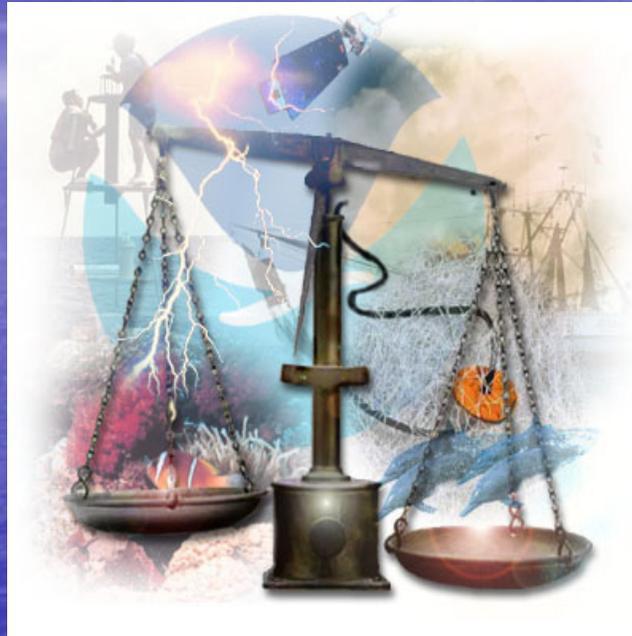


HMS Enforcement Overview

HMS Advisory Panel Meeting
April 15, 2008

Jeff Radonski, NOAA OLE
LCDR Chris German, USCG
Meggan Engelke-Ros, NOAA GCEL



**NOAA Office of General Counsel
For Enforcement & Litigation**

Types of Enforcement Action

Outreach & Education

Verbal Warnings & Fix-It Tickets (OLE/USCG/States)

