

April 2017 Council Report Northeast Enforcement Division

January 1, 2017 – March 31, 2017



Council Report

To report fisheries violations,
call our national hotline:
1-800-853-1964

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Enforcement and Compliance

Summary

Since the last Council meeting, there were 93 documented patrols, allowing critical face-to-face interaction between our field staff and the industry; 54 documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and 15 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.

Outreach SUMmar

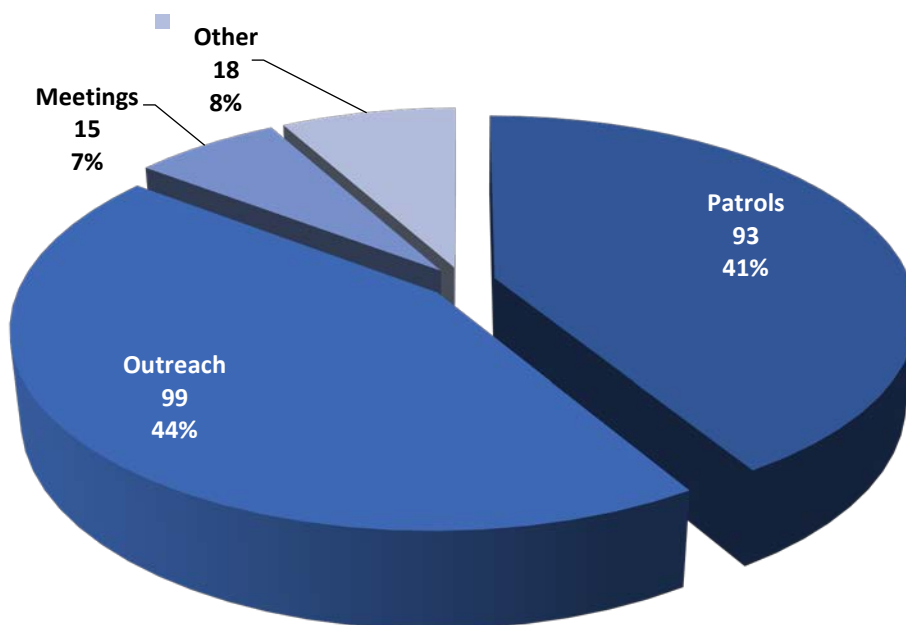


Figure 1: 225 incidents reported from January 1, 2017 through March 31, 2017. The chart is broken down by patrols, outreach, other (collateral duties, homeland security, and info gathering) and meetings.

Table 1: Summary of Incidents By Types

Law/Regulation/Program	FY 16 Incident Totals
Atlantic Tuna	33
ACFCMA	47
Endangered Species Act	1
Lacey Act	5
Marine Mammal Protection Act	16
MSFCMA	213
Marine Sanctuaries Act	1
Other Federal Law	3
State Regulations	2
Unknown	15
Total	336

