



NOAA FISHERIES

Office of Law Enforcement

3rd Quarter Fiscal Year 2013
Northeast Enforcement Division

April 1, 2013 – June 30, 2013



Council Report

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

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3rd Quarter Enforcement and Compliance

Summary

In the third quarter, there were 186 documented patrols, allowing critical face-to-face interaction between our field staff and the industry; 108 documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc); and 24 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.

ACIs Reported 3rd Quarter Fiscal Year 2013

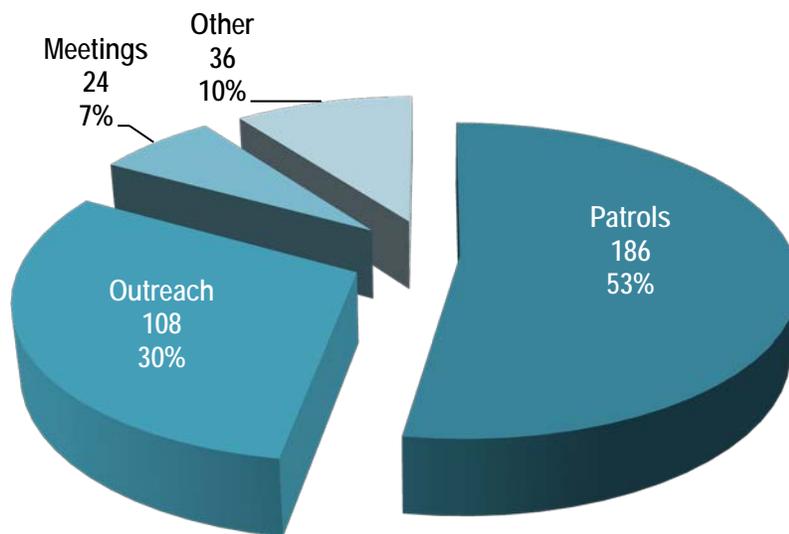


Figure 1: 354 ACIs reported from April 1, 2013 through June 30, 2013. The chart is broken down by patrols, outreach, other (collateral duties, homeland security, info gathering, MMPA) and meetings.

Incidents By Type 3rd Quarter Fiscal Year 2013

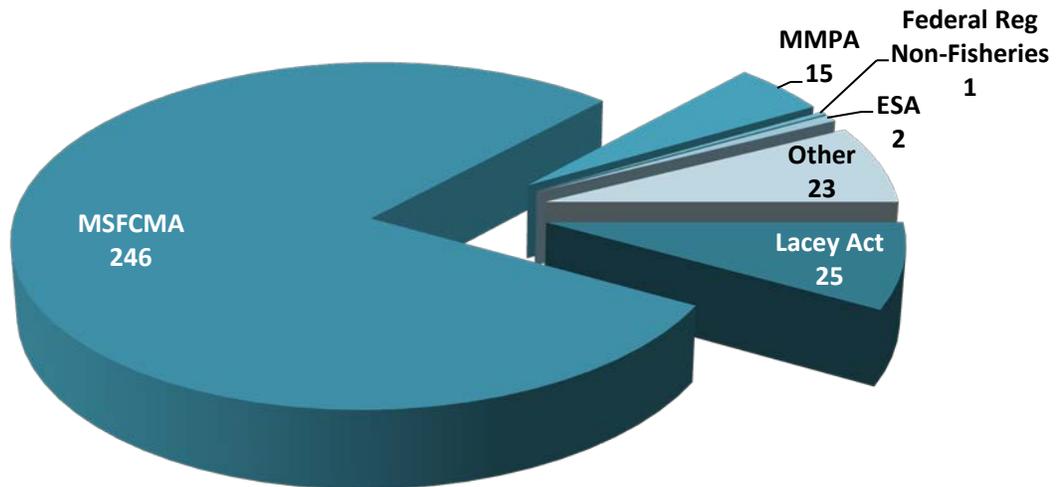


Figure 2: Incidents opened from April 1, 2013 through June 30, 2013. 312 incidents were opened. "Other" includes eighteen ACFCMA, CCAMLR, Atlantic Tuna, and three unknown.

3rd Quarter, Fiscal Year 2013 Highlights

Lacey Act

Jeffrey S. Adams and his corporation, Adams Fishing Adventures Inc., were sentenced in the U.S. District Court in Norfolk, VA after having been convicted of a felony Lacey Act violation for guiding and outfitting striped bass charters in the EEZ. He was sentenced to a term of 180 days home confinement, and must abide by all permitting and VMS carriage requirements under the Magnuson Act. This case was investigated by OLE and the Virginia Marine Police and with assistance from the Federal Communications Commission Enforcement Bureau, Norfolk, VA office.

