



NOAA FISHERIES

Office of Law Enforcement
Northeast Division

Council Report – 4th Quarter 2018



July 1, 2018 – September 30, 2018

To Report a Violation Call
800-853-1964

Table of Contents

| | |
|--------------------------------------|----|
| Enforcement and Compliance | 3 |
| Incident Information | 5 |
| Enforcement Highlights..... | 6 |
| Overview of Summary Settlements..... | 7 |
| Northeast VMS Program..... | 8 |
| Observer Program Highlights..... | 10 |
| Cases Sent to GCES..... | 11 |

Enforcement and Compliance

Summary

Since the last Council meeting, there were 88 documented patrols, allowing critical face-to-face interaction between our field staff and the industry; 109 documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and 7 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.

Enforcement Effort Summary

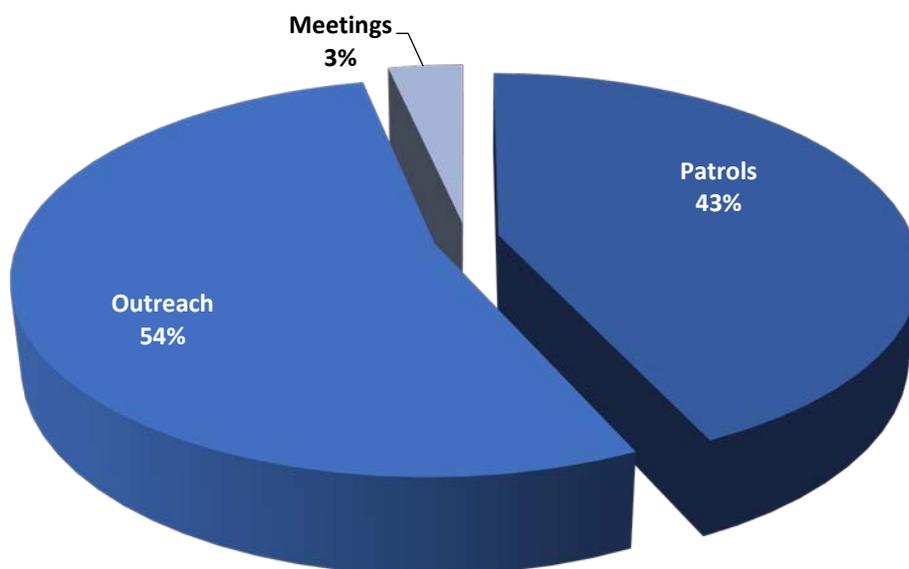


Figure 1: 418 incidents reported from July 1, 2018 through September 30, 2018. The chart is broken down by patrols, outreach, and meetings.

Table 1: Summary of Incidents by Law/Regulation

| Law/Regulation/Program | Incident Totals |
|------------------------------|-----------------|
| ACFCMA | 19 |
| CCAMLR | 1 |
| Endangered Species Act | 16 |
| HMS | 118 |
| Lacey Act | 5 |
| Marine Mammal Protection Act | 56 |
| MSFCMA | 197 |
| Other Federal Law | 3 |
| State Regulations | 3 |
| Total | 418 |

