



**NOAA FISHERIES**

## June 2016 Council Report Northeast Enforcement Division

April 1, 2016 – June 10, 2016



## Council Report

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

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# 3<sup>rd</sup> Quarter Enforcement and Compliance

## Summary

So far in the third quarter, there were 142 documented patrols, allowing critical face-to-face interaction between our field staff and the industry; 54 documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and 9 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 3rd Quarter Fiscal Year 2016

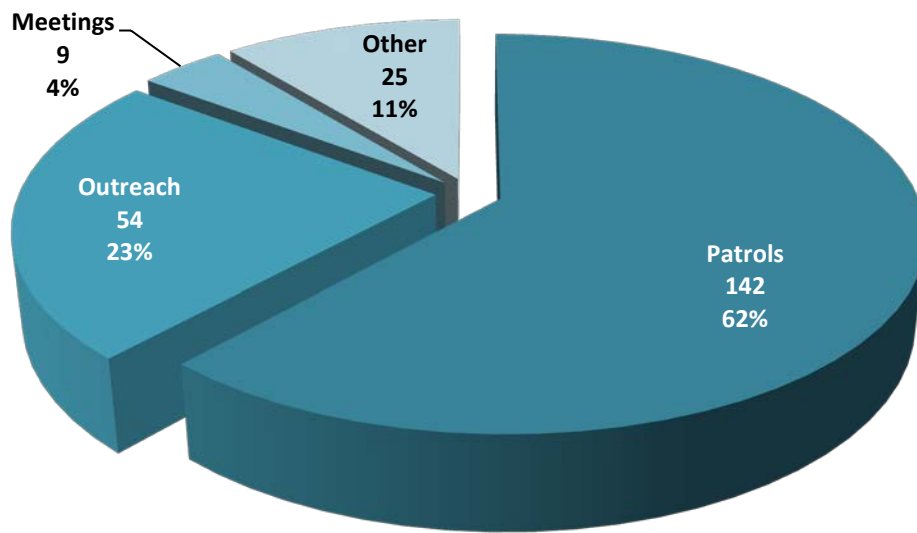


Figure 1: 230 ACIs reported from April 1, 2016 through June 10, 2016. The chart is broken down by patrols, outreach, other (collateral duties, homeland security, and info gathering) and meetings.

Table 1: Summary of 3<sup>rd</sup> Quarter Incidents By Types

Law/Regulation/Program	FY 16 3 <sup>rd</sup> Quarter Incident Totals	FY 15 3 <sup>rd</sup> Quarter Incident Totals
ACFCMA	39	15
Atlantic Tuna	16	7
CCAMLR	1	1
CITES	0	0
Endangered Species Act	7	3
Federal Regulations (non-fisheries)	3	0
High Seas Fisheries Compliance Act	1	0
Lacey Act (Federal)	5	1
Lacey Act (Foreign)	1	0
Lacey Act (State)	2	1
Marine Mammal Protection Act	20	23
MSFCMA	234	124
Other	4	1
State Regulations (fisheries)	2	2
State Regulations (non-fisheries)	0	1
<b>Total</b>	<b>334</b>	<b>179</b>

