

NOAA FISHERIES
Office of Law Enforcement

NORTHEAST ENFORCEMENT DIVISION

MAFMC
COUNCIL REPORT



February 2010

To report fisheries violations,
call our National Hotline at 1-800-853-1964.

NORTHEAST ENFORCEMENT DIVISION

- 1) Enforcement activity summary
- 2) Northeast vessel monitoring system (VMS) program
- 3) Seizure actions
- 4) Northeast Observer program report

ENFORCEMENT ACTIVITY SUMMARY

NED donated approximately 700 cases of canned tuna, deemed safe for human consumption by the National Seafood Inspection Lab, to a food bank in New Jersey. The donation provided food for many hungry New Jersey families during the holidays.

On January 20, 2010, Thomas George, the chief executive officer of Sterling Seafood Corporation located in Cresskill, N.J. pleaded guilty to importing falsely labeled fish from Vietnam and evading over \$60 million in federal tariffs, as well as selling over \$500,000 in similarly misbranded fish purchased from another importer. Ignacia S. Moreno, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division, stated, "This case is an example of effective coordination among federal law enforcement agencies to investigate illegal activity that hurts economic markets, defrauds consumers and masks the depletion of fishery resources by substituting a lower value farmed species for one being depleted in the wild." U.S. Attorney Paul J. Fishman credited Special Agents with ICE, NOAA Fisheries Office of Law Enforcement Northeast Division, the FDA Office of Criminal Investigations, and the Environmental Crimes Section of the Department of Justice in Washington, D.C., with the investigation and prosecution of the case.

Agents and an Officer with NJ Fish & Game were at the Cold Spring Dock in Cape May contacting vessels. While waiting in the parking lot for a Captain of one of the vessels, two intoxicated crewmen from a FV approached and began talking to an Agent. One of the crew members left and went to the boat. The other stayed a bit longer talking and then left and walked onto the dock and around the corner. A few seconds later, the Agent heard the very distinct sound of a board hitting the dock followed by a muffled splash. The crewman had slipped off of the plank and fell into the water between the dock and the fishing boat. The Agent and Officer reached down and grabbed his arm and they pulled the crewman about 4' onto the dock. The crewmember was quite cold and intoxicated and was assisted onto the vessel. No medical attention was required.

Agents assisted VMRC officers with regulatory questions during several boardings. VMRC officers boarded a FV in possession of black sea bass without holding a moratorium permit. The captain and crew claimed their two fish per person were recreational. Since the recreational quota for black sea bass was closed, the fish were seized and a case will be forwarded by VMRC.

Agents are working with New Jersey Division of Fish and Wildlife Conservation Officers to authenticate several recent complaints concerning at sea conflicts within the New Jersey lobster industry. Over the last week there has been an increase in the number of gear conflicts and personal injury threats reported by members of this fishery. Complaints such as these have remained low since 2004 when NOAA OLE and the New Jersey Division of Fish and Wildlife successfully apprehend lobster fishermen engaged in gear tampering and untagged trap violations.

Agents directed a joint Pulse Operation in the port of Point Judith, Rhode Island with the U.S. Coast Guard and Rhode Island Department of Environmental Management. Twenty-one fishing vessels were boarded over a two day operation with only one infraction detected. One illegal alien who had circumvented detection for thirteen years was taken into custody by ICE and deported the following day.

Agents and Officers, a US Customs Border Patrol Anti-Terrorism Contraband Enforcement Team (ATCET), and Maine Marine Patrol Officers conducted a six day enforcement operation at the new Calais, Maine Port of Entry. During this period sixty five tractor trailer trucks hauling lobster from the Atlantic Maritimes Region were subjected to inspection. Thirty trucks were identified as hauling illegal lobsters. Violations included short, egg bearing and V-Notched lobsters. The largest individual seizure was ninety five short lobsters, four egg bearing and twenty-two v-notch lobsters.

NORTHEAST VESSEL MONITORING SYSTEM (VMS) PROGRAM

The following is a breakdown of the current Northeast (NE) vessel population as of September 16, 2009:

- 45 Combination (limited access scallop & groundfish)
- 500 Multispecies
- 303 Scallop Limited Access
- 202 Surfclam/Ocean Quahog
- 122 Scallop Limited Access General Category

16 Herring
35 New units pending assignment to a category above & test units
1,223 Total vessels reporting to the NE VMS

SEIZURE ACTIONS

Agents assisted by Massachusetts MEP officers seized 2,830 pounds of yellowtail flounder, valued at \$5,433.60, off the FV Sunshine for exceeding the yellowtail flounder trip limit.

Agents assisted by Massachusetts MEP officers seized a scallop overage of 177 pounds, valued at \$1,239.00, from the FV Vila Nova Do Corvo I on a closed area trip.

Agents seized 398 pounds of shucked scallops, valued at \$2,477.70, from FV Carol Marie while fishing in the Hudson Canyon Closed Area while declared into the Open Area.

Agents assisted by Massachusetts MEP officers seized 100% of the incidental trip limit scallop overage of 383 pounds, valued at \$2,106.50, from the FV Sea Explorer.

NORTHEAST OBSERVER PROGRAM

During this period, twenty six complaints were received from the Northeast Fisheries Observer Program. The following summary indicates the status of the investigations into the complaints.

Observer Refusal Investigations

Eleven observer refusal complaints were received. Five complaints were closed due to lack of evidence, three were closed under COPPS, and three are ongoing.

Observer Harassment/Intimidation Investigations

No observer harassment/intimidation complaints were received.

Observer Interference Investigations

Five observer interference complaints were received. One was closed as unfounded, one was closed due to lack of evidence, and three are ongoing.

Observer Safety Investigations

Nine observer safety complaints were received. Eight were resolved utilizing the COPPS approach and one is ongoing.

Observer Gear/Sample Tampering

No complaints were received.

Observer Program Notification

One complaint related to failing to pre-notify the observer program was received and resolved utilizing the COPPS approach.