

# Atlantic States Marine Fisheries Commission

## Law Enforcement Committee

May 1, 2012  
10:00a.m. - 5:00p.m.  
Alexandria, Virginia

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change;  
Other items may be added as necessary.

1. Welcome/Call to Order (*K. Overturf*) 10:00a.m.
2. Roll Call of the States (*M. Robson*) 10:05a.m.
3. Committee Consent 10:10 a.m.
  - Approval of Agenda
  - Approval of Proceedings from November 2011
4. Public Comment 10:20a.m.
5. Data relating to seized illegal harvest (*T. Kerns*) 10:30a.m.
6. Mechanism to provide input to NOAA Fisheries OLE 11:00 a.m.
  - Key issues of state/federal coordination
  - LEC input process to OLE
7. Recess for Lunch 11:45a.m.
8. Discussion of ASMFC priorities and opportunities for enhancing LEC coordination with ASMFC Chair (*P. Diodati*) 1:00 p.m.
9. Break 1:45 p.m.
10. Discussion of LEC Priorities and Action Planning 2:00 p.m.
11. Discussion of LEC web page 2:45p.m.
12. Species Issues 3:15 p.m.
  - Update on striped bass tagging issue and draft Addendum III
  - Update on status of tautog management (*C. Vonderweidt*)
  - Other species issues reported by LEC members

*The meeting will be held at the Crowne Plaza Old Town Alexandria, Alexandria, Virginia; (703) 683-6000*

- |   |           |
|---|-----------|
| 13. State Issues (Each State presents), Focusing on Success Stories | 3:45 p.m. |
| 14. Federal Reports   | 4:20 p.m. |
| • NOAA Fisheries  |           |
| • U.S. Fish and Wildlife Service                                    |           |
| • United States Coast Guard   |           |
| 15. Other Business/Adjourn  | 4:45 p.m. |

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*Working towards healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015*

**Atlantic States Marine Fisheries Commission  
Law Enforcement Committee**

**Draft Minutes**

November 7 and 8, 2011

1:00pm – 5:30pm; 8:00am – 10:00am

Boston, Massachusetts

Participants:

Kyle Overturf (CN DEEP, State Environmental Conservation Police)  
Lloyd Ingerson (MD DNR, Natural Resource Police)  
Rob Beaton (FL FWC, Division of Law Enforcement)  
Doug Lewis (GA DNR, Law Enforcement Section)  
Joe Fessenden (ME DMR, Maine Marine Patrol)  
John Tulik (MA Environmental Police)  
Jeff Marston (NH Fish & Game Department)  
Dominick Fresco (NJ Division of Fish and Wildlife, Bureau of Law Enforcement)  
Dorothy Thumm (NY State DEC, Division of Law Enforcement)  
Steve Anthony (NC DMF, Marine Patrol Section)  
Jeffrey Bridi (PA Fish & Boat Commission, Bureau of Law Enforcement)  
Kurt Blanchard (RI DEM, Division of Law Enforcement)  
Chisolm Frampton (SC DNR)  
Richard Lauderman (VA MRC, Division of Law Enforcement)  
Logan Gregory (NOAA Fisheries)  
Otha Easley (NOAA Fisheries)  
Mark Micele (NOAA Fisheries)  
Bob Hogan (NOAA General Counsel)  
Kevin Saunders (USCG)  
Pete DeCola (USCG)  
Sal Amato (USFWS)

Others: Bruce Buckson, Tim Donovan

Staff: Vince O'Shea, Mark Robson

**1. Welcome/Call to Order**

Kyle Overturf (Chairman) called the meeting to order as the Acting Chair in place of Steve Adams.

**2. Approval of Agenda**

The Agenda was approved without any changes.

The Chairman requested volunteers for a subcommittee to nominate a new vice chair. Joe Fessenden, Kurt Blanchard and Jeff Marston volunteered and will present nominee(s) later in the meeting.

**3. Roll Call of the States**

Kyle Overturf read a roll call of the states. DC and DE were not present.

**4. Public Comment**

There was no public comment.

**5. Introduction of New Law Enforcement Committee (LEC) Coordinator**

Executive Director Vince O'Shea introduced Mark Robson who has been hired to serve as the Law Enforcement Committee's staff coordinator.

#### **6. LEC Meets with Bruce Buckson, NMFS Director of the Office of Law Enforcement (OLE)**

Executive Director Vince O'Shea introduced Bruce Buckson, who has recently taken over as Director, and as someone who understands and relates to the issues of the LEC as a former member of that group. Buckson spoke about some new processes and business practices that he is implementing. OLE is developing plans to deal with position vacancies and the current hiring freeze. Mr. Buckson informed the group that Tracy Dunn will be serving as his deputy, and other leadership positions will be filled strategically based on need. He reviewed the staff status within NOAA General Counsel's office, represented Bob Hogan, LEC member. As with OLE, the GC office is also short-handed and is trying to work through pending cases. Mr. Hogan explained current efforts to address vacant positions and the existing caseload. Cases are being evaluated for prosecution or warnings. Mr. Buckson indicated that states should continue with their normal approach to cases, under existing JEA agreements. He noted that cases in the northeast region are starting to pick up again. Several LEC members raised concerns about cases that have been made and the need to follow up with prosecution of those cases. There was discussion of the need to act on the more egregious cases that were passed along to the federal system because of the seriousness of the violations. There was additional LEC discussion about how to address this issue and whether the LEC should weigh in. No action was taken at this point in the meeting. Mr. Buckson also introduced Logan Gregory as the new Special Agent in Charge for the northeast. Mr. Gregory will be active as an LEC member. Tim Donovan and Mark Micele were also introduced. Mr. Buckson also discussed a recent work force analysis and efforts underway to have more uniformed officers interacting with state partners. This is already underway in Maine. He also discussed a revision and update to the OLE National Enforcement Operations Manual currently underway. Mr. Buckson discussed the current Joint Enforcement Agreement and answered questions from the LEC. He indicated that roughly the same dollars will likely be available, at the current level of \$16 million dollars. The program is now ten years old. A working group is examining the program and how money is distributed. The goal is to have a system of funding that makes sense to everybody involved, and is fair. There was LEC discussion of the difficulty of devising a funding matrix and recognition that this is hard work, particularly with partners as diverse as Guam, Alaska and the Atlantic and Gulf States. There was additional discussion of the need to use numbers that are realistic when evaluating state needs and to carefully evaluate things such as the actual number of fish import points, the amount of recreational enforcement conducted, and the amount of enforcement outreach completed. The matrix being developed to provide a transparent mechanism for distributing JEA dollars and OLE hopes to be able to use this tool in January 2013. Mr. Buckson stressed the need to provide input on this planning tool as soon as possible, and states should also make sure they continue to report everything they do, even beyond their agreed commitment. This additional work should be reflected in the planning tool that OLE will eventually use. Mr. Buckson continued the discussion of JEA funding. He stressed the importance of state involvement in seeking more funding if members of the LEC believe that is needed. There was general LEC discussion of how to improve the funding level for the program. The Atlantic Coastal Act has authorized \$10 million dollars, but current funding is set at \$7 million dollars. The LEC discussed ways to seek additional funding by working through their states. LEC members thanked Mr. Buckson for attending and for his candid discussion. Several members reiterated their states' good working relationship with NOAA Fisheries and the Office of Law Enforcement, and also with the United States Coast Guard.

#### **7. Presentation to LEC—Joint State/Federal Striped Bass Investigation.**

NOTE: This portion of the meeting was closed to the public.

The LEC heard a presentation summarizing the results of the regional investigation of commercial striped bass harvest and sale. Presenting was:

Ken Endress, United States Fish and Wildlife Service

Jack Bailey, MD Natural Resource Police

Wayne Hettenbach, United States Department of Justice

The presenters reviewed the case history, undercover findings and resulting prosecutions stemming from the investigation. Details were provided on methods and data used to determine illegal activity.

A similar presentation was scheduled to be given to the Atlantic Striped Bass Management Board during this annual meeting of the Commission.

#### **8. Discussion of 2012 ASMFC Action Plan**

There were no comments for revisions or changes to the draft action plan from LEC members.

#### **9. Discussion of “Guidelines for Resource Managers” and Consideration of more timely and frequent LEC input to the management process.**

There were no comments or suggestions from the LEC. Mark Robson indicated he would use the document in crafting future LEC comments, and making staff and scientists aware of the guidelines whenever possible.

#### **10. Discussion of Enforcement of Protected Resources Regulations**

Joe Fessenden led off discussion of concerns in Maine that a growing number of regulations being implemented for protected species are straining existing enforcement capabilities, especially given current budget limitations. Fessenden cited the example of enforcing lobster gear modifications for large whale take reduction, even in near shore areas where few encounters are occurring. From a law enforcement perspective, this leads to a credibility gap with fishermen.

Other LEC members discussed ongoing training for handling protected species and disentanglement.

#### **11. Discussion of Timely Communication for Interjurisdictional Enforcement Issues**

There was a brief discussion reiterating the need to address timeliness of communications between state and federal agencies. LEC members felt the communication and contact through the LEC itself offered a good mechanism. An example was discussed of coordinating handling of large whales for necropsy.

#### **12. Recess for the day**

The LEC recessed at 5:00pm.

#### **13. DAY 2 Reconvene**

The LEC reconvened at 8:00am.

#### **14. Species Issues**

Members reported on state enforcement issues for tautog, American lobster, northern shrimp, weakfish and American eels.

tautog: Illegal recreational harvest in New Jersey and potential changes to the tautog amendment.

