

CURRENT ENFORCEMENT ISSUES

The U.S. Coast Guard (USCG) will present an annual report covering its West Coast fishery enforcement and fishing vessel safety monitoring efforts for the past year, including enforcement hours, boarding, and detected violations. Also to be discussed are pending commercial fishing vessel safety regulatory changes (Agenda Item J.1.b, USCG Report), joint efforts with other fisheries enforcement agencies, involvement in regional fisheries management programs, and the future outlook of USCG fishery enforcement efforts.

Additionally, provided under this agenda item is the National Marine Fisheries Service (NMFS) Office of Law Enforcement (OLE) "Division Enforcement Priorities for 2013-Draft," which includes Southwest/Northwest OLE Regional Priorities (Agenda Item J.1.c, NMFS Report). NMFS is soliciting comment on these priorities. The deadline for comment is March 24, 2013.

Council Task:

Discussion.

Reference Materials:

1. Agenda Item J.1.b, USCG Report: January 16, 2013 Letter from Captain McAvoy.
2. Agenda Item J.1.c, NMFS Report: Division Enforcement Priorities for 2013-Draft.

Agenda Order:

- a. Agenda Item Overview
 - b. U.S. Coast Guard Annual West Coast Fishery Enforcement Report
 - c. Reports and Comments of Advisory Bodies and Management Entities
 - d. Public Comment
 - e. Council Discussion
- Jim Seger
RADM Keith Taylor

PFMC
02/15/13



U.S. Coast Guard Districts 11 & 13

11th District (D11) *(California)*

Rear Admiral Karl Schultz
- District Commander

LCDR Brad Soule
- LMR Program Manager

Ms. Peg Murphy
- Fishing Vessel Safety Coordinator



13th District (D13) *(Washington & Oregon)*

Rear Admiral Keith Taylor
- District Commander

LCDR Brian Chambers
- LMR Program Manager

Mr. Dan Hardin
- Fishing Vessel Safety Coordinator



Pacific Fishery Management Council

March 2013



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2012 Fisheries Enforcement Report

- **CG Involvement in Fisheries Management**
- **D13/D11 Resources Updates**
 - **Competing Responsibilities**
- **2012 Fisheries Enforcement Activity Summary**
 - **Partnership Efforts**
- **Fishing Vessel Safety**
 - **Update - USCG & Maritime Transportation Safety Act of 2012**



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U.S. COAST GUARD



OCEAN GUARDIAN **Strategic Plan**

OCEAN GUARDIAN Framework

- 1) Sound Regulations
- 2) Effective Presence
- 3) Application of Technology
- 4) Productive Partnerships

Coast Guard Objectives

- 1) Prevent Encroachment of the U.S. EEZ
- 2) Ensure Compliance with Domestic Fisheries Regulations
- 3) Ensure Compliance with International Agreements



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Living Marine Resources Management Partnerships



