



Council Report – 2nd Quarter 2019



January 1, 2019 – March 31, 2019

To Report a Violation Call
800-853-1964

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Enforcement and Compliance

Summary

Since the last Council meeting, there were 59 documented patrols, allowing critical face-to-face interaction between our field staff and the industry; 133 documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and 6 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.

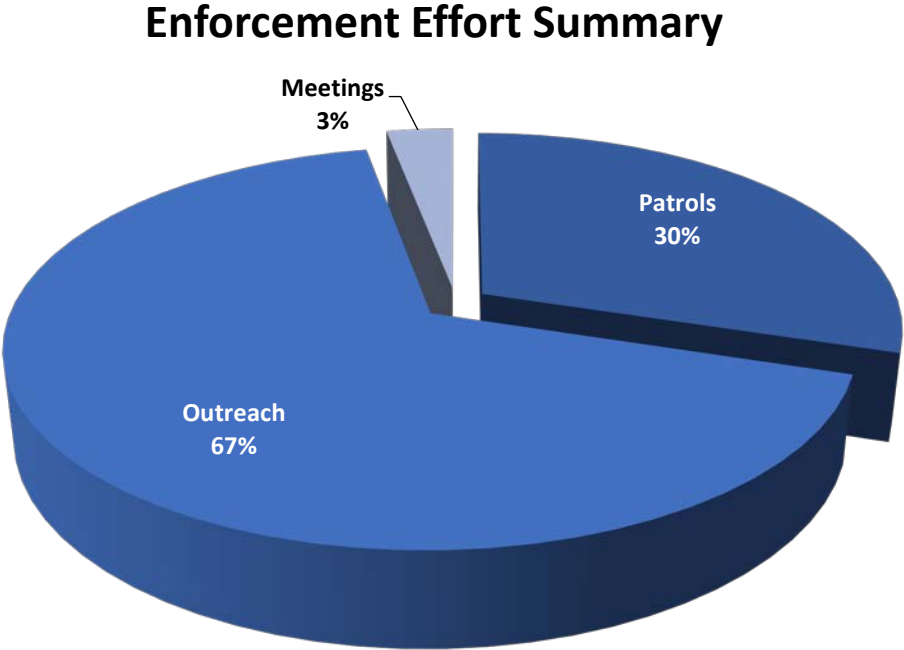


Figure 1: 194 incidents reported from January 1, 2019 through March 31, 2019. The chart is broken down by patrols, outreach, and meetings.

Table 1: Summary of Incidents by Law/Regulation

Law/Regulation/Program	Incident Totals
ACFCMA	18
Endangered Species Act	1
HMS	5
Lacey Act	10
Marine Mammal Protection Act	32
MSFCMA	121
Other Federal Law	3
State Law/Regulation	4
Total	194