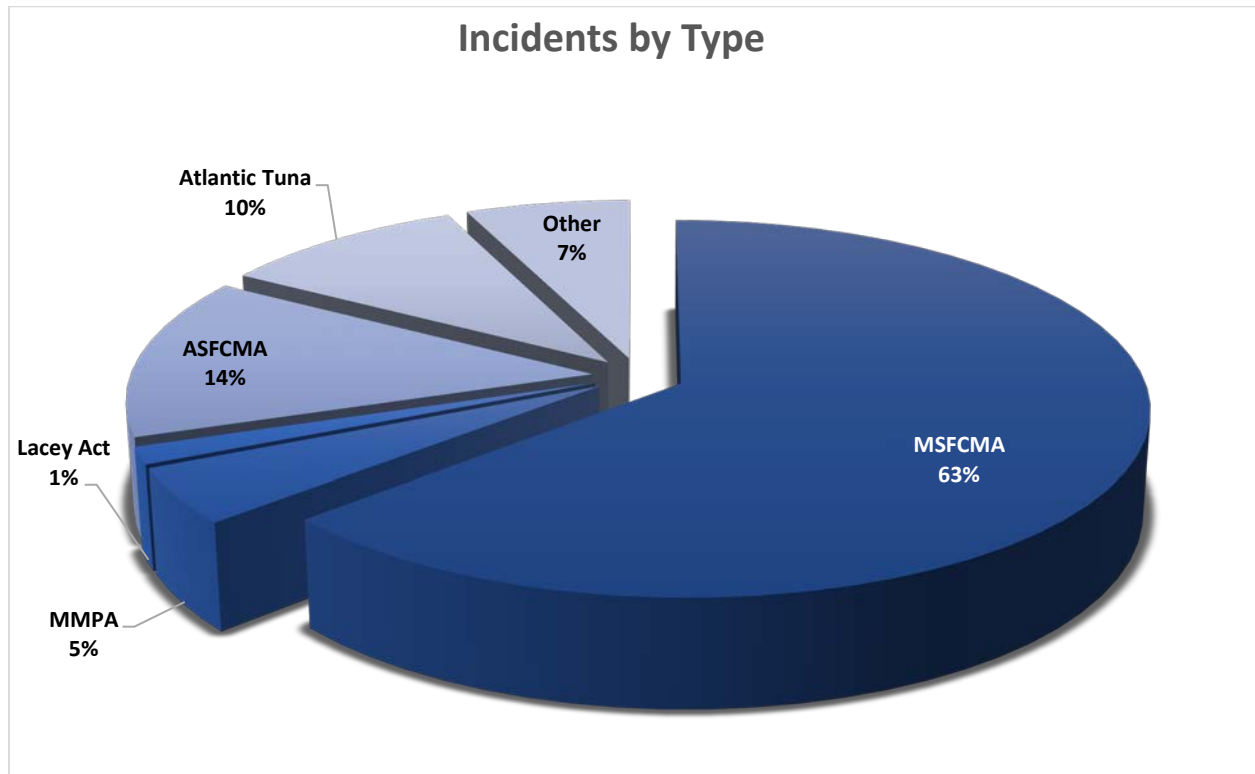


Figure 2: Incidents opened from January 1, 2017 through March 31, 2017. 336 incidents were opened.