Pacific States Marine
Fisheries Commission

North Pacific Fishery
Management Council

**Pacific Fishery
Management Council**

International Pacific
Halibut Commission

U.S./Canada Tuna
Treaty Deliberations

National Marine
Sanctuaries

Marine Mammal
Stranding Network



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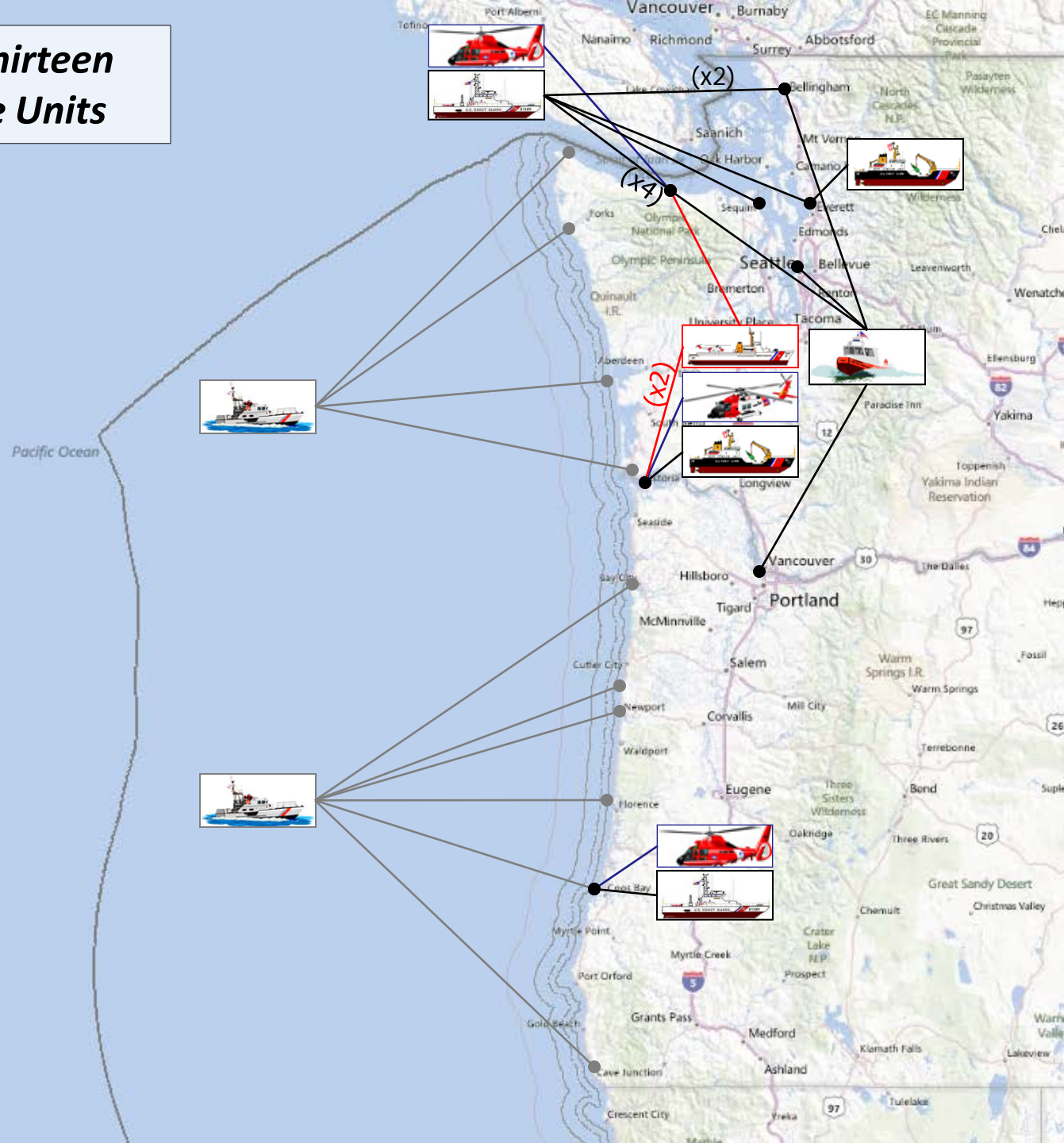