David Scott was convicted of a misdemeanor Lacey Act trafficking violation. He received three years of probation during which he is prohibited from participating in any commercial fishery or recreational fishing for financial gain. He is also required to pay a \$5,600 fine and make \$1,900 in restitution, with both the fine and restitution to be paid to NOAA.

The largest restitution amount ever awarded under the Lacey Act was ordered in the Bengis et al case. The order requires three fishermen to pay the Republic of South Africa \$22.4 million. The ordered amount is \$22.4 million but the court credited the fishermen with a seven million dollar fine previously paid to the Republic of South Africa. This

case began in 2001 in the Republic of South Africa. Many Northeast Division agents as well as agents in the Southeast and Southwest Divisions worked portions of this case of the last 12 years. During that time, agents engaged in seizing, inventorying, and forfeiting approximately 100,000 pounds of rock lobster and Patagonian toothfish; they conducted long term, surreptitious collection of trash, performed hundreds of hours of surveillance; served 20 subpoenas; analyzed and organized over 10,000 subpoenaed documents; testified at Grand Jury; served five arrest warrants and conducted interviews throughout the United States and the Republic of South Africa. OLE agents worked with US law enforcement agents from ICE and IRS as well as prosecutors from the US Attorney's Office in the Southern District of New York and DOJ Environmental and Natural Resource Division. They worked with foreign officials from the Republic of South Africa, the United Kingdom (including its dependency the Bailiwick of Jersey), and Canada.

Marine Mammal Protection Act

An OLE agent worked with USFWS and CBP officers regarding two individuals who attempted to import whale jerky into the United States through Boston's Logan airport. The agent is working to educate the individuals on MMPA requirements.

Thirteen foreign flagged vessels were identified to have violated the Right Whale Ship Strike Reduction Rule in Seasonal Management Areas from Virginia to Cape Cod Bay. Case packages have been submitted to GCES charging eleven of the vessels with sixty-eight counts of violating the Right Whale Ship Strike Reduction Rule (50 CFR 224.105).

NOAA Fisheries OLE was represented at the Machais Area Job Fair held in the Lee/Pellon Events Center in Machais, ME. Displays featured seized marine mammal parts and products, as well as brochures featuring responsible marine mammal viewing guidelines, the import and export of marine mammals, parts, and products. Questions were answered about employment opportunities within the OLE, as well as the possession of marine mammal parts and products. A presentation was given at the Provincetown Center for Coastal Studies in the enforcement components of the MMPA and the ESA. Approximately 50 people were in attendance.

An OLE agent participated in an at sea patrol with MEP in Cape Cod Bay. The patrol was focused on hauling lobster traps that had been set for longer than 30 days and any single traps. Twenty nine traps were hauled with almost every trap containing egg bearing lobsters. They were all v-notched and released. Several whales were also sighted.

Magnuson-Stevens Fishery Conservation and Management Act

OLE enforcement officers participated in a joint agency patrol set up by OLE agents, MEP and USCG Station Provincetown. The focus was on enforcing scallop regulations. At sea boardings and dockside inspections were performed over several days which uncovered an 87 pound overage on one vessel. The overage was abandoned voluntarily by the owner and donated to a local homeless shelter.

Compliance Assistance and Outreach

The Northeast Division 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. From April 1 to June 30, there were 108 documented instances of outreach to industry. These 108 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.

OLE welcomed a new Outreach Specialist to the team this Quarter and two new Enforcement Attorneys joined GCES. The new employees were taken on tours of New Bedford and Portland to meet with industry and received gear education and demonstrations. The new Outreach Specialist has worked to update the Internal Regulations guide, a Common Pool guide, and both the Northeast and Mid-Atlantic Recreational guides for the new fishing year 2013.

Compliance staff coordinated an educational field day with Sustainable Fisheries Division(SFD) staff and scallop fishery constituents in New Bedford. Scallop Policy Analysts and a Fisheries Management Specialist visited with OLE agents, attended a base auction and toured Eastern Fisheries to see how scallops are processed. The day also included a tour of the F/V Rost with the Captain explaining and demonstrating how the gear operates and a visit to Edie & Marie's Settlement House.

OLE provided compliance assistance for 34 missing Vessel Trip Reports and missing Dealer Reports this quarter.

OLE Enforcement Officers attended safe boating day held at the Gloucester Coast Guard station to kick off National Safe Boating week. The event is part of ongoing efforts to educate boaters and improve safety on the water. Approximately 200-300 people attended.

OLE agents formulated recommendations and provided law enforcement comments to SFD on a proposed EFP for surf clams in the Cape Cod area. The primary problem solving effort is focused on developing regulations that mimic the current surf clam regulations, but permit an alternative offloading mechanism that would feasibly operate for the low volume-high value fishery model that is proposed for this EFP.

