

NOAA FISHERIES  
Office of Law Enforcement  
**NORTHEAST ENFORCEMENT DIVISION**

# **Mid-Atlantic Council Report**



**August 16, 2012**

Philadelphia, PA

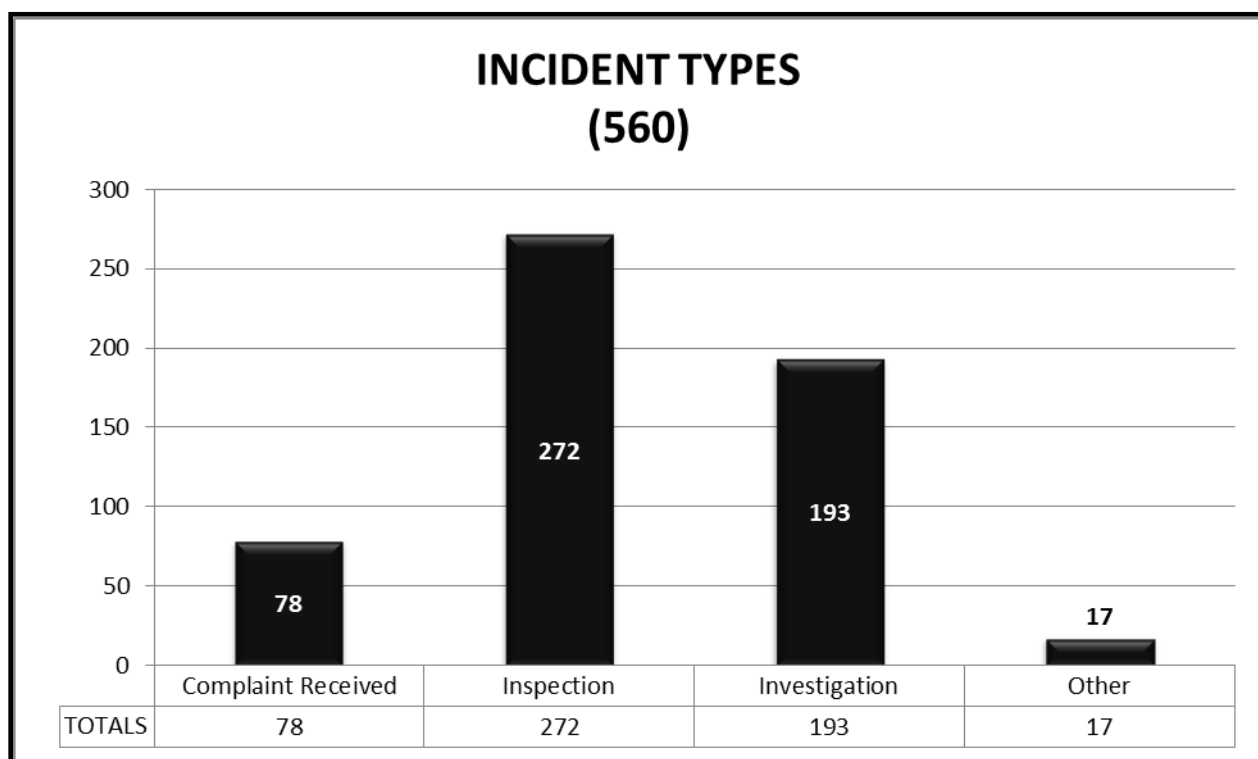
To Report Fisheries Violations  
Call Our National Hotline  
**1-800-853-1964**

## ENFORCEMENT SUMMARY

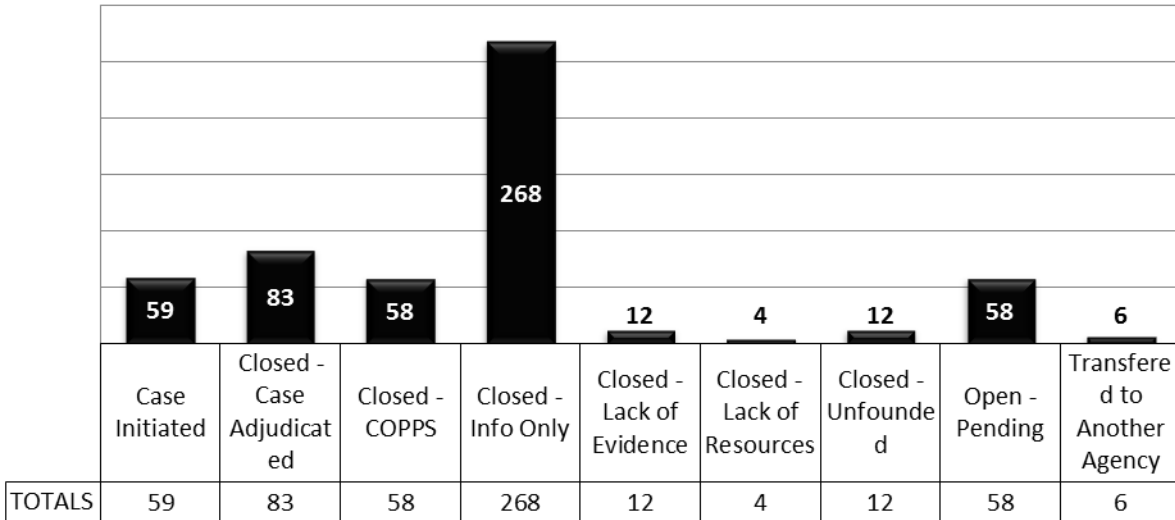
OLE continues to work with industry as we emphasize compliance and outreach and conduct patrols and investigations to ensure a level playing field for the many hard-working fishermen and other members of the fishing industry. Since the last MAFMC meeting, there were 35 documented instances of outreach to industry, including: mediating gear conflicts; contacting dealers and vessel owners/operators on reporting issues; creating a new laminated guide for the Mid-Atlantic recreational and charter/party fishery, and more. These 35 instances do not include the extensive outreach provided by the VMS team on a daily basis, or many of the interactions between our officers and agents to educate industry on the regulations and answering general questions. In addition to all of our directed outreach efforts, OLE conducted several patrols and inspections and continues to conduct investigations of alleged violations of laws and regulations.