American lobster: potential reductions in harvest of the southern New England stock.

northernshrimp: Reductions in the quota and monitoring the season starting mid-January.

weakfish: Possible bag limit for the EEZ and potential conflict with existing state limits.

American eel: Increased market and price for “glass eels leading to illegal harvest.

#### **15. State Issues**

Each state representative reported current law enforcement issues. Reports focused on vacant positions and efforts to re-fill those positions with new recruits or re-assignments. Additional reports included:

VA.—there will be a significant effort and cooperative work with the USCG to cover the Virginia striped bass season. Much of the recreational fishery is occurring in the EEZ.

SC.—the shrimp season is underway but does not appear to be a particularly good harvest season at this time.

GA.—the shrimp season has been very good so far. A number of boats were entering the area from the gulf coast.

FL.—an individual who shot a FWC officer in 2009 was convicted on all 6 counts. The Division of Law Enforcement is going through accreditation. The division is getting a 12-meter JEA boat from Boston Whaler with triple outboards for offshore work in the south end of the Oculina Banks and some of the newer marine protected areas in federal waters. The vessel will also be used to monitor pelagic longline vessels north of the Bahamas.

NH.—a number of significant lobster cases were being made this year, including one individual who was caught with 68 short lobsters. A number of repeat offenders have also been cited.

NJ.—the JEA has been very helpful and the agency is replacing its fleet with 3 new inflatables. There has been a significant amount of recreationally caught striped bass showing up in markets. The agency is working on stopping recreational sale.

RI.—Agency dispatch system will be going over to the state police, however the actual dispatch center will remain at the resource agency. The new JEA boat has been a valuable asset. It is being used for lots of offshore work.

ME.—Joe Fessenden is serving as acting commissioner. A review of the state agency was completed a reorganization of the agency is under consideration. There is support for providing full funding for the law enforcement branch. A new program with uniformed officers is working well. A successful pilot program occurred working with United States Customs and the Border Patrol. They assigned one officer to Maine LE.

NY.—the agency is taking a look at dealers and whether there is an opportunity to attack poaching problems through those. There is some talk of state agency consolidations which could affect the department but no actions are imminent.

NC.—they have noticed a problem with hiring because of the background issues of applicants. Their Commission is considering changes to the commercial striped bass program, but no changes have been made. The Commission is also considering restrictions on gill nets in some state waters to protect spotted sea trout. Recent reviews of commercial trip tickets in the oyster fishery uncovered report falsification that is being addressed.

CN.—they recently bought 4 new 21-ft Zodiacs and had a NASBLA boat training class for officers. It was well worth the cost of the training, with instructors from FL getting a nod. Another class in RI is scheduled for April 2012.

In other state issues, Kyle Overturf reported that the Association of Law Enforcement Agencies is recognizing the Arkansas game warden that engaged bad guys and killed two suspects. The officer is being recognized as a national officer of the year, a real plus for our resource profession and officers.

Joe Fessenden reported on his attendance at the Interstate Shellfish Sanitation Conference in Seattle. He discussed a presentation by Locus Traxx, a satellite communication system with options for an alternative to current vessel monitoring systems. In Maine such a low-cost system could be used for small vessels that are controlled by days fishing, and don't have VMS. Fishermen could voluntarily use it or go back to assigned days. This system can put sensors on the net reel and do things beyond what VMS does. CN is looking at a similar system. A representative of the company is available to talk to LEC members later.

## **16. Federal Issues**

NOAA Fisheries.--Otha Easley reported on staff vacancies. He reported that TED enforcement in the Gulf of Mexico is a high priority right now because of concerns over sea turtle mortality in shrimp

nets. Compliance with TED regulations was investigated and was found to be low in some areas. However compliance rates are improving off GA and FL. Gray's Reef off of GA is in the process of establishing a closed research area that may be in effect in January or February 2012. It may be necessary to beef up JEA commitments in that area. They are undergoing joint training missions and TED boardings. There have been 4 joint patrols in the Port Orange area. Most of the TED cases are receiving good penalty assessments. The smallest fine so far was \$3,000.00. This has helped turn compliance around. NOAA's new penalty policy is helping.

Logan Gregory expressed his appreciation for the cooperative effort in ME and with the USCG that was going on. He reported on some harassment cases of vessel observers, including sexual harassment cases. He expressed concern that there is an increasing chance of someone getting hurt. Fishermen see observers as the enemy and this is a concern. There were 95 observer complaints in the last year. Most are observer refusals and a number of other harassment or safety complaints. NOAA has tried to deal with most cases as outreach. They are trying to relay to fishermen that these observers are NOT enforcement. Mr. Gregory also introduced Don Fry, a former fisherman, who is working with NOAA and talking to a lot of commercial fishermen up and down the coast. Mr. Fry is a great asset for NOAA and maybe also for the states. He can relay issues he is hearing about.

Bruce Buckson added that Mr. Fry's position is a response to the IG report. He is interacting in areas where NOAA Fisheries doesn't have coverage or where relations need improving. This is an outreach effort that he believes will be very helpful.

Mr. Buckson also let members know that the Enforcement Priorities survey will be sent out for final comments soon. There will be a conference call set up to allow stakeholders and others to comment. The draft priorities document will be posted online with a 60-day comment period. The document covers two general areas: 1) Sustainable fisheries/safe seafood and, 2) Healthy species and habitats and their recovery. The prioritization effort started back in 2010 with a law enforcement summit in August that yielded good initial input.

USFWS.—they have placed 12 new agents in the last two classes and are regaining staffing. Agents are working on American eel issues up and down the coast, but were unaware of the market values that were reported earlier in the LEC meeting.

#### **17. Other Business/Adjournment**

The LEC returned to the issue of staffing in NOAA General Counsel's Office. LEC members discussed the desire to continue working with NOAA Fisheries to ensure that case backlogs are addressed. In response to concerns about case backlogs at NOAA Fisheries, the LEC approved the following motion:

*It is the sense of the committee that the current situation with respect to NOAA GC Staffing levels has not escaped the visibility of industry and is undermining the deterrent effect of our collective enforcement efforts.*

*The Law Enforcement Committee recommends to the Interstate Fishery Management Program Policy Board that the ASMFC draft a letter to the Secretary of Commerce expressing our concern over staffing levels and its effect on the handling of fisheries enforcement cases.*

The nominating committee for Vice Chairman submitted Lloyd Ingerson's name to the LEC. Mr. Ingerson was selected as Vice Chair by unanimous consent.

The meeting was adjourned at 10:00am

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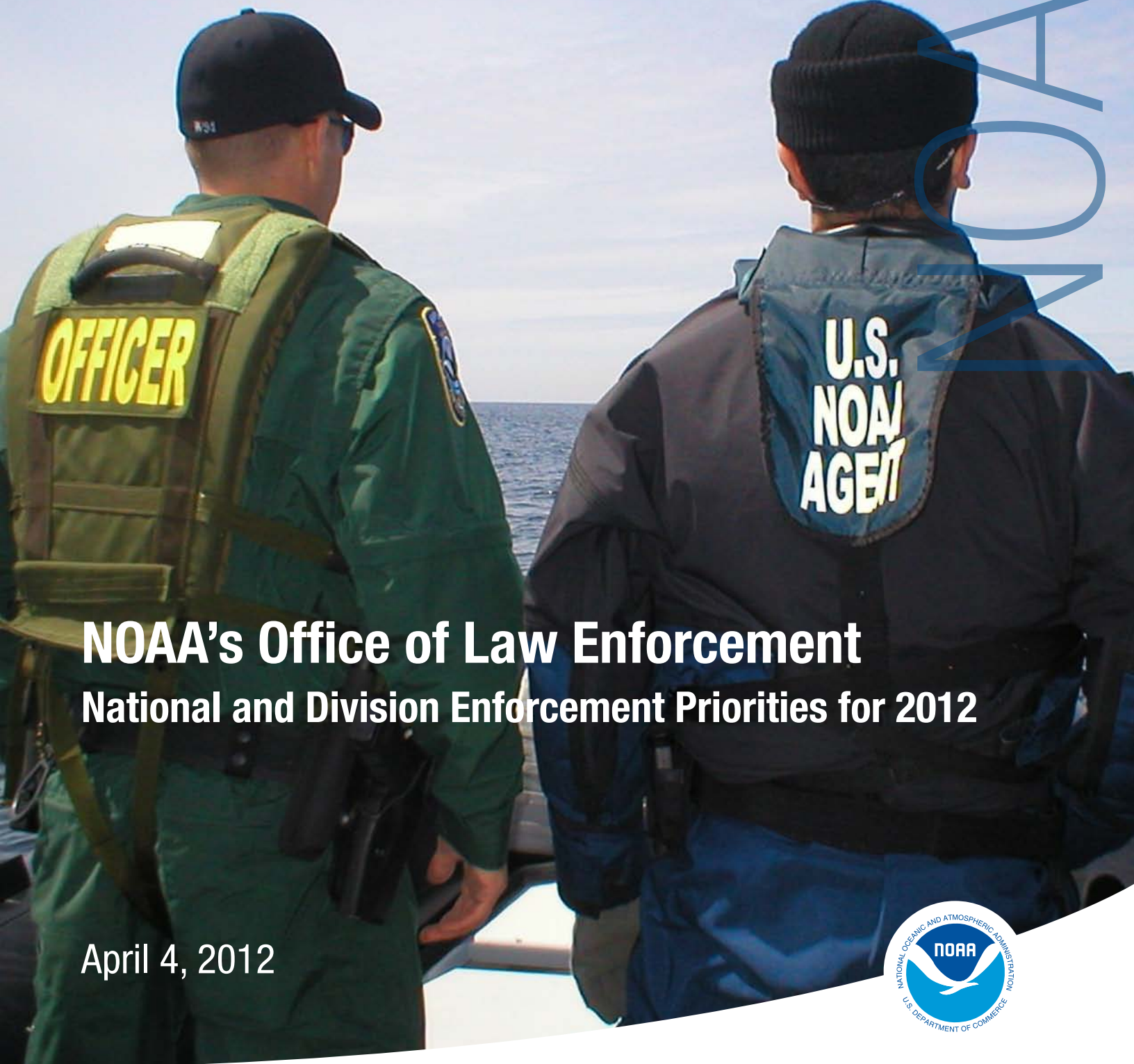
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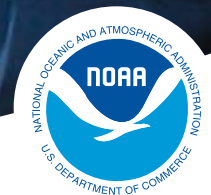


NOAA



# NOAA's Office of Law Enforcement National and Division Enforcement Priorities for 2012

April 4, 2012







## NOAA FISHERIES SERVICE

### Dear Stakeholders:

I am happy to present our national and division enforcement priorities for FY 2012. This document represents input from many interested people across the country: commercial and recreational fishermen, fishery management councils, state enforcement partners, and non-governmental organizations to name a few. Thank you all for your comments.