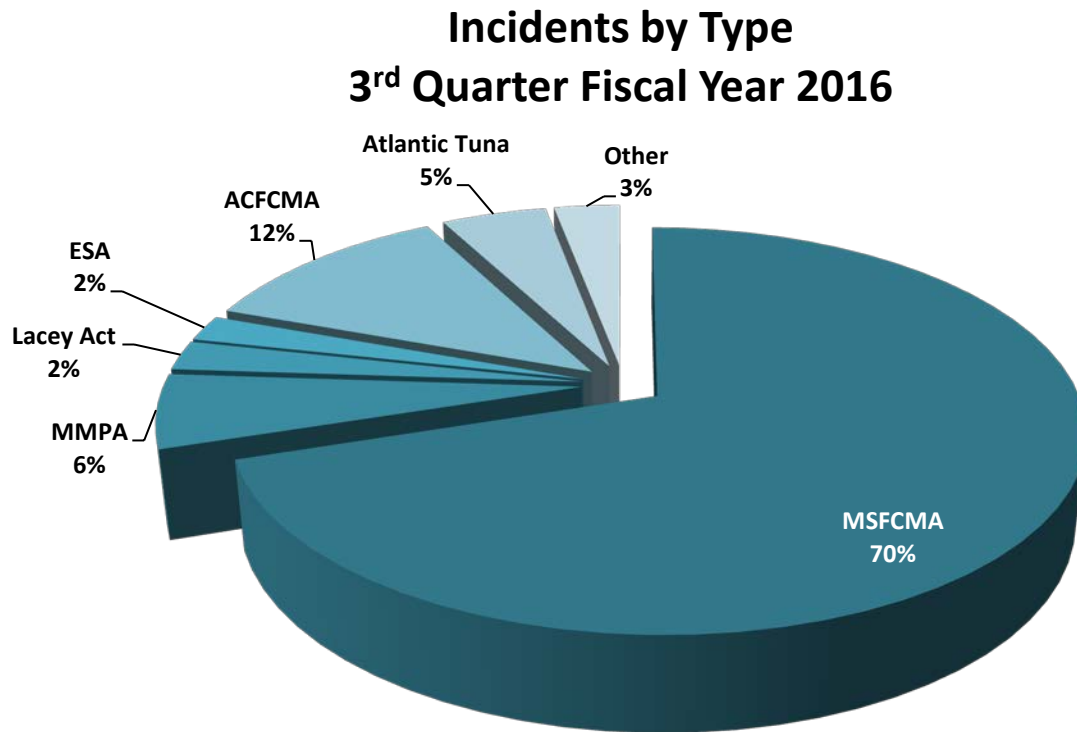


Figure 2: Incidents opened from April 1, 2016 through June 10, 2016. 334 incidents were opened.

Table 2: Summary of 3<sup>rd</sup> Quarter Complaints By Types

Law/Regulation/Program	FY 16 3 <sup>rd</sup> Quarter Complaint Totals	FY 15 3 <sup>rd</sup> Quarter Complaint Totals
ACFCMA	2	0
Atlantic Tuna	3	1
Endangered Species Act	2	0
Lacey Act (Federal)	1	0
Lacey Act (State)	0	1
Marine Mammal Protection Act	3	4
MSFCMA	7	6
Other	1	0
<b>Total</b>	<b>19</b>	<b>12</b>