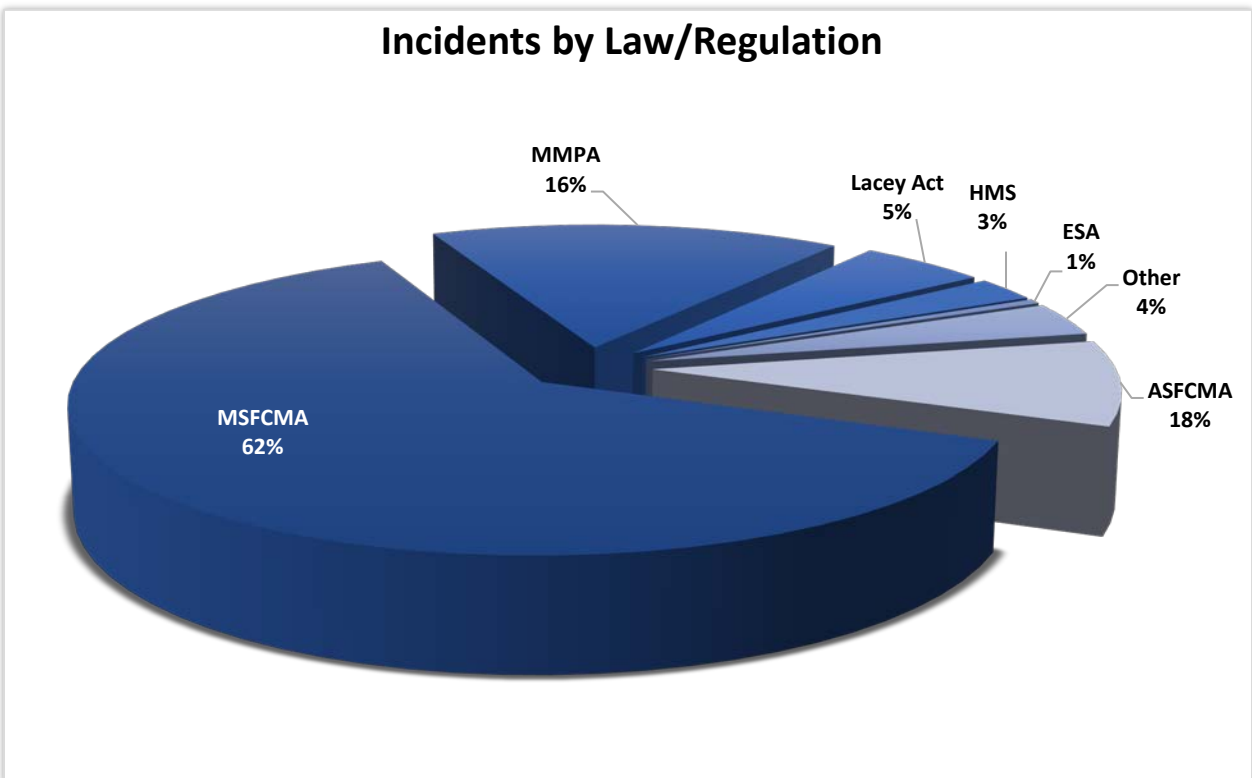


Figure 2: Incidents opened from January 1, 2019 through March 31, 2019. 194 incidents were opened.

Incident Information

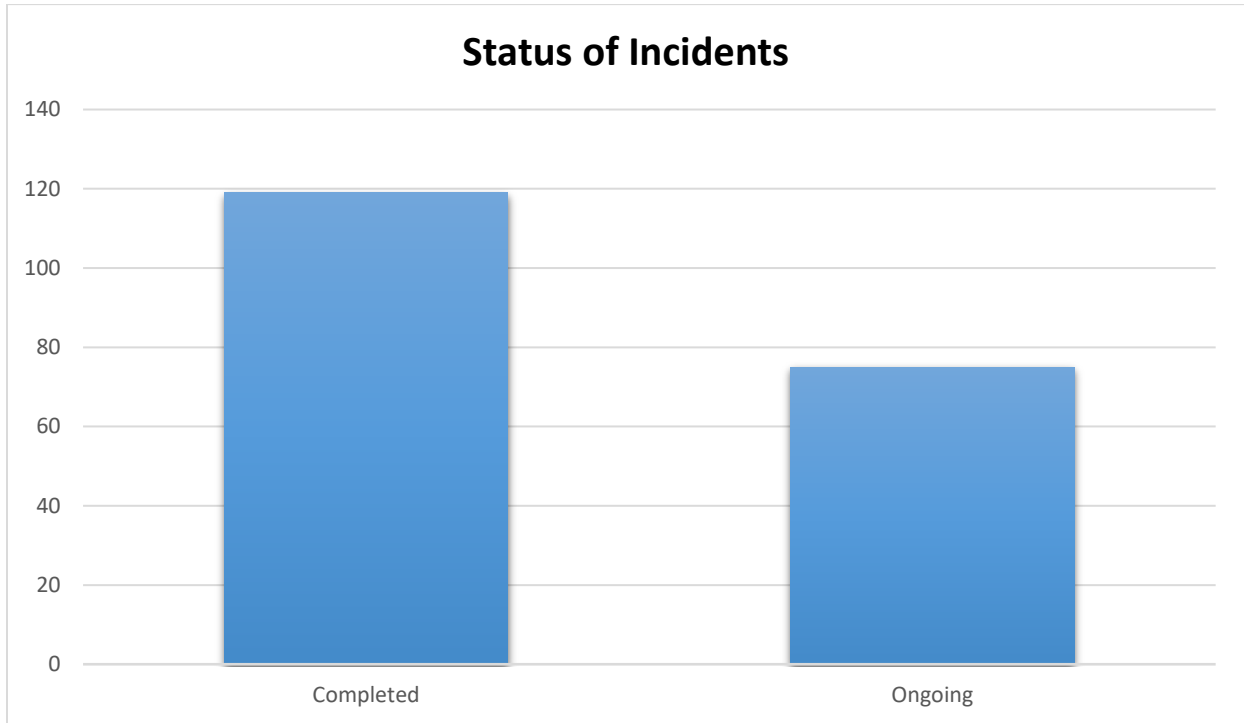


Figure 3. Status of incidents from January 1, 2019 – March 31, 2019 (119 completed, 75 ongoing).