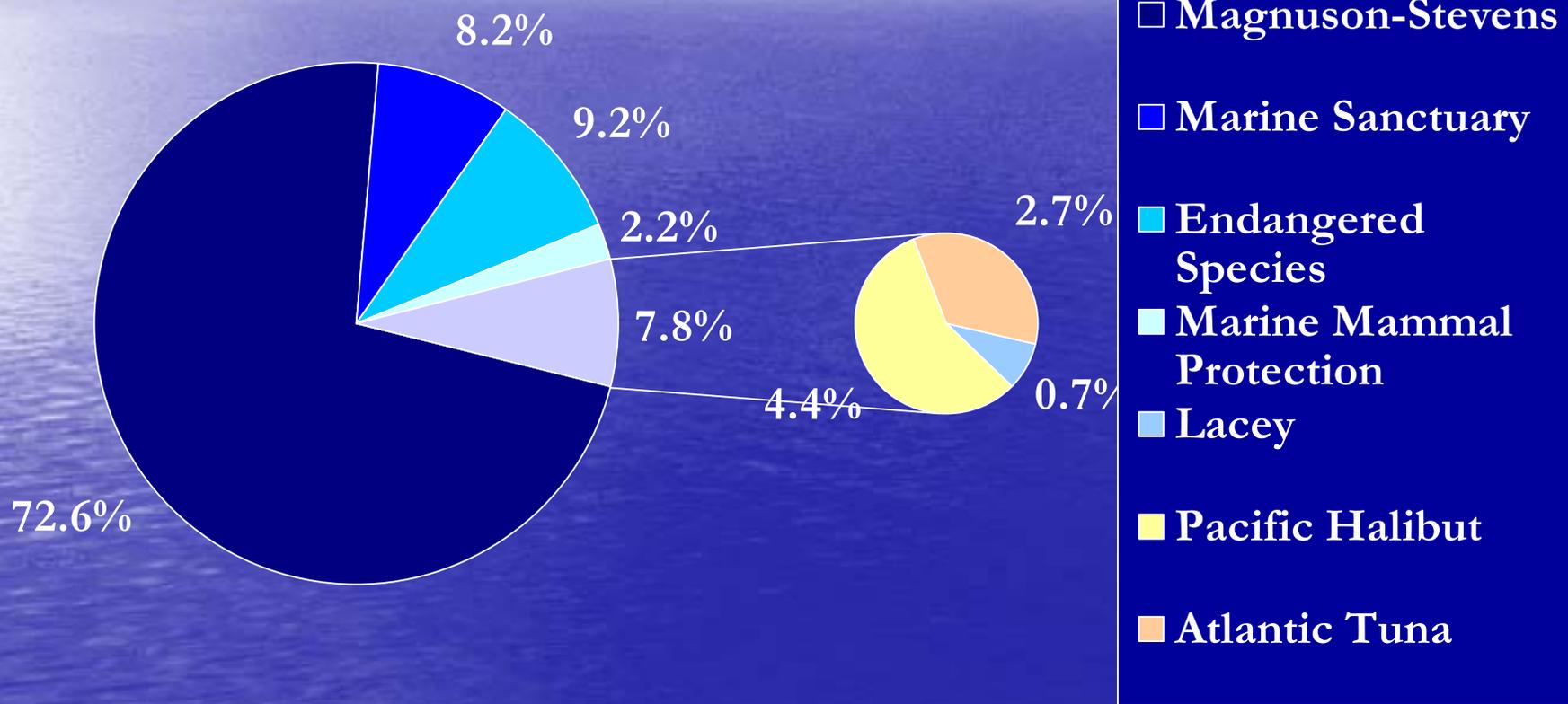
Summary Settlements & Written Warnings

Written Warnings (GCEL)

Civil Prosecution

**Criminal
Prosecution**

Case Breakdown by Statute



Prosecution Statistics

	<u>FY06</u>	<u>FY07</u>
Case Referred to GCEL	364	492
NOVAs/NOPSs Issued	263	313
GCEL Case Declinations	23	43
Seized Property	\$6M	\$3.8M
Monetary Penalty Assessed in NOVAs	\$8.7M	\$7.1M
Total Monetary Penalty Collected	\$2.1M	\$2.1M

SE HMS Cases Prosecuted

- 21 Cases with NOVAs Issued
- Total Civil Penalties Assessed - \$208,500
- 29 Counts
 - Live Bait 5
 - Size/Form of Fish 5
 - VMS 1
 - Sharks 8
 - Permit 7
 - Reporting 1
 - Sea Turtle Bycatch Mitigation Gear 2

