



NOAA FISHERIES

Council Report – 1st Quarter 2019



October 1, 2018 – December 31, 2018

To Report a Violation Call
800-853-1964

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Enforcement and Compliance

Summary

Since the last Council meeting, there were 55 documented patrols, allowing critical face-to-face interaction between our field staff and the industry; 81 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.

Enforcement Effort Summary

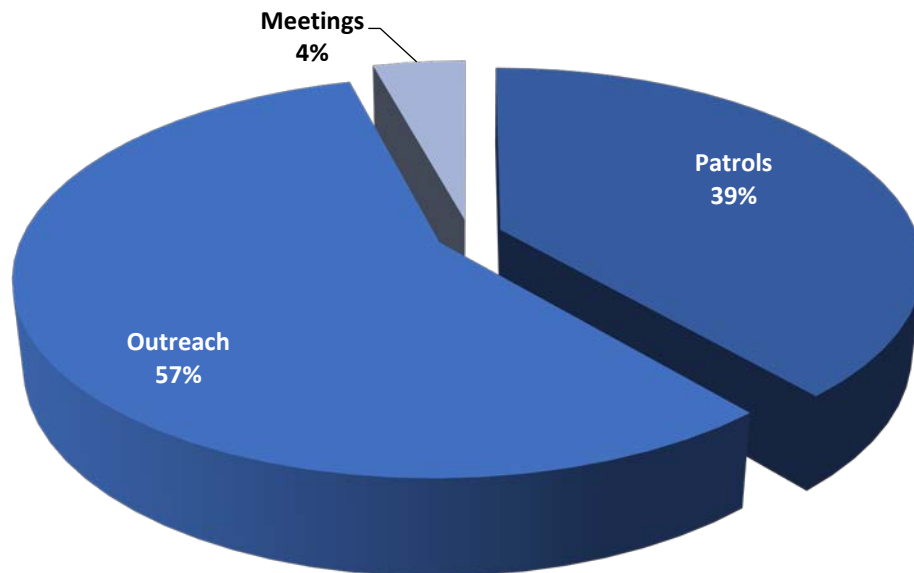


Figure 1: 235 incidents reported from October 1, 2018 through December 31, 2018. The chart is broken down by patrols, outreach, and meetings.

Table 1: Summary of Incidents by Law/Regulation

| Law/Regulation/Program | Incident Totals |
|------------------------------|-----------------|
| ACFCMA | 16 |
| CCAMLR | 1 |
| Endangered Species Act | 9 |
| HMS | 50 |
| Lacey Act | 30 |
| Marine Mammal Protection Act | 13 |
| MSFCMA | 115 |
| Other Federal Law | 1 |
| Total | 235 |