District Thirteen Response Units



Total District Assets

CG Cutters	15
Helicopters	11
Small Boats	59



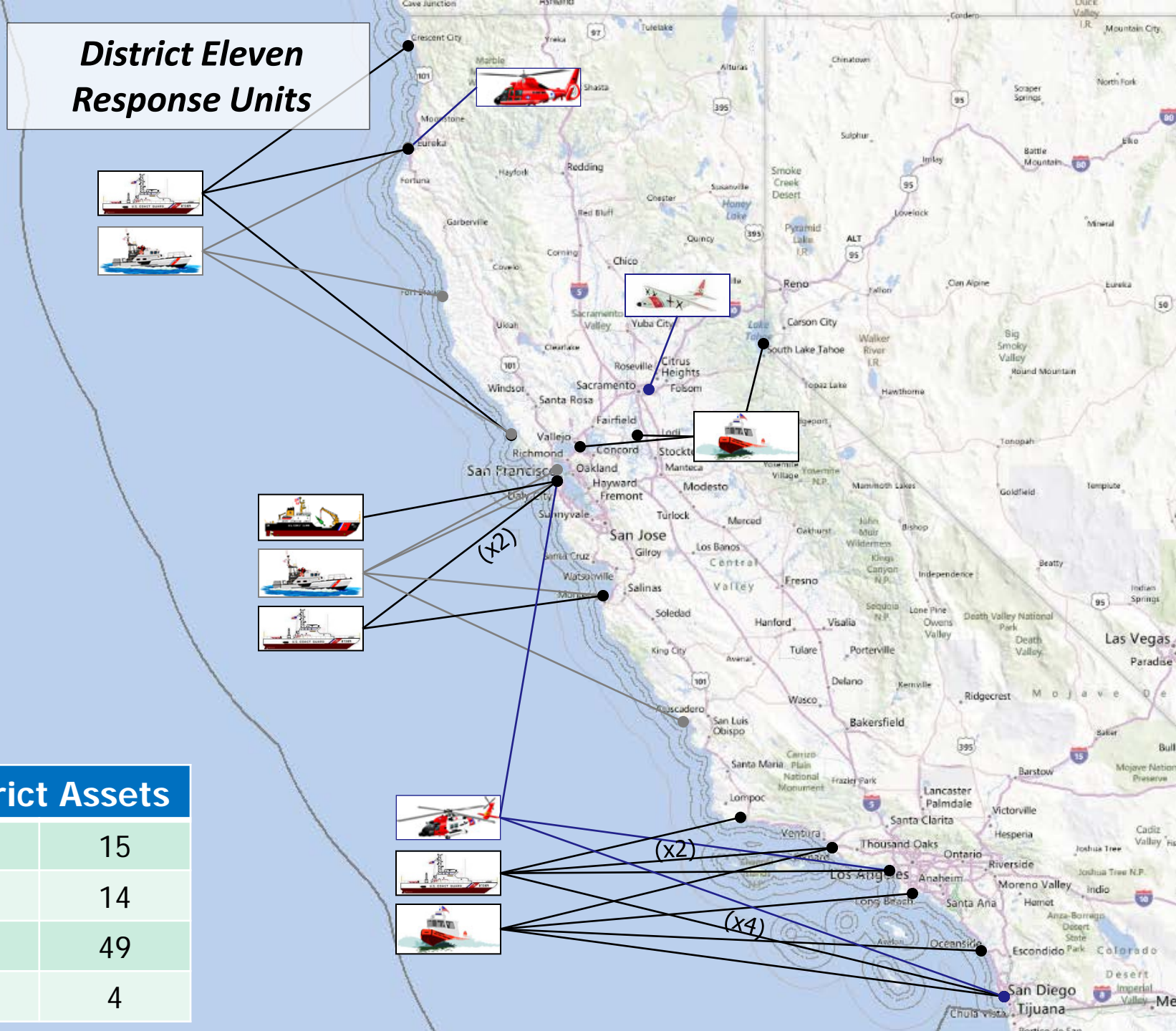


District Eleven Response Units



Total District Assets

CG Cutters	15
Helicopters	14
Small Boats	49
Fixed Wing	4



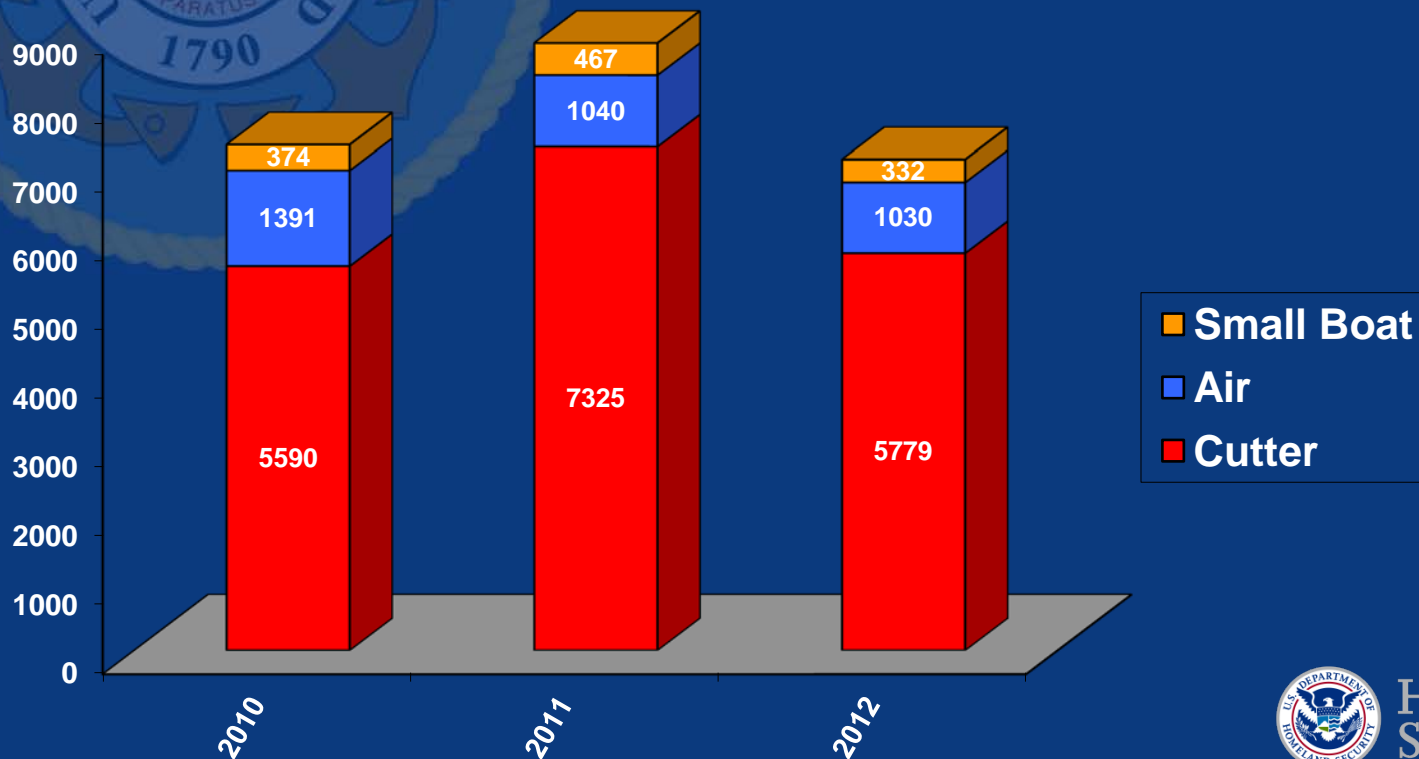


West Coast Efforts

Resource Hours

Boardings: 702

Violations: 22



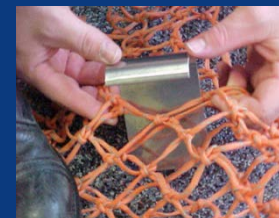
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Coast Guard Missions



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CG LMR Enforcement Training

- PRFTC Est. June 1, 2012
- Annual LMR training for all Operational CG Units
- Partnering Agencies
- 2012 PRFTC Statistics:
 - 47 unit visits
 - 602 personnel
 - 1,024 training hours



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Joint Enforcement Initiatives

Recent & Current Initiatives

- Operational Planning Meetings
- Co-location at CG units
- Joint Enforcement Operations
- Industry Partnerships



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Marine Protected Species

- *OCEAN STEWARD* Strategic Plan
- Marine Mammal Stranding Network
- National Marine Sanctuaries
- 2012 Operational Highlights



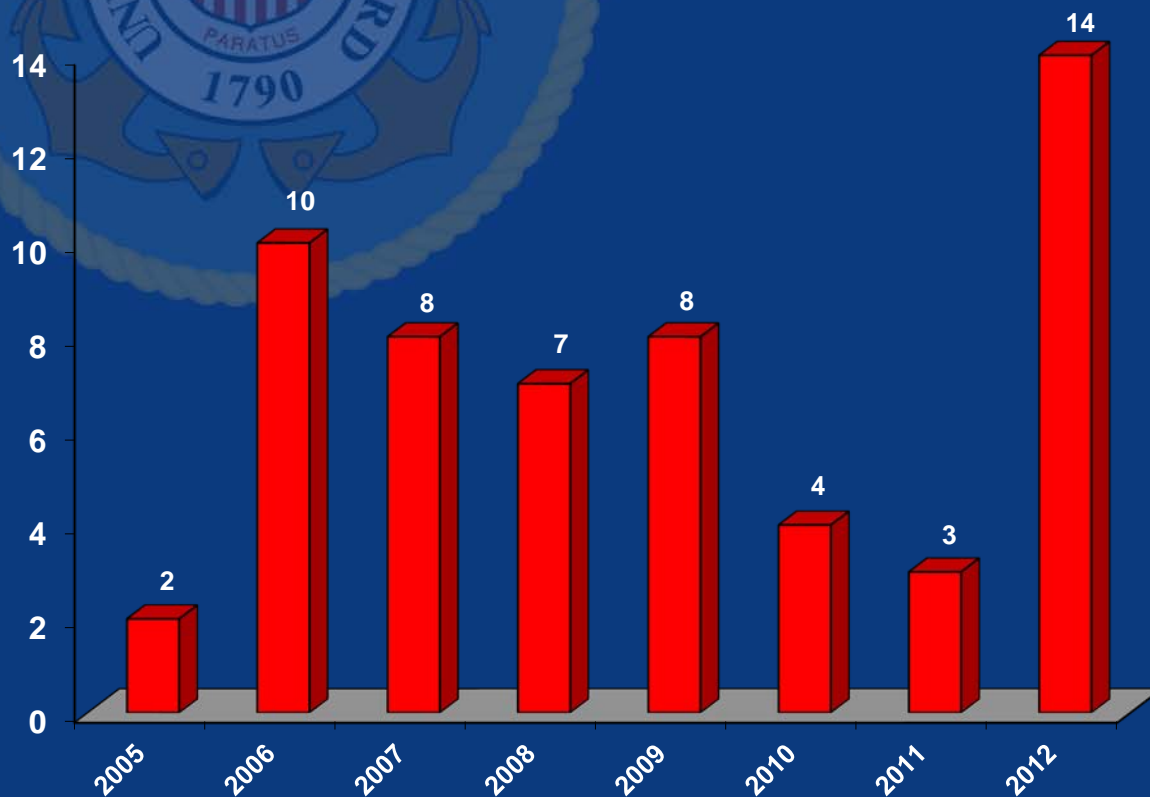
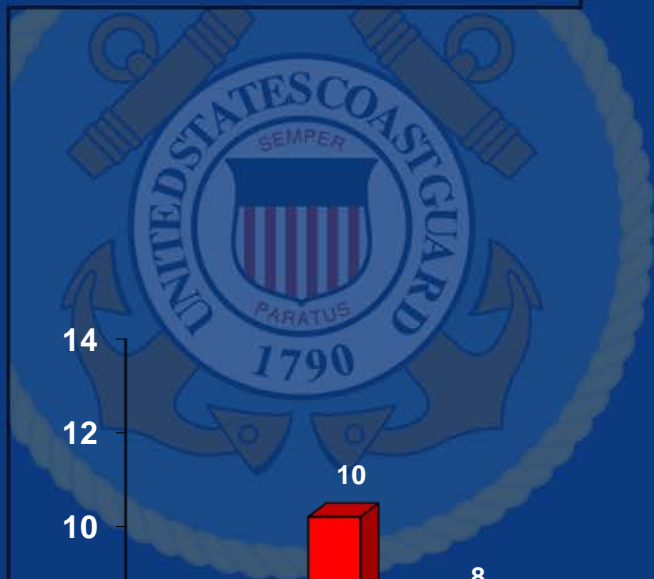
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Commercial Fishing Vessel Lives Lost U.S. West Coast