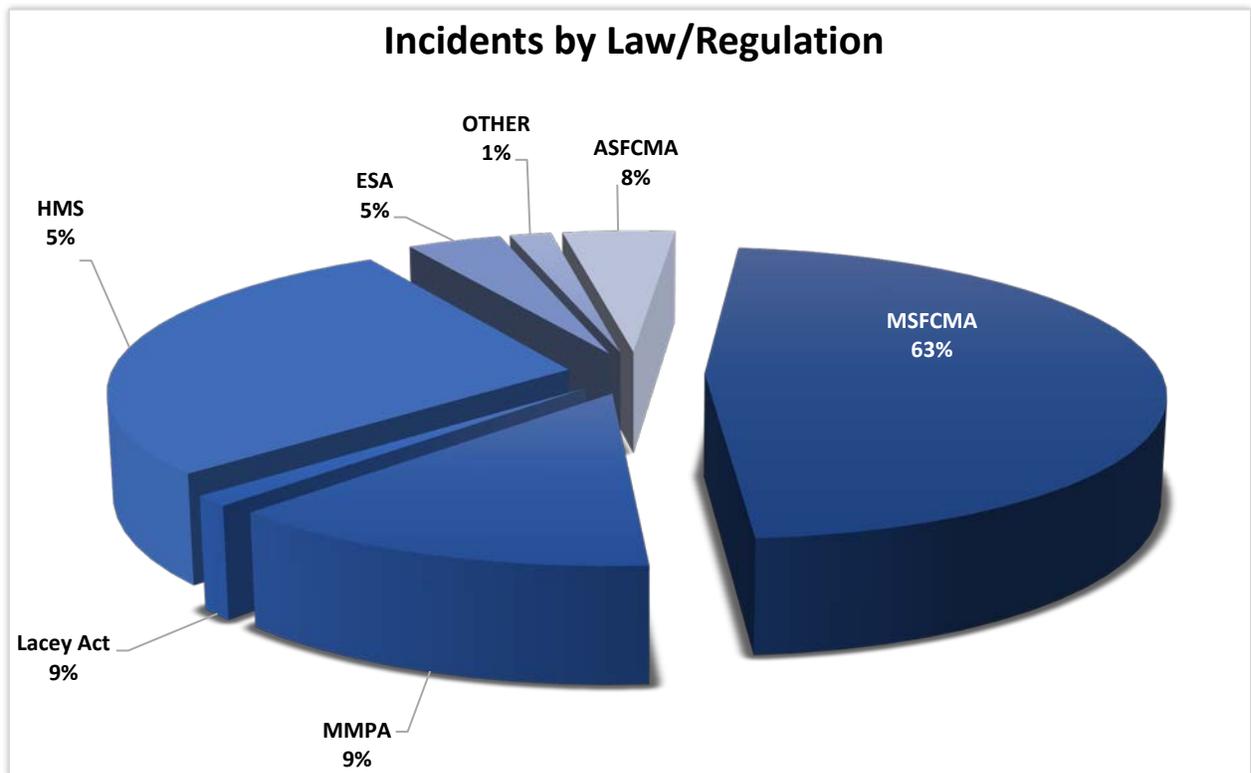


Figure 2: Incidents opened from July 1, 2018 through September 30, 2018. 418 incidents were opened.

