheries Service (NMFS) and National Oceanographic Atmospheric Administration (NOAA) use of Commercial Fishing Vessels

NMFS and NOAA previously used and intend to continue chartering private vessels (commercial fishing vessels) to conduct surveys and other scientific research missions.

The Coast Guard's goal is to ensure that these vessels are operated in a manner to protect individuals, their private property, and the marine environment. In addition, the Coast Guard ensures that the vessels are in compliance with applicable laws and regulations.

Chartering (employing) a "fishing vessel" to carry personnel in addition to the crew in an effort to conduct oceanographic or scientific research with the vessel, while not solely engaged in fishing activities, changes the type of service of the vessel. Thus the vessel, by statute, is no longer considered a "fishing vessel." The most appropriate service of the vessel must then be determined to identify the regulatory requirements to which the vessel must comply. Coast Guard's determination of possible service may include:

- An Uninspected Passenger Vessel (UPV);
- An Inspected Passenger Vessel (PV); or
- An Inspected (or designated) Oceanographic Research Vessel (ORV)

Each such vessel and service type determination may require changes to the vessel's documentation and subject it to Coast Guard inspection or special examination. This is important for NOAA / NMFS and vessel owners/operators to understand prior to entering into a chartering agreement because civil penalties and/or operational controls of the vessel could result from violations of the applicable laws.

Regulatory Sites, Definitions and Explanations

- *A fishing vessel* is defined as "a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish." **46 U.S.C. § 2101(11a)**
- *Commercial Service* is to include "any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel." **46 U.S.C. § 2101(5)**
- *Oceanographic Vessel* is a vessel that the Secretary (USCG) finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic research, including those studies about the sea such as geological surveys, atmospheric research and biological research. **46 U.S.C. § 2101(18)**

Note: In prior administrative rulings, the study of celestial navigation, seamanship, scuba diving, and other topics, in conjunction with oceanographic research or instruction, has voided a vessel's claim of exclusive employment.

- *Passenger* is every person other than the crew or other persons engaged on board a vessel in the business of the vessel. **46 U.S.C. § 2101(21)**

Note: Research vessels may NOT carry passengers for hire, as this would constitute engaging in "trade or commerce." **46 CFR § 24.10**

- *Scientific Personnel* are those persons who are on board a CG-designated oceanographic research vessel only to engage in scientific research, or to instruct, or receive instruction, in oceanography or limnology. **46 U.S.C. § 2101(31)**

Note: Scientific personnel on oceanographic research vessels are not considered as persons when requirements are based on total persons on board. **46 CFR § 188.05-33**