

# FIFTH COAST GUARD DISTRICT ENFORCEMENT REPORT



**26 November 2019 – 27 January 2020**

*Presented to the Mid-Atlantic Fisheries Management Council*

*Prepared By:*

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## **List of Abbreviations**

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CFVS – Commercial Fishing Vessel Safety	SAR – Search and Rescue
HC-130 – USCG Fixed-Wing Aircraft	WLB – 225’ Buoy Tender
WPB – 87’ Patrol Boat	P/C – Pleasure Craft
STA – USCG Small Boat Station	F/V – Fishing Vessel
EPIRB – Emergency Position Indicating Radio Beacon	A/S – Air Station
WMEC – 210’ or 270’ Medium Endurance Cutter	SEC - Sector
M/V – Motor Vessel	M/T – Motor Tanker
FRC – 154’ Fast Response Cutter	

# I. Mid-Atlantic Fisheries Enforcement and Marine Protected Species Operations

## Operations Summary

During this period, major cutters, patrol boats and stations conducted fisheries patrols in the Mid-Atlantic in an effort to curtail illegal fishing and promote safety of life at sea within D5’s AOR. Throughout this period, units conducted 178 boarding’s.

## Boarding Statistics (Note: “This Period” data should be considered preliminary and is subject to change)

26 November 2019 – 27 January 2020 Activities	Comparison to FY19
Fisheries Boarding’s .....	112..... 109
Fisheries Boarding’s w/Fishery Violations.....	3..... 3
Violation Rate .....	2.6%.....2.7%
Activities Fiscal Year 2020	Comparison to FY19
Fisheries Boarding’s .....	290..... 310
Fisheries Boarding’s w/Fishery Violations.....	11..... 21
Violation Rate .....	3.7%.....6.7%

## Violation Summary

CGC DOLPHIN issued 02 EARs for vessels targeting HMS without federal permits. CGC ANGELA MCSHAN issued 01 EAR for violation of crew manning requirements.

## Marine Protected Species Support Summary

1. Operation RIGHT SPEED began on 01 November. This seasonal operation is primarily for Sector Command Center watchstanders, and targets vessels 65’ or greater exceeding speed restrictions through migratory whale zones. The op will conclude on 30 April

# II. Commercial Fishing Vessel Safety Efforts

(November 26, 2019 –January 27, 2020)

Fishing Vessel Dockside Safety Examinations.....	This Period.....	Fiscal Year to Date
Dockside Exams.....	33.....	75
Decals Issued .....	25.....	64
Commercial Fishing Vessel Safety Terminations.....	02.....	04

# III. Search and Rescue Highlights

From November 26, 2019 – January 27, 2020, there were 21 marine casualties reported involving commercial fishing vessels:

- Allision – 0
- Capsize – 1
  - MD3794BK (O.N. MD3794BK) 08 JAN 2020 – F/V MD3794BK capsized due to flooding as a result of an unexpected wave hitting the stern.
- Collision – 1
  - MISS SAYLOR AUBREY (O.N. 506789) 03 JAN 2020 – F/V MISS SAYLOR AUBREY collided with the M/V ASL ERA at the Cape Fear entrance.
- Damage to Environment (Pollution/Hazmat) – 1
  - DORA LYNN (O.N. 570215) 02 DEC 2019 – F/V DORA LYNN discharged approximately 1 gallon of oily bilge water into The Chester River.
- Death – 1
  - PAPA’S GIRL (O.N. 566278) 08 JAN 2020 – F/V PAPA’S GIRL sank in the Pamlico Sound for unknown reasons.
- Fire – 0
- Flooding – 3
  - MD3794BK (O.N. MD3794BK) 08 JAN 2020 – F/V MD3794BK began flooding due to an unexpected wave hitting the stern, ultimately resulting in the vessel capsizing.
  - SEA ANGELS (O.N. 1125310) 09 DEC 2019 – F/V SEA ANGELS began to take on water and flooded due vessel grounding when it lost population resulting from a mechanical issue.
  - JO MEG (O.N. 959173) 09 JAN 2020 – F/V JO MEG began to take on water while oyster fishing. Vessel was able to make its way to Scotts Cove marina.
- Fouling – 0
- Grounding – 2
  - SEA ANGELS (O.N. 1125310) 09 DEC 2019 – F/V SEA ANGELS grounded in Brown’s Inlet due to a mechanical problem.
  - SHARON NICOLE (O.N. 1106603) 16 JAN 2020 – F/V SHARON NICOLE ran aground in the Chincoteague Channel between buoys #28 and #28.
- Injury – 1