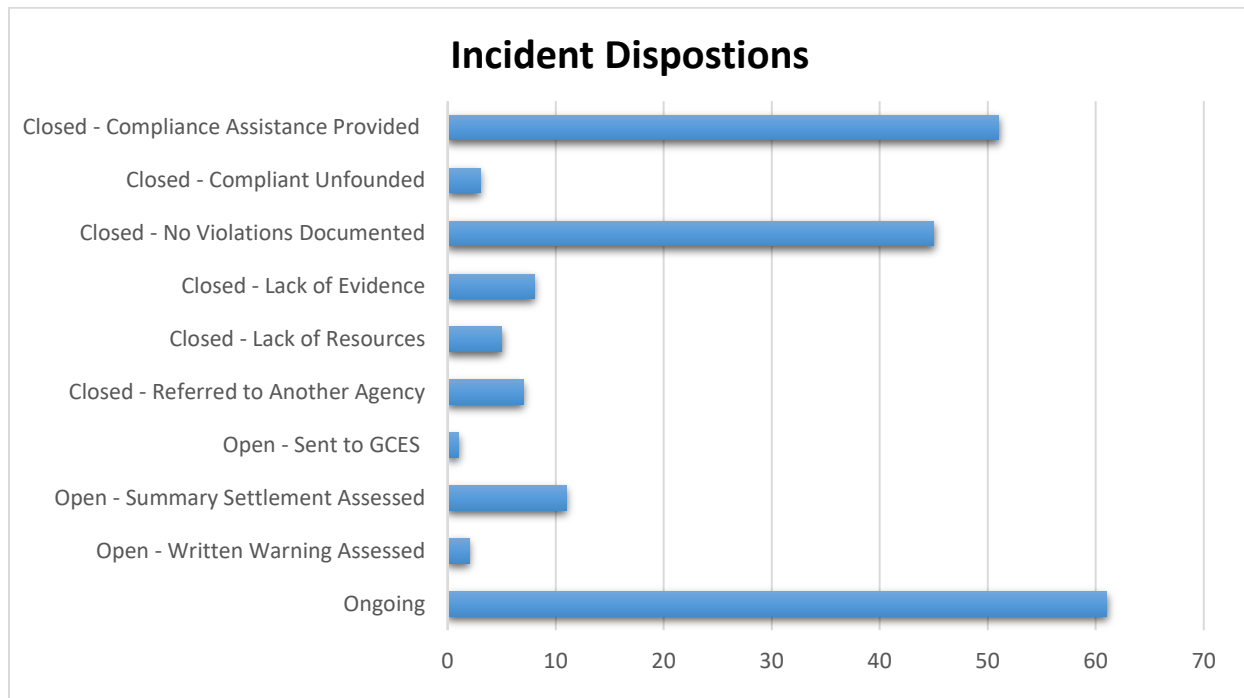


Figure 4. Incident Dispositions from January 1, 2019 – March 31, 2019 (119 completed, 75 ongoing)