Incident Information

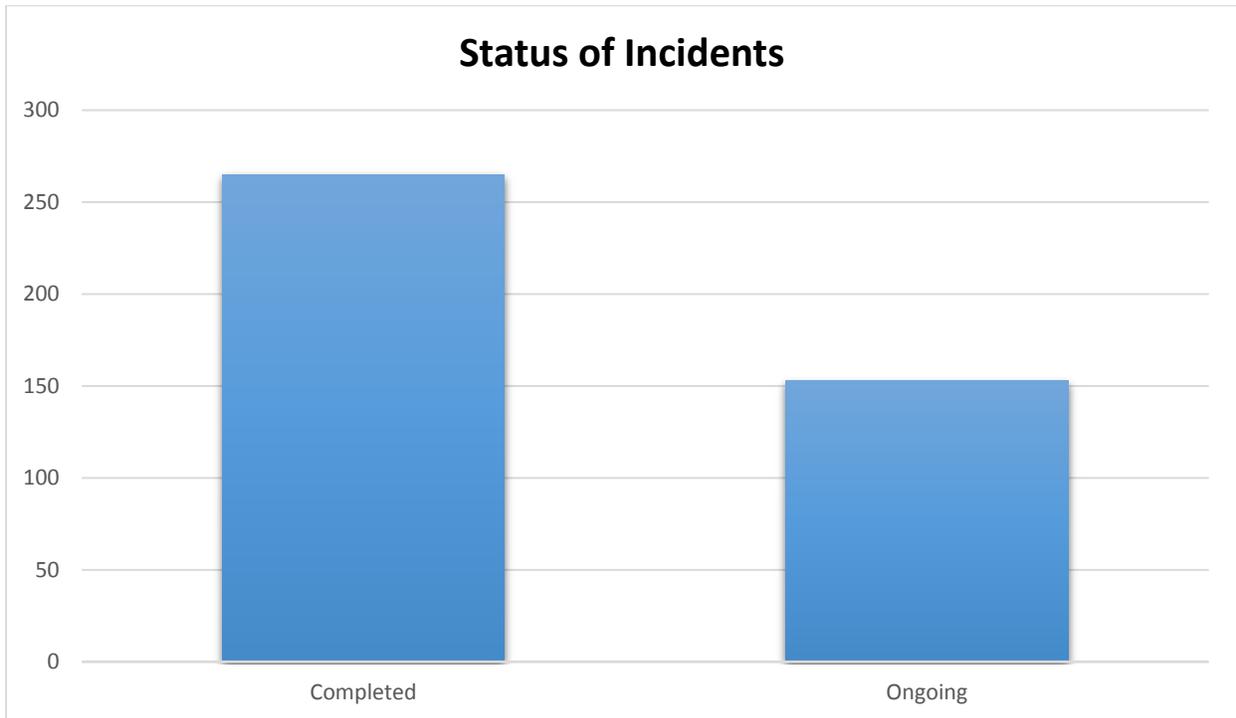


Figure 3. Status of incidents from July 1, 2018 – September 30, 2018 (265 completed, 153 ongoing).

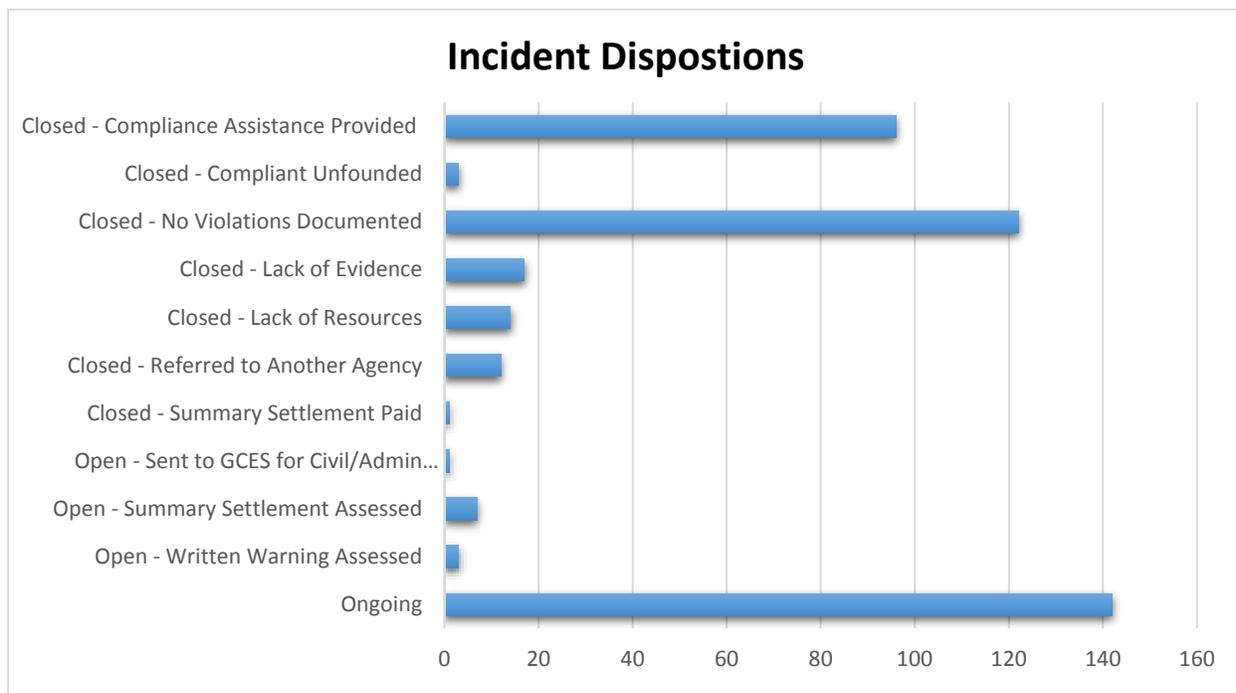


Figure 4. Incident Dispositions from July 1, 2018 – September 30, 2018 (265 completed, 153 ongoing)

Enforcement Highlights

Interfering with Coast Guard Inspection

Thomas Simpson, a New Bedford, MA, vessel captain pleaded guilty to one count of destruction or removal of property subject to seizure and inspection. Simpson ignored USCG commands to haul-back nets during a boarding. Instead Simpson placed his vessel's winches in "free spool" resulting in the loss of his fishing gear into the ocean. The fishing gear was later recovered during a joint USCG/NOAA evidence recovery operation and found to be illegal. Simpson was sentenced to two years of probation in which the first four months are to be served in home confinement. His sentence also included a \$15,000.00 fine, 100 hours of community service and a \$100.00 special assessment.