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Commercial Fishing Vessel Safety Program

- **Safety Gear Carriage Requirements**

23% violation rate

- **Safety Decal Program**

976 West Coast Vessels

- **NOAA Vessel Observer Safety**



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Coast Guard Authorization Act of 2010

Signed into law by the President on October 15th, 2010.



U.S. COAST GUARD



Coast Guard and Marine Transportation Safety Act of 2012

~~Coast Guard Authorization Act of 2010~~

Signed into law by the President on
~~October 15th, 2010.~~

December 20, 2012



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~~By Oct 15, 2012~~

October 15, 2015

- Regs will no longer differ between documented and state registered vessels.



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Documented Vessels

Life Preservers
Survival Craft
Ring Buoy
Distress Signal
EPIRB
Fire Extinguishers
Injury Placard
Nav Lights
Garbage Placard > 26'
Waste Management Plan > 40'
Pollution Placard
Marine Radio
FCC Radio Station License
First Aid Kit and Manual
Compass
Anchor
Bilge Pumping System
Bilge High Water Alarm > 36'
Radar Reflector
GPS > 79'
Guards for exposed hazards
Emergency Instructions
Charts
Coast Guard Light List
Nav Rules > 39.4'
Tide Tables

State Registered Vessels

Life Preservers
Survival Craft
Ring Buoy
Distress Signal
EPIRB
Fire Extinguishers
Injury Placard
Nav Lights
Garbage Placard
Waste Management Plan
Pollution Placard



U.S. COAST GUARD



~~By Oct 15, 2012~~

Prior to October 15, 2015

- Vessels operating beyond 3 nm from the territorial base line
 - Required to carry a Certificate of Compliance (COC)
 - Valid for ~~2 years~~. *5 years*
 - Lists safety equipment required on board.
 - Route the vessel is authorized to operate based on equipment.
 - Vessels without a COC will be considered for immediate voyage termination and fine.



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By Oct 15, 2015

- Vessels required to carry a survival craft
 - will no longer be able to carry
 - Buoyant Apparatus
 - Life Floats



- Only a life raft Apparatus)

or IBA (Inflatable Buoyant

- SOLAS A
- SOLAS B
- Coastal



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Documented vessels

	VESSEL AREA	TYPE	REQUIREMENT
	Beyond 50 miles of the coastline	All	Inflatable Liferaft with SOLAS A Pack
	Between 20-50 miles of coastline	All	Inflatable Liferaft with SOLAS B Pack
C O L D	Beyond Boundary Line, between 12-20 miles of coastline	All	Inflatable Liferaft with Coastal Pack
W A T E R S	Beyond Boundary Line, within 12 miles of coastline; Inside the Boundary Line, or lakes, bays, sounds, or rivers	36 feet or more in length	Inflatable Buoyant Apparatus¹
	Beyond Boundary Line, within 12 miles of coastline; Inside the Boundary Line; or lakes, bays, sounds, or rivers	Less than 36 feet in length	Buoyant Apparatus²
W A R M	Beyond 50 miles of the coastline	All	Inflatable Liferaft with SOLAS A Pack
	Between 20-50 miles of coastline	All	Inflatable Liferaft with Coastal Pack
W A T E R S	Beyond Boundary Line, within 20 miles of coastline	All	Life Float^{1,2} Inflatable Buoyant Apparatus
	Inside 3nm Inside Boundary Line; or lakes, bays, sounds, or rivers	All	None

State Registered

	VESSEL AREA	TYPE	REQUIREMENT
	Beyond 20 miles of the coastline; or Beyond the Boundary Line, between 12-20 miles of coastline	All	Inflatable Buoyant Apparatus
C O L D	Beyond Boundary Line, within 12 miles of coastline; Inside the Boundary Line; or lakes, bays, sounds, or rivers	36 feet or more in length	Buoyant Apparatus²
W A T E R S	Beyond Boundary Line, within 12 miles of coastline; Inside the Boundary Line; or lakes, bays, sounds, or rivers	Less than 36 feet in length	Buoyant Apparatus²
W A R M	Beyond 20 miles of the coastline	All	Inflatable Buoyant Apparatus
	Beyond Boundary Line, within 20 miles of coastline	All	Life Float ^{1,2}
W A T E R S	Inside Boundary Line; or lakes, bays, sounds, or rivers	All	None



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Records / Training

- Equipment and training must be logged.
- Vessel operator training.





