



Mid-Atlantic Fishery Management Council

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Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: July 30, 2014
To: Chris Moore
From: Rich Seagraves
Subject: RSA Program Issues

As per your request, I have reviewed the NMFS response (attachment 1) to the September 25, 2012 Council letter (attachment 2) to John Bullard requesting changes to the way the RSA Program is conducted and administered. In the course of that review, I have outlined a number of outstanding issues that still need to be addressed relative to the RSA program that should be considered by the Council when making a determination on the level of RSA specification for 2015 and beyond.

Costs/Benefits of the program

The Mid-Atlantic Council created the Research Set-Aside Program through Framework Adjustment 1 to the Summer Flounder, Scup and Black Sea Bass FMP, Atlantic Mackerel, Squid and Butterfish FMP, Bluefish FMP and Tilefish FMP. The first research projects funded under this program began in 2002 and the program has continued annually since then. Over the course of its 13 year history, the RSA Program has funded 41 research projects at a total cost of \$16,321,643 (Tables 1 - 3). While there were projects which produced tangible results that were subsequently incorporated into the Council's management programs (four studies on black sea bass escape vent size/configuration and discard reduction, summer flounder mesh selectivity, and NEAMAP), there were also a number of projects which, after completion, failed to pass peer review and could not be used for science or management purposes.

The fact that a number of RSA Projects failed scientific review after completion raised major concerns about the process by which RSA Proposals were vetted and the oversight of the projects as they were being conducted. Some of these concerns have been addressed through inclusion of our SSC in the scientific review of proposals prior to funding. However, considering the costs associated with administration and enforcement, as well as the value of the RSA quota, it's probable that the program costs have far outweighed the benefits to the Council and public.

RSA Program Originally Established to Regain the Public Trust

One of the original objectives of the RSA Program was to foster collaboration between the scientific community (from both government and academia), the fishing community, and the general public. The EA for the RSA program states:

Commercial fishermen seek to maximize the revenue from their harvests, and will operate their vessels and deploy their gear in such a way as to best accomplish this end. Scientists, conversely, are bound by the "scientific method," and seek to gain information and verify its accuracy through rigorous experimental procedures. Management programs based on this information may then be questioned by the public, and lack credibility in their eyes. The Mid-Atlantic Council has developed the research set-aside program to address these concerns. Without the active cooperation of the fishing public, most management programs are destined to fail, as it is chiefly through the actions of commercial and recreational user groups that humans interact with and affect fisheries resources.

Discussion

One of the issues identified during the Council's Visioning Project was the lack of public trust in the auction conducted by NFI. Under the current program, successful RSA applicants are given a grant in the form of fish and the vast majority of RSA awarded fish are then sold at auction through an agreement with NFI to fund the proposed research. The NFI charges a fee for their services (12.5 %) and numerous stakeholders raised concerns about this process including the requirement that bidders must join NFI to participate in the auction. It should be recognized by Council members and the public that the NFI auction operates outside of the control of the Council process and is a private business agreement between NFI and the grant recipients.

The RSA program (as it has evolved into its current form) has tended to decouple the harvest of the RSA quota from the actual research as a result of the NFI auction process. For example, although the two projects funded for 2014 (NEAMAP and BSB Trap Survey) are collaborative efforts using commercial fishing vessels as sampling platforms, the fact remains that the actual harvest of the RSA quota to generate the funds required to pay for the research is conducted independently from the actual research. Although the auction model tends to increase the value of any given amount of RSA quota, this development (separation of auction from researchers) contravenes the objective of collaboration between scientists and the public. Direct compensation fishing to fund the research has met with limited success because the RSA quota only has greater intrinsic value relative to the general fishery quotas when the fishery is closed or other fishery restrictions are in place (i.e., trip limits, seasonal closures, etc.).

Reporting and Enforcement

In its 2012 letter to the RA, the Council requested that NMFS include in the reporting call-in system a requirement for vessels to call-in to the IVR system at least one hour prior to landing RSA quota. In addition, the Council requested that NMFS implement a notification system via email or other real-time communication mechanism to alert law enforcement personnel about activities related to the RSA program.

According to NMFS personnel, a better IVR system is being implemented this year. However, in regard to the real-time notification of RSA activities to law enforcement, it is unclear to what degree this has been implemented beyond procedures that were already in place prior to 2012. For example, the 2009 programmatic review of the RSA Program indicated that real-time notification of law enforcement relative to RSA vessel activity was already in place. This calls into question the effectiveness of this measure since this practice was adopted in or around 2009 and serious non-reporting violations associated with the RSA Program occurred in the following years.

Discussion

The public perception that the RSA Program has created an easily exploited mechanism to allow for illegal harvest has done little to regain the public trust in the RSA program or any of the RSA research. In fact, tracking and enforcing the RSA quota has been difficult and a major source of controversy since inception of the RSA Program. A 2009 Programmatic Review of the MAFMC Research Set-Aside Program noted the following concerning monitoring and enforcing the RSA quota:

*Allegations of misreporting landings have been made. All RSA users must declare into a trip by calling an interactive federal phone system and obtain a trip number. The VTR serial number must be faxed or emailed to the state before the trip is begun. When the trip is over, a vessel must call-out on the federal system. New York also requires charter/party boats harvesting RSA to fax to the state a sheet containing each angler's name, how many fish they caught, how many pounds they weighed, and showing the progression of every trip and the use of the poundage allowed by the vessel. However, the allegation is that fishermen are not reporting all the RSA quota of Summer Flounder (Fluke) and Scup in various locations in Long Island, when law enforcement presence is lacking when fishermen land their catch. **If the vessel is fishing during closed periods, and law enforcement is present, the fishermen can simply present their EFP and not receive a violation.***

These allegations have been numerous. To-date, little hard evidence exists and enforcement actions have been limited due to inadequate shore side monitoring, but various scenarios and situations have been reported to NMFS, New York State authorities, and explained to RSA staff during public meetings. Enforcement monitoring has begun and at least 2 cases are currently being investigated.

The dispersed and diffuse nature of the large number of landing locations (commercial docks and recreational marinas) and characteristics of marine fisheries in New York makes shore side monitoring of RSA quota landings extremely difficult. In addition, the following factors contribute to scenarios where RSA landings are not fully accounted for.

- *Unintended financial incentives to not report all RSA quota landings exist under current RSA program policies.*
- *Current policy for recreational landing reporting is not verifiable through dealer reporting requirements as in commercial fishing regulations.*
- *Monitoring and enforcement capacity in both State and Federal agencies is inadequate to verify all RSA landings and ensure full accountability and transparency.*

Obviously, hard evidence of abuse and non-reporting by vessels involved in the RSA Program now exists. Logan Gregory (NMFS OLE) presented a report to the Council at its June 2014 meeting on recent enforcement activities in New York which resulted in four convictions involving federally permitted vessels and dealers engaged in the unlawful landing of summer flounder related to the RSA Program (see below for more details). Since then, two more guilty pleas have occurred for similar charges (see attachment 3) and Mr. Gregory noted that up to 70 additional subpoenas related to this investigation throughout the state of New York are pending. Clearly, non-reporting and abuse of the RSA has been and remains a major problem.