Overview of Summary Settlements

Table 3. Summary of 58 Summary Settlements Issued

Law	Violation	Amount	State
ASFCMA	Possession of Striped bass in the EEZ	\$500	RI
ASFCMA	Possession of Striped bass in the EEZ	\$500	NJ
ASFCMA	Possession of Striped bass in the EEZ	\$500	NJ
ASFCMA	Possession of Striped bass in the EEZ	\$1,000	NJ
HMS	Failure to report Bluefin tuna	\$500	MA
HMS	Failure to report Bluefin tuna	\$500	RI
HMS	Failure to report Billfish	\$250	RI
HMS	Failure to report Billfish	\$250	NJ
HMS	Exceed catch limit of Bluefin tuna	\$100	NJ
HMS	Failure to maintain Atlantic HMS in specified form	\$750	MA
HMS	Failure to maintain Atlantic HMS in specified form	\$750	NJ
HMS	Failure to release Atlantic HMS in specified manner	\$500	NJ
HMS	Recreationally fish for Atlantic HMS without a valid permit	\$2,000	NJ
HMS	Commercially fish for Atlantic HMS without a valid permit	\$500	NJ
Lacey	Importation of undersized Sea Urchins	\$2,000	ME
Lacey	Importation of 11 v-notched American lobsters	\$2,750	ME
Lacey	Importation of 10 v-notched American lobsters	\$2,500	ME
Lacey	Importation of 7 v-notched American lobsters	\$1,750	ME
Lacey	Importation of 6 v-notched American lobsters	\$1,500	ME
Lacey	Importation of 13 v-notched American lobsters	\$2,500	ME
Lacey	Importation of 4 v-notched American lobsters	\$1,000	ME
Lacey	Importation of 1 v-notched American lobster	\$250	ME
Lacey	Importation of 4 v-notched American lobsters	\$1,000	ME
Lacey	Importation of 6 egg-bearing American lobsters	\$1,500	ME
Lacey	Importation of 1 egg-bearing American lobster	\$250	ME
Lacey	Importation of 2 egg-bearing American lobsters	\$500	ME
Lacey	Importation of 1 egg-bearing American lobsters	\$250	ME
Lacey	Importation of 1 mutilated American lobster	\$250	ME
Lacey	Importation of 2 mutilated American lobsters	\$500	ME
Lacey	Importation of 1 undersized American lobster	\$100	ME
Lacey	Importation of 6 undersized American lobsters	\$600	ME
Lacey	Importation of 4 undersized American lobsters	\$400	ME
Lacey	Importation of 1 undersized American lobster	\$100	ME
Lacey	Importation of 2 undersized American lobsters	\$200	ME
Lacey	Importation of 2 undersized American lobsters	\$200	ME
Lacey	Importation of American lobster in violation of US law	\$2,000	ME
Lacey	Importation of American lobster in violation of US law	\$2,000	ME
MMPA	Fishing with non-compliant ALWTRP gear	\$500	RI
MMPA	Fishing with non-compliant ALWTRP gear	\$500	RI
MMPA	Fishing with non-compliant ALWTRP gear	\$500	NJ

MMPA	Fishing with non-compliant ALWTRP gear	\$500	NJ
MMPA	Fishing with non-compliant ALWTRP gear	\$500	NJ
MMPA	Fishing with non-compliant ALWTRP gear	\$500	NJ
MMPA	Fishing with non-compliant ALWTRP gear	\$500	NJ
MSFCMA	Possession of undersized Atlantic cod	\$100	NY
MSFCMA	Fishing in EEZ without Federal fisheries permit	\$500	ME
MSFCMA	Fishing with expired Operator's permit	\$500	ME
MSFCMA	Failure to produce Operator's permit	\$250	NJ
MSFCMA	Inaccurate VTR	\$500	RI
MSFCMA	Inaccurate VTR	\$500	NJ
MSFCMA	Inaccurate VTR	\$500	NJ
MSFCMA	Inaccurate VTR	\$500	NJ
MSFCMA	Inaccurate VTR	\$500	NJ
MSFCMA	Scallop Overage	\$346.64	NJ
MSFCMA	Monkfish Overage	\$2,470.50	NJ
MSFCMA	Failure to notify the PTNS System	\$1,000	MA
MSFCMA	Fished without an observer when the vessel is required	\$2,500	NY
MSFCMA	Possession of Blueline tilefish without a valid permit	\$500	NJ
Total		\$46,867.14	-

Northeast VMS Program

Northeast Active VMS Vessel Population: 972

Population Breakdown by (VMS) Permits held¹:

643 Surfclam/Ocean Quahog (Permit Category 1,6,7)
573 Scallop General Category (Cat. A,B,C)
403 Multispecies (Cat. A,D,F)
343 Scallop Limited Access (Cat. 2,3,5,6,7,8)
307 Longfin Squid/Limited Access Mackerel (Cat. 1,T1,3,T3)
129 Herring (Cat. A,B,C,E)
47 Combination (Multispecies Cat. E)
17 Monkfish (Cat. F)

Note: There are 422 groundfish sector vessels and 118 common pool vessels registered to the NE VMS Program. A total of 108 VMS-equipped vessels are on a NMFS -approved LOE; of these 108 vessels, the owners of 40 vessels have deactivated their VMS with their vendor during the LOE period. There are 39 sector and 9 common pool vessels on an LOE.