Construction Standards

- < 50 constructed after 15 Oct 2012
- $\geq 50'$ constructed after ~~July 1, 2012~~ *July 1, 2013*
 - Class and survey required
- All ≥ 50 after Jan 1, 2020 comply with Alternate Compliance Program equivalent to Class requirements.





Checklist Generator to assist fishermen with getting their vessel ready

www.uscg.mil/d13/cfvs

Interactive checklist

Here are the list of items required for your vessel.

NOTICE: This tool is designed to help you prepare for your dockside exam. No information herein, or checklist generated by this web tool, is intended to supersede or conflict with current law or regulation or the directives of the United States, U.S. Department of Homeland Security, or the U.S. Coast Guard. If information provided by the "Checklist Generator" is inconsistent with law or regulation, then that information is invalid.

Please contact your local [Commercial Fishing Vessel Safety Coordinator or Examiner](#) for any questions.

Chk'd	DOCUMENTS, PLACARDS AND PLANS CHECKLIST -----
	Valid - Vessel Document paperwork must be on board
	The person operating this vessel must be a US citizen
	FCC Station License
	Garbage Placard posted
	Oil Pollution Placard posted in machinery space or near bilge pump switch
	Injury Placard posted in highly visible location on board
	1 person in crew must show proof of training in Basic First Aid
	1 person in crew must show proof of training in CPR
	Emergency Instructions on board (not required to be posted)
	Safety orientation must be provided to any new crew before getting underway
	Emergency drills with crew must be conducted at least monthly
	A person certified as a Drill Conductor must be present during all emergency drills
	Alcohol testing kits may need to be carried
Chk'd	BRIDGE AND NAVIGATION CHECKLIST -----
	Three parachute flares (CG approval 160.036 or SOLAS approval 160.136))
	Six handheld flares (CG approval 160.021 or SOLAS approval 160.121)
	Three smoke signals (CG approval 160.022 or 160.037 or SOLAS approval 160.122)
	Navigation Lights operational if vessel operates between sunset and sunrise
	Fishing Day Shape required to be displayed during sunrise to sunset
	Anchor Day Shape required to be displayed during sunrise to sunset
	Sound Producing Device - sufficient to make a sound
	First Aid Kit
	Compass
	Compass deviation table

Start Over

Click on any item in the table to view that items "detail screen" and to view applicable regulations

Print Checklist

You need the **Adobe Reader** installed on your computer to view the item detail screens and to view the regulations. [Click here](#) for the free download.



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Conclusion



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Update on U.S. Commercial Fishing Industry Vessel Requirements

Based On

Section 604 of the *Coast Guard Authorization Act of 2010*
(Public Law 111-281)

And

Section 305 of the *Coast Guard and Maritime Transportation Act of 2012*
(Public Law 112-213)

On December 20, 2012, the President signed the Coast Guard and Maritime Transportation Act of 2012 (CGMTA). This law made significant changes to the Coast Guard Authorization Act of 2010 (CGAA) which had previously established safety and equipment requirements for commercial fishing vessels (Chapters 45 and 51 of Title 46 United States Code). The requirements in both laws build upon the standards established in the Commercial Fishing Industry Vessel Safety Act of 1988.

While some provisions of both the CGAA and CGMTA are self-executing and do not necessarily require new or amended regulations (for example; vessel construction standards, survey and classification, and loadline requirements for new vessels), changes made by the laws will be implemented through new or amended regulations. Title 46 Code of Federal Regulations Parts 28 and 42 will be amended to reflect the requirements in these laws and to implement rules where the USCG has authority or discretion. Below, is a quick summary highlight of the pending changes due to both laws, and then on the following pages, a more detailed explanation and discussion of each topic is provided.