Illegal/unreported landings associated with the RSA Program jeopardize FMP compliance with National Standard 1

All FMPs, amendments and frameworks developed by the Council must contain analyses which demonstrate FMP compliance with the ten National Standards (NS) as outlined in Section 301(a) of the MSFCMA. Foremost among the national standards is NS1 which requires that all FMPs prevent overfishing and rebuild overfished stocks. The EA for the Amendment that created the RSA program contained the following language with respect to compliance with NS1:

In order to comply with the SFA requirements, the Mid-Atlantic Council specifies annual harvest quotas for each species that limit fishing to the required levels. This framework action works within the parameters of the annual quotas by specifying that research set-asides be subtracted from the quota for each species, and not taken in addition to annual quotas. Hence, this framework action is consistent with National Standard 1.

In addition, section 5.3.2 (Biological Impacts section) of the EA contained the following language relative to compliance with NS1:

The biological impacts of harvesting the annual quotas for each species are analyzed in the specification packages submitted to NMFS each year. The set-asides enabled by this framework action will always be deducted from and not in addition to the Total Allowable Landings that are set for each species. Hence the biological impacts resulting from the harvest of set-aside quantities will always be fully accounted for.

Discussion

The EA completed for Framework 1 that created the RSA Program correctly states that specification of research set-aside quota is deducted from the TAL (and not added to it), and therefore harvest of RSA quota is consistent with National Standard 1. However, no serious consideration was given in the original analysis of the potential for abuse of the program resulting in significant quota harvest overages due to unreported harvest. Recent enforcement efforts in New York related to abuse of the RSA program revealed that significant quantities of summer flounder were being taken illegally under the “cover” of RSA quota amounts acquired through the RSA program (see attachment 3).

One of the primary issues with the summer flounder stock assessment has been the persistent retrospective pattern in estimation of fishing mortality – that is, summer flounder stock assessments

have generally underestimated recent fishing mortality rates. This phenomenon could be largely explained by unreported fishing mortality (landings) of the type associated with the recently uncovered illegal landing of summer flounder in NY associated with the RSA Program.

The exact total amount of summer flounder harvested illegally in NY is still unknown but the effect could be a substantial quota overage of the total ACL established for the summer flounder fishery. In an enforcement briefing of the Council on ongoing enforcement activities in NY in June 2014, it was noted that the known illegal harvest of summer flounder exceeds 50% of the annual quota allocation for the State of New York, and the illegal harvest estimate is likely to increase substantially as the investigation in that state continues to unfold. Quota overages of this magnitude are not trivial and may approach or exceed levels that would be considered violations of National Standard 1. As such, the real and potential quota overages resulting from illegal activities related to the RSA Program may place the Council's FMPs in direct violation of National Standard 1 if the overages have resulted in overfishing. This situation has arisen as a direct result of the inability of NMFS to adequately track, monitor and enforce the quota landed under the RSA Program.

Staff Recommendation:

Given the controversial nature of the RSA Program and the uncertainty that exists with respect to adequately tracking RSA landings as well as the enforcement and science issues, staff recommend that the Council specify RSA amounts at zero for 2015 for all RSA species. A hiatus in the RSA Program will allow adequate time for a thorough review of the RSA Program and determination of when and how it should be resumed.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

FEB 28 2013

Christopher M. Moore, Ph.D.
Executive Director
Mid-Atlantic Fishery Management Council
800 North State Street, Ste. 201
Dover, DE 19901

Dear Chris:

In response to your letter of September 25, 2012, we have considered the Mid-Atlantic Fishery Management Council's requests for improving the Mid-Atlantic Research Set-Aside (RSA) Program, and agree that some of the recommendations could improve the science and administration of the program. Following are the Council's recommendations, and our responses.

1. The Council's Scientific and Statistical Committee (SSC) ranks research priorities during the development/update of the Council's 5-year research plan. The RSA Committee then identifies the top 10 research and management needs based on SSC priorities.

Response: RSA research priorities are developed by the Council. We have no objection to the Council adjusting its process for establishing research priorities under this program.

2. Based on the prioritization developed above, NOAA's National Marine Fisheries Service (NMFS) develops a request for proposals based on research and management needs identified by the RSA Committee.

Response: We will continue to base the RSA solicitation on the Council's RSA research priorities.

3. Council SSC members should be included in the pool of technical reviewers.

Response: We will ensure that the Council's SSC members are included in the pool of potential technical reviewers.

4. The RSA Committee conducts a management review of the proposals received and makes recommendations for funding of projects under the RSA Program to NMFS.

Response: We will continue to solicit feedback and recommendations from RSA Committee members through the management review as part of the proposal selection process.



5. Researchers funded successfully will be required to submit interim and final reports and final reports will be reviewed by the SSC for scientific validity and approval for use by the Council.

Response: RSA grant recipients have interim and final reporting requirements as a condition of their RSA grant. In an effort to involve the SSC even further, the Center will forward all interim and final reports to the SSC for review. This will allow for further input from the Council to assist in ensuring a useful scientific end product. The final report will be sent to the SSC, subsequent to our review and the response from the Principal Investigator.

6. The Council has received complaints from the public and state marine resource agencies that landings made under the RSA program are not being properly tracked. This is especially important under the Council's new ACL/AM amendment, which requires strict accounting of all sources of fishing mortality and includes accountability measures that require (in most cases) that overages be deducted from an ACL/ACT in the following fishing year.

Response: We make considerable efforts to ensure that RSA quota is properly tracked and accounted for; including monitoring RSA quota landings reported through the Interactive Voice Response (IVR) system, dealer-reported landings, and Vessel Trip Report (VTR) data. However, there is room for improvement, and we feel that taking some of the steps recommended by the Council and outlined herein will further improve RSA quota monitoring.

7. The Council feels that the Mid-Atlantic RSA program has created what amounts to a 1-year property right for fishermen that purchase RSA quota at auction. The Council feels that special consideration must be given to monitoring the RSA quota amounts that may be landed outside the existing quota systems developed by the Council.

Response: NMFS recognizes that the granting of RSA quota to a successful RSA program applicant is accompanied by a conditioned right to harvest a specified amount of fish. NMFS has established additional reporting and oversight protocols to monitor the harvest and landing of RSA quota. It is expected that the adjustments to these protocols will further enhance RSA compensation fishing oversight. However, the RSA grant does not establish the right of an individual fisherman to harvest an amount of RSA quota. The harvest of RSA quota is dictated by the successful applicant and the industry members they choose to partner with to harvest the RSA award.