- MCKENZIE (O.N. 1069510) 19 JAN 2020 – a crewmember onboard the F/V MCKENZIE fell and hurt their shoulder.
- Loss of Propulsion/Steering – 5
  - SEA ANGELS (O.N. 1125310) 09 DEC 2019 – F/V SEA ANGELS lost propulsion resulting in the vessel drifting into the shoal near Brown’s Inlet.
  - FOUR GIRLS (O.N. 944207) 09 DEC 2019 – F/V FOUR GIRLS lost propulsion near Cape May.
  - OLD MAN (O.N. 612811) 15 DEC 2019 – F/V OLD MAN lost propulsion due to unknown reasons.
  - HALLELUJAH (O.N. 1125310) 22 DEC 2019 – F/V HALLELUJAH suffered a steering casualty and became disabled approximately 30 NM east of Oregon Inlet.
  - FRANCES LEE (O.N. 506789) 20 JAN 2020 – F/V FRANCES LEE became disabled in rough seas at the mouth of the Nansemond River.
- MEDEVAC – 1
  - FLEETON (O.N. 570668) 17 DEC 2019 – a crewmember onboard the F/V FLEETON was MEDEVAC off the vessel due to a seizure and the member becoming disoriented.
- Fall(s) Overboard – 0
- Sinking – 3
  - MD3794BK (O.N. MD3794BK) 08 JAN 2020 – F/V MD3794BK began flooding due to an unexpected wave hitting the stern, ultimately resulting in the vessel sinking.
  - WHOPPER STOPPER (O.N. 902804) 22 DEC 2019- F/V WHOPPER STOPPER sank at the pier with no POB.
  - PAPA’S GIRL (O.N. 566278) 08 JAN 2020 – F/V PAPA’S GIRL sank in the Pamlico Sound for unknown reasons.
- Terminations – 2
  - BABY RAMBLER (O.N. 580961) 07 DEC 2019- F/V BABY RAMBLER was terminated due to expired EPIRB battery, inoperable PDF lights, unserviceable immersion suits, and PFDs not readily accessible.
  - BONNIE M (O.N. 1057269) 07 JAN 2020 – F/V BONNIE M was terminated due to missing lights and improperly marked immersion suits, missing visual distress signals, retro-reflective material was painted over on the PFDs and expired registration for EPIRB.

## **IV. Outreach - CFVS Information**

NSTR.



## Council Report – 1st Quarter 2020

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**October 1, 2019 – December 30, 2019**

To Report a Violation Call  
800-853-1964

# Quarterly Metrics

Table 1: Summary of Incidents by Law/Regulation

Law/Regulation/Program	Incident Totals
ACFCMA	26
Endangered Species Act	7
HMS	41
Lacey Act	14
Marine Mammal Protection Act	8
MSFCMA	143
Other Federal Law	20
State Law/Regulation	1
<b>Total</b>	<b>260</b>

- 875 hours of Patrol (Land and Sea)
- 22 cases forwarded to General Counsel Enforcement Section:
  - 2 ACFCMA
  - 18 MSFCMA
  - 1 HMS
  - 1 MMPA
- 4 Summary Settlements issued for total of \$2,250
- 17 Summary Settlements Paid for total of \$18,400.00



# Enforcement Highlights

In support of the Northwest Atlantic Fisheries Organization (NAFO) RFMO, 2 Enforcement officers conducted a two week joint law enforcement patrol with the Canadian Department of Fisheries and Oceans aboard a Canadian Coast Guard Cutter. OLE sent 3 agents and 2 officers to the Azores for a NAFO international inspector workshop.

OLE also hosted a US/Canada Regional Enforcement Meeting in Portsmouth, NH. This focused on regional enforcement issues. In attendance were representatives from Department of Fisheries and Oceans Canada, the US Coast Guard and the Maine Marine Patrol. Agenda items included intelligence programs, RFMO engagement, emerging technologies and enforcement operations.

An EO conducted a boarding of a Rhode Island based offshore lobster vessel, after observing it landing at an unusual time. The EO's investigation of the entire offload resulted in the detection of multiple violations, including 116 undersized lobsters, four V-notched female lobsters, and a FVTR logbook which had not been completed for the vessels previous seven trips, investigation continues.

Lou's Fish Market and its owner Mark Parente were sentenced following a criminal conviction. Parente was sentenced to six months home confinement and five years' probation and must surrender his federal and New York state dealer permits. Parente also received a fine of \$50,000, a community service payment of \$10,000 and restitution of \$481,000. Lou's Fish Market was sentenced to three years' probation and has to undergo an environmental compliance-auditing plan. Lou's received a fine of \$400,000 and must make a community service payment of \$100,000. Monetary penalties for Parente/Lou's totaled \$1,041,000. This sentencing was the last matter directly involving the Research Set-Aside investigation, which began with a vessel inspection in Point Lookout, New York on July 23, 2010.

Two New York corporations and their owners pleaded guilty in federal court for their scheme to falsely-label seafood that they later sold nationwide. In a plea agreement with the government, Roy Tuccillo Sr, his son, Roy Tuccillo Jr, and two of their Westbury, New York, food processing and distribution companies, Anchor Frozen Foods Inc, and Advanced Frozen Foods Inc, pleaded to conspiracy to commit wire fraud. They admitted to importing giant squid from Peru, marketing it as octopus, and using e-mail and wire transactions to sell it to grocery stores in interstate commerce. The maximum sentence for Tuccillo Sr and Tuccillo Jr is five years imprisonment and a fine up to \$250,000. The corporations may be placed on five years of probation and pay a fine up to \$500,000.