Creating these priorities collaboratively was a first for us. We started with NOAA's National Enforcement Summit in August 2010, when more than 60 stakeholders from around the country came together to discuss how we could improve our enforcement program. After the summit, our six Special Agents in Charge and our partners in the NOAA Office of General Counsel's Enforcement Section reached out to fishery management councils, interstate commissions, and others to solicit even more input.

We used all these recommendations to draft our enforcement priorities, which we published in November 2011 for 60 days of public comment. We also held seven calls during that time to outline the draft priorities, answer your questions, and get your thoughts on them. When the comment period ended in early January 2012, our national directors and Special Agents in Charge gathered to review the comments and incorporate them into this document.

As with any new approach to management, we are always improving the process. We will seek input into our priorities each year, so let us know if you have suggestions for improvements. We'll be coming back to you for comments on our FY 2013 priorities later this year.

Looking to the future,

A handwritten signature in blue ink that reads "Bruce Buckson". The signature is fluid and cursive.

Bruce Buckson

Director, NOAA's Office of Law Enforcement

## About NOAA

### NOAA's Mission, Vision, Long-Term Goal, and Objectives

The mission of the National Oceanic and Atmospheric Administration (NOAA) is to understand and predict changes in climate, weather, oceans, and coasts; to share that knowledge and information with others; and to conserve and manage coastal and marine ecosystems and resources. Meeting this mission requires not only state-of-the-art science and management programs, but also a fair, effective, and comprehensive compliance and enforcement program. NOAA is establishing priorities to guide its enforcement programs in support of NOAA's mission, vision, long-term goals, and NOAA Fisheries Service objectives.

NOAA's enforcement programs operate primarily under the following provisions of NOAA's Next Generation Strategic Plan:

- NOAA's Mission: Science, Service, and Stewardship  
*To conserve and manage coastal and marine ecosystems and resources*
- NOAA's Vision: Resilient Ecosystems, Communities, and Economies  
*Healthy ecosystems, communities, and economies that are resilient in the face of change*
- NOAA's Long-Term Goal: Healthy Oceans  
*Marine fisheries, habitats, and biodiversity are sustained within healthy and productive ecosystems*
- NOAA and Fisheries Objectives  
*Recovered and healthy marine and coastal species*  
*Sustainable fisheries and safe seafood for healthy populations and vibrant communities*



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## About this Document

NOAA is establishing enforcement priorities to meet our mission, guide our planning, and focus the use of our enforcement assets relative to marine resources. Although we will focus our enforcement efforts on the identified priority areas, to ensure deterrence we will continue to enforce all the laws for which we are responsible. Enforcement priorities will focus the use of resources while providing the flexibility and capability to respond to other enforcement requirements as conditions and circumstances dictate.



We identified our enforcement priorities through a consultative process both within NOAA and with external stakeholders, starting with NOAA's National Enforcement Summit in August 2010. After the summit, NOAA's Office of Law Enforcement and NOAA Office of General Counsel's Enforcement Section reached out to fishery management councils, interstate commissions and others to solicit more input, which helped them establish NOAA's Draft Enforcement Priorities. The draft document was published for 60 days of public comment, during which NOAA's Office of Law Enforcement held seven calls with the public to outline the priorities, answer questions and receive feedback. The suggestions received during the public comment period helped our national directors and Special Agents in Charge hone the priorities into this final document. The priority setting process, including ample opportunities for public input, will be undertaken annually.



**A humpback whale breaches in Alaska. Lethal takes and Level "A" harassment with the potential to injure marine mammals such as whales is a high priority in Alaska Division, as is any violation involving injury or potential injury to people, such as a vessel-whale collision.**



## National Priorities

### Support Sustainable Fisheries and Safe Seafood

The nation's growing demand for safe seafood and recreational opportunities exceeds domestic supply from wild stocks. This demand places a premium on effective management of natural fish stocks. NOAA's legal responsibilities in this regard encompass management of more than 500 fish stocks or stock complexes under the Magnuson-Stevens Fishery Conservation and Management Act. Implementing management strategies that rebuild and manage fish stocks, maintain access to fisheries, and improve opportunities for aquaculture can build and sustain economically robust coastal communities and contribute to long-term food security for the nation. Management efforts, such as catch share programs, include monitoring to evaluate their impact on stock status, while improved socioeconomic data collection will allow managers to evaluate and improve the social sustainability of recreational and commercial fishery programs.

Increasing compliance and ensuring enforcement of needed regulations is an important part of meeting NOAA's goal of sustainable fisheries. Equally, NOAA must strengthen the enforcement of fishery regulations concerning international imports and exports. International trade in fishery products directly affects the economics of domestic fisheries. Unregulated and unreported harvests and mislabeled product can introduce unsafe product into U.S. markets. Illegal, unregulated, and unreported (IUU) fishing disadvantages the U.S. high seas fishing fleet and decimates migratory stocks important to U.S. markets and the commercial industry.

To meet the needs of the fishing industry and consumers, NOAA's enforcement programs will prioritize:

- Implementing effective compliance and enforcement plans to support catch share management.
- Monitoring fishery product imports for compliance with domestic regulations and international treaty obligations.



**Enforcement Officer Robert Marvelle (in blue) and an Alaska state wildlife trooper talk to folks at the Juneau Sport and Recreation Show. Compliance assistance and outreach is a supporting priority that cuts across all six Enforcement divisions.**

Although compliance and enforcement plans to support catch share management are national priorities, NOAA also will continue to enforce traditional non-catch-share management as well. We recognize that emerging issues—such as future oil spills and implementation of new regulations—may require us to depart from these priorities to ensure marine resources are protected.

## Support Recovered and Healthy Marine and Coastal Species and Healthy Habitats

The wide range of human and natural impacts on marine, estuarine, and diadromous (fish that migrate between fresh and saltwater) species has led to listing of many of these species as threatened or endangered under the Endangered Species Act, with petitions to list additional species received every year. NOAA has statutory responsibility for these listed species, as well as for most marine mammals under the Marine Mammal Protection Act. As human populations increase and the impacts of global climate change are realized, ensuring the recovery and long-term health of all these species is an important goal for the nation. To ensure the sustainability and resilience of these species and the ecosystems that support them, NOAA, Federal, State, tribal and local agencies, non-governmental organizations, and industry require science-based policy guidance, economic incentive programs, and sound regulations and enforcement. NOAA is working in partnership with other federal agencies; state, local, and tribal entities; non-governmental organizations; and stakeholder groups to ensure that recovery and conservation plans are implemented and useful. The international dimensions of this objective require participation in international species management for anadromous fish, endangered species, and marine mammals.

In addition, the conservation and protection of key marine and estuarine areas is important to sustaining marine resources. While an increasing range of uses will allow coastal communities to create diverse economies, care must be taken to ensure continued access to coastal areas, sustained ecosystems, maintained cultural heritage, and limited cumulative impacts. The National Marine Sanctuaries Act plays a pivotal role in protecting these areas. The 13 sanctuaries and four marine national monuments encompass more than 150,000 square miles of U.S. ocean and Great Lakes waters. Protected within these areas are important habitats like breeding and feeding grounds of whales, sea lions, sharks, and sea turtles; coral reefs; kelp forests; and historic shipwrecks.

To ensure the protection of protected species and places, NOAA's enforcement programs will prioritize the following:

- Enforcement services supporting Marine Protected Areas, including National Marine Sanctuaries and National Marine Monuments.
- Protection of marine mammal and endangered species through monitoring and enforcement actions regarding
  - Bycatch reduction regulations.
  - Gear restrictions.
  - Closed areas.
  - Marine mammal interactions with humans.
  - Healthy habitats.

## Supporting Priorities

In support of the national priorities outlined above, and to benefit NOAA's resource-based mission goals, our enforcement programs will also support two national priorities that cut across all regions and programs:

- Compliance assistance—As the commercial and recreational fishing industries have developed, and as fishery managers have worked to afford them the maximum opportunities, regulations have become more complicated. As a result, more effort is required to help the fishing industry understand and follow regulations that support the long-term sustainability of marine resources and the economic activity those resources support.
- Observers—Observer programs provide critical scientific data on fish stock status, bycatch, and fish harvest interactions with protected species. Observer programs require enforcement support to maintain safe work environments that support accurate and objective data collection and reporting.