8. In addition to the current oversight protocols to monitor the harvest and landing of RSA quota, the Council recommends the following:
 - a) Require a pre-landing notification via call-in through the IVR system that the vessel is landing RSA quota, with an estimate of the RSA pounds to be landed, by species, at least 1 hour before returning to the dock.

Response: We agree that a pre-landing notification would reduce the potential for under-reporting RSA quota landings. Consequently, starting in 2014, vessels on Mid-Atlantic

RSA compensation fishing trips will be required to call the IVR system at least 1 hour before landing and identify the amount of RSA quota that will be landed and the port where it will be landed. This requirement will be identified in the 2014 Mid-Atlantic RSA FFO to ensure applicants and industry partners are aware of this requirement prior to applying for a Mid-Atlantic RSA grant.

- b) Require vessels to report their VTR serial number when calling into the IVR system when reporting RSA quota amounts landed.

Response: We agree that requiring the submission of the VTR serial number(s) from federally permitted vessels when submitting RSA quota landings information through IVR will improve RSA quota monitoring and oversight. The principal benefit will be the improved correlation of commercial landings from federally permitted vessels with dealer reported information, which also includes the VTR serial number. In addition to improved correlation with some dealer data, this will facilitate cross referencing VTRs with IVRs, and improve correlating fishing histories with RSA compensation fishing activities.

We will also encourage state marine resource agencies to require state-only permitted fishing vessels to report through the electronic ACCSP VTR program, further enabling the correlation of commercial RSA quota landings with dealer reported data.

- c) NMFS should implement a notification system via email or other real-time communications mechanism that alerts law enforcement personnel about all vessel activities under the RSA program, including trip and landing notifications received from vessels participating in the RSA program.

Response: We agree that a notification system that enables access by enforcement personnel of RSA compensation fishing activities could improve oversight and enforcement of these fishing trips. Therefore, NMFS will develop a system that alerts the enforcement community and other interested parties to RSA activities to help ensure vessels are reporting properly and not abusing the special fishing privileges afforded to vessels participating in the RSA program.

- d) Require commercial dealers who purchase RSA quota to report RSA amounts purchased from vessels separately from other commercial landing purchases. This will improve verification and accounting by NMFS of the RSA amounts landed.

Response: At this time we are not going to adopt this recommendation as it would only capture a portion of the RSA quota that is landed and would be a challenge to implement effectively. It would not capture fish landed by charter/party vessels or fish sold to non-federally permitted dealers. In addition, dealers likely have no knowledge of whether the fish they are purchasing is RSA quota or not. Mid-Atlantic RSA quota is often only a sub-component of the overall catch being landed, and often only a portion of the catch of a given species may be RSA quota. Consequently, we feel this recommendation would place undue burden on federally permitted dealers to verify if the fish they are purchasing

is RSA quota. We feel that implementing the VTR serial number reporting requirement as outlined above will greatly improve the correlation between commercial landings by federally permitted commercial fishing vessels and dealer reported purchases.

- e) Vessels participating in the RSA Program should be required to possess a Federal permit to harvest RSA quota. In cases where RSA quota is to be harvested in state waters only, a state permit would be considered as meeting this requirement.

Response: NMFS does not have the authority to prevent an RSA grant recipient from partnering with a non-state or federally permitted vessel to harvest RSA quota. However, those vessels would need to adhere to all applicable fishing regulations.

- 9. Advise the Council as to whether or not there is a legal basis under the Magnuson-Stevens Fishery Conservation and Management Act (or other applicable law) for NMFS to enter into a contractual agreement to conduct auctions of RSA designated quota.

Response: NMFS has the authority to procure services through contracts, as established under Federal procurement law. Consequently, it is possible that a contract could be developed for the purpose of establishing terms by which an RSA auction would be conducted. However, the application of this general contracting authority in the context of the Council's request must be considered further. Considerations need to be made with respect to procurement law, how such a contract could be crafted to meet the Council's objectives, and whether the benefits of such a contract would warrant the resources needed to develop and implement such a contract. NMFS will continue to evaluate this request, and will update the RSA Committee once a more thorough response is available.

- 10. Request NMFS enter into a contractual agreement with a third party to conduct an auction of RSA quota. The contractual arrangement should include stipulations about how the auction is to be conducted including, but not limited to, rules concerning eligibility to participate in the auction, specification of administrative fees, and distribution of funds to researchers. The goal is to provide for an RSA quota auction system that generates revenue to fund scientific research through a competitive and transparent process.

Response: See response to item 9.

- 11. Conduct annual financial audits of the RSA program, including the auction process, which would be made available to the public.

Response: As a condition of all Mid-Atlantic RSA grants, and as outlined in all Federal Funding Opportunities, grant recipients are currently required to provide a detailed final accounting of all fish caught and landed during compensation fishing and research (including catch by vessels operating under a Letter of Acknowledgment), fish sold, and if applicable, the disbursement of any additional funds generated through the sale of set-aside landings above the cost of the research activities. This information, in conjunction with vessel and dealer reported data, is used to evaluate project performance, as well as gauge the scientific and economic benefits derived from the RSA program. However, financial data included in

these reports are frequently confidential and, therefore, may not be released to the general public. This includes financial arrangements between the grant recipient and industry partner harvesting the RSA quota, as well as some information regarding the sale of RSA quota once caught. RSA quota landings in aggregate are made available to the public through the Northeast Regional Office fishery monitoring web pages. That said, we will consider developing and consolidating additional sources of information that will illustrate program performance, including information relative to scientific endeavors as well as compensation fishing (e.g., a Mid-Atlantic RSA annual report). We would like to work with the RSA Committee to further refine this idea.

I appreciate the Council's continued interest in enhancing the science and administration of the Mid-Atlantic RSA Program. If you have any questions or concerns, please let me know.

Sincerely,



for John K. Bullard
Regional Administrator

cc: William A. Karp, NEFSC
Denise Desautels, GCNE
Logan Gregory, OLE-Northeast



Mid-Atlantic Fishery Management Council

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Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman

Christopher M. Moore, Ph.D., Executive Director

September 25, 2012

Mr. John Bullard
Regional Administrator
NMFS, NERO
Republic Drive
Gloucester, MA

Dear Mr. Bullard,

The Mid-Atlantic Council has been conducting an evaluation of the efficacy of its Research Set Aside Program over the past two years. At its August meeting, the Council made recommendations for improving the RSA Program from a both scientific and administrative perspective.