### Complaints by Type 3<sup>rd</sup> Quarter Fiscal Year 2016

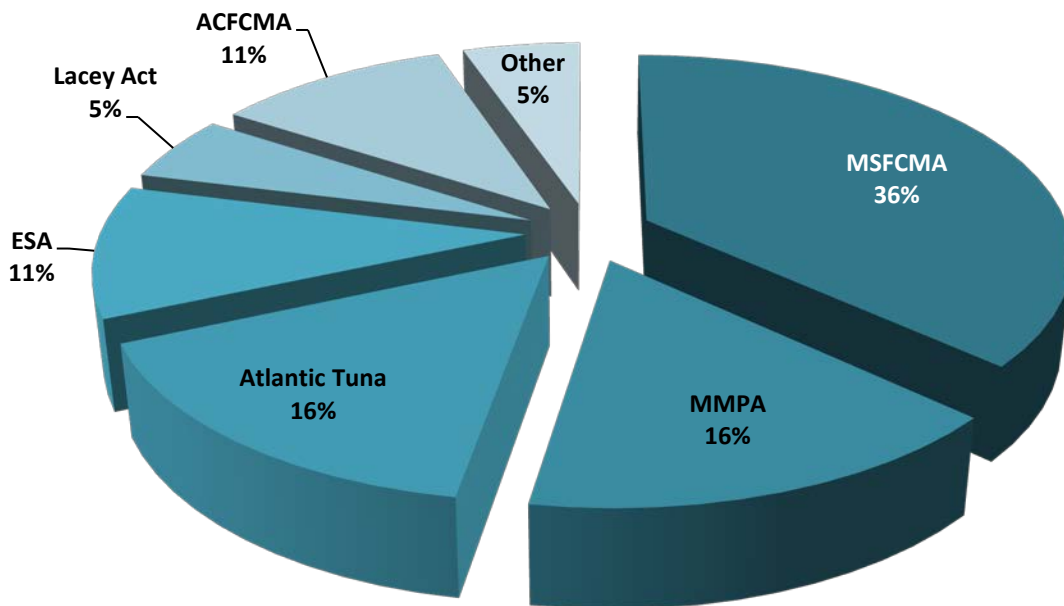


Figure 3: Complaints opened from April 1, 2016 through June 10, 2016. 19 complaints were opened.

# Incident and Case Information

INCIDENTS INITIATED  
3<sup>rd</sup> Quarter 2015 & 2016

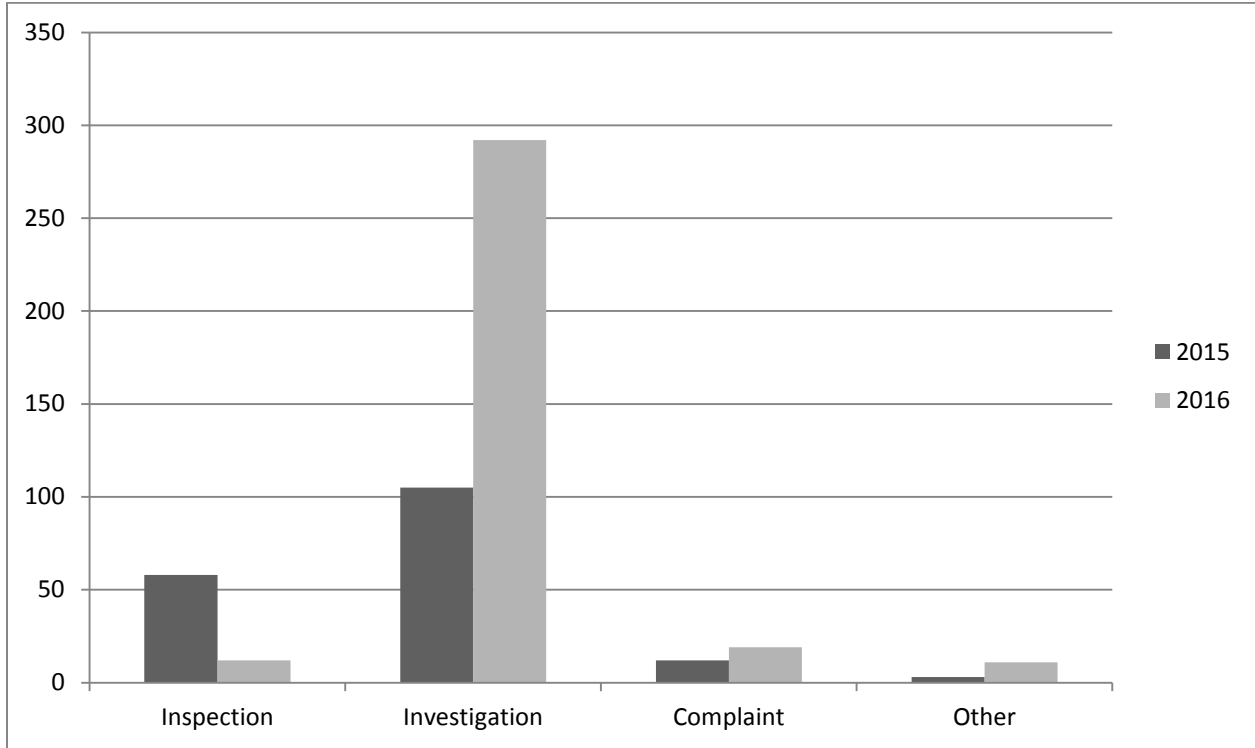


Figure 4. FY2016 3<sup>rd</sup> quarter: 12 inspections, 292 investigations, 19 complaints, 11 other. **334 total**  
FY2015 3<sup>rd</sup> quarter: 58 inspections, 105 investigations, 12 complaints, 4 other. **179 total**

### 3<sup>rd</sup> Quarter 2015 & 2016

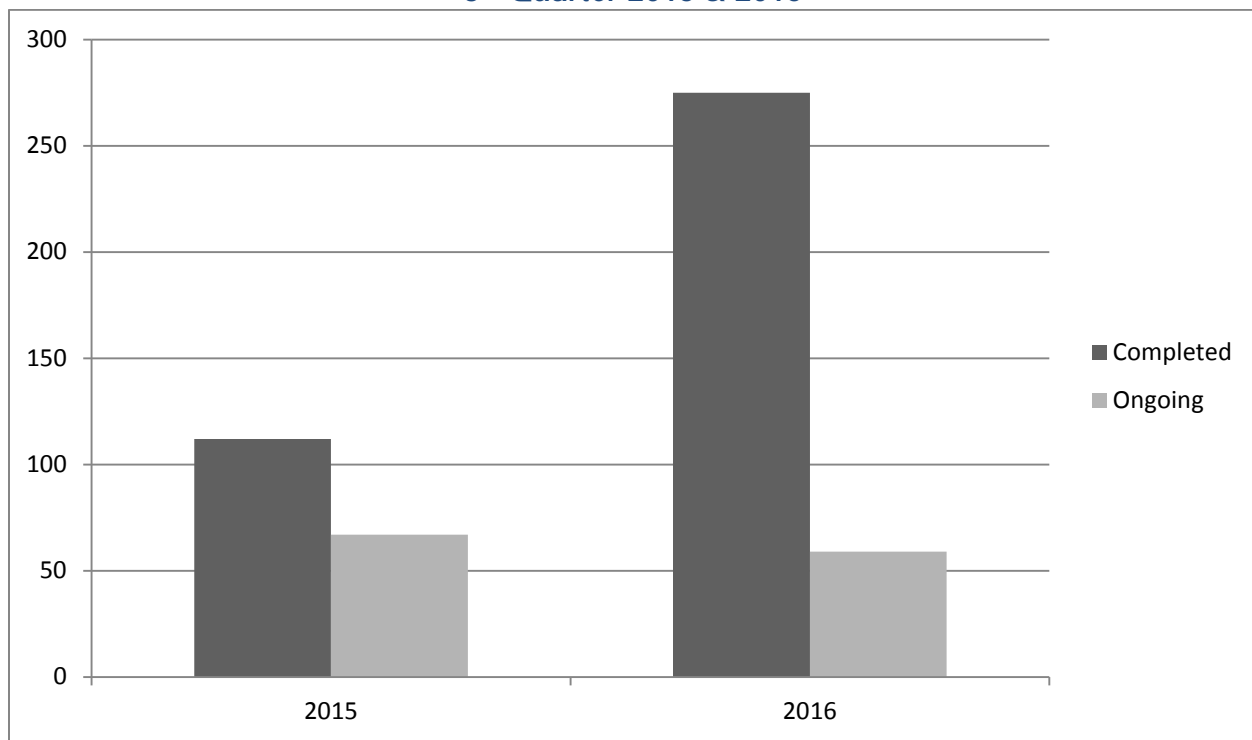


Figure 5. Status of incidents in the 3<sup>rd</sup> quarter of FY2015 (112 completed, 67 ongoing) and 3<sup>rd</sup> quarter FY2016 (275 completed, 59 ongoing).

## 3<sup>rd</sup> Quarter, Fiscal Year 2016 Highlights

### **Magnuson-Stevens Fishery Conservation and Management Act**

A federal indictment in the Carlos Rafael investigation was unsealed. The indictment consists of a one count conspiracy to falsify NOAA dealer reports, twenty-five counts of submitting falsified records and one count of bulk cash smuggling. Carlos Rafael, the owner of one of the largest commercial fishing businesses in the United States and a Bristol County Sheriff's Deputy were charged in connection with a long-running scheme involving submitting falsified records to NOAA to evade federal fishing quotas and then smuggling a portion of the profits to Portugal.

<https://www.justice.gov/usao-ma/pr/owner-commercial-fishing-business-and-local-sherrif-s-deputy-indicted-sscheme-falsify>

On June 2<sup>nd</sup>, James Kaminsky, a fisherman from Mattituck, New York, pleaded guilty in the Eastern District of New York/Islip, to federal felonies stemming from his role in systematically covering up the landing and sale of illegal fluke (summer flounder), scup and black sea bass that were overharvested in violation of New York state quotas and the federal Research Set-Aside Program. Kaminsky pleaded guilty to one count of aiding and abetting false documents in connection with a scheme that ran from May through August 2011. The second charge stems from material, false statements that Kaminsky made to NOAA criminal investigators during a November 2014 proffer session with a federal prosecutor.

<https://www.justice.gov/opa/pr/long-island-fisherman-pleads-guilty-falsifying-documents-and-lying-federal-investigators>



Table 3. Summary of Summary Settlements Issued/Paid

Program/Law	Violation	SS Amount	Amount Paid
MSFCMA	Possession of more than the allowable limit of Scallops	\$442	\$442
MSFCMA	Possession of Atlantic striped bass in or from the EEZ	\$1,500	\$1,500
MSFCMA	Possession of Atlantic striped bass in or from the EEZ	\$500	-
MSFCMA	Misreporting; Possession of HMS species without valid permits	\$1,000	\$1,000
Atlantic Tuna	Failure to report Bluefin Tuna; Possession of undersized Swordfish	\$1,000	\$1,000
MSFCMA	Possession of more than the allowable limit of Spiny Dogfish	\$396	\$396
MSFCMA	Dockside VMS outages while endorsed for Clam/Quahog and LAGC Scallops	\$400	\$400
MSFCMA	Maintaining false records; Possession of more than the allowable limit of Scallops; Finning Spiny dogfish at sea	\$2,183	\$2,183
MMPA	Unlawful importation, possession, sale, purchase, and/or transport of marine mammal parts or products	\$250	\$250
MSFCMA	Possession of more than the allowable limit of Scallops	\$1,255	\$1,255
MSFCMA	Possession of Black sea bass during closed season; Possession of undersized Summer flounder	\$250	\$250
MMPA	Unlawful importation, possession, sale, purchase, and/or transport of marine mammal parts or products	\$250	\$250
ACFCMA	Possession of egg bearing lobster	\$500	\$500
Atlantic Tuna	Possession of HMS species without valid permits; Possession of undersized HMS species	\$1,500	-
ACFCMA	Possession of undersized lobster	\$300	\$300
ACFCMA	Possession of oversized lobster	\$100	\$100
ACFCMA	Fishing for lobster inside LMA4 during closure; fishing for lobster without a permit; fishing for Black sea bass without a Federal moratorium permit	-	-
MMPA	Unlawful importation, possession, sale, purchase, and/or transport of marine mammal parts or products	\$250	-
MSFCMA	Possession of more than the allowable limit of Scallops	\$1,035.76	\$1,035.76
ACFCMA	Fishing in the EEZ without a valid Federal permit	\$500	-
MSFCMA	Fishing for Tuna without a valid HMS permit	\$500	\$500

# Cases sent to NOAA General Counsel Enforcement Section (GCES)

- 43 cases opened
- 21 summary settlements issued (\$14,111.76)
  - \$13,461.76 collected
- 13 cases forwarded to GCES

Table 5. Cases sent to GCES

Program/Law	Violation
MSFCMA (11 cases)	Skate overage
	Illegal gear configuration
	Illegal gear configuration
	Illegal gear configuration
	Black sea bass overage
	Observer interference; Illegal cod discards
	Possession of Windowpane flounder; Fishing without Federal permits
	Federal possession limit violations; State shellfish tagging violations
	Fishing with non-compliant VMS unit
	Misreporting; Fishing for Scallops without a valid Scallop permit; Possession of undersized fish; Possession of berried female lobster
Illegal gear configuration	
MMPA (1 case)	Importation of seal oil pills
ESA (1 cases)	Humpback whale strike