## Regional Priorities

Regional priorities vary according to region-specific resources, activities, and threats. For example, endangered salmon are a priority in the Northwest and Southwest, whereas other Enforcement Divisions are more concerned with other species, such as sea turtles in the Southeast and monk seals in Pacific Islands. Because fish stocks, fishing gear, and management programs are not identical across the country, enforcement programs must tailor their priorities appropriately.

It is important to point out that NOAA will continue to seek to improve compliance with and enforce all marine statutes and regulations. Simply not listing a specific stock of fish or area as a priority below does not mean enforcement actions will not be taken—all regulations must be enforced.

In addition, circumstances such as future oil spills and implementation of new regulations may require us to depart from these priorities to ensure marine resources are protected. The priorities below will help us focus our enforcement assets on the areas that will most benefit the marine resources for which we are responsible.

Listed below are regional priorities in support of each national priority. Examples given under each priority are not meant to be exhaustive but illustrative.

### Regional Priorities Supporting Sustainable Fisheries and Safe Seafood

- **Focus resources on overfished stocks and stocks experiencing overfishing.** Examples of this priority include:
  - *Northeast Region:* The illegal harvest or sale of highly migratory species, such as bluefin tuna.
  - *Southeast Region:* Monitoring the red snapper and grouper catch share programs.
  - *Northwest and Southwest Regions:* Quota share deficits under the catch share program and noncompliance with trip and cumulative limits.
- **Expand contact with the regulated communities including compliance support, monitoring and inspections of regulated activity to identify problems, deter violations, and detect violations requiring enforcement action.** Examples include:
  - *Alaska Region:* Selling recreationally caught fish, such as halibut.
  - *Pacific Islands Region:* Violations of international treaties or agreements regarding tuna fisheries.
  - *Northwest and Southwest Regions:* Monitoring for restricted gear types in groundfish conservation areas.
- **Focus enforcement services to support commercial and recreational catch reporting in support of annual catch limit monitoring.** Examples include:
  - *Northeast Region:* Noncompliance with trip and cumulative limits under catch share programs for Northeast multispecies or other fisheries.
  - *Northwest Region:* Mislabeling of seafood imports such as king crab.
  - *Southwest Region:* Implementation and monitoring of the tuna tracking and verification program.



NOAA special agents conduct an investigation under the Marine Mammal Protection Act.

## Regional Priorities Supporting Recovered and Healthy Marine and Coastal Species and Healthy Habitats

- **Expand compliance assistance, monitoring, and enforcement actions to improve compliance with regulations to protect endangered species.** Examples include:
  - *Southeast Region:* Turtle excluder device (TED) regulations in the South Atlantic and Gulf of Mexico.
  - *Northeast and Southeast Regions:* Expand programs to gain compliance with speed restrictions in Northern right whale seasonal management areas.
  - *Northwest and Southwest Regions:* Habitat protection and inadequate water flow and/or barriers to fish passage in streams that impact migration or spawning.
  
- **Expand enforcement services provided to support National Marine Sanctuaries.** Examples include:
  - *Northeast Region:* Fixed gear violations (e.g., lobster traps, gillnets) within sanctuaries.
  - *Northwest, Southwest and Pacific Island Regions:* Unlawful discharges or groundings of vessels within sanctuaries.
  - *Southeast Region:* Protection of coral reefs and listed corals wherever they may exist.
  
- **Expand compliance assistance to the whale watching/marine mammal viewing industry to reduce illegal vessel/person/marine mammal interactions.** Examples include:
  - *Alaska Region:* Violations involving injury or potential injury to marine mammals, such as a vessel-whale collision.
  - *Northwest and Southwest Regions:* Unlawful interactions with orca whales and harassment or killing of sea lions.
  - *Pacific Islands Region:* Harassment or killing of monk seals and illegal interaction with humpback whales.



## 2012 Enforcement Priorities by Division

The Division, or Regional, priorities support each national priority by providing specificity for geographic areas considering specific resources, activities and threats. The more specific priorities provide the direction for compliance and enforcement activities. To reiterate, OLE will continue to seek to improve compliance with and enforce all marine statutes and regulations. Simply not listing a specific stock of fish or area as a priority does not mean enforcement actions will not be taken—all regulations must be enforced.

### Definitions: What we mean by High, Medium and Low Priority

**High Priority**—Identifies areas of significant importance to NOAA, NMFS, OLE, stakeholders, and the public and require the utmost attention to ensure the sustainability of the identified resources or program.

*High Priority examples: Compliance needs improvement and is critical in a new program such as Catch Shares in a particular area or a newly listed ESA species, etc.*

**Medium Priority**—Identifies areas requiring continued attention by OLE to maintain the level of compliance desired to obtain maximum protection of the resource or program.

*Medium Priority example: Compliance is acceptable; however, OLE will continue to focus resources and monitoring at a relatively high level.*

**Low Priority**—Designation under this category may illustrate that the program or area is receiving a high degree of compliance by industry and the public. Or perhaps the violations are minor or technical in nature and have little to no impact on the resource. Low priority should not be interpreted as “no priority” and this designation does not translate into selective enforcement or no enforcement.

*Low Priority examples: Compliance is good, but continued maintenance monitoring will continue (such as a Catch Shares program that is well established with a high level of compliance being achieved). Other examples may include permit violations, registering marine mammal parts, or violations outside NOAA’s primary jurisdiction (such as bull trout instead of salmonids or walrus instead of whales).*





## Alaska Division: Enforcement Priorities

### Magnuson-Stevens Act

#### HIGH PRIORITY

- Observer assault, harassment, or interference violations.
- Felony and major civil cases involving significant damage to the resource or the integrity of management schemes.
- Commercialization of sport-caught or subsistence halibut.
- Maritime Boundary Line incursions by foreign fishing or transport vessels.

#### MEDIUM PRIORITY

- Misdemeanor and civil cases involving observer coverage violations.
- Closed Area/VMS Violations, ongoing.
  - Commercial vessel incursions into closure areas or other Marine Protected Areas.
- Recordkeeping and reporting violations that impact data consistency or integrity.
- Violations involving lesser damage to the resource or the integrity of management schemes.

#### LOW PRIORITY

- Catch Reporting and Trip Limits.
  - Noncompliance with trip and cumulative limits, and record keeping requirements for landings of federally managed marine species, and specifically catch share programs.
- Gear Violations.
  - Deployment of unlawful gear utilized in commercial fisheries under NOAA's jurisdiction.
- Lesser permit violations.

### Endangered Species Act and Marine Mammal Protection Act

#### HIGH PRIORITY

- Violations wherein responsible subject and species are identifiable.
- Lethal Takes, Level "A" Harassment with the potential to injure marine mammal stock.
  - Species of interest are Cook Inlet Beluga, other whale species, Northern fur seal, or Steller sea lion.
- Any violation involving injury or potential injury to people, such as a vessel-whale collision.

#### MEDIUM PRIORITY

- Non-lethal takes, Level "B" Harassment with the potential to disturb a marine mammal stock in the wild by causing a disruption of behavioral patterns including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.
- Species is threatened rather than endangered.

#### LOW PRIORITY

- Violations wherein responsible subject is not identifiable.
- Injured or dead animal cannot be located.
- Objective evidence is not obtainable.
- Takes of individual marine mammal species that appear consistent with legal harvest by Alaska Natives.



**Steller sea lions sun themselves on a buoy in Alaska. Lethal takes and Level "A" harassment with the potential to injure marine mammals such as the Steller sea lion is a high priority for Alaska Division.**

## International/Lacey Act

### HIGH PRIORITY

- Felony and major civil violations. For example, interstate or foreign trafficking of commercial quantities of illegally harvested fish or marine resources.
- Harvest or transshipment of marine resources by foreign fishing vessels.
- Domestic or international violations involving seafood safety; substantive mislabeling of product in domestic or international commerce.
- IUU listed vessels.

### MEDIUM PRIORITY

- Misdemeanor and civil violations. For example, interstate or foreign trafficking of small quantities of illegally harvested fish or marine resources.
- Mislabeling violations.
- IUU identified product.

### LOW PRIORITY

- Minor mislabeling violations.
- Violations wherein responsible subject/vessel not identifiable.

## Northeast Division: Enforcement Priorities

### Magnuson-Stevens Act

#### HIGH PRIORITY

- Catch Reporting and Trip Limits.
  - Noncompliance with trip and cumulative limits, and recordkeeping requirements for landings of federally managed marine species, and specifically catch share programs.
- Sector/Catch Share Enforcement.
  - Dockside monitoring.
  - Trip/reporting analysis.
- Limited Access, Overfished, Prohibited and Protected Species.
  - Scallops.
  - NMS.
  - Bluefin Tuna.
- Closed Area Fishing Violations, ongoing.
  - Commercial vessel incursions into closure areas or other Marine Protected Areas.
- Felony and major civil cases involving significant damage to the resource or the integrity of management schemes.
- Observer Assault/Harassment.

#### MEDIUM PRIORITY

- Gear Violations.
  - Deployment of unlawful gear utilized in commercial fisheries under NOAA's jurisdiction.
- Striped Bass in EEZ.

#### LOW PRIORITY

- Other fisheries Permit Violations.
  - Non-compliance with state/federal fisheries permitting requirements pertaining to fisheries under NOAA's jurisdiction (open access permits).
  - Operator Permits.
  - Non-limited access species permits.



Enforcement Officer Scott Adams in the Northeast Division rescues an injured harbor seal pup. The pup had a baited fish hook imbedded in its lower lip, and it also had ingested one. Protection of marine mammal and endangered species through monitoring and enforcement actions regarding bycatch reduction regulations, gear restrictions, closed areas, marine mammal interactions with humans and healthy habitats is a national priority for NOAA's Office of Law Enforcement.