Incident Information

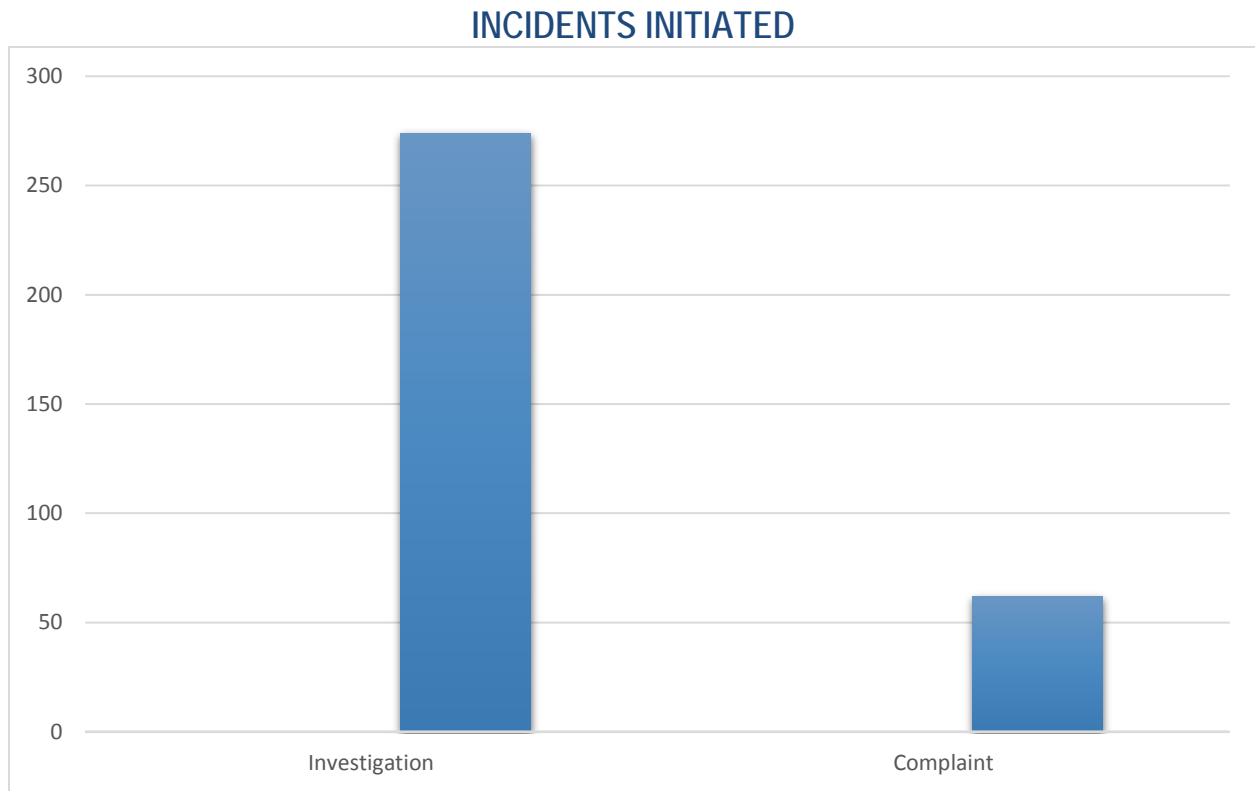


Figure 3. FY2017 January 1, 2017 – March 31, 2017: 274 investigations, 62 complaints 336 total

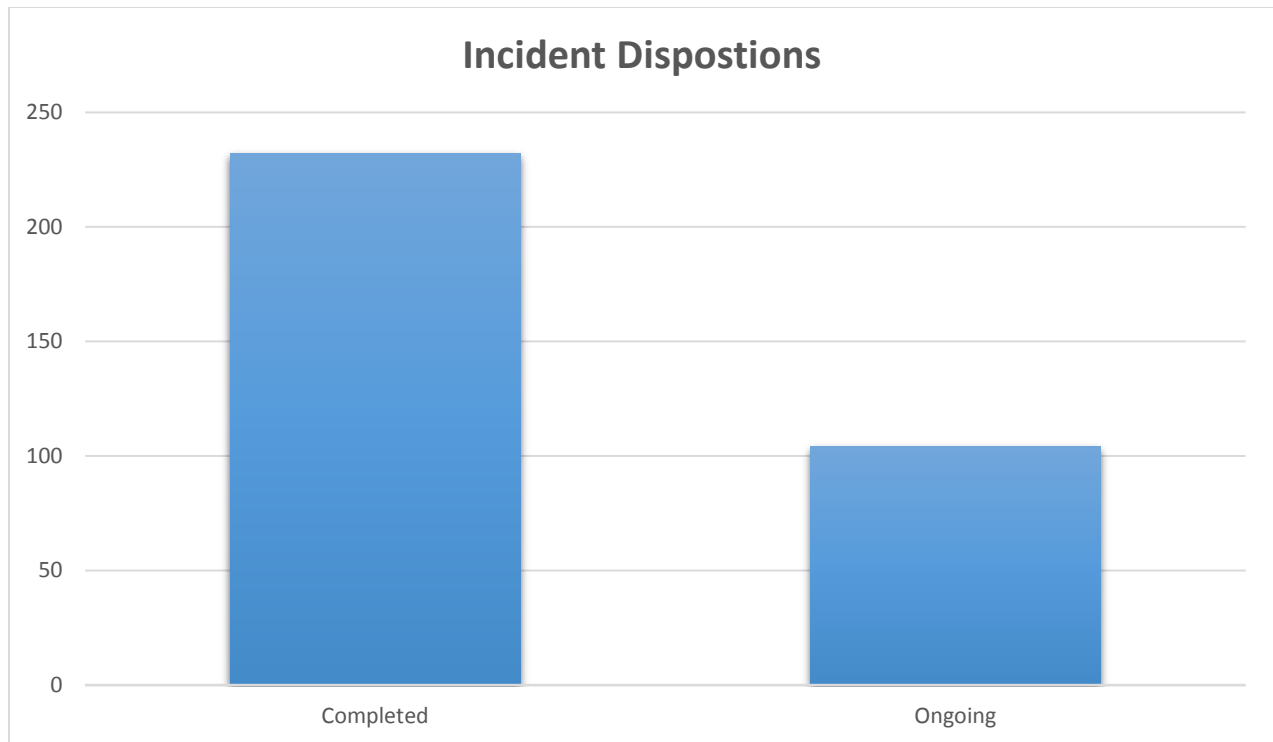


Figure 4. Status of incidents from January 1, 2017 – March 31, 2017 (232 completed, 104 ongoing).