In regard to science, the review of the RSA Program identified the need to increase the input of the Council's SSC in the development of research priorities, review of individual project proposals, and scientific peer review of projects completed under the RSA Program. As a result, the Council approved a procedural order for development of RFPs, funding, and review of research projects under the MAFMC RSA Program. While most of the new procedure is internal to the operations of the Council, a portion of the recommended procedure will necessitate changes to the process by which NMFS plans and reviews scientific research conducted under the existing RSA program. In this regard, the Council recommended the following procedure:

1. The Council's SSC Ranks Research Priorities during development/update of Council's five year research plan. The RSA Committee then identifies the top ten research and management needs based on SSC priorities.
2. Based on the prioritization developed above, NMFS develops a RFP based on research and management needs identified by the RSA Committee.
3. NMFS then coordinates technical review of proposals; MAFMC SSC members should be included in "pool" of technical reviewers.
4. The RSA Committee then conducts management review of the proposals received and makes recommendations for funding of projects under the RSA Program to NMFS.
5. Researchers funded successfully will be required to submit interim and final reports and final reports will be reviewed by the SSC for scientific validity and approval for use by the Council.

In addition to concerns about the scientific veracity of research which has been funded under the RSA Program, the Council has received complaints from the public and state marine resource agencies that landings made under the RSA program are not being properly tracked. This is especially important under the Council's new ACL/AM amendment which requires strict accounting of all sources of fishing mortality and includes accountability measures which require (in most cases) that overages be deducted from an ACL/ACT the following fishing year.

Under the current RSA program, grant recipients may contract with a third party to sell the RSA allocation granted to them, thus generating the revenue necessary to fund the scientific research. This



system, while likely to generate the maximum value for a given level of RSA specified by the Council, presents administrative and enforcement challenges with respect to monitoring and enforcement. It has also created what amounts to a one year property right for successful bidders at auction. That is, successful bidders essentially own a share of the species quota and are free to land that amount at a time suited to their maximum advantage, subject to permit requirements and restrictions. Although unintended by the Council, the RSA auction system has created a quasi individual fishing quota which is similar, in many respects, to other overt IFQ systems developed by the Council. As such, special consideration must be given to monitoring the RSA quota amounts which may be landed outside the existing quota systems developed by the Council.

The current RSA monitoring system requires that all vessels making an RSA trip call-in their intention to make an RSA trip 24 hours in advance through the existing IVR system. Vessels operating under the RSA Program are also required to call in through the IVR system 24 hours after landing and report the amount in weight of RSA amounts landed by species. In addition to the current call-in and reporting requirements, the Council adopted the following recommendations:

For all vessels landing RSA quota (commercial and party/charter vessels):

1. Require a pre-landing notification via call-in through the IVR system that the vessel is landing RSA quota with an estimate of the RSA pounds to be landed by species at least one hour before returning to the dock.
2. Require vessels to report their VTR serial number when calling into the IVR system when reporting RSA quota amounts landed.
3. NMFS should implement a notification system via email or other real-time communications mechanism which alerts law enforcement personnel about all vessel activities under the RSA program including trip and landing notifications received from vessels participating in the RSA program.
4. Require commercial dealers who purchase RSA quota to report RSA amounts purchased from vessels separately from other commercial landing purchases. This will improve verification and accounting by NMFS of the RSA amounts landed.
5. Vessels participating in the RSA Program should be required to possess a federal permit to harvest RSA quota. In cases where RSA quota is to be harvested in state waters only, a state permit would be considered as meeting this requirement.

Thank you for your consideration of these Council recommendations to improve the current RSA Program. We look forward to working with staff from the Regional Office and the Northeast Fisheries Science Center to implement the recommended changes. Please call me or Rich Seagraves of my staff if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "C. Moore", written over a horizontal line.

Christopher M. Moore, PhD.
Executive Director, Mid-Atlantic Fishery Management Council

cc: Robins, Anderson, Pate, Seagraves



RSA Violations Result in Arrest, Guilty Plea for New York Fisherman

In July 2010, agents for NOAA's Office of Law Enforcement initiated an investigation into **Research Set-Aside (RSA)** violations. On April 11, 2014, the investigation culminated in a guilty plea by a Levittown, New York, fisherman to mail fraud, wire fraud, and falsifying federal records.

Anthony Joseph pled guilty in federal district court to one count of mail fraud, two counts of wire fraud, and one count of falsifying federal records. Though the final sentence is up to the Court, the defendant has agreed to pay between \$629,000 and \$692,000 in combined fines and forfeitures. He also agreed to multiple sentence conditions, including relinquishment of his New York State summer flounder permit, a ban on participation in the RSA program, and a lifetime ban from possessing a NOAA operator's permit. At a future sentencing hearing, the Court will decide what other penalties, if any, will be imposed.

In all, OLE agents determined that Joseph filed 158 false fishing logs and was complicit in the submission of 167 false dealer reports. These violations led to criminal charges, and he also violated provisions of the **Magnuson-Stevens Act**.

"Accurate reporting on submitted fishing logs and dealer reports is the foundation for sound and sustainable management of our fisheries," said Special Agent Todd Smith. "In this instance, the offending party committed more than 300 violations under the Magnuson-Stevens Act. We are hopeful results like this will serve as a deterrent to future fraud and abuse in the fishing industry."

Joseph capitalized by purchasing set-asides for **summer flounder** and underreporting the total catch. He used two cooperating dealers to file false federal dealer reports that matched the reports filed from his fishing vessel.

"The ability to catch and sell fish from a limited set-aside quota of fish to help fund scientific research should be considered a privilege that not all fishermen can participate in," said Logan Gregory, Special Agent in Charge of the Office of Law Enforcement's Northeast Division. "The unlawful non-reporting of this privileged opportunity not only undermines the accurate management of the quota, but the introduction of these fish into commerce also affects the profitability of these fish for those fishermen who comply with the regulations."

OLE special agents spent nearly 2 years working to break down this illicit, highly organized scheme to catch and land illegal fluke. Agents' observations of the individual in a public area over the course of several months provided solid evidence of the illegal activity. Agents worked with the Department of Justice Environmental Crimes Section to obtain and execute search warrants leading to the documentation of more than 290,000 pounds of unreported catch worth nearly \$625,000.

Special Agent Matt Gilmore noted that "[T]his is another successful example of the systematic identification and exposure of individuals exploiting the RSA program and jeopardizing a public marine resource. This will benefit both commercial and recreational users throughout Long Island."

This marks the **second RSA case** since August 2013 that has resulted in a guilty plea by a fisherman abusing the program. The work of OLE special agents has prompted NOAA to **revise program requirements** for 2014 to ensure accurate reporting and a level the playing field for honest fishermen.

Story by John Thibodeau, communications specialist for NOAA's Office of Law Enforcement. To contact him, please call 301-427-8234 or email john.thibodeau@noaa.gov.



NOAA special agents uncovered research set-aside violations of unreported fluke valued at nearly \$625,000.

Research Set-Aside Program

The RSA program was established as a mechanism to fund research and compensate vessel owners through the sale of fish harvested under a research quota or research days at sea.

While using set-aside days or quota, vessels are often allowed to do so in more opportune ways than the general fleet, for example, with exemptions from trip limits, some seasonal closures, or other restrictions that would otherwise apply.

Table 1. Summary of Mid-Atlantic RSA Funded Projects Since Inception in 2002.