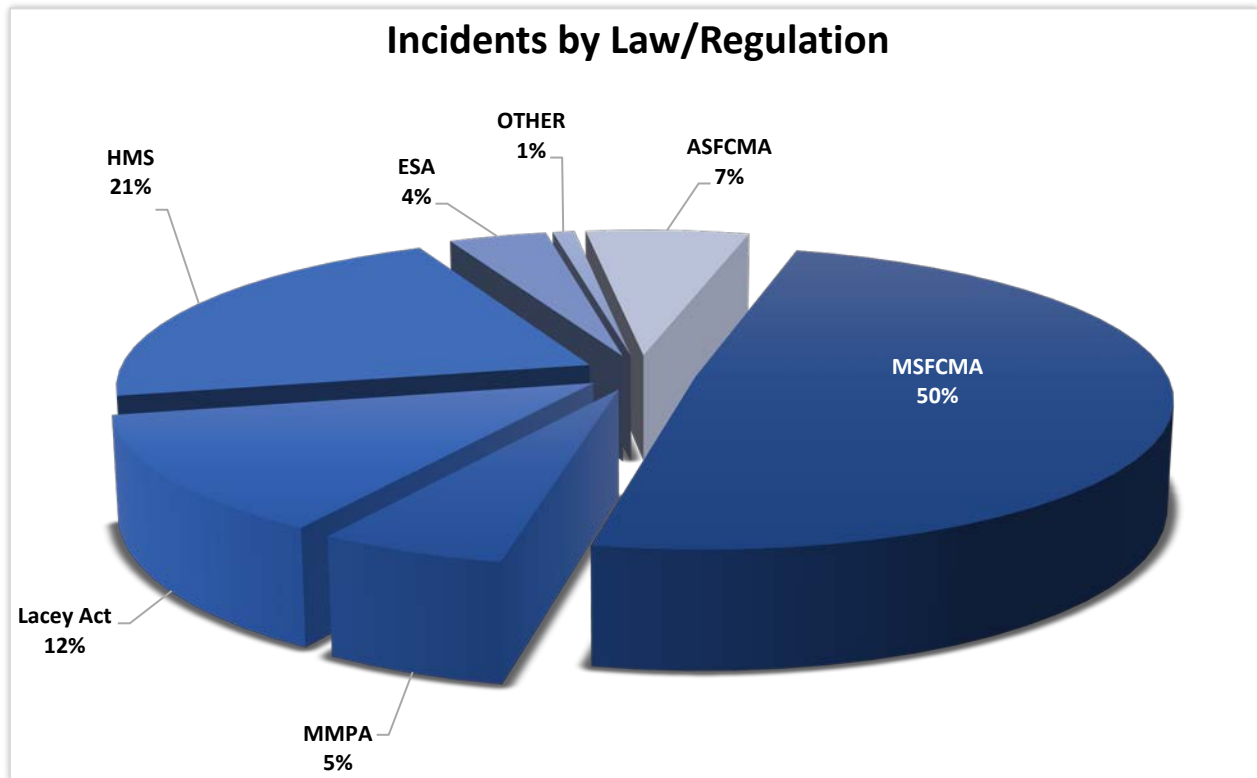


Figure 2: Incidents opened from October 1, 2018 through December 31, 2018. 235 incidents were opened.

Incident Information

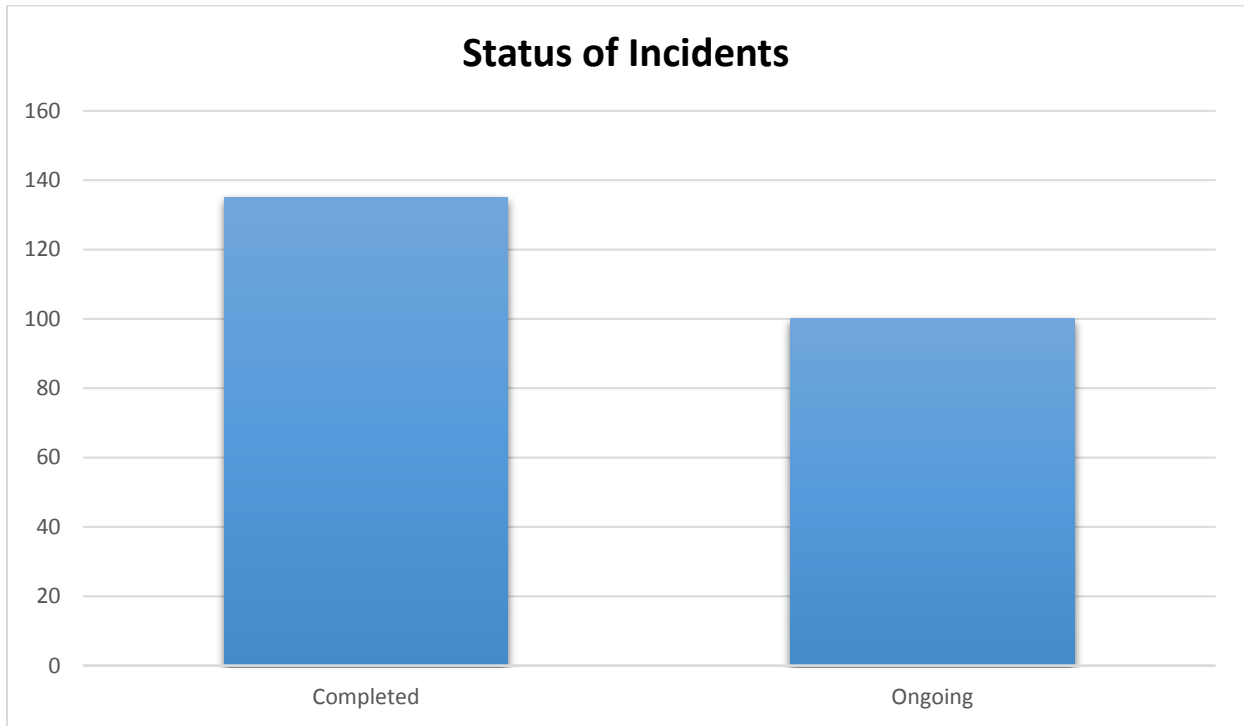


Figure 3. Status of incidents from October 1, 2018 – December 31, 2018 (135 completed, 100 ongoing).