The changes will:

- Establish parity with respect to equipment requirements for state-registered and federally-documented vessels operating beyond 3 nautical miles of the baseline.
- Establish the “demarcation line” beyond which certain equipment requirements apply as 3 nautical miles from the territorial sea baseline or 3 nautical miles from the coastline of the Great Lakes instead of the Boundary Line.
- Require installation of a survival craft that ensures no part of an individual is immersed in water on all commercial fishing vessels operating beyond 3 nautical miles of the baseline.
- Require individuals in charge of commercial fishing vessels operating beyond the 3 nautical mile demarcation line to keep a record of equipment maintenance and required instruction and drills.
- Require periodic dockside safety examinations on all commercial fishing vessels operating beyond the 3 nautical mile demarcation line.
- Require training, or demonstration of knowledge and competency, for all individuals in charge of commercial fishing vessels operating beyond the 3 nautical mile demarcation line.
- Require new commercial fishing vessels, built after January 1, 2010, that are less than 50 feet overall in length to be constructed in a manner that provides a level of safety equivalent to the minimum standards established for recreational vessels.
- Require new commercial fishing vessels, built after July 1, 2013, that are 79 feet or greater in length to be assigned a load line.
- Require new commercial fishing vessels, built after July 1, 2013, that are at least 50 feet overall in length and will operate beyond the 3 nautical mile demarcation line to meet survey and classification requirements. Commercial fishing vessels built to class requirements before July 1, 2013 must remain in class.
- Require certain commercial fishing vessels that undergo a major conversion to comply with an “alternate safety compliance program” to be developed for both load line and construction standards requirements.

The information provided in this document has been developed by the U.S. Coast Guard, Fishing Vessels Division, Office of Commercial Vessel Compliance, Washington, DC. For more information on Fishing Vessel Safety, please visit www.fishsafe.info. Or, direct questions to Mr. Jack Kemerer at 202-372-1249, or jack.a.kemerer@uscg.mil.

This document is intended to provide operational requirements information for Coast Guard personnel and is not legally binding on any member of the public. Members of the public may use alternative approaches so long as they comply with existing statutes and regulations.

Enhanced Discussion of Requirements for Commercial Fishing Vessels

Parity for All Vessels: Uniform safety standards and equipment requirements are established by the CGAA for all commercial fishing vessels operating beyond 3 nautical miles of the territorial sea baseline or coastline of the Great Lakes. (**Note:** The CGMTA had no effect on this provision.) In 46 United States Code (USC) §4502(b)(1), “documented” is deleted, so there will no longer be different standards for federally-documented and state-registered vessels operating on the same waters. 46 Code of Federal Regulations (CFR) Part 28, subpart C, will be amended to reflect the change in applicability and other requirements discussed in some of the following paragraphs.

Why the change? The CGAA establishes standards that are uniform for ALL vessels operating on the same waters. Prior to passage of the CGAA, state-numbered vessels operating beyond the Boundary Line were NOT required to meet the higher equipment and safety standards for documented vessels operating in the same area. When the regulations are amended, ALL commercial fishing vessels operating beyond 3 nautical miles of the territorial sea baseline or coastline of the Great Lakes will have to meet the same standards regardless of how they are documented or registered.

Replacement of Boundary Line with 3 Nautical Miles: 46 U.S.C. §4502(b)(1)(A) is amended by the CGAA deleting the words “Boundary Line” and replacing them with “3 nautical miles from the baseline from which the territorial sea of the United States is measured or 3 nautical miles from the coastline of the Great Lakes.” (**Note:** The CGMTA had no effect on this provision.) This change establishes a new demarcation line for vessels subject to specific safety standards. 46 CFR Part 28 must be amended to reflect this change.

Why the change? The “Boundary Line,” used as a demarcation line, was often confusing and its distance from shore was not uniform around the U.S. coastline. Also, it is not shown on most charts. The 3 nautical mile line is measured consistently around the country, is shown on most charts, and is familiar to commercial fishermen.

Survival Craft: 46 U.S.C. §4502(b)(2)(B) is amended by the CGAA deleting the words “lifeboats or liferafts” and replacing them with “a survival craft that ensures that no part of an individual is immersed in water...” This will require all commercial fishing industry vessels operating beyond 3 nautical miles to carry survival craft that more accurately reflect the performance standard for primary lifesaving equipment. (**Note:** The CGMTA had no effect on this provision.) 46 CFR Part 28 must be amended to reflect this change.

Why the change? Life floats and buoyant apparatus do not keep an individual out of the water when used in an emergency. This can be critical to survival, particularly in cold water areas. The change to the type of survival craft required means that life floats and buoyant apparatus will no longer be accepted as survival craft on commercial fishing vessels operating beyond 3 nautical miles.

Records: 46 U.S.C. §4502(f) is amended by the CGAA to add a requirement that the individual in charge of a vessel operating beyond 3 NM keep a record of equipment maintenance, and required instruction and drills. (**Note:** The CGMTA had no effect on this provision.) 46 CFR Part 28 will be amended to reflect this requirement.

Why the change? This provision will ensure there is a maintenance record documenting safety equipment testing and repair required by regulation or manufacturers’ recommendations. These provisions will also ensure that required emergency instruction and drills are being conducted by a qualified individual with crew participation. It will be incumbent upon the master or individual in charge of a commercial fishing vessel to maintain these records onboard the vessel.