Lacey Act Wildlife Trafficking

John "Jake" Bell was sentenced in the District of Massachusetts to three months in federal prison, seven months of home confinement, and 12 months of probation after pleading guilty to a single count of Lacey Act Wildlife Trafficking. From 2004 through 2007, Bell smuggled sperm whale teeth from the Ukraine to various customers in the United States for commercial sale. Bell previously spent 38 days in a Russian prison prior to being deported back to the United States to face his pending charges.

False Labeling – Crab Meat

James R. Casey of Poquoson, Virginia, pleaded guilty in federal court in Newport News, Virginia, on charges that he led a lucrative conspiracy to falsely label millions of dollars' worth of foreign crab meat as "Product of USA, ". Casey was the owner and President of Casey's Seafood Inc., a wholesale processor of crab meat and other seafood. He pleaded guilty to conspiring with others to substitute foreign crab meat for Atlantic blue crab and, as part of the plea, admitted to falsely labeling more than 183 tons of crab meat, which was then sold to grocery stores and independent retailers. Sentencing will take place on January 9, 2019. The maximum sentence for conspiracy to falsely label crab meat is five years in prison and a fine of up to twice the amount the gross gain of the offense.

False Labeling – Giant Squid

A federal grand jury indicted two Long Island corporations and their owners for their scheme to falsely label seafood that was later sold across the country. The indictment accuses Roy Tuccillo Sr., and his son, Roy Tuccillo Jr., and two of their Westbury food processing and distribution companies, Anchor Frozen Foods Inc., and Advanced Frozen Foods Inc., of importing giant squid from Peru and marketing and selling it to grocery stores as octopus. The four defendants are charged with conspiracy to commit wire fraud and violate the Lacey Act, as well as four substantive Lacey Act violations.

Overview of Summary Settlements

Table 2. Summary of 17 Summary Settlements Issued

| Law | Violation | State | Amount |
|--------------|---|-------|--------------------|
| ASFCMA | Possession of Striped bass in the EEZ (2 counts) | NJ | \$1,000 |
| HMS | Retain Atlantic HMS without the valid vessel permit | VA | \$2,000 |
| HMS | Retain Atlantic HMS without the valid appropriate vessel permit (2 counts) | MA | \$1,000 |
| HMS | Retain Atlantic HMS without the valid appropriate vessel permit onboard | NJ | \$500 |
| HMS | Failure to report Bluefin Tuna | VA | \$500 |
| HMS | Failure to report Bluefin Tuna | RI | \$500 |
| HMS | Failure to report Bluefin Tuna | ME | \$500 |
| HMS | Possession of undersized Atlantic HMS | ME | \$500 |
| HMS | Failure to release Atlantic HMS in specified manner | VA | \$500 |
| HMS | Failure to maintain Atlantic HMS in specified form | NJ | \$750 |
| MMPA | Fishing with non-compliant ALWTRP gillnet gear | CT | \$500 |
| MSFCMA | Inaccurate FVTR | MA | \$500 |
| MSFCMA | Inaccurate FVTR | NJ | \$500 |
| MSFCMA | Inaccurate FVTR | NJ | \$500 |
| MSFCMA | Scallop Overage | MA | \$1,329.79 |
| MSFCMA | Scallop Overage | MA | \$1,661 |
| MSFCMA | Scallop Overage | VA | \$1,628.55 |
| TOTAL | | | \$14,369.34 |

Northeast VMS Program

Northeast Active VMS Vessel Population: 983

Population Breakdown by (VMS) Permits held¹:

643 Surfclam/Ocean Quahog (Permit Category 1,6,7)
573 Scallop General Category (Cat. A,B,C)
407 Multispecies (Cat. A,D,F)
345 Scallop Limited Access (Cat. 2,3,5,6,7,8)
306 Longfin Squid/Limited Access Mackerel (Cat. 1,T1,3,T3)
131 Herring (Cat. A,B,C,E)
47 Combination (Multispecies Cat. E)
17 Monkfish (Cat. F)

Note: There are 425 groundfish sector vessels and 119 common pool vessels registered to the NE VMS Program. There are 21 sector and 5 common pool vessels on a NMFS-authorized power down Letter of Exemption.