Capt. Neill's Seafood, Inc. of Columbia, North Carolina, and Phillip R. Carawan, the owner, President, and Chief Executive, of the Capt. Neill's, were sentenced in North Carolina. Capt. Neill's was sentenced to a period of five years' probation and required to pay a \$500,000 fine. Carawan was sentenced to 12 months and one day in prison, a \$250,000 fine and three years supervised probation for his role in falsely labeling millions of dollars' worth of foreign crab meat as "Product of USA".

# Northeast VMS Program

## NE-Approved VMS Vendors and Units:

- McMurdo – Omnitrac FMCT/G
- SkyMate - I1500 & M1500
- Network Innovations - Sailor Platinum
- Woods Hole Group - Thorium Leo & Thorium Triton

## NE VMS Unit Population:

- 972 registered vessels
  - McMurdo - 705
  - SkyMate - 138
  - Woods Hole Group - 124
  - Network Innovations - 5
- 8 vendor test units (installed at NED OLE)

**NE VMS Population breakdown by Permits** (Note: The total count below exceeds the VMS population count since most vessels hold multiple permits):

- 396 Multispecies (MUL-A,D,F)
- 47 Combination (MUL-E)
- 16 Monkfish (MNK-F)
- 560 Scallop General Category (LGC-A,B,C)
- 344 Scallop Limited Access (SC-2,3,5,6,7,8)
- 610 Surfclam (SF-1)
- 609 Ocean Quahog (OQ-6)
- 10 Maine Mahogany Quahog (OQ-7)
- 131 Herring (HER-A,B,C,E)
- 130 Mackerel (SMB-T1,T2,T3)
- 228 Longfin Squid (SMB-1A)
- 51 Longfin Squid (SMB-1B)
- 68 Illex Squid (SMB-5)

**Groundfish Sector/Common Pool:** There are 324 groundfish sector vessels and 122 common pool vessels registered to the NE VMS Program.

**Power-Down & Letter of Exemption (LOE) Program:** A total of 136 VMS-equipped vessels are on a NMFS -approved LOE; of these, the owners of 59 vessels have deactivated their VMS with their vendor during the LOE period. Additionally, there are 26 vessels with LAGC scallop permits on a Power Down declaration in port.

## Industry Contact Log Report:

The NE Investigative Support (IS) Team addressed 266 industry issues in this quarter and closed 207 issues or 78%. The most-frequently reported issues were (1) Power Down LOE; (2) Eforms Compliance; and (3) Non-Reporting. A total of 18 issues were referred, primarily to: (1) VMS Vendors, and (2) GARFO Permits Office.

## Significant VMS Issues:

**MCMURDO CYBERATTACK.** On December 19, 2019, VMS vendor McMurdo formally notified its customers via letter that on November 19, 2019 the vendor experienced a cyberattack against its U.S. and Canadian Fleet Management operations that affected its services. Immediately following the November incident, OLE began working very closely with the vendor to identify and resolve related issues that impacted both the industry's VMS services and enforcement monitoring/operations.

**MCMURDO OMNITRACS REPLACEMENT.** On December 19, 2019, McMurdo formally notified OLE and its Northeast customers that the vendor's satellite service provider, Omnitrac LLC, had confirmed its intent to discontinue satellite services provided by Omnitrac-Canada on March 31, 2020. Additionally, on December 19, 2019, McMurdo notified its customers that the vendor has a new replacement VMS, 'OmniCom', for which the vendor has applied for type approval in the Greater Atlantic Region. McMurdo requested that OLE expedite the testing and approval of the OmniCom VMS.

**VMS SOFTWARE RELEASE.** On November 25, 2019, VMS vendors SkyMate and Woods Hole Group released the latest version (Format 16) of the Northeast reporting software. McMurdo was not prepared for the release due to the cyberattack and systems recovery efforts. Network Innovations was not prepared and testing was ongoing beyond December 31, 2019.

## Observer Program Highlights

During this quarter the observer program deployed on 1,130 trips for 2,544 sea days.

Eight enforcement related incidents were received by the Northeast Division. More than 99% of all selected or observed trips were completed without an enforcement incident referral.

### Observer Assault

Two reports involving observer assault were received and both are ongoing. One report involved a crewmember who threatened an observer with a fish pick and the other involved an incident being investigated as unlawful sexual contact.

### Observer Harassment/Intimidation

Two Harassment and/or Intimidation reports were received. One was closed under Compliance Assistance, and the other is ongoing.

### **Observer Interference**

Three observer interference complaints were received and all three are ongoing.

### **Observer Refusal**

One complaint was received and is ongoing.

### **Miscellaneous**

A NOVA for \$15,000 was issued by NOAA GCES in an investigation into observer interference and failure to notify the observer program.

A summary settlement of \$1,000 was issued by an EO in an investigation into observer interference. The subject of the investigation promptly paid the civil penalty.