Significant VMS Issues:

New VMS Unit. VMS Vendor, AddValue Technologies, installed a unit at the GARFO on March 26, 2019 for type approval testing by OLE. The iFleetONE VMS is a broadband terminal operating on the Inmarsat network and provides VMS as well as mobile phone, web, text and email capability. Additional information is available at: <https://www.addvaluetech.com/ifleetone-terminal-maritime-communications-system/>.

Next VMS Software Upgrade For NE Vessels. The IS Team is finalizing work on the declarations and eforms specifications for the next VMS reporting software release anticipated for late 3rd quarter.

VMS Industry Contact Log Report:

The NE VMS Team addressed 316 industry issues this quarter and closed 245 issues. The most-frequently reported issues were Power Down LOE Requests, Eforms Compliance, and Non-reporting. A total of 15 issues were referred, primarily to VMS vendors, GARFO permits office, and GARFO APSD.

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

VMS - Industry Contact Dispositions

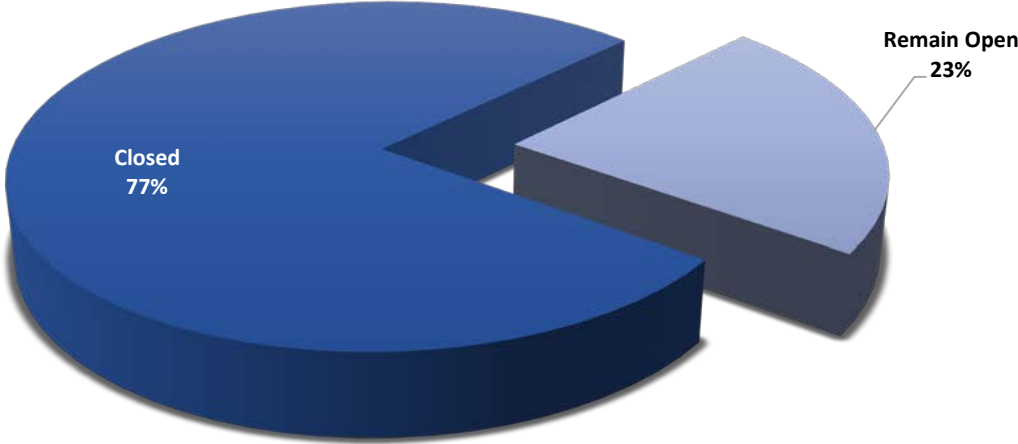


Figure 5: Status of contacts from January 1, 2019 – March 31, 2019 (245 closed, 71 remain open).

Observer Program Highlights

During this quarter the observer program deployed on 992 trips for 2,569 sea days. Nine enforcement related Incident Reports were received by the Northeast Division. Approximately 99% of all selected or observed trips were completed without an enforcement incident referral. The summary below and the attached spreadsheet provide additional details.

Table 4: Summary of Observer Program complaints and status

Type of complaint	Number of complaints and status
Refusal	5 observer refusal complaints: 2 closed with compliance assistance 1 issued summary settlements 2 investigations ongoing
Assault	None
Harassment/Intimidation	1 observer harassment complaints: 1 investigations ongoing
Interference	2 observer interference complaints: 1 closed due to lack of resources 1 investigations ongoing
Vessel Safety	None
Observer Safety	None
Failure to provide reasonable assistance	1 failure to provide reasonable assistance complaint: 1 investigations ongoing
Failure to provide equal accommodations	None
Observer gear/sample tampering	None
Observer program notification	None
Miscellaneous	Provided training during two observer certification classes.

Cases sent to NOAA General Counsel Enforcement Section (GCES)

- 1 case forwarded to GCES

Table 5. Cases sent to GCES

Program/Law	Violation	State
MSFCMA	<ul style="list-style-type: none">- Dispose of fish after the approach by an authorized officer- Possession of undersized Black sea bass- Inaccurate/Incomplete VRT	NJ