Significant VMS Issues:

Voluntary Experimental Surfclam Study Fleet. As of July 2018, OLE has been working with the clam industry to evaluate the monitoring and enforceability of discrete fishing areas within the Great South Channel Habitat Management Area. A few clam vessels have been outfitted with a second VMS unit that has been programmed by the VMS vendor with coordinates provided by OLE for a buffer zone which is 3 nm outside the boundaries of the Habitat Management Area. Upon entry within the buffer zone, the programmed VMS will immediately shift to 5-minute reporting of VMS positions. Vessel owners have signed release forms authorizing the sharing of the VMS data with the public. This is the first such application of remote, automated VMS reporting changes in the Northeast.

VMS Industry Contact Log Report:

The NE VMS Team addressed 479 industry issues this quarter and closed 272 issues. The most-frequently reported issues were Eforms Compliance, Declaration Failure, and Declaration/Forms Assistance. A total of 23 issues were referred, primarily to GARFO APSD, Observer Program , and VMS vendors.

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

VMS - Industry Contact Dispositions

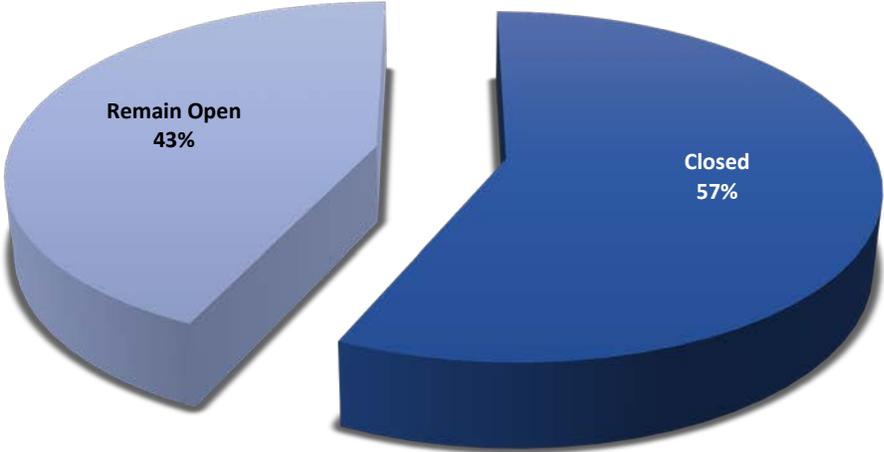


Figure 5: Status of contacts from July 1, 2018 – September 30, 2018 (272 closed, 207 remain open).

Observer Program Highlights

During this quarter the observer program deployed on 1,264 trips for 2,802 sea days. Approximately 99% of all selected or observed trips were completed without a reported enforcement incident. There were a total of 37 reported violation reports received and acted upon this quarter. The summary below details the status of observer related complaints during the 4th Quarter of 2018.

Table 3: Summary of Observer Program complaints and status

| Type of complaint | Number of complaints and status |
|--|--|
| Refusal | 27 observer refusal complaints: 1 closed due to lack of evidence 8 closed with compliance assistance 1 closed with a written warning 17 investigations ongoing |
| Assault | None |
| Harassment/Intimidation | 5 observer harassment complaints: 2 closed due to lack of evidence 1 closed with compliance assistance 2 investigations ongoing |
| Interference | 2 observer interference complaints: 1 closed as unfounded 1 closed with compliance assistance |
| Vessel Safety | None |
| Observer Safety | None |
| Failure to provide reasonable assistance | None |
| Failure to provide equal accommodations | None |
| Observer gear/sample tampering | None |
| Observer program notification | 3 observer program notification complaints: 3 investigations ongoing |
| Miscellaneous | Nothing to report |

Cases sent to NOAA General Counsel Enforcement Section (GCES)

- 6 cases forwarded to GCES

Table 4. Cases sent to GCES

| Program/Law | Violation | State |
|-------------|---|-------|
| ASFCMA | - Poessionion of Striped bass from EEZ (2 counts) | NJ |
| | - Deploy lobster trap gear in excess of the trap limits | NJ |
| | - Deploy lobster trap gear not tagged in accordance with the requirements | |
| | - Deploy lobster trap gear that does not satisfy the requirement on escape vents and ghost panels as specified (7 counts) | |
| | - Inaccurate VTR (7 counts) | |
| MSFCMA | - Observer Refusal | MA |
| | - Observer Refusal (2 counts) | NY |
| | - Black sea bass overage | NY |
| | - Inaccurate VTR | |
| | - False statements | |
| | - Scallop overage when declared into the Sea Scallop Area Access Program | VA |