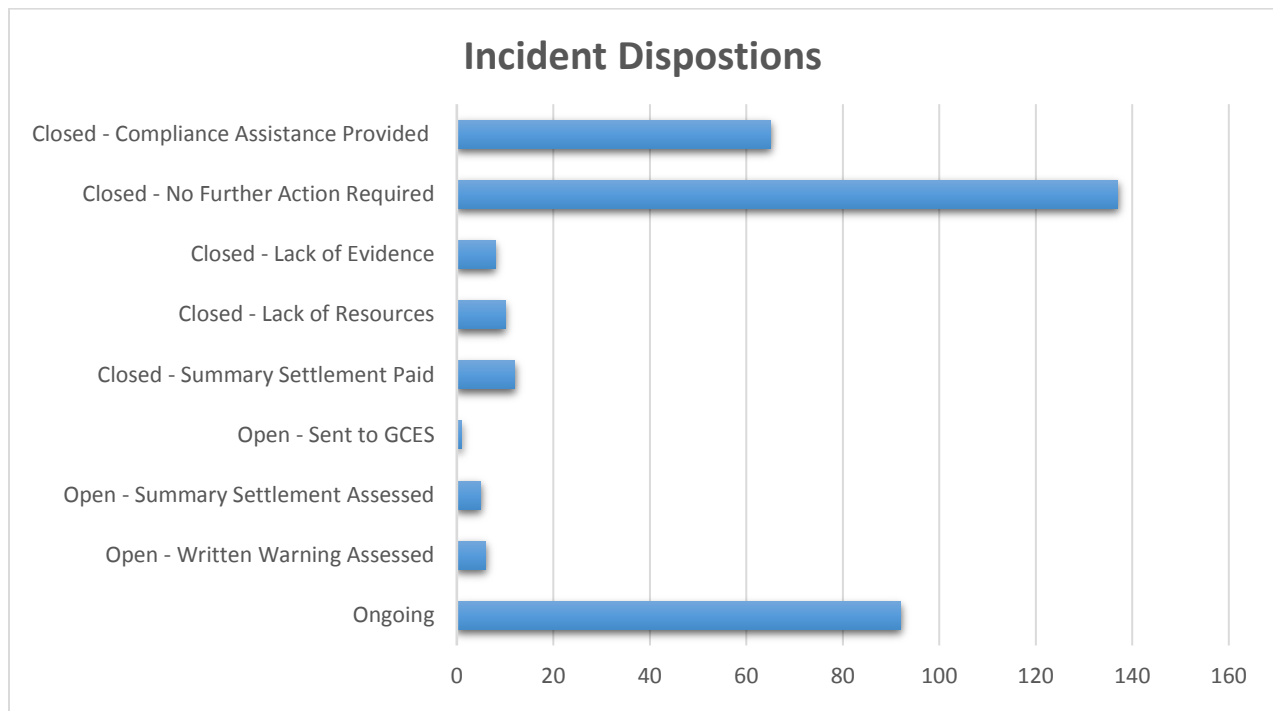


Figure 5. Incident Dispositions from January 1, 2017 – March 31, 2017 (232 completed, 104 ongoing).

Enforcement Highlights

Carlos Rafael

Carlos Rafael pleaded guilty to one count of conspiring to commit offenses against the United States, 23 counts of false labeling and fish identification, two counts of falsifying federal records, one count of bulk cash smuggling, and one count of tax evasion. Carlos Seafood, Inc, owned by Rafael, is one of the largest commercial fishing businesses in the United States. His sentencing is scheduled for June 27, 2017.

Illegal Importation - Sea Urchins

The Office of the United States Attorney in Portland, Maine has scheduled a Presentence Conference in the matter of ISF Trading. ISF Trading pled guilty to illegally importing sea urchins into the United States.