### Endangered Species Act & Marine Mammal Protection Act

#### HIGH PRIORITY

- Atlantic Large Whale Take Reduction Plan
  - Review and analysis of Automatic Identification System (AIS) data for enforcement of right whale ship strike reduction speed rule.
- Large Whale Disentanglement Program
  - Investigate any non-compliant gear removed from entangled large whales.
- Lethal Takes, Level "A" Harassment with the potential to injure marine mammal stock.
- Atlantic Sturgeon (NEW) – To be developed.
- Complaint response and random gear inspections concerning compliance with TEDs.

### MEDIUM PRIORITY

- Harbor Porpoise Take Reduction Regulations
  - Focus enforcement efforts on management areas associated with Consequence Closure Areas.
  - NMFS has established specified target bycatch rates within certain New England management areas that, if exceeded after two consecutive management seasons, would trigger seasonal closure areas.
  - Particular areas of focus could include Mid-Coast Management Area (area of historically high bycatch) as well as the new Southern New England Management Area due to new pinger requirements going into effect.
- Non-lethal Takes, Level “B” Harassment with the potential to disturb a marine mammal stock in the wild by causing a disruption of behavioral patterns including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.
- Wayward Marine Mammals—Significant Strandings.
  - Lost or stranded marine mammals.
- Complaint response regarding compliance with Poundnet Gear Restrictions.

### LOW PRIORITY

- Marine Mammal Stranding Network Response.
  - OLE presence on site during events as needed.
- Permit Violations.
  - Proceeding with a project in a manner inconsistent with the terms and conditions of the permit.
- Harassment, Incidental.
  - Harassment caused by careless but unintentional acts. Example, flushing of group of marine mammals due to boating or beach activities.
- Permit Violations.
  - Noncompliance with conditions of any permit associated with taking or possessing of marine mammals or parts thereof.
- Wayward Marine Mammals Strandings.
  - Remote stranding or wayward marine mammal.

## International/Lacey Act

### HIGH PRIORITY

- Violations involving the Convention on International Trade in Endangered Species (CITES).
  - CITES-listed animal or animal parts illegally in interstate/international commerce under the jurisdiction of NOAA.
- Species of health concern.
  - Public health and safety is at risk with commodities in interstate/international commerce under the jurisdiction of NOAA.
- Marine Mammal and/or ESA Parts.
  - Marine mammals (parts) and sea turtles (parts), examples include whale meat, sea turtle meat, ivory, shells, illegally imported or exported.
- Seafood Fraud/Product Substitution/False Labeling.

### MEDIUM PRIORITY

- Fraudulent Importation/Exportation.
  - Fraudulent documentation is evident or likely, for a commodity in interstate/international commerce under the jurisdiction of NOAA.
- Non CITES violations.
  - Non-CITES listed products illegally imported or exported under the jurisdiction of NOAA. Example, various fish species.
- Import/Export Live Marine Species.
  - Live animals illegally in interstate/international commerce under the jurisdiction of NOAA.

**LOW PRIORITY**

- Fraudulent Importation/Exportation—Markings.
  - Less complex labeling violations anticipated on commodities in interstate/international commerce under the jurisdiction of NOAA.

**Marine Sanctuaries Act**

**HIGH PRIORITY**

- Fixed Gear positioned within the sanctuary boundaries.
  - Lobster traps, sink gillnets, bottom long-lines, etc.
- Whale Harassment/Approach and Vessel Speed restriction enforcement.
- Closed Area Violations.
  - Unlawful operation of a vessel in a closed area within any sanctuary boundary.

**MEDIUM PRIORITY**

- Shipwreck protection.





## Northwest Division: Enforcement Priorities

### Magnuson-Stevens Act

#### HIGH PRIORITY

- Cases involving:
  - Recidivism.
  - Foreign fishing incursions.
  - Adverse impacts on overfished stocks.
- Observer assault, harassment, or interference violations.
  - Observer coverage.
- Catch Reporting and Trip Limits.
  - Noncompliance with trip and cumulative limits, and recordkeeping requirements for landings of federally managed marine species, and specifically catch share programs.
- Closed Area/VMS Violations, ongoing.
  - Commercial vessel incursions into closed areas or other Marine Protected Areas.
  - IFQ declarations.
- Patrols at sea and shoreside.
- Education and outreach.



**A NOAA special agent in the Northwest Division conducts an investigation under the Marine Mammal Protection Act. The lethal, intentional, and/or egregious take of any marine mammal is a high priority for Northwest Division.**

#### MEDIUM PRIORITY

- Cases involving:
  - Other VMS violations.
  - Commercial salmon.

#### LOW PRIORITY

- Highly migratory species cases involving catch reporting, log books, hail in/out.
- Permit violations.

### Endangered Species Act and Marine Mammal Protection Act

#### HIGH PRIORITY

- Cases involving:
  - Violations having a significant impact on listed populations which might include:
    - Fish kills, chemical discharges, habitat destruction, intentional direct take.
    - Habitat Loss and Degradation.
  - A wide range of issues involving dead animals.
  - Major types of habitat degradation might include:
    - Inadequate water volume in streams which impact migration, spawning, and rearing; barriers to passage for both adults and juvenile fish.
    - Poor water quality in streams.
    - Loss of stream structure that provides for spawning and rearing.
  - Relating to the Puget Sound Habitat Initiative nearshore priorities involving bank armoring, flood plain management, and water quality.
- Lethal, intentional, and/or egregious take of any marine mammal or listed species.

#### MEDIUM PRIORITY

- Take likely to occur, without dead animals.
  - Violations might include:
    - Unscreened diversions, barriers to migration, uninitiated or planned project with likely take implications, no observed taking.
- Patrols:
  - Especially in critical habitat areas and where marked selected fisheries occur.
  - Puget Sound and coastal waters.
- Education and outreach.
- Level A harassment with the potential to injure marine mammal stock.

#### LOW PRIORITY

- Cases where take has little or no impact on recovery of listed population.
- Permit Violations:
  - No permit obtained and no significant impact to the resource or habitat.
- Enforcement of federal laws or regulations for which NOAA does not have primary authority.
- Level B harassment with the potential to disturb a marine mammal stock in the wild by causing a disruption of behavioral patterns including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.
- Beachcomber, loan program, permits.

### International/Lacey Act

#### HIGH PRIORITY

- Seafood safety.
  - Domestic or international.
- Mislabeling violations
  - Having a significant impact on national and international commerce.
- Felony violations.
- IUU identified vessels.

#### MEDIUM PRIORITY

- Mislabeling violations.
  - Having a significant impact on regional commerce.
- IUU identified product.
- Patrols/Inspections.
  - International ports of entry; market, cold storage and processing facilities.
- Education and outreach.

#### LOW PRIORITY

- Mislabeling.
  - No significant impact to commerce.
- Underlying law violations having no significant impact on regional commerce.
- Enforcement of federal laws or regulations for which NOAA does not have primary authority.

## Marine Sanctuaries Act

### HIGH PRIORITY

- Cases involving large amount of damage to resources, e.g. oil tanker running aground and causing major oil spill (unlawful discharge).

### MEDIUM PRIORITY

- Investigations involving minor damage to resource.
- Protection of historical resources.
- Patrols.
- Education and outreach.

### LOW PRIORITY

- Harassment of wildlife.
- Low-flying aircraft.
- Protection of EFH Olympic 2 Area.



## Pacific Islands Division: Enforcement Priorities

### Magnuson-Stevens Act

#### HIGH PRIORITY

- Observer assault, harassment, or interference violations.
- Violations of International Treaties and or agreements.
- Tampering, obstruction of VMS equipment/data.
- Closed Area/VMS Violations, ongoing.
  - Commercial vessel incursions into closure areas or other Marine Protected Areas.
- Felony and major civil cases involving significant damage to the resource or the integrity of management schemes.

#### MEDIUM PRIORITY

- Other Fisheries Permit Violations.
  - Non-compliance with state/federal fisheries permitting requirements pertaining to fisheries under NOAA's jurisdiction.

#### LOW PRIORITY

- Data Discrepancy—Reported logbook discrepancy, late and or failure to turn in logs, reported regulatory violations by the observer office (i.e., gear markings).

### Endangered Species Act and Marine Mammal Protection Act

#### HIGH PRIORITY

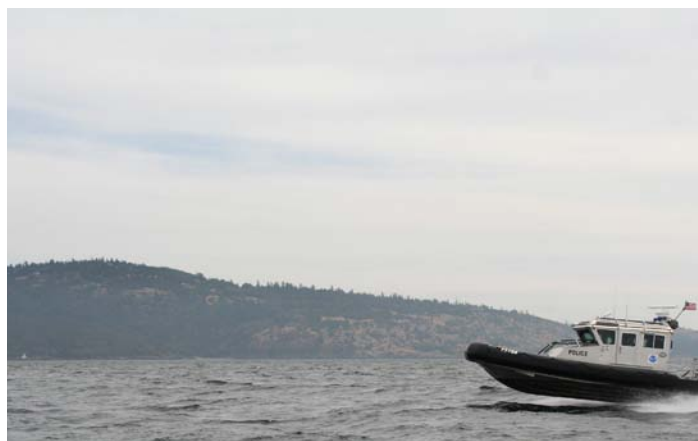
- Ongoing Take.
  - An observed or reported ongoing / in progress “take” as well as any vessel strike.
- Habitat Loss and Degradation.
  - To be determined when take reduction team plans for the Hawaiian Monk Seal habitat take effect.
- Lethal Takes, Level “A” Harassment with the potential to injure marine mammal stock.