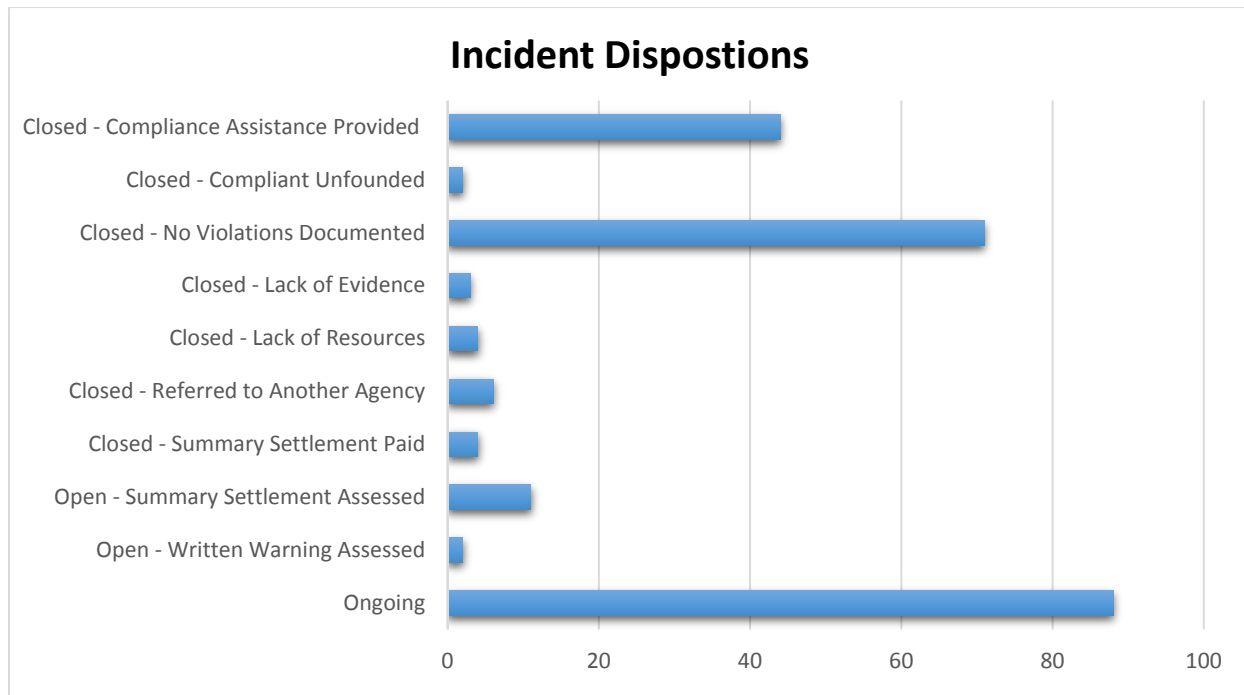


Figure 4. Incident Dispositions from October 1, 2018 – December 31, 2018 (135 completed, 100 ongoing)

Enforcement Highlights

Seafood Fraud Conspiracy

Two defendants that were indicted in a seafood fraud scheme turned themselves in to the Eastern District of Long Island. Both are charged with conspiracy to commit wire fraud and violate the Lacey Act. They were released on their own recognizance.

Interfering with Coast Guard Inspection

Thomas Simpson, a New Bedford, MA, based multi-species captain was sentenced in the District of Massachusetts to two years of probation in which the first four months are to be served in home confinement. His sentence also included a \$15,000.00 fine, 100 hours of community service and a \$100.00 special assessment. In August 2018, Simpson pleaded guilty to one count of destruction or removal of property subject to seizure and inspection. In 2014, the USCG boarded the FV Bulldog, captained by Simpson. During the course of the boarding, the USCG instructed Simpson to haul his nets back onto the vessel for inspection. Simpson ignored multiple lawful commands to haul his nets in for inspection and continued to place his winch controls in the "free spool" position resulting in the loss of his fishing gear into the ocean. The fishing gear was later recovered during a joint USCG/NOAA salvage operation and found to be noncompliant.

Focused Operations

Maine Port of Entry Operation

A joint operation between NOAA Law Enforcement and U.S. Customs Border Patrol was conducted at the Calais, ME Port of Entry on the Eastern US-Canadian border. The operation consisted of four continuous days and nights during the week preceding the Christmas holiday in response to the seasonal influx of large amounts of Canadian seafood entering the US, supplying the holiday demand. OLE personnel logged approx. 250 hours to inspect 35 refrigerated container truck shipments.