	<u>YEAR</u>	# of <u>PROJECTS</u>	<u>TOTAL</u>
	2002	3	\$215,331
	2003	5	\$699,087
	2004	3	\$868,169
	2005	3	\$1,471,709
	2006	4	\$1,358,612
	2007	4	\$2,052,987
	2008	3	\$722,759
	2009	3	\$1,761,570
	2010	3	\$1,722,276
	2011	3	\$1,288,444
	2012	3	\$1,385,104
	2013	2	\$1,350,801
	2014	2	\$1,424,794
TOTAL	<u>13</u>	<u>41</u>	<u>\$16,321,643</u>

Table 2.



NOAA FISHERIES SERVICE
 Northeast Fisheries Science Center
 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

**Northeast
 Cooperative Research
 Program**



Projects Search Results

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Year	Funding Source	Project Category	Fishery	Title	Funding Level	State	Organization	Principal Investigator
2013	M. Atlantic-RSA	IBS-Inshore		Data collection & analysis in support of single & multispecies stock assessments in the Mid-Atlantic & Southern New England: Northeast Area Monitoring & Assessment Program Near Shore Trawl Survey, 2013	\$1,120,000	VA	Virginia Institute of Marine Science	Chris Bonzek & Robert Latour
2013	M. Atlantic-RSA	IBS-Pilot	Black Sea Bass	Industry Based Survey on Black Sea Bass Utilizing Ventless Traps	\$230,801	RI	Cokeast Fisheries, Inc.	Laura Skrobe, Captain Charles Borden, Najih Lazar, & Steve Cadrin
2012	M. Atlantic-RSA	IBS-Inshore		Data collection & analysis in support of single & multispecies stock assessments in the Mid-Atlantic & Southern New England: Northeast Area Monitoring & Assessment Program Near Shore Trawl Survey, 2012	\$922,759	VA	Virginia Institute of Marine Science	Chris Bonzek & Robert Latour
2012	M. Atlantic-RSA	IBS-Pilot	Black Sea Bass	Industry Based Survey on Black Sea Bass Utilizing Ventless Traps	\$212,044	RI	Cokeast Fisheries, Inc.	Laura Skrobe
2012	M. Atlantic-RSA	IBS-Pilot	Scup	Fishery Independent Scup Survey of Hard Bottom Areas in Southern New England Waters	\$250,301	RI	Cokeast Fisheries, Inc.	Laura Skrobe
2011	M. Atlantic-RSA	IBS-Inshore		Data Collection and Analysis in Support of Single and Multispecies Stock Assessments in the Mid-Atlantic: Northeast Area Monitoring and Assessment Program Nearshore Trawl Survey, 2011	\$859,060	VA	Virginia Institute of Marine Science	
2011	M. Atlantic-RSA	IBS-Pilot	Scup	2011 Fishery Independent Scup Survey of Hard Bottom Areas in Southern New England Waters	\$207,600	RI	Charles Borden	
2011	M. Atlantic-RSA	Resource Dynamics	Black Sea Bass	Understanding the effects of fishing on the size, age, and sex distribution of black sea bass (<i>Centropristis striata</i>) during the spawning season	\$221,784	VA	National Fisheries Institute	
2010	M. Atlantic-RSA	Conservation Engineering-Trawl	Squid - Butterfish	A Method to Reduce Butterfish Retention in The Offshore Loligo Squid Fishery Through The Use Of a Bycatch Reduction Device (BRD) Adapted to Pre-Existing Gear.	\$524,024	NY	Cornell Cooperative Extension	

Table 2.

Year	Funding Source	Project Category	Fishery	Title	Funding Level	State	Organization	Principal Investigator
2010	M. Atlantic-RSA	IBS-Inshore		Data Collection and analysis in support of single and multi-species stock assessments in the Mid-Atlantic: Northeast Area Monitoring and Assessment Program Nearshore Trawl Program, 2010 to 2012. FINAL REPORT	\$991,952	VA	Virginia Institute of Marine Science	Christopher F. Bonzek, James Gartland, J. David Lange, Robert J. Latour, Ph.D.
2010	M. Atlantic-RSA	IBS-Pilot	Scup	2010 Fishery Independent Scup Survey of Hard Bottom Areas in Southern New England Waters FINAL REPORT	\$206,300	RI	Charles Borden	
2009	M. Atlantic-RSA	Discard Mortality	Summer Flounder	Evaluation of Summer Flounder Discard Mortality in the Bottom Trawl Fishery Part II: A Study of the Offshore Winter Fishery	\$376,650	NY	Cornell Cooperative Extension	
2009	M. Atlantic-RSA	IBS-Inshore		Data Collection and Analysis in Support of Single and Multispecies Stock Assessments in the Northeast Area Monitoring and Assessment Program Near Shore Trawl Program FINAL REPORT	\$1,264,582	VA	Virginia Institute of Marine Science	Christopher F. Bonzek, James Gartland, J. David Lange, Robert J. Latour, Ph.D.
2009	M. Atlantic-RSA	IBS-Pilot	Scup	2009 Fishery Independent Scup Survey of Hard Bottom Areas in Southern New England Waters FINAL REPORT	\$120,338	RI	Charles Borden	
2008	M. Atlantic-RSA	Discard Mortality	Summer Flounder	Discard Mortality in the Summer Flounder Fishery: A New Approach to Evaluation FINAL REPORT	\$148,719	VA	National Fisheries Institute	Kenneth Able, Thomas Grothues, and Eleanor Bochenek
2008	M. Atlantic-RSA	IBS-Inshore		Data collection and analysis in support of single and multispecies stock assessments in the Mid-Atlantic: Northeast Area Monitoring and Assessment Program Near Shore Trawl Program FINAL REPORT	\$481,500	VA	Virginia Institute of Marine Science	Christopher Bonzek
2008	M. Atlantic-RSA	IBS-Pilot	Scup	2008 Fishery Independent Scup Survey of Hard Bottom Areas in Southern New England Waters FINAL REPORT	\$92,540	RI	Charles Borden	Laura Skrobe
2007	M. Atlantic-RSA	Conservation Engineering-Trawl	Squid Fishery	Bycatch Reduction and Gear Development in the Mid-Atlantic: Evaluation of Optimal Codend Mesh Size in the Loligo Fishery FINAL REPORT	\$522,749	VA	National Fisheries Institute	Eric Powell
2007	M. Atlantic-RSA	Discard Mortality	Summer Flounder	Evaluation of Summer Flounder Discard Mortality in the Bottom Trawl Fishery FINAL REPORT	\$284,800	NY	Cornell Cooperative Extension	Emerson Hasbrouck
2007	M. Atlantic-RSA	IBS-Pilot		Development of a Supplemental Finfish Survey Targeting Mid-Atlantic Migratory Species FINAL REPORT	\$1,165,676	VA	National Fisheries Institute	Eric Powell
2007	M. Atlantic-RSA	IBS-Pilot	Scup	2007 Fishery Independent Survey of Selected Hard	\$79,762	RI	Charles Borden	Laura Skrobe

Table 2.