#### MEDIUM PRIORITY

- Take.
  - Generally, after the fact reported observed “take.”
- Imported ESA parts or products (also Lacey Act).
- Non-lethal Takes, Level “B” Harassment with the potential to disturb a marine mammal stock in the wild by causing a disruption of behavioral patterns including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.
- Imported MM parts or products (also Lacey Act).

#### LOW PRIORITY

- Permit Violations.
  - Reported violations of any permit issued.
- Harassment, Incidental.
  - Harassment caused by careless but unintentional acts.
- Permit Violations.
  - Noncompliance with conditions of any permit associated with taking or possessing of marine mammals or parts thereof.



NOAA's Office of Law Enforcement's jurisdiction spans more than 3 million square miles of open ocean, more than 85,000 miles of U.S. coastline, and all of the country's National Marine Sanctuaries and Marine National Monuments. NOAA's Office of Law Enforcement also is responsible for enforcing U.S. treaties and international law governing the high seas and international trade.

## International/Lacey Act

### HIGH PRIORITY

- Fraudulent Importation/Exportation.
  - Fraudulent documentation is evident or likely, for a commodity in interstate/international commerce under the jurisdiction of NOAA.
- Species of health concern.
  - Public health and safety is at risk with commodities in interstate/international commerce under the jurisdiction of NOAA.
- Import/Export Live Marine Species.
  - Live animals illegally in interstate/international commerce under the jurisdiction of NOAA

### MEDIUM PRIORITY

- Marine Mammal and/or ESA Parts.
  - Marine mammal and ESA products and or parts illegally exported.

### LOW PRIORITY

- Fraudulent Importation/Exportation—Markings.
  - Less complex labeling violations anticipated on commodities in interstate/international commerce under the jurisdiction of NOAA.

## Marine Sanctuaries Act

### HIGH PRIORITY

- Discharges.
  - Discharging or depositing any material injurious to sanctuary and monument resources.
- Vessel Groundings.
  - Vessels or tows that become grounded within the boundaries of any marine sanctuary or monument.

### MEDIUM PRIORITY

- Prohibited Taking or Possession.
  - Unlawful removal or possession of historical artifacts as well as protected marine resources from within the sanctuary and/or monument boundaries.

### LOW PRIORITY

- Permit Violations.
  - Noncompliance with conditions of any permit associated with the sanctuary and monument.

## Observer Program

### HIGH PRIORITY

- Reported observer harassment.
  - Any reported observer harassment and or obstruction / interference with observer functions.

### MEDIUM PRIORITY

- Reported FMP violations.
  - Any reported fishery management plan violations (i.e. blue dye bait, seabird mitigation).

### LOW PRIORITY

- Data Discrepancy.
  - Reported logbook discrepancy, late and/or failure to turn in logs, reported regulatory violations by the observer office (i.e., gear markings).

## Southeast Division: Enforcement Priorities

### Magnuson-Stevens Act

#### HIGH PRIORITY

- Red Snapper/Grouper/Tilefish Catch Shares-IFQ monitor and enforcement.
- Fishery Closures, Closed Areas perform effective outreach, monitor, and enforce.
- Highly Migratory Species.
- Observer Harassment.

#### MEDIUM PRIORITY

- Dealer non-reporting on overfished species.
- Enforce gear and permit sanctions/restrictions.
- Closed Area/VMS Violations, ongoing.
  - Commercial vessel incursions into closure areas or other Marine Protected Areas.

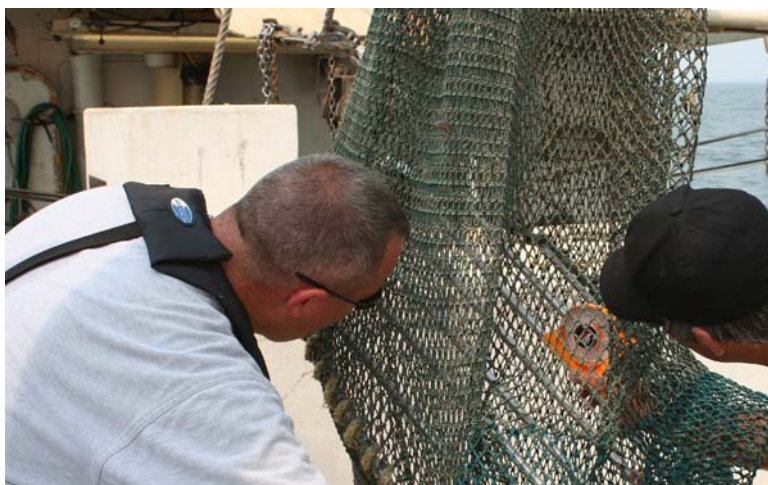
#### LOW PRIORITY

- Investigate minor permit violations.
- Monitor, patrol commercial/charter fishery.

### Endangered Species Act and Marine Mammal Protection Act

#### HIGH PRIORITY

- Turtle Excluder Device, education and enforcement.
- Right Whale approach and vessel speed restriction enforcement in South Atlantic waters
- Caribbean Corals and Coral Reef protection in the Region's National Marine Sanctuaries.
- Any Take, Importation/exportation/possession of commercial quantities of ESA items.
- Lethal Takes, Level "A" Harassment with the potential to injure marine mammal stock.
- Importation/exportation/possession of commercial quantities of marine mammal items.



**A NOAA special agent and a state partner check the angle of a Turtle Excluder Device. TEDs education and enforcement are a high priority for NOAA's Office of Law Enforcement's Southeast Division.**

#### MEDIUM PRIORITY

- Response to human interaction-caused stranding-mortality.
- Non- Lethal takes, Level "B" Harassment with the potential to disturb a marine mammal stock in the wild by causing a disruption of behavioral patterns including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.
- Non compliance with conditions of incidental take permits.
- Response to human interaction-caused stranding-mortality.

#### LOW PRIORITY

- Importation/exportation/possession of non-commercial quantities of /ESA items.
- Importation/exportation/possession of non-commercial quantities of marine mammal items.
- Response to non-human interaction strandings not involving fishing gear, ship strike, or human causation.

## International/Lacey Act

### HIGH PRIORITY

- Illegal importation/exportation of commercial quantities of ESA/MMPA/Corals (CITES).
- Mislabeling/fraudulently labeling commercial seafood imports/exports.
- Detection and intervention of contaminated safety/health risk seafood products.

### MEDIUM PRIORITY

- Illegal importation/exportation of non-commercial quantities of ESA/MMPA/Corals (CITES).

### LOW PRIORITY

- Detection-correction of minor import/export document-marking discrepancies.

## Marine Sanctuaries Act

### HIGH PRIORITY

- Any discharge of materials injurious to sanctuary resources.
- Prohibitive taking of commercial quantities of sanctuary artifacts or protected marine resources.
- Cause by negligent act or violation of law/regulation, damage to sanctuary natural resources(i.e., vessel grounding, anchoring in unlawful areas).

### MEDIUM PRIORITY

- Unlawful fishing and/or use of restricted fishing gear.

### LOW PRIORITY

- Unlawful operation of vessel/aircraft/conveyance.



## Southwest Division: Enforcement Priorities

### Magnuson-Stevens Act

#### HIGH PRIORITY

- Observer assault, harassment, or interference violations.
- Tuna Tracking and Verification Program.
- Pacific Highly Migratory Species Fishery (HMS).
- Catch Reporting and Trip Limits.
  - Noncompliance with trip and cumulative limits, and record keeping requirements for landings of federally managed marine species.
- Closed Area/VMS Violations, ongoing.
  - Commercial vessel incursions into closure areas or other Marine Protected Areas.

#### MEDIUM PRIORITY

- Felony and major civil cases involving significant damage to the resource or the integrity of management schemes.
- Other fisheries Permit Violations.
  - Noncompliance with state/federal fisheries permit requirements pertaining to fisheries under NOAA's jurisdiction.
- Gear Violations.
  - Deployment of unlawful gear utilized in commercial fisheries under NOAA's jurisdiction, including but not limited to, undersized trawl mesh, barbed salmon hooks, etc.

#### LOW PRIORITY

- Commercial Salmon, Seasonal.
- High Seas Fishing Permit.

### Endangered Species Act and Marine Mammal Protection Act

#### HIGH PRIORITY

- Ongoing Take with dead animals.
  - An observed or reported ongoing "take" with dead animals present and removable.
- Habitat Loss and Degradation
  - A wide range of issues from minor riparian vegetation removal to massive sediment loading or major chemical spill without obvious dead animals.
  - Major types of habitat degradation are:
    - Inadequate water volume in streams which impact migration, spawning, and rearing; Barriers to passage for both adults and juvenile fish; Poor water quality in streams and; Loss of stream structure that provides for spawning and rearing.
- Lethal Takes, Level "A" Harassment with the potential to injure marine mammal stock.

#### MEDIUM PRIORITY

- Take with dead animals.
  - Generally after the fact reported or observed "take" with dead animals present and recoverable.
  - No witnesses of "take" present.
- Take likely to occur without dead animals.



Enforcement Officer Rick Hawkins of the Southeast Division patrols a dock.

- o Unscreened diversions, barriers to migration, uninitiated or planned project with likely take implications, no observed taking.
- Non-lethal Takes, Level “B” Harassment with the potential to disturb a marine mammal stock in the wild by causing a disruption of behavioral patterns including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.
- Wayward Marine Mammals—Significant Strandings.
  - o Lost or stranded marine mammals.

#### LOW PRIORITY

- Permit Violations.
  - o Proceeding with a project in a manner inconsistent with the terms and conditions of the permit.