NE HMS Cases Prosecuted

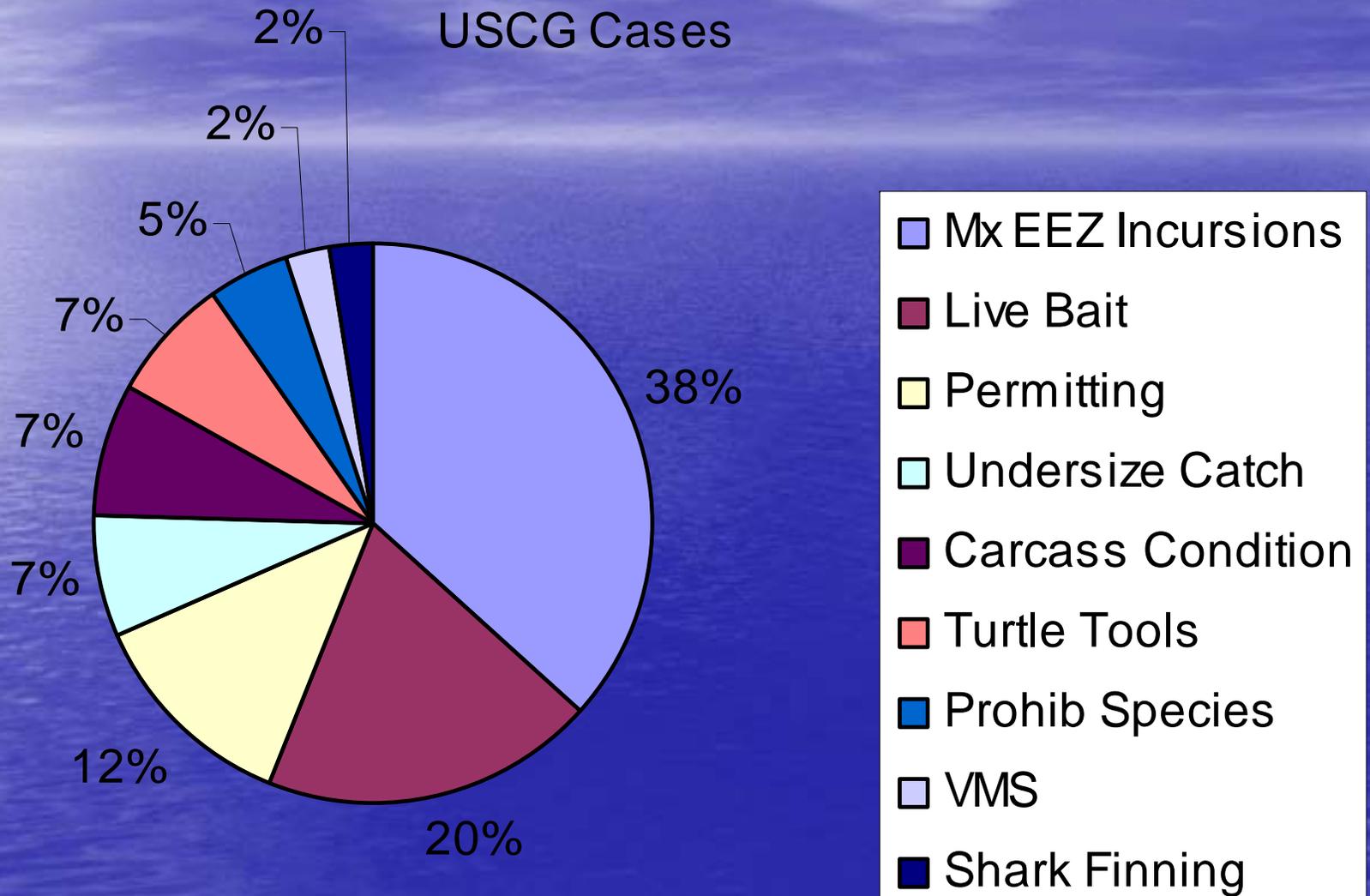
- 10 Cases with NOVAs Issues
- Total civil penalties assessed - \$273,500
- 20 HMS counts
 - No vessel permit – 15 counts
 - Submit false records or fail to report – 1 count
 - Failure to maintain HMS in form specified – 3 counts
 - Illegal sale of BFT – 1 count