Northeast VMS Program

Northeast Active VMS Vessel Population: 1,031 (596 Boatracs, 412 SkyMate, 23 Thrane, 0 CLS)

Population Breakdown by (VMS) Permits held:

- 656 Surfclam/Ocean Quahog (Permit Category 1,6,7)
- 579 Scallop General Category (Cat. A,B,C)
- 450 Multispecies (Cat. A,D,F)
- 338 Scallop Limited Access (Cat. 2,3,5,6,7,8)
- 82 Herring (Cat. A,B,C)
- 47 Combination (Multispecies Cat. E)
- 14 Monkfish (Cat. F)

The vendor, Faria Watchdog 750 is pending NE Type Approval. VMS Manager hosted a meeting with Faria reps and is awaiting both the delivery of the NE software for testing and the vendor's completion of a Type Approval standards spreadsheet.

VMS Manager initiated a series of VMS Implementation meetings in June with NERO's Sustainable Fisheries Division staff. The purpose of these meetings is to develop the vessel-side VMS software changes necessary to comply with recent and upcoming regulatory changes. Those Northeast regulatory changes include: FY13 Multispecies Sector Rule and Closed Area Access Rule; Atlantic Herring Amendment 5; Squid, Mackerel, Butterfish Amendment 14; RSA/EFP Regulatory Amendment; and the Surfclam/Ocean Quahog Regulatory Amendment. The goal is to release the next VMS software change for use commencing November 1, 2013.

Northeast Observer Program

During this quarter the observer program deployed on 1,031 trips for 3,237 sea days. Approximately 98.0% of all selected or observed trips were completed without a reported enforcement incident. There was a total of 23 reported violation reports received and acted upon this quarter.

The summary below details the status of observer related complaints during the 3rd Quarter of 2013.

Table 1: Summary of Observer Program complaints and status

Type of complaint	Number of complaints and status
Refusal	4 observer refusal complaints: 2 closed under compliance assistance 2 ongoing
Assault	None
Harassment/Intimidation	4 observer harassment/intimidation complaints: 2 closed under compliance assistance 2 ongoing
Interference	5 observer interference complaints: 3 closed under compliance assistance 1 closed as info only
Safety	9 observer safety complaints: 1 closed as unfounded 4 closed as compliance assistance 1 closed as info only 3 ongoing
Failure to provide reasonable assistance	None
Observer gear/sample tampering	None
Observer program notification	None
Miscellaneous	1 failure to provide equal accommodation complaint was. This complaint was referred back to the NEFOP for action 2 training sessions covering observer enforcement issues were completed this quarter.