Year	Funding Source	Project Category	Fishery	Title	Funding Level	State	Organization	Principal Investigator
				Bottom areas in Southern New England FINAL REPORT				
2006	M. Atlantic-RSA	Conservation Engineering-Other	Black Sea Bass	An Evaluation of Size Selectivity and Relative Efficiency of Black Sea Bass, Centropristis strata Habitat Pots Equipped with large Mesh Panels. FINAL REPORT	\$76,540	VA	Virginia Institute of Marine Science	David Rudders and Robert Fishers
2006	M. Atlantic-RSA	IBS-Pilot		Development of a Supplemental Finfish Survey Targeting Mid-Atlantic Migratory Species FINAL REPORT	\$874,017	VA	National Fisheries Institute	Eric Powell
2006	M. Atlantic-RSA	IBS-Pilot	Scup	2006 Fishery Independent Survey of Selected Hard Bottom areas in Southern New England FINAL REPORT	\$86,364	RI	Charles Borden	Laura Skrobe
2006	M. Atlantic-RSA	Recreational	Summer Flounder	Evaluating Size and Bag Limits in the Summer Flounder Recreational Fishery FINAL REPORT	\$321,691	NJ	Fisheries Cons. Trust	Eleanor Bochenek
2005	M. Atlantic-RSA	Conservation Engineering-Trawl	Squid Fishery	Loligo Squid Mesh Selectivity Study to Reduce Bycatch of Juvenile Loligo Squid and other Species FINAL REPORT	\$563,367	VA	National Fisheries Institute	Sarah King
2005	M. Atlantic-RSA	IBS-Pilot		Development of a Supplemental Finfish Survey Targeting Mid-Atlantic Migratory Species FINAL REPORT	\$822,563	VA	National Fisheries Institute	Eric Powell
2005	M. Atlantic-RSA	IBS-Pilot	Scup	2005 Fishery Independent Survey of Selected Hard Bottom areas in Southern New England FINAL REPORT	\$85,779	RI	Charles Borden	Laura Skrobe
2004	M. Atlantic-RSA	Conservation Engineering-Other	Black Sea Bass	Evaluation of the Effect of Vent Size and Shape on Black Sea Bass Behavior and Escapement from Pot Gear FINAL REPORT	\$110,825	NY	Cornell Cooperative Extension	Emerson Hasbrouck
2004	M. Atlantic-RSA	IBS-Pilot		Development of a Supplemental Finfish Survey Targeting Mid-Atlantic Migratory Species FINAL REPORT	\$704,692	VA	National Fisheries Institute	Eric Powell
2004	M. Atlantic-RSA	IBS-Pilot	Scup	Fishery Independent Scup Survey of Selected Areas in Southern New England Waters FINAL REPORT	\$52,652	RI	Charles Borden	Laura Skrobe
2003	M. Atlantic-RSA	Conservation Engineering-Trawl	Squid - Scup	Loligo Squid: Extension of Gear Modification Study Through Scup Migratory Season FINAL REPORT	\$174,541	VA	National Fisheries Institute	Daniel Cohen
2003	M. Atlantic-RSA	Conservation Engineering-Trawl	Summer Flounder	Effects of Increasing Mesh Size in the Summer Flounder Fishery in Southern New England Inshore Rhode Island Waters FINAL REPORT	\$40,320	RI	University of Rhode Island	David Beutel
2003	M. Atlantic-RSA	Discontinued	Black Sea Bass	Effect of Vent Size on Sex Ratios of Black Sea Bass Retained in the Coastal Pot Fishery	\$0		Wizard Enterprises	
2003	M. Atlantic-RSA	Discontinued	Scup	Bycatch Characterization and Reduction from Codend Mesh Size Increases in the Directed	\$0	RI	University of Rhode Island	

Table 2.

Year	Funding Source	Project Category	Fishery	Title	Funding Level	State	Organization	Principal Investigator
				Bottom Trawl Northern - Inshore Scup Fishery				
2003	M. Atlantic-RSA	IBS-Pilot		Development of a Supplemental Finfish Survey Targeting Mid-Atlantic Migratory Species FINAL REPORT	\$484,226	VA	National Fisheries Institute	Eric Powell
2002	M. Atlantic-RSA	Conservation Engineering-Other	Black Sea Bass	The Effect of Circle and Square Escape Vents on Discard Reduction in the Black Sea Bass Trap Fishery FINAL REPORT	\$57,069	VA	Virginia Institute of Marine Science	Robert Fisher
2002	M. Atlantic-RSA	Conservation Engineering-Other	Black Sea Bass - Scup	Evaluation of Catch Efficiency and Size Selectivity of Inshore New England Fish Pots for Black Sea Bass and Scup as a Function of Escape Vent Size FINAL REPORT	\$43,079	RI	W. Gell	Laura Skrobe
2002	M. Atlantic-RSA	Conservation Engineering-Trawl	Squid Fishery	Loligo Squid Gear Modification Study FINAL REPORT	\$115,183	VA	National Fisheries Institute	Eric Powell
		www.nefsc.noaa.gov	NMFS Search	Link Disclaimer webMASTER Privacy Policy			(File Modified Mar. 25 2013)	

Table 3.

2014 Mid-Atlantic RSA Awards (2)

NA14NMF4540004 Virginia Institute of Marine Science (VIMS)

“Data Collection & Analysis in Support of Single & Multispecies Stock Assessments in the Mid-Atlantic & Southern New England: Northeast Area Monitoring & Assessment Program Near Shore Trawl Survey, 2014”

Research: \$1,105,620 Awarded: 01/14/14

Principal Investigators: Christopher Bonzek & Robert Latour

The NEAMAP Near Shore Trawl Survey is a fishery-independent survey designed to collect information on the late juvenile and adult stages of the majority of the finfish species (including RSA species summer flounder, scup, black sea bass, butterfish, and bluefish) and several of the invertebrate species (including Longfin squid) inhabiting the near shore waters of the Mid-Atlantic Bight (inshore of the 10fm contour), Block Island Sound, and Rhode Island Sound.

487,825 lbs. Summer Flounder
697,281 lbs. Scup
1,400,000 lbs. Longfin Squid
51,686 lbs. Black Sea Bass
99,000 lbs. Bluefish
99,800 lbs. Butterfish
250,000 lbs. Spiny Dogfish

NA14NMF4540005 Cockeyard Fisheries, Inc

“Industry Based Survey on Black Sea Bass Utilizing Ventless Traps”

Research : \$319,174. Awarded: 01/14/14

Principal Investigator: Laura Skrobe, Captain Charles Borden, Najih Lazar, & Dr. Steven Cadrin

A fishery independent black sea bass survey of five separate hard bottom sites in Southern New England (SNE) and Mid-Atlantic waters is proposed. Unvented black sea bass pots will be fished on each site for five months running from June through October in SNE, and April through August in the Mid-Atlantic. Five commercial vessels will conduct the fieldwork and the University of Rhode Island (URI) and SMAST will oversee the project including administration, logistical support, and data analysis. Staff from the Rhode Island Department of Environmental Management (RIDEM) Division of Fish and Wildlife, Massachusetts Division of Marine Fisheries (MADMF), New Jersey Department of Environmental Protection (NEDEP) Fish and Wildlife, New York State Department of Environmental (NYSDEC), and Virginia Marine Resources Commission (VMRC) will also collaborate on the project.