U.S. Coast Guard

Fisheries Law Enforcement

USCG 2007 HMS Significant Violations



Mexican Lancha Incursions



Carcass Condition



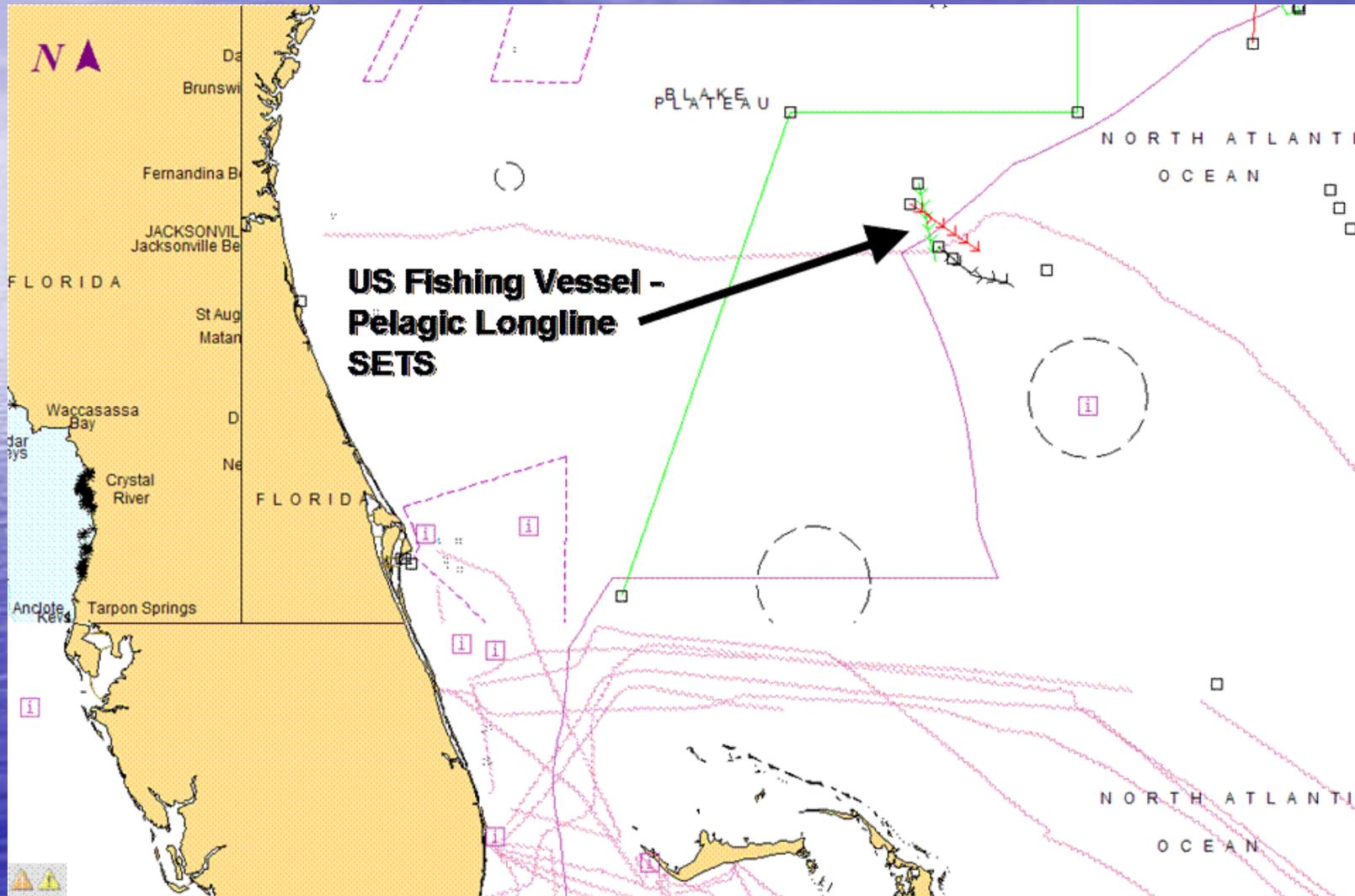
Live Bait Well





NOAA Fisheries Office of Enforcement
Southeast Division

South Atlantic



Operation: Mind Games

- Felony Convictions Southern District of Florida : Stan Saffan, 4 crew, and two corporations (LACEY ACT).
- Fail to report HMS Landings, Undersized HMS.
- Investigated as Wire Fraud/Lacey Act

➤ **One Crewmember sentenced 1 year prison term**

➤ **Another sentenced 3 year probation and \$3,000 fine**

➤ **Remaining to be Sentenced
May 21, 2008**

➤ **Vessel 1: Forfeit 125% of value**

➤ **Vessel 2: Forfeit**



Caribbean

- **OPERATION LIMBO LINE**
- **Lacey Act Conviction: US Citizen owner/operator of Canadian flagged vessel on the high seas without Canadian permits and non reporting.**
- **IUU longline fishing for yellowfin tuna with the illegal product being imported into Miami from Trinidad Tobago.**

GULF OF MEXICO

PLL vessels fishing with live bait

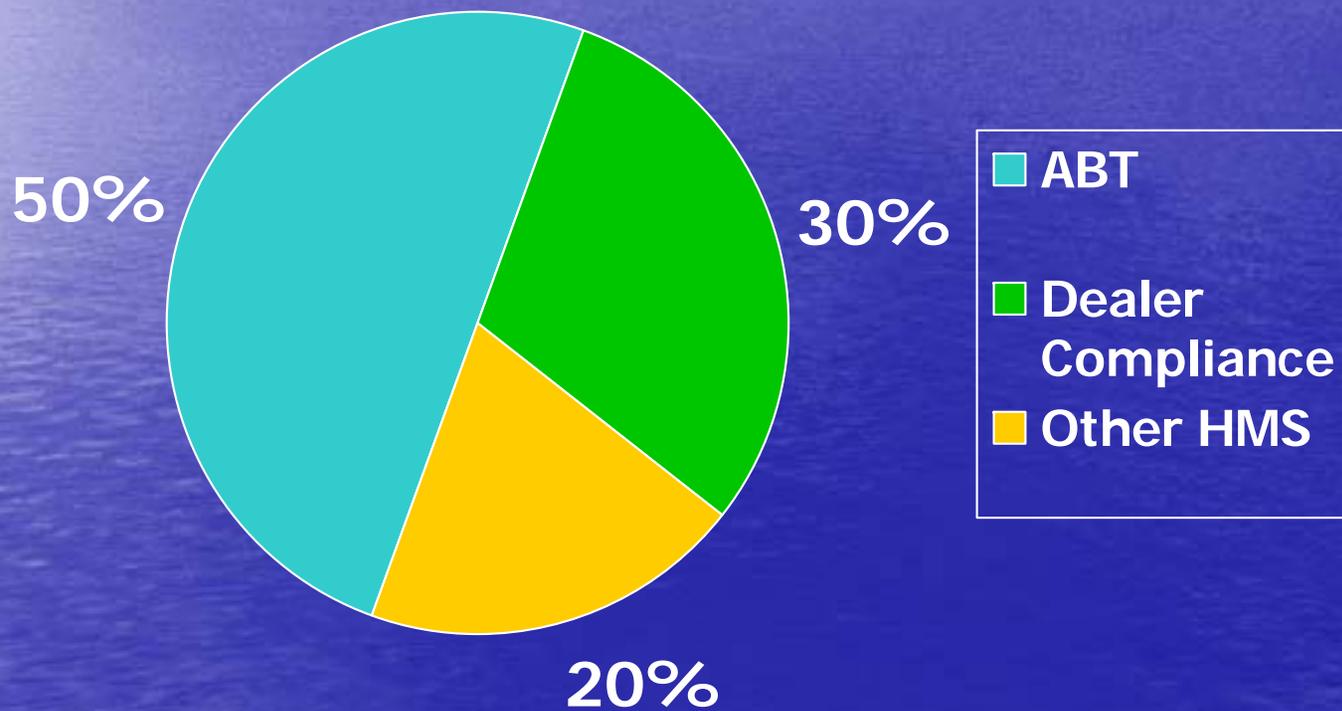
- Recent investigations have involved over \$80,000 of illegal catch.
- OLE utilizes VMS and other LE techniques to detect violations.
- Information used for USCG at-sea intercepts





NOAA Fisheries Office of Enforcement
Northeast Division

NORTHEAST REGION HMS ENFORCEMENT ACTIVITIES



HMS Enforcement Cases

ABT Filleting at-sea



- Fillets concealed by captain
- False statements
- NOVA pending

ABT Filleting at-sea (Cont')

- FV TOPAZ
- \$250.00 Summary Settlement issued



Illegal commercial sale of ABT



- RV TORO
- Sold ABT w/out permit
- Issued \$5,000 NOVA

Undersized ABT



- FV MADNESS
- 37" ABT
- Removal of gillrakers for ID.
- \$250.00 Summary Settlement

Ogunquit & Perkins Cove, Maine Atlantic Bluefin Tuna Investigation



July 2007 to Present

Scope of Investigation

- Basis for investigation – numerous complaints
- Young school, school. large school, & small medium sized fish being harvested for commercial purposes
- Fish being loined out and sold to restaurants
- Focused on area between Portsmouth, NH & Wells, ME
- 4 restaurants, 3 fishers and 3 other individuals involved
- Collectively 22 counts – various violations
- Approximately 30 undersized fish have been documented
- Loins & skeletons seized as evidence.
- Samples analyzed at NOAA/ NMFSC in Seattle, WA.

Forensic Analysis



- Tuna loins and entire skeleton (approximately 24 inches TL)
- Seized as evidence from restaurants
- DNA analysis by NOAA NWFSC laboratory
- Tentatively identified as Atlantic Bluefin tuna

OTHER HMS INVESTIGATIONS

ITP Dealer Permit Investigations

- Currently the Northeast division is investigating several northeast area dealers for non-compliance with reporting requirements.
- Prosecutions are pending.

Shark Finning



- FV EAGLE EYE II
- Exceeded 5% rule
- Seizure of fins and carcasses
- Issued \$5,000.00 NOVA

Questions?