## INCIDENT STATISTICS

(January 1, 2012 – July 31, 2012)



## INCIDENT DISPOSITIONS (560)



### CASE HIGHLIGHTS

After a seven week trial in federal court in Camden, N.J., multiple defendants were convicted on various felony counts of creating false records, trafficking in illegally possessed oysters, obstructing the Food and Drug Administration's regulation of public health and safety, and conspiring to commit those crimes. Thomas Reeves, Todd Reeves, and Shellrock LLC, all of Port Norris, N.J., were convicted on multiple felony counts of violating the Lacey Act by creating false records for illegally possessed oysters, trafficking in illegally possessed oysters and falsifying records used by the FDA for tracking the movement of oysters in interstate commerce. These same defendants, as well as Renee Reeves, an employee of Shellrock and the wife of Todd Reeves, were also found guilty of conspiring to commit those crimes and obstruct justice. The DOJ Press Release is attached

OLE addressed a report of non-compliance involving a gillnet fisherman. The subject repeatedly failed to allow observers the opportunity to safely complete their required pre-deployment safety inspection. With OLE's assistance, the assigned observer was able to complete the safety inspection prior to the vessel departing.

OLE is investigating four humpback whale entanglements which happened in July.

OLE is working with federally deputized New Jersey officers regarding alleged violations of the black sea bass regulations.

OLE communicated with NMFS regional staff, its Federal and State enforcement partners and industry members and met with industry in Pt. Judith, RI immediately upon learning of an overnight reduction in squid catch limits that impacted the port.

OLE is investigating a recreational vessel that towed an adult male grey seal from the beach. Several individuals were interviewed about the incident and OLE is waiting for follow-up information from other sources.

OLE initiated an investigation of a closed area incursion by a commercial fishing vessel.

## **NORTHEAST OBSERVER PROGRAM**

(3<sup>rd</sup> Quarter: April 1, 2012 – June 30, 2012)

During this quarter the observer program deployed on 1160 trips for 3303 sea days. Approximately 99% of all selected or observed trips were completed without a reported enforcement incident.

The summary below details the status of these complaints.

### **Observer Refusal**

One observer refusal complaints was documented in LEADS and this case is ongoing.

### **Observer Assault**

No observer assault complaints were documented in LEADS.

### **Observer Harassment/Intimidation**

One observer harassment complaint was documented in LEADS and this case is ongoing.

### **Observer Interference**

Five observer interference complaints were documented in LEADS. Three were closed under COPPS, one was closed as a verbal warning, and one is ongoing.

### **Observer Safety**

Four observer safety complaints were documented in LEADS. Three were closed under COPPS and one was transferred to the USCG.

### **Failure to Provide Reasonable Assistance**

No complaints were documented in LEADS.

### **Observer Gear/Sample Tampering**

One complaint of tampering with observer gear was received and this complaint is ongoing.

### **Observer Program Notification**

No complaints were documented in LEADS.

### **Miscellaneous**

Two training sessions covering observer enforcement issues were completed this quarter.

## **NORTHEAST VESSEL MONITORING SYSTEM (VMS) PROGRAM**

### **NE VMS Vendor and Vessel Population**

- Approved VMS vendors: Boatracs, SkyMate, and GMPCS (for Thrane VMS units).
- Vendors/Units pending NE Type Approval: Faria Watchdog 750; CLS Thorium.
- Total NE VMS Vessel Population: 1,050.

### **Breakdown by vendor as of July 20, 2012**

- Boatracs: 599
- SkyMate: 428
- GMPCS: 23

### **Breakdown by permit category held**

- Combination (limited access scallop & groundfish): 47
- Multispecies: 454
- Scallop Limited Access: 345
- Surfclam/Ocean Quahog: 1,281
- Scallop Limited Access General Category: 581
- Herring: 78
- Monkfish (Cat F): 9

### ***Significant VMS Issues:***

The next (vessel-side) VMS software change is under development with implementation planned for September 1, 2012. This change incorporates NE regulatory actions including Scallop Framework 23, Multispecies Framework 47, and the NE Multispecies Sector FY12 Final Rule. The goal is to perform one software roll-out that includes both the NE and SE VMS changes. Specifically, changes to the NE declarations and forms include:

- Multispecies and monkfish declarations in a simpler, question-based format
- Separate sector and common pool declarations from the existing multispecies declaration

- Revised monkfish declaration that follows the new format and sector vs. common pool theme
- Revised scallop declaration that removes the Elephant Trunk and adds a Northern GOM (state only) declaration
- Creates five DOF declarations for transit, commercial (non-VMS) fishing, recreational/charter fishing, scientific research and NAFO activity
- Adds comments fields for sector manager use within the Trip Start and End Hail
- Removes the common pool restricted gear area notification forms. The SE VMS Program is also developing a software change for the HMS rule.

Multispecies Amendment 17 became effective April 23, 2012 and implements expanded rules for crediting Days-at-Sea. Vessels may now request DAS credit for canceled multispecies, monkfish or scallop trips in which no fishing gear was deployed. The rule was applied retroactively for the 2011 fishing year. Vessels requesting a credit must notify OLE via VMS or IVR as well as submit a written application.