### International/Lacey Act

#### HIGH PRIORITY

- Import/Export Live Marine Species.
  - o Live animals illegally in interstate/international commerce under the jurisdiction of NOAA.
- Violations involving the Convention on International Trade in Endangered Species (CITES).
  - o CITES-listed animal or animal parts illegally in interstate/international commerce under the jurisdiction of NOAA.
- Species of health concern.
  - o Public health and safety is at risk with commodities in interstate/international commerce under the jurisdiction of NOAA.
- IUU Fishing.
- Tribal Fisheries cases involving Lacey Act Violations.
  - o Tribal fishing activities involving salmonids that pose a real threat to the continued existence of local populations. OLE’s main focus should be pursuing prosecution in those cases which involve large scale, organized illegal fishing conspiracies with nontribal commercial fish dealers.
  - o OLE will place special emphasis on incidents that may involve ESA listed salmonids.

#### MEDIUM PRIORITY

- Fraudulent Importation/Exportation.
  - o Fraudulent documentation is evident or likely, for a commodity in interstate/international commerce under the jurisdiction of NOAA.
- Non CITES violations.
  - o Non-CITES listed products illegally imported or exported under the jurisdiction. of NOAA. Example, various fish species.
- Marine Mammal and/or ESA Parts.
  - o Marine mammals (parts) and sea turtles (parts), example whale meat, sea turtle meat, ivory, shells, illegally imported or exported.

#### LOW PRIORITY

- Species of economic concern, shrimp.
- Illegal import or export of commodities of concern to NOAA for economic gain (e.g., forged/fraudulent DOC inspection documents).
- Fraudulent Importation/Exportation—Markings.
  - o Less complex labeling violations anticipated on commodities in interstate/international commerce under the jurisdiction of NOAA.

## Marine Sanctuaries Act

### HIGH PRIORITY

- Discharges
  - Discharging or depositing any material injurious to sanctuary resources (e.g., pollution issues).
- Vessel Groundings
  - Vessels or tows that become grounded within the boundaries of any marine sanctuary.

### MEDIUM PRIORITY

- Prohibited Taking or Possession.
  - Unlawful removal or possession of historical artifacts, or protected marine resources, from within the sanctuary boundaries.
- Restricted Areas, Marine Protected Areas.
  - Unlawful operation of a vessel in a closed area within any sanctuary boundary.

### LOW PRIORITY

- Vehicular Operation
  - Unlawful operation of motorized personal watercraft, aircraft, etc.

## Background on the FY 2012 Priority-Setting Process

In fall 2010, NOAA's Office of Law Enforcement and the NOAA Office of the General Counsel for Enforcement and Litigation solicited recommendations from within NOAA and from the fishery management councils; interstate fishery commissions; interested stakeholders representing public, private, and non-governmental organizations; and other entities on setting annual priorities at the national and regional levels.

This solicitation was initiated following the NOAA National Enforcement Summit earlier that year that brought together more than 60 stakeholders from the commercial and recreational fishing industries, non-governmental organizations, and state and federal enforcement officials to focus on how NOAA might better manage marine resources through fair, consistent, and transparent enforcement of natural resource laws.

NOAA was particularly interested in recommendations from all interested parties on how the agency can develop national and regional priorities that reflect:

- The potential effect and/or threat of non-compliance to the resource (high, medium, low).
- The status of the resource (e.g., endangered, threatened, depleted, overfished, overfishing occurring, etc.).
- Efforts to improve compliance.
- Opportunities for deterrence.
- Support for catch share programs.
- How enforcement allocates resources for requirements outside specific priorities.
- Best use of available resources.

## Summary of Stakeholder Recommendations Received

The recommendations received from stakeholders fell into the two broad categories:

- Sustainable fisheries (Magnuson-Stevens Act and associated statutes.)
- Protected resources and places (Endangered Species Act, Marine Mammal Protection Act, and National Marine Sanctuaries Act).

Recommendations related to sustainable fisheries included:

- Protecting overfished stocks and stocks where overfishing is occurring.
- Improving economic vitality for fisheries community.
- Leveling the playing field through compliance assistance and effective enforcement.
- Expanding and enhancing partnerships with the international community.
- Monitoring to facilitate compliance.
- Designing and implementing improved enforcement services to address catch share programs.
- Enforcing fishery closures in support of Annual Catch Limits.
- Enforcing gear restrictions.
- Supporting observer programs.
- Enforcing catch and fishing effort reporting requirements.
- Enforcing import restrictions/requirements.

Recommendations related to protected species and places included:

- Improving compliance with use of turtle excluder device (TED) regulations throughout the Southeast United States.
- Improving compliance with speed restrictions along the East Coast of the United States to protect endangered North Atlantic right whales.
- Improving compliance with regulations designed to protect marine mammals and endangered species, habitat, and protected places, particularly the National Marine Sanctuaries through both expanded compliance assistance programs and expanded effective enforcement monitoring and action.
- Expanding and enhancing partnerships with the international community to protect marine mammals and endangered marine species.

## Draft Published for Public Comment

On November 8, 2011, NOAA's Draft Enforcement Priorities were posted on the websites of NOAA's Office of Law Enforcement (OLE) and NOAA Office of General Counsel's Enforcement Section, for a public comment period of 60 days. Comments could be submitted via e-mail, fax, or mail. The Director of OLE and six Special Agents in Charge also held seven stakeholder calls to outline the priorities.

The comment period ended at midnight Eastern Standard Time on January 9, 2012. All comments received will be published, per the commenting guidelines that were posted on the website:

### Commenting Guidelines

- All comments should pertain to the document Draft NOAA Enforcement Priorities.
- The deadline for comments is January 9, 2012.
- All comments will be reviewed and considered by NOAA staff as they work to finalize the document.
- Comments will be made available online and as an appendix to the final 2012 document.
- Commenters may submit their name, affiliation, and state or submit as "anonymous."
- Commenters' names along with the states the commenters are from will be made public along with their comments once they are published in the final document. Addresses and e-mail information will not be included.



## Appendix A—Compiled Public Comments

NOAA's Draft Enforcement Priorities were open for public comment for 60 days. Attached are the comments NOAA received during this period. Comments were submitted by email, fax, or mail. Commenting guidelines included that the name and state of the commenter would be published as an appendix to the final priorities document and online, unless the commenter requested to be anonymous. Only one commenter requested to be anonymous.

The personal addresses, email addresses, fax and phone numbers are redacted. Comments received on official letterhead from public organizations and from those who identified themselves by their official role with a public organization were not redacted.

During the public comment period, NOAA's Office of Law Enforcement also held seven recorded calls with stakeholders. The calls were transcribed by the conference calling center, and those comments are reflected pages that include comments on the priorities are included here as well.

For your convenience, this table will help you find the comments that pertain to our national priorities or to each enforcement division. Some comments pertained to both national and division priorities. Still others were not about the priorities, but about our agency in general.

### **National:**

1, 2, 4, 5, 6, 8, 9, 11, 12, 13, 15, 17, 19, 21, 22, 24, 25, 26, 29, 30, 31, 33, 37, 38, 39, 40, 41, 44, 47, 49, 50

### **Northeast:**

6, 11, 12, 15, 48

### **Southeast:**

3, 4, 30, 34, 36, 37, 46, 53

### **Alaska:**

27, 32, 51

### **Northwest:**

7, 14, 16, 17, 32, 35, 40, 42

### **Southwest:**

10, 14, 17, 23, 43, 45

### **Pacific Islands:**

18, 20, 21, 22, 28, 37, 44, 52

# **NOAA's Office of Law Enforcement National and Division Enforcement Priorities for 2012**

**U.S. Secretary of Commerce  
John E. Bryson**

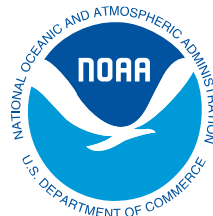
**Administrator of National Oceanic and Atmospheric Administration  
and Under Secretary of Commerce  
Jane Lubchenco, Ph.D.**

**Acting Assistant Administrator for Fisheries  
Samuel D. Rauch III**

**[www.nmfs.noaa.gov](http://www.nmfs.noaa.gov)**

**National Marine Fisheries Service  
Office of Law Enforcement  
8484 Georgia Avenue, Suite 415  
Silver Spring, MD 20910  
(301) 427-2300**

**U.S. Government—2012**





THE CHESAPEAKE BAY STRIPED BASS INVESTIGATION  
RECOMMENDATIONS OF THE INTERSTATE WATERSHED TASK FORCE  
AND  
ASMFC LAW ENFORCEMENT COMMITTEE  
Presented to the Atlantic Striped Bass Management Board  
February 7, 2012

**INVESTIGATION SUMMARY**

At the 2011 Annual meeting in Boston, members of the Atlantic Striped Bass Management Board (Board) heard a presentation by members of the Interstate Watershed Task Force. The task force completed a successful investigation of illegal striped bass harvest and sale in the Chesapeake Bay area covering the period 2003-2009. The presentation included information concerning the illegal activities occurring, some of the harvest and tag data that were used to support the case, and specific recommendations for improving the effectiveness of striped bass regulations. The Board asked that additional discussion of the recommendations be continued at a later meeting. Present today are three members of the task force, Special Agent Ken Endress (United States Fish and Wildlife Service) and Sgt. Jack Bailey (Maryland Natural Resources Police) and Wayne Hettenbach (U.S. Dept. of Justice).

To recap, intelligence indicated that numerous incidents of illegal striped bass commercial violations on the Potomac River were occurring. After the investigation was initiated task force members uncovered two primary schemes.

