



New England Fishery Management Council

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New England Council Supports Regional Administrator's Action to Enforce Groundfish Sector IX Operations Plan

The New England Fishery Management Council supports today's announcement by the National Marine Fisheries Service's (NMFS) Greater Atlantic Regional Fisheries Office (GARFO) that it will be enforcing groundfish sector rules and the Northeast Fishery Sector IX operations plan.

Under Amendment 16 to the Council's groundfish plan, GARFO's regional administrator has authority to withdraw approval of a sector at any time he or she, after consulting with the New England Council, determines that: (1) sector participants are not complying with the requirements of an approved operations plan; or (2) "continuation of the operations plan will undermine achievement of fishing mortality objectives" of the Northeast Multispecies Fishery Management Plan.

Regional Administrator Bullard consulted with the Council on two occasions – first during the Council's June meeting in Portland, ME and then again during the September meeting in Gloucester, MA. On September 27, the Council voted to request that "GARFO immediately enforce sector regulations and the Sector IX operations plan."

"We asked them to enforce the rule, and that's what they're doing," said Council Executive Director Tom Nies. "Since 2004, the Council has emphasized repeatedly that sectors are responsible for monitoring their catch and enforcing sector provisions. Sector IX failed to comply with its own enforcement provisions when its president admitted to reporting violations."

NMFS published an interim final rule on April 28, 2017 stating it had "provisionally approved" the Sector IX operations plan for 2017 and 2018, along with the annual catch entitlement (ACE) allocated to the sector for 2017.



– New England Fishery Management Council photo



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Carlos Rafael, who was president of the sector at that time, pleaded guilty on March 30 to falsely reporting catch information for 13 vessels operating under the sector. However, since the Rafael case was under litigation when NMFS published the interim final rule approving all of the region's 19 sectors and their operations plans, the agency stated its intention to take "additional action" if warranted for Sector IX following settlement of Rafael's criminal case.

Rafael was sentenced September 25 in U.S. District Court in Boston to 46 months in prison, three years of supervised release, and fines. On October 11, he was further ordered to forfeit his interests in four vessels and their associated permits.

GARFO's announcement today withdrawing approval of the Sector IX operations plans means that vessels enrolled in Sector IX are prohibited from: (1) fishing on a sector trip and harvesting sector ACE; (2) fishing on a common pool trip; or (3) joining another sector.

However, the action does *not* reallocate the ACE to other sectors or to the common pool. NMFS is continuing to analyze the extent of the sector's ACE overages based on the misreporting of catch information for several stocks. The agency stated, "Any accountability measures, such as assessing and deducting ACE overages incurred by the sector, (will) be determined in a future action."

"For the future success of the sector system, fishermen and the public must be confident that sectors will adhere to management provisions."

– New England Fishery Management Council in a September 29, 2017 letter to GARFO Regional Administrator John Bullard seeking immediate enforcement of sector regulations and the Sector IX operations plan



Additional information about the criminal case is available through the U.S. District Attorney's office at:

- <https://www.justice.gov/usao-ma/pr/owner-one-nation-s-largest-commercial-fishing-businesses-sentenced-falsifying-records>

Visit the New England Council's groundfish webpage at:

- <https://www.nefmc.org/management-plans/northeast-multispecies>