54,175 lbs. Summer Flounder
200,000 lbs. Scup
85,000 lbs. Black Sea Bass



Mid-Atlantic Research Set-Aside Program - *Frequently Asked Questions*

Vessel Participation and Eligibility

1. *How does the Mid-Atlantic Research Set Aside (RSA) Program generate funds to support research?*

Recipients of RSA grants partner with fishing vessel owners who harvest RSA quota, and they either agree to share the proceeds from the sale of the RSA quota after it has been landed or the vessel owner may purchase the opportunity to harvest RSA quota outright from the grant recipient before it has been harvested. Most of the RSA quota under the Mid-Atlantic RSA program is obtained outright by the vessel owner through the National Fisheries Institute (NFI) RSA auction, although both arrangements occur.

2. *What is the NFI RSA auction and why does NOAA Fisheries allow RSA quota to be auctioned off to the highest bidder?*

The NFI RSA auction was created as a way to connect grant recipients with vessel owners interested in participating in the RSA program, and has become an established service used by Mid-Atlantic RSA grant recipients to secure the funds needed to support their research. The terms and conditions of the NFI RSA auction are determined by NFI and the RSA grant recipient, and is not a process authorized or directed by NOAA Fisheries. The exchange of RSA quota for money is not unique to the NFI RSA auction; all of the RSA programs depend on this exchange between the grant recipient and the industry partners. The NFI RSA auction is simply a more structured service to facilitate this exchange. Each RSA grant recipient is free to determine the most efficient approach for his/her project, and none are bound to use the NFI RSA auction.

3. *Why does NOAA Fisheries allow vessels harvesting Mid-Atlantic RSA quota to catch more than other vessels, and to fish during closures when other vessels can't?*

These effort control exemptions provide additional fishing opportunities to participating vessels, which adds value to RSA quota. Without the added value generated by these additional fishing opportunities, there is little incentive to vessels to participate in the program. If the RSA quota is not harvested, funds cannot be generated to support the research projects.

4. *Why does compensation fishing happen independently from the research? Isn't the RSA program supposed to be a cooperative research program that brings the science and fishing communities together? Doesn't this decoupling undermine the intent of the program?*

The harvest of RSA quota may or may not occur in conjunction with research activities, although typically these activities occur separately. This decoupling of the compensation

fishing from the research is not new, and was anticipated when the Mid-Atlantic RSA Program was created under Framework 1 in 2001. Decoupling these activities allows greater flexibility for the types of research projects that may be supported, particularly for projects that are conducted in a manner that is not conducive to harvesting commercial quantities of fish, such as surveys and tagging studies, or projects targeting species with relatively low value. In keeping with the intent of the program, the selected projects are cooperative research studies that closely involve the fishing industry, research community, and other stakeholders.

5. *Who decides which vessels get to catch Mid-Atlantic RSA quota?*

Vessel participation is largely determined by the grant recipient. RSA grant recipients are responsible for working with the fishing industry to harvest their RSA quota award. In practice, they partner directly with the vessel owner, and/or they use the service provided by the NFI RSA auction. Although the grant recipient identifies the vessels, NOAA Fisheries reviews vessel histories to ensure they do not conflict with the Greater Atlantic Regional Fisheries Office (GARFO) exempted fishing permit (EFP) sanction policy. If the vessel has previous violations that conflict with this policy, they are not authorized to participate in the program. In addition, state authorities have discretion when considering whether to grant waivers from state regulation.

6. *Can a private angler harvest RSA quota?*

Theoretically, it is possible that a private angler could catch RSA quota. However, without regulation waivers, there is no incentive for a private angler to do so. NOAA Fisheries supports the Council's position that authorizing private anglers would be extremely difficult to monitor and enforce and, therefore, has no intention of providing any exemptions to private anglers for the purpose of harvesting RSA quota.

7. *How many vessels are involved in harvesting Mid-Atlantic RSA quota?*

In recent years, 100-150 vessels annually engage in Mid-Atlantic RSA compensation fishing. This relatively high number of vessels is due to the large volume of fish awarded under this program, the diversity of awarded species, and the diversity of the fleet harvesting the RSA quota. The number of vessels is constrained by the NOAA Fisheries regional vessel cap policy, which restricts the number of vessels that can participate in compensation fishing at any given time.

8. *Why does NOAA Fisheries limit the number of vessels that can harvest Mid-Atlantic RSA quota?*

NOAA Fisheries limits the number of vessels that can participate in the RSA program to improve program oversight and enforceability. Currently, the number of vessels that can participate in a project is limited to 50 vessels per project. However, flexibility to exceed this cap has been provided at the request of grant recipients, given sufficient justification.

Exempted Fishing Permits and Reporting Requirements

9. *What is an exempted fishing permit (EFP)?*

An EFP waives Federal fishing regulations. To facilitate RSA compensation fishing, federally permitted vessels harvesting RSA quota are issued EFPs to exceed possession limits and to fish during quota closures. EFPs contain explicit terms and conditions that must be followed. EFPs must be signed by both the vessel owner or operator and the principal investigator to ensure that they agree to the terms and conditions of the EFP. They are subject to fines and/or sanctions if the terms and conditions are not followed.

10. *Do EFPs affect state fishing regulations?*

No; EFPs only waive Federal fishing regulations. State waivers must be obtained directly through the state. NOAA Fisheries coordinates with the applicable states to ensure they are aware of the EFPs that are issued.

11. *What are the requirements that must be followed when a vessel is on a Mid-Atlantic RSA compensation fishing trip?*

All vessels harvesting RSA quota have additional reporting requirements. The vessel operator must notify NOAA Fisheries prior to departing on an RSA compensation fishing trip to establish his intent to harvest RSA quota, and to identify when and where the vessel will land. Prior to landing, the vessel operator must report the amount of RSA quota on board, and when and where it is going to be landed. After landing, a final report must be submitted, which includes the exact amount of RSA quota landed, the state where the fish were landed, and the vessel trip report serial number.

12. *What does NOAA Fisheries do to make sure a vessel adheres to the RSA reporting requirements?*

NOAA Fisheries has recently adopted a set of quality assurance procedures to audit and validate RSA reported data to identify potential reporting errors or cases of non-compliance. All RSA trip reports are processed through these audits. If an aspect of the report conflicts with an audit, it will be flagged and then investigated to determine the appropriate course of action, including vessel outreach, referral to the Office of Law Enforcement, or potential revocation of compensation fishing privileges.

The Office of Law Enforcement also has near-real time access to RSA data, including information on when and where a vessel is landing, and how much RSA quota the vessel has on board. Using this information, they will be able to determine if a vessel has met the reporting requirements.

13. What happens if a vessel does not follow the program reporting requirements?

If a vessel operator does not follow the RSA reporting requirements, the vessel will be removed from the RSA program. We are currently revising the RSA compliance policy to better articulate when compensation fishing privileges will be revoked for failing to follow program requirements, which includes outreach procedures to the vessel operator, owner, and grant recipient notifying them of program compliance problems.

14. Does NOAA Fisheries conduct a background check on vessel compliance history prior to allowing them to harvest RSA quota?

Yes. NOAA Fisheries has an EFP sanction check policy that is used to vet vessels that are put forward by the grant recipient to harvest RSA quota. If a vessel conflicts with the criteria outlined in this policy, the vessel will not be authorized to harvest RSA quota.

Enforcement

15. What is NOAA Fisheries doing to improve RSA program oversight and compliance in light of the recent Mid-Atlantic RSA enforcement actions?

NOAA Fisheries has overhauled RSA program monitoring and oversight procedures in response to these enforcement actions and in response to requests from the Council. This includes more robust trip audit and matching procedures, development of a more explicit policy for revoking compensation fishing privileges, and more advanced data sharing and data analysis capabilities with the Office of Law Enforcement. In addition to more effective vessel oversight, these new procedures will enable more detailed and comprehensive analysis to evaluate program performance and to identify program areas of concern.

16. Would these violations have happened if the new oversight procedures had been in place?

The new reporting requirements, in conjunction with the new oversight procedures, would have made it much more difficult and risky for these violations to be carried out. Specifically, we are now requiring that vessels provide more detailed trip information (e.g., vessel landing time and location, the amount of RSA quota onboard prior to landing) and there are new procedures in place that will enable us to more effectively audit and reconcile vessel trip and dealer reports. All of this information will be available to the Office of Law Enforcement and their state partners to monitor vessel activity, and to intercept vessels to confirm compliance and validate reported data.

17. How does enforcement keep track of RSA vessel activity?

NOAA's Office of Law Enforcement has near-real time access of all RSA trip data via a web-based application. This system allows enforcement to monitor vessel activity. In the near future, audits and reports can also be generated through this new system. In addition, regional office staff will notify the Office of Law Enforcement of vessel reporting compliance issues that are identified through quality assurance procedures.

18. What if a vessel decides to take an RSA compensation fishing trip but does not report at all?

If a vessel does not submit any RSA trip report, they are not considered to be on an RSA compensation fishing trip, and would be subject to all applicable regulation, including the regular possession limit and season closures.

19. What else could be done to increase RSA program oversight and compliance?

The recent program adjustments in response to the RSA enforcement actions and requests from the Council will significantly bolster oversight of RSA compensation fishing activity. There were additional measures considered during the development of these procedures that were not adopted for various reasons, including dealer specific authorizations and reporting requirements, and controls on landing time and location. NOAA Fisheries expects that these adjustments that were made to improve oversight and compliance will be effective. However, NOAA Fisheries will continue to examine all of the RSA programs to improve program performance and oversight, which includes working closely with the Councils, state partners, fishing industry, and the cooperative research community.

RSA Quota Monitoring

20. How does NOAA Fisheries track Mid-Atlantic RSA quota?

Vessel reports, in conjunction with dealer reports, are used to monitor and track RSA quota. Commercial RSA quota landings reported by the vessel are deducted from the commercial landings, by state, to ensure RSA landings are not applied against state commercial quotas. If an RSA or dealer report is flagged through the audit process, the issue will be investigated in accordance with quality assurance procedures to ensure accurate monitoring reports.

21. What does NOAA Fisheries do to make sure a vessel does not catch more than the amount of fish they purchased at the NFI RSA auction?

NOAA Fisheries provides weekly reports to grant recipients and state partners to ensure they are apprised of reported RSA compensation fishing activity. However, NOAA Fisheries does not dictate the specific arrangements between the grant recipient and partnering vessel, and how much RSA quota each vessel is allowed to catch. Consequently, NOAA Fisheries monitors all trips to ensure vessels operate in accordance with the program requirements, and that the overall project award is not exceeded, but not how much fish each vessel is allowed to catch.

22. Does RSA catch count against state quotas?

No. RSA catch is in addition to the state quota, and does not reduce the amount of fish that may be harvested in that state. The RSA quotas are “taken off the top” during the quota setting process so that overall catch is within scientifically sound catch limits. NOAA Fisheries works very closely with the states to ensure RSA catch is accounted for properly,

including sending weekly reports and posting RSA catch data on our regional office website. The recently adopted monitoring procedures will further enhance the ability to properly account for RSA quota landings to ensure they are applied properly.

23. Does NOAA Fisheries allocate Mid-Atlantic RSA quota to vessels?

No. NOAA Fisheries awards RSA quota to successful applicants to carry out a research project. Grant recipients are responsible for arranging which vessels will harvest their grant award and how much quota each vessel gets. NOAA Fisheries does not dictate the agreements between the grant recipient and industry partner.

However, NOAA Fisheries monitors every RSA trip to ensure compliance with program requirements and to ensure that the overall quota award is not exceeded. If the overall RSA quota award is exceeded, it could result in fines and/or sanctions for the vessel and the grant recipient, and could affect future funding decisions.

24. What is the responsibility of the researcher when it comes to the harvest of Mid-Atlantic RSA quota?

The grant recipient is responsible for managing vessels harvesting RSA quota, and to ensure vessels do not exceed the RSA quota award. The RSA Federal Funding Opportunity that solicits research proposals clearly states that the principal investigator must have effective safeguards in place to ensure an RSA quota award is not exceeded.

25. What are the specific requirements for researchers?

The grant recipient must submit a formal request to NOAA Fisheries requesting authorization for the vessels they've partnered with to conduct compensation fishing. The grant recipient must sign all EFPs to acknowledge the terms and conditions of the permit. The grant recipient must also ensure all program requirements are distributed to their partner vessels. Failure to meet these requirements could impact future funding decisions.

26. Why doesn't NOAA Fisheries require dealers to report Mid-Atlantic RSA quota separate from non-RSA catch? Wouldn't this help track RSA quota, and improve program oversight?

NOAA Fisheries considered implementing a regulation that would require a dealer to explicitly identify RSA quota purchases. However, it was decided that this requirement would have marginal benefit, and that there are more effective ways to match RSA vessel reports with dealer reports using RSA trip audit procedures. The primary concern with an RSA dealer regulation is that data quality would likely be poor, and that enforceability would be difficult given the dependency between the vessel and the dealer.