Table 2. Summary of Patrol

| | |
|--|----------|
| Shipments Inspected | 35 |
| Shipments with violations | 19 |
| Total Violations | 38 |
| Compliance Assistance Provided | 4 |
| Summary Settlements Issued | 13 |
| NOVAs referred to GC | 0 |
| Total Summary Settlement Fine Amounts Issued | \$28,150 |

Overview of Summary Settlements

Table 3. Summary of 34 Summary Settlements Issued

| Law | Violation | Amount | | State |
|--------------|--|--------------------|--------------------|-------|
| ASFCMA | Possession of Striped bass in the EEZ (5 counts) | \$1,250 | Paid | NY |
| ASFCMA | Possession of Striped bass in the EEZ (4 counts) | \$1,000 | Rescinded | NY |
| ASFCMA | Possession of Striped bass in the EEZ (4 counts) | \$1,000 | Paid | CT |
| ASFCMA | Possession of 1 v-notched American lobster | \$250 | Paid | ME |
| ASFCMA | Possession of 3 egg bearing American lobsters | \$750 | Paid | ME |
| ASFCMA | Possession of 1 scrubbed American lobster | \$1,000 | Rescinded | NH |
| ASFCMA | Possession of 2 oversized American lobsters | \$100 | Rescinded | NH |
| ASFCMA | Possession of 1 oversized American lobster | \$100 | Paid | MA |
| HMS | Possession of Thresher shark without a valid HMS permit | \$250 | Paid | NY |
| HMS | Possession of Swordfish without a valid HMS permit | \$500 | Unpaid | CT |
| HMS | Possession of Yellow fin tuna without a valid HMS permit | \$500 | Paid | NJ |
| HMS | Possession of Swordfish without a valid HMS permit | \$500 | Paid | MA |
| HMS | Possession of Yellow fin tuna without a valid HMS permit | \$500 | Unpaid | NJ |
| HMS | Possession of undersized Bluefin tuna | \$500 | Paid | NJ |
| HMS | Possession of undersized Bluefin tuna (2 counts) | \$1,500 | Unpaid | NJ |
| HMS | Failure to report Bluefin tuna | \$500 | Paid | MA |
| HMS | Failure to maintain Atlantic HMS in specified form | \$750 | Unpaid | CT |
| HMS | Failure to maintain Atlantic HMS in specified form | \$750 | Paid | MA |
| HMS | Retain live Mako shark while fishing with pelagic longline gear | \$500 | Unpaid | NC |
| HMS | Retain live Mako shark while fishing with pelagic longline gear (4 counts) | \$1,500 | Unpaid | NJ |
| MMPA | Fishing with non-compliant ALWTRP gillnet gear | \$500 | Paid | ME |
| MSFCMA | Fishing in EEZ without Federal fisheries permit | \$500 | Unpaid | NY |
| MSFCMA | Fishing with expired Operator's permit | \$500 | Unpaid | NY |
| MSFCMA | Fishing with undersized net mesh | \$500 | Unpaid | NY |
| MSFCMA | Possession of 5 undersized Atlantic Halibut | \$2,000 | Unpaid | NY |
| MSFCMA | Possession of Black sea bass | \$544 | Unpaid | NY |
| MSFCMA | Atlantic Halibut overage | \$250 | Paid | ME |
| MSFCMA | Monkfish Overage | \$360.50 | Paid | NJ |
| MSFCMA | Fished without an observer when the vessel is required | \$2,500 | Paid | NY |
| MSFCMA | Fished without an observer when the vessel is required | \$2,500 | Unpaid | NY |
| MSFCMA | Fished without an observer when the vessel is required | \$2,500 | Unpaid | NY |
| MSFCMA | Fished without an observer when the vessel is required | \$2,500 | Unpaid | NJ |
| MSFCMA | Fished without an observer when the vessel is required | \$2,500 | Unpaid | NJ |
| MSFCMA | Fished without an observer when the vessel is required | \$2,500 | Unpaid | NJ |
| Total | | \$33,854.50 | \$11,960.50 | - |

Northeast VMS Program

Northeast Active VMS Vessel Population: 988

Population Breakdown by (VMS) Permits held¹:

- 647 Surfclam/Ocean Quahog (Permit Category 1,6,7)
- 573 Scallop General Category (Cat. A,B,C)
- 406 Multispecies (Cat. A,D,F)
- 345 Scallop Limited Access (Cat. 2,3,5,6,7,8)
- 306 Longfin Squid/Limited Access Mackerel (Cat. 1,T1,3,T3)
- 131 Herring (Cat. A,B,C,E)
- 47 Combination (Multispecies Cat. E)
- 17 Monkfish (Cat. F)

Note: There are 425 groundfish sector vessels and 119 common pool vessels registered to the NE VMS Program. A total of 177 VMS-equipped vessels are on a NMFS -approved LOE; of these 177 vessels, the owners of 69 vessels have deactivated their VMS with their vendor during the LOE period. There are 39 sector and 10 common pool vessels on an LOE.