Incident and Case Information

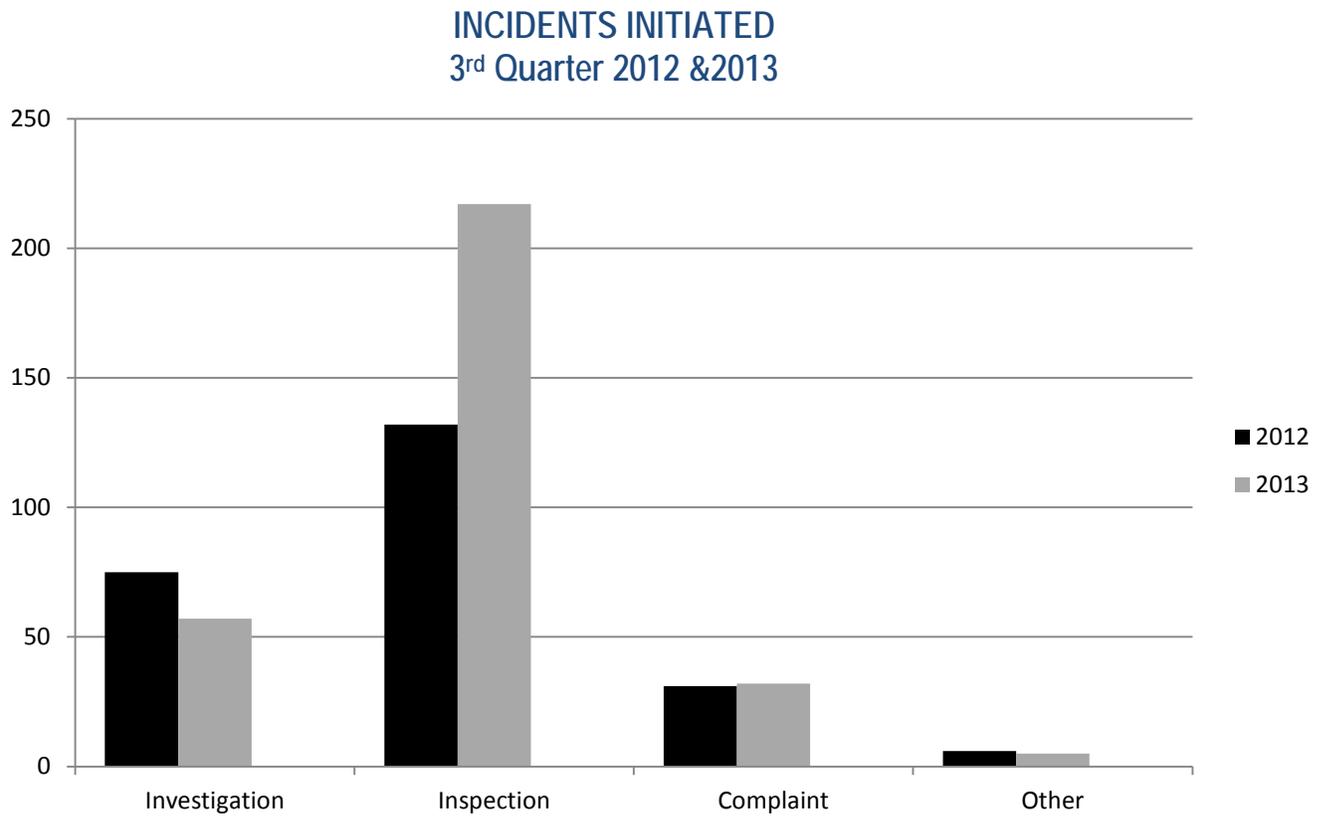


Figure 3. FY2012 3rd quarter: 75 investigations, 132 inspections, 31 complaints, 6 other. **244 total.**
FY2013 3rd quarter: 57 investigations, 217 inspections, 32 complaints, 5 other. **311 total.**

INCIDENTS DISPOSITIONS 3rd Quarter 2012 & 2013

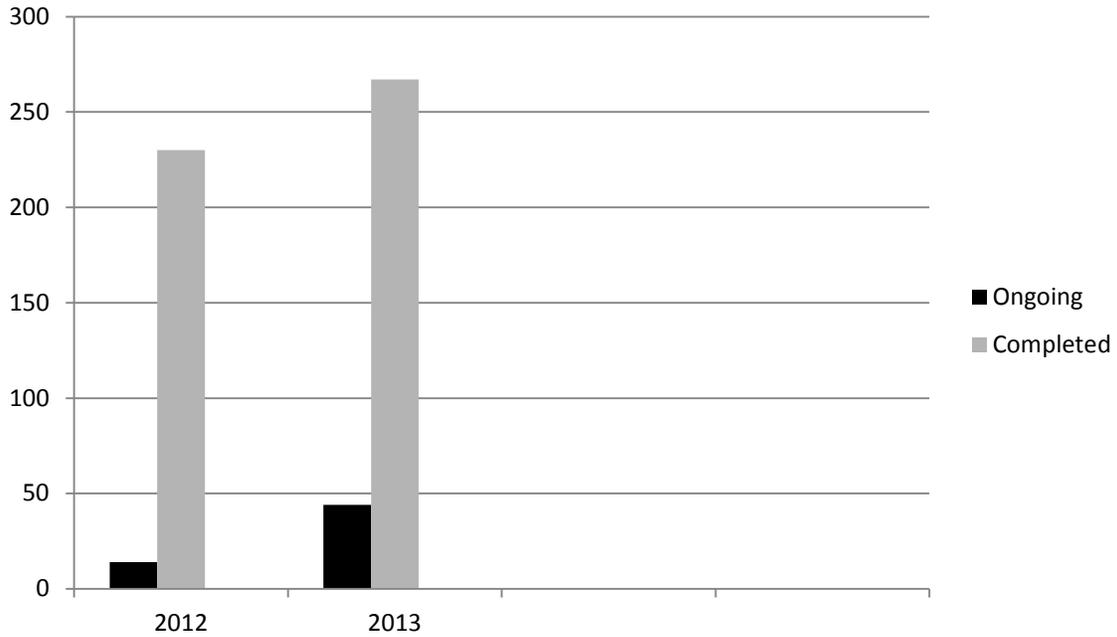


Figure 4. Status of incidents in the 3rd quarter of FY2012 (230 completed, 14 ongoing) and 3rd quarter FY2013 (267 completed, 44 ongoing).

Cases sent to NOAA General Counsel Enforcement Section (GCES)

- 33 cases opened
- 7 summary settlements issued
 - \$4500 collected
- 2 cases forwarded to GCES

Table 3. Cases sent to GCES

Program/Law	Violation
MSFCMA (2 cases)	Observer Interference
	HMS Case -Fishing inside Canadian EEZ