Examinations and Certificates of Compliance: 46 U.S.C. §4502(f) is amended to add a requirement that commercial fishing vessels operating beyond 3 nautical miles must be examined dockside at least once every 5 years and be issued a Certificate of Compliance (COC). The 2012 CGMTA further amended §4502(f) by requiring that the first such exam for a vessel must be completed not later than October 15, 2015. Section 608 of the CGAA also added authority for the USCG to remove a certificate from a vessel that does not comply with its provisions. Vessels operating without a certificate required by Title 46 U.S.C. may have their voyage terminated. 46 CFR Part 28 will be amended to reflect these requirements and authorities. **(Note:** The CGAA requirement for a dockside examination at least once every 2 years was changed to at least once every 5 years by the CGMTA.)

Why the change? Currently, dockside safety examinations are voluntary unless a valid safety decal is required for a reason specific to the vessel's operation, such as vessels subject to carriage of a NOAA Fisheries Observer. Approximately only about 10% of the nation's estimated active commercial fishing fleet is examined at the dock during a year. Studies have shown that fatalities and vessel losses occur more frequently on, or with those vessels, that have not been examined or its decal has expired. The Coast Guard does not have authority to inspect fishing vessels, so this requirement for safety examinations will guarantee that a good portion of the commercial fishing fleet is checked for compliance with all the safety and survival equipment requirements.

At-sea boardings for fisheries enforcement and safety equipment checks are conducted on even less than 10% of the estimated commercial fishing fleet. The COC, when issued after successfully completing an exam, is expected to document what the vessel is required to carry for its operating area. Commercial fishing vessels operating beyond the 3 nautical mile line will be required to have a valid COC and be in compliance with its provisions. If a vessel is found operating without a COC or not in compliance with all its required equipment and conditions, the Boarding Officer will have authority to remove the COC and terminate its voyage. If a vessel is found operating in an unsafe condition, it may be required to return to a mooring until the conditions are corrected and is issued a COC if required.

Training for Commercial Fishing Vessel Operators: The CGAA added subsection, 46 U.S.C. §4502(g), that requires the individual in charge of a commercial fishing vessel that operates beyond 3 nautical miles to pass a training program and hold a certificate issued under that program. The program must address certain topical areas and it must be based on professional knowledge, skills, and competencies. The program also must recognize and give credit to the individual for recent past experience in fishing vessel operation. The training certificate will be valid for 5 years after which refresher training will be required to keep the certificate current. **Note:** The CGMTA did not change the training and certificate requirements, however, it did amend subsection (g)(4) so that the database listing the names of individuals completing the training need not be publicly accessible. 46 CFR Part 28 will be amended to reflect these requirements.

Why the change? Most commercial fishing vessel operators are unlicensed. A licensed operator is only required on vessels over 200 gross tons. The training requirement for operators will help ensure their competency to command the vessel. Individuals in charge of a commercial fishing vessel will have to pass a training program or demonstrate knowledge and competency in seamanship, navigation and publications, collision prevention, stability, fire fighting and prevention, damage control, personal survival, emergency medical care, emergency drills, weather, and emergency communication.

Construction Standards for Newly-Built Smaller Vessels: The CGAA added subsection, 46 U.S.C. §4502(h), that requires commercial fishing vessels less than 50 feet overall in length, built after January 1, 2010, to be constructed in a manner that provides a level of safety equivalent to the minimum safety standards established for recreational vessels. **(Note:** The CGMTA had no effect on this provision.) 46 CFR Part 28 will be amended to reflect this change, but the requirement is already effective by law. The standards/requirements for recreational vessels can be found in 33 CFR Parts 181 and 183.

Why the change? With respect to smaller commercial fishing vessels in particular, there is little guidance and there are few requirements on how the vessel must be constructed to ensure the safety of the vessel and crew. Construction standards imposed by this provision should improve the integrity of these smaller fishing vessels, and, maintaining the vessel to original construction condition is important to ensure better integrity of a commercial fishing vessel as it ages. Casualty data shows that 67% of vessels lost to flooding result from hull or equipment failure. Construction and maintenance standards that have been needed for smaller commercial fishing vessels are addressed by establishment of this requirement.

Note: “Overall in length”, means the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern excluding fittings and attachments. This is different from the “registered length”.

Load Lines: 46 U.S.C. §5102(b) is amended to require commercial fishing vessels 79 feet or greater in length to have a load line assigned. Under the CGAA, this provision applied to commercial fishing vessels built after July 1, 2012, however, the CGMTA changed the effective date to July 1, 2013.

The CGAA also added a provision that requires fishing vessels that undergo a “substantial change to the dimension of or type of vessel” after July 1, 2012, or on a date set by the Coast Guard, to comply with an alternate load line compliance program developed in cooperