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New England Fishery Management Council

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C.M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

March 19, 2013

NOAA's Office of Law Enforcement
Attention: Tracy Dunn
8484 Georgia Avenue, Suite 415
Silver Spring, MD 20910

Dear Ms. Dunn:

The New England Fishery Management Council is providing the following comments on NOAA Enforcement Guidelines as they pertain to the Northeast Division for 2013.

- At-sea monitoring should be added to dockside monitoring as a high priority for the Northeast. Enforcement at-sea is already a high priority for the Coast Guard and the number of boardings has been consistent for the last 5-6 years. Boardings at-sea should increase, especially for non-groundfish species and fisheries. Federally-funded state enforcement agents determine their effort and are funded based on NOAA enforcement priorities. If at-sea monitoring is added as a high priority, then boardings by the states (in the territorial sea) and USCG (offshore) will hopefully increase and expand to non-groundfish species. With respect to dockside monitoring, the states' approach of developing an understanding of fishermen and their operations is preferred to the check-off list of questions approach.
- The inclusion of seafood fraud listed under "International/Lacey Act" should be clarified to be a high priority. Currently, seafood fraud is mentioned as high (bullets 4 and 7), medium (bullets 1 and 2) and low (bullets 1 and 2) priorities. Also, product substitution and mislabeling should be high priorities even if they take place within only one state.

The following modification should be made to change three statements into priorities:

- The third bullet under medium priority, "Endangered Species Act", which starts with "NMFS has established specific target bycatch rates..." should be preceded by "Fisheries in which NMFS has established specified target bycatch rates..."
- Change the fourth bullet under high priority, "International/Lacey Act", to state "Commodities in interstate/international commerce under the jurisdiction of NOAA in which public health and safety is at risk".
- Change the second bullet under medium priority, "International/Lacey Act", to state "Commodities in interstate/international commerce under the jurisdiction of NOAA in which fraudulent documentation is evident or likely".
- Acronyms, such as NMS (Northeast Multispecies) should be spelled out.

If you have any questions about the New England Council's comments, please feel free to contact me.

Sincerely,

Thomas A. Nies
Executive Director