Significant VMS Issues:

Investigative Analyst Position. Just prior to the Partial Government Shutdown, we submitted a recommendation to NOAA Workforce Management to fill a new investigative analyst, ZA-1805-II/III, position in Gloucester. This individual will access VMS and other fishery-dependent data, and employ analytical tools to provide information/intelligence and targeting packages to improve how we employ our limited agent/officer resources.

VMS Industry Contact Log Report:

The NE VMS Team addressed 433 industry issues this quarter and closed 270 issues. The most-frequently reported issues were Eforms Compliance, Declaration/Forms Assistance, and Non-reporting. A total of 33 issues were referred, primarily to VMS vendors, GARFO SFD, and GARFO APSD.

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

VMS - Industry Contact Dispositions

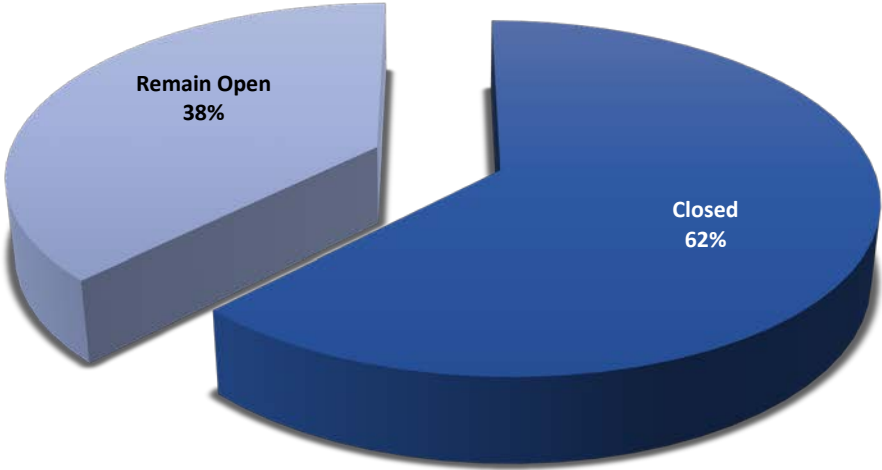


Figure 5: Status of contacts from October 1, 2018 – December 31, 2018 (270 closed, 163 remain open).

Observer Program Highlights

There were a total of 22 reported violation reports received and acted upon this quarter. The summary below details the status of observer related complaints during the 1st Quarter of 2019.

Table 4: Summary of Observer Program complaints and status

| Type of complaint | Number of complaints and status |
|---|--|
| Refusal | 13 observer refusal complaints: 5 closed with compliance assistance 5 issued summary settlements 3 investigations ongoing |
| Assault | None |
| Harassment/Intimidation | 3 observer harassment complaints: 1 closed with compliance assistance 2 investigations ongoing |
| Interference | 3 observer interference complaints: 1 closed with compliance assistance 2 investigations ongoing |
| Vessel Safety | None |
| Observer Safety | None |
| Failure to provide required information | 2 failure to provide required information complaints: 2 investigations ongoing |
| Failure to provide equal accommodations | None |
| Observer gear/sample tampering | None |
| Observer program notification | 1 observer program notification complaint: 1 investigations ongoing |
| Miscellaneous | Nothing to report |

Cases sent to NOAA General Counsel Enforcement Section (GCES)

- 3 cases forwarded to GCES

Table 5. Cases sent to GCES

| Program/Law | Violation | State |
|-------------|---|-------|
| ASFCMA | - Poessionion of 49 oversized American lobsters from Lobster Area I | ME |
| | - Fishing with an excess of the Lobster trap limit | NJ |
| | - Lobster gear not tagged in accordance with the requirements | |
| | - Escape vents secured, prohibiting the ghost panel from opening | |
| MSFCMA | - Fail to comply in an accurate and timely fashion with log report | MA |
| | - Scallop overage | |
| | - False statements made to an officer | |
| | - Conceal fish from an officer | |