Overview of Summary Settlements

Table 3. Summary of 24 Summary Settlements Issued

Program/Law	Violation	Amount
ASFCMA	Possession of Striped bass in the EEZ	\$500
ASFCMA	Possession of 6 Striped bass in the EEZ	\$2,000
ASFCMA	Possession of Striped bass in the EEZ	\$500
ASFCMA	Possession of Striped bass in the EEZ	\$500
ASFCMA	Possession of 2 Striped bass in the EEZ	\$1,000
ASFCMA	Possession of Striped bass in the EEZ	\$500
ASFCMA	Possession of Striped bass in the EEZ	\$500
ASFCMA	Possession of Striped bass in the EEZ	\$500
ASFCMA	Possession of Striped bass in the EEZ	\$500
ASFCMA	Possession of 3 Striped bass in the EEZ	\$1,500
ASFCMA	Possession of Striped bass in the EEZ	\$500
ASFCMA	Possession of Striped bass in the EEZ	\$500
ASFCMA	Possession of Striped bass in the EEZ	\$500
ASFCMA	Possession of 3 Striped bass in the EEZ	\$1,500
ASFCMA	Possession of 4 Striped bass in the EEZ	\$2,000
ASFCMA	Possession of 4 v-notched and 3 egg bearing American lobsters	\$1,750
ASFCMA	Possession of 2 v-notched and 1 undersized American lobsters	\$550
ASFCMA	Possession of 11 v-notched, 1 egg-bearing, and 1 underzied American lobsters	\$3,050
ASFCMA	Possession of 4 v-notched and 1 egg-bearing American lobsters	\$1,250
ASFCMA	Possession on 1 undersized American lobster	\$50
ASFCMA	Possession of 5 v-notched American lobsters	\$1,250
ASFCMA	Possession of 1 v-notched, 1 egg-bearing, and 1 undersized American lobsters	\$550
ASFCMA	Possession of 7 v-notched, 3 egg-bearing, and 1 undersized American lobsters	\$2,550
ASFCMA	Possession of 3 v-notched American lobsters	\$750
ASFCMA	Possession of 1 v-notched and 1 egg-bearing American lobsters	\$500
ASFCMA	Possession of 2 v-notched, 1 egg-bearing and 4 undersized American lobsters	\$950
ASFCMA	Possession of 2 v-notched and 1 undersized American lobsters	\$550
ASFCMA	Possession of 8 v-nothced American lobsters	\$2,000
ASFCMA	Possession of 6 v-notched and 2 undersized American lobsters	\$1,600
ASFCMA	Possession of 6 v-notched, 1 egg-bearing, and 6 undersized American lobsters	\$2,050

ASFCMA	Possession of 7 v-notched and 7 undersized American lobsters	\$1,950
ASFCMA	Fishing for American lobsters without a valid Operator's permit	\$500
ASFCMA	Possession of 1 v-notched American lobster	\$250
ASFCMA	Possession of v-notched, egg-bearing and undersized American lobsters	\$1,850
ASFCMA	Possession of 1 oversized American lobster	\$100
Atlantic Tuna	Exceeded recreational possession limit of BFT	\$100
Atlantic Tuna	Possession of 2 undersized YFT; Failure to maintain HMS in specified form	\$1,750
Atlantic Tuna	Failure to report HMS	\$250
Atlantic Tuna	Possession of 2 undersized HMS; Failure to maintain HMS in specified form (2 counts)	\$2,500
Atlantic Tuna	Possession of HMS without a valid HMS permit; Possession of HMS with a gillnet onboard; Inaccurate FVTR	\$1,250
Atlantic Tuna	Possession of HMS without a valid HMS permit	\$500
Atlantic Tuna	Failure to report BFT	\$1,000
MMPA	Unlawful importation of marine mammal products (seal skin boots)	\$250
MSFCMA	Inaccurate FVTR	\$500
MSFCMA	Dealer non-reporting	\$500
MSFCMA	Dealer non-reporting	\$500
MSFCMA	Scallop Overage	\$1,035
MSFCMA	Failure to provide proof of passing USCG safety exam	\$1,000
MSFCMA	Fishing with expired Federal fisheries permit	\$500
MSFCMA	Incomplete FVTR	\$500
MSFCMA	Butterfish Overage; 2 counts	\$750
MSFCMA	Scallop Overage	\$218.50
TOTAL		\$49,253.50

Northeast VMS Program

Northeast Active VMS Vessel Population: 974

Population Breakdown by (VMS) Permits held¹:

628 Surfclam/Ocean Quahog (Permit Category 1,6,7)
561 Scallop General Category (Cat. A,B,C)
412 Multispecies (Cat. A,D,F)
335 Scallop Limited Access (Cat. 2,3,5,6,7,8)
300 Longfin Squid/Limited Access Mackerel (Cat. 1,T1,3,T3)
132 Herring (Cat. A,B,C,E)
46 Combination (Multispecies Cat. E)
19 Monkfish (Cat. F)

Note: There are 450 groundfish sector vessels and 111 common pool vessels registered to the NE VMS Program. There are 24 sector and 7 common pool vessels on a NMFS-authorized power down Letter of Exemption.

VMS Industry Contact Log Report:

The NE VMS Team addressed 408 industry issues this quarter and closed 383 issues. The most-frequently reported issues were: Declaration and Forms assistance, Non-reporting, and Miscoding.