- Fishermen from Virginia were targeting very large spawning fish in closed waters of the Potomac River Fisheries Commission and Maryland. Oversized fish were being taken during the spawning season and sold illegally.
- Fishermen in Maryland were taking advantage of loopholes in the state tagging system to falsely report large numbers of smaller fish, and obtain more tags to exceed quota limits.

In both schemes, some wholesale dealers were complicit through false recordkeeping, false check-in, and knowingly buying illegal or untagged fish. Specific illegal activities included:

- Taking fish during closed commercial season and tagging with open season tags.
- Taking oversized striped bass.
- Overharvest of quota.
- Disguise of true gear used for harvest.
- Re-use of commercial tags & use of expired tags.
- Illegal use of other fishermen's commercial tags.
- Sale of commercial striped bass tags.
- Unmarked, oversized gill nets targeting breeding stock.
- Untagged fish were able to be sold.

At the conclusion of the investigation team members determined that, from the cases involving plea agreements and convictions, over 1 million pounds of illegal striped bass were taken. The investigation resulted in:

- 19 individuals convicted.
- 3 corporations convicted.
- 140 months of cumulative prison time.
- 41 months of cumulative home detention.
- \$1,628,352 in fines and restitution.
- 58 years of cumulative supervised release.

The investigation revealed that some of the control measures in place for regulating the harvest of striped bass were ineffective or inadequately designed to maximize compliance. These include:

- Slot season controls to protect spawning.
- Tagging system that allows more tags than reasonably correlates to quota limits.
- Varying gear type tag quantities.
- Tags without an expiration or year identifier and no collection of unused tags.
- Neighboring jurisdictions with different regulations.
- Check-in stations with an economic interest in the fishery.
- Fisheries data collection without analysis to determine compliance.

The investigation has also shown that greater accountability of wholesalers would be difficult to achieve without:

- Uniform tags (colors, design).
- Uniform tagging requirements (all states).
- Valid Year inscribed on tags.
- Notice and education of dealers.
- Size limits indicated on tags.

## **LAW ENFORCEMENT RECOMMENDATIONS**

**As a result of this comprehensive investigation and criminal proceeding, the following recommendations were made by the Interstate Task Force and are endorsed by the Law Enforcement Committee of the Atlantic States Marine Fisheries Commission.**

### **Recommendations to Improve Enforceability & Accountability**

- Implement a Uniform commercial tagging system among all states where striped bass are harvested and landed for sale.
  - ✓ Uniformity by year, style, color and inscriptions.
  - ✓ Make tags valid for one year only.
  - ✓ Inscriptions should include year, state, state size limits, and unique number.
  - ✓ Use standardized, tamper-proof tags.
- Require all fish harvested for sale to be tagged immediately upon possession.
- Issue a set number of tags based on a sound scientific sample of the average (mean) weight of legal-sized fish harvested in open season for that gear type divided into the weight quota.
- Require all unused tags to be returned on an annual or seasonal basis and prohibit license renewal if unused tags are not returned.
- Strengthen reporting of tag numbers used on dealer reports or trip tickets.
- Implement License Revocation or suspension as a primary penalty for state or federal violations.
- Ensure that law enforcement officers have real-time access to tag numbers issued to each fisherman.

The State of Maryland has already enacted regulation changes to address some of the issues uncovered by the investigation.

- Regulations are now more enforceable by uniformed officers in the field.
- Year of validity is now inscribed on tags
- A limited number of tags are issued to each licensee (pound net fishery only).
- Unused tags for all gear types must be returned annually.
- Commercial license suspension or permanent revocation of repeat or egregious violators.

The Potomac River Fish Commission has prohibited some subjects from commercially fishing again in their jurisdiction and the State of Virginia suspended the commercial licenses of some subjects for two years, as allowed by their regulation at the time.



# *Atlantic States Marine Fisheries Commission*

## NEWS RELEASE

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*Working towards healthy, self-sustaining populations of all Atlantic coast fish species, or successful restoration  
well in progress by the year 2015*

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FOR IMMEDIATE RELEASE  
April 2, 2012

PRESS CONTACT: Tina Berger  
703.842.0740

### **ASMFC Tautog Board Sets Required Harvest Reduction at 39%**

Arlington, VA – The Commission’s Tautog Management Board has lowered the harvest reduction necessary for states to comply with Addendum VI. Under the revised stock assessment update, states from Connecticut through Virginia are required to reduce harvest by 39% from the average of 2008 and 2009 levels. This change responds to errors found in the 2011 assessment update, which overestimated the 2009 fishing mortality rate and, therefore, the associated harvest reduction necessary to achieve the fishing mortality target. Previously, states had been required to reduce harvest by 53%.

Approved in late 2011, Addendum VI lowers the fishing mortality target to 0.15 and requires states to implement measures to achieve this target. Additionally, it allows for reductions based on regional/state fishing mortality rates for states that can demonstrate a lower regional fishing mortality rate than the coastwide assessment. Massachusetts and Rhode Island submitted and received Board approval for a regional assessment which demonstrated a local fishing mortality rate below the Addendum VI target. Therefore, they will not need to make any harvest reductions. All other states are required to meet the 39% reduction in harvest and can employ a combination of bag limits, size limits and/or closed seasons based on approved methodologies to achieve the reductions. Management measures derived using alternative methodologies will need to be vetted through the Commission’s Tautog Technical Committee and approved by the Management Board before they can be implemented by the state(s). All states have the option of implementing more conservative management measures.

The revised assessment results show the stock continues to be overfished with overfishing occurring. The spawning stock biomass (SSB) has remained at low levels for the last decade, with 2009 SSB estimated at 10,663 metric tons — 38% of the target SSB (26,800 metric tons). Current coastwide fishing mortality (F) is estimated at 0.26, well above the Addendum VI target of  $F=0.15$ . At  $F=0.15$ , original projections estimated that SSB would exceed the SSB threshold (20,100 metric tons) around 2018. However, under the corrected assessment, the stock is not projected to reach the threshold by 2025. Based on these new findings, some Board members expressed concern that the current  $F_{\text{target}}$  is insufficient to rebuild the stock. The rebuilding strategy will be discussed at a future meeting.

For more information, please contact Christopher Vonderweidt, Fishery Management Plan Coordinator, at [cvonderweidt@asmfc.org](mailto:cvonderweidt@asmfc.org) or 703.842.0740.

PR12-17

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The Atlantic States Marine Fisheries Commission was formed by the 15 Atlantic coastal states in 1942 for the promotion and protection of coastal fishery resources. The Commission serves as a deliberative body of the Atlantic coastal states, coordinating the conservation and management of nearshore fishery resources, including marine, shell and anadromous species.

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# Atlantic States Marine Fisheries Commission

## NEWS RELEASE

*Working towards healthy, self-sustaining populations of all Atlantic coast fish species, or successful restoration well in progress by the year 2015*

FOR IMMEDIATE RELEASE  
April 2, 2012

PRESS CONTACT: Tina Berger  
703.842.0740

### ASMFC Black Sea Bass Board Finalizes 2012 Recreational Measures

Arlington, VA – Upon review of the latest black sea bass recreational data from last year (waves 1 – 6), the Commission's Summer Flounder, Scup, and Black Sea Bass Management Board has modified the percent that states may liberalize their 2012 recreational management measures to achieve the 1.32 million pound (942,857 fish) harvest limit for the 2012 fishery. The northern region states of Massachusetts through New Jersey will implement measures that achieve a 37% liberalization throughout the region and a 32% liberalization coastwide; the percent of liberalization will vary by state. Northern region states had the option to collectively liberalize regulations by 41% but opted to be more conservative. State-specific regulations follow below.

State	Minimum Size (inches)	Possession Limit	Open Season
Massachusetts	14	10 fish	May 11 – June 24
		20 fish	June 25 – October 31
Rhode Island	13	15 fish	June 15 – December 31
Connecticut	13	15 fish	June 15 – December 31
New York	13	15 fish	June 15 – December 31
New Jersey	Still finalizing measures		
Delaware	12.5	25 fish	May 22 – October 14 November 1 – December 31
Maryland	12.5	25 fish	May 22 – October 14 November 1 – December 31 (Season may change depending on federal regulations)
Virginia	12.5	25 fish	May 19 – October 14 November 1 – December 31
PRFC	12.5	25 fish	May 19 – October 14 November 1 – December 31
North Carolina (North of Hatteras)	12.5	25 fish	May 19 – October 14 November 1 – December 31

The Atlantic States Marine Fisheries Commission was formed by the 15 Atlantic coastal states in 1942 for the promotion and protection of coastal fishery resources. The Commission serves as a deliberative body of the Atlantic coastal states, coordinating the conservation and management of nearshore fishery resources, including marine, shell and diadromous species.

Since the Board's approval of Addendum XXII and the resultant 2012 state recreational management measures in February 2012, new 2011 recreational harvest estimates were released by the National Marine Fisheries Service. The data indicates the projections used to form the basis of this year's regulations underestimated the 2011 harvest. Coastwide recreational harvest for the 2011 black sea bass fishery is now estimated at 713,478 fish (versus the initial estimate of 654,142 fish). As a result of the new estimate, northern states will still be able to liberalize their 2012 recreational management measures but not to the extent that they would have under the previous estimate (initial liberalization was 57%). The northern states will be working over the next month to finalize their recreational black sea bass management measures.

Based on the stock projections completed in 2011, the black sea bass stock is not overfished and overfishing is not occurring. The projections indicate the stock is at about 111% of its biomass target. For more information, please contact Toni Kerns, Senior Fishery Management Plan Coordinator for Management, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) or 703.842.0740.

###