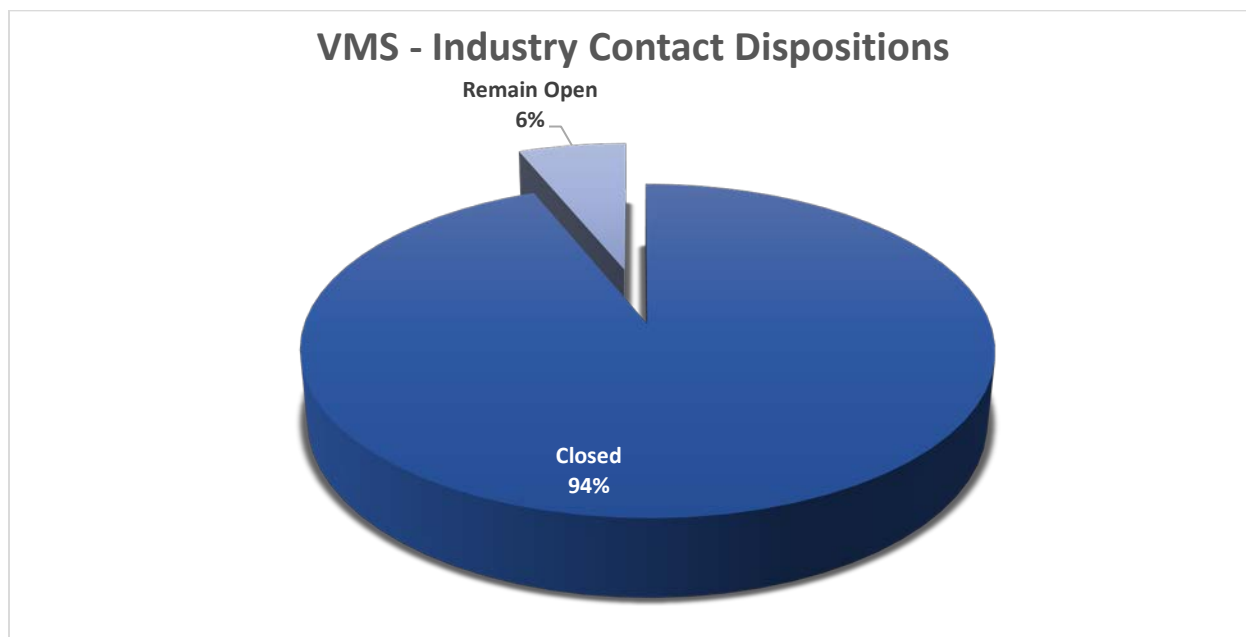


Figure 6: Status of contacts from January 1, 2017 – March 31, 2017 (383 closed, 25 remain open).

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

Observer Program Highlights

During this quarter the observer program deployed on 965 trips for 2,750 sea days. Approximately 98% of all selected or observed trips were completed without a reported enforcement incident. There was a total of 10 reported violation reports received and acted upon this quarter. The summary below details the status of observer related complaints during the 2nd Quarter of 2017.

Table 4: Summary of Observer Program complaints and status

Type of complaint	Number of complaints and status
Refusal	7 observer refusal complaints: 4 closed under compliance assistance 3 ongoing
Assault	None
Harassment/Intimidation	None
Interference	None
Vessel Safety	1 observer vessel safety complaint: 1 no further action required
Observer Safety	None
Failure to provide reasonable assistance	None
Observer gear/sample tampering	None
Observer program notification	2 observer notification complaints: 2 ongoing
Miscellaneous	2 observer enforcement training classes were conducted.

Cases sent to NOAA General Counsel Enforcement Section (GCES)

- 9 cases forwarded to GCES

Table 5. Cases sent to GCES

Program/Law	Violation
ASFCMA (2 cases)	Importation of 27 v-notched and 6 undersized American lobsters
	Possession of 13 oversized, 2 mutilated, 5 v-notched, and 1 undersized American lobsters; Observer Interference
Atlantic Tuna Act (1 case)	Failure to report Billfish landing; Failure to release Billfish in specified form
MSFCMA (6 cases)	Observer Refusal
	Landing Cod Overages – 7 counts
	Scallop Overage; False reporting
	Scallop Overage; Disposing of fish after communication from an authorized officer; False reporting
	Scallop Overage; False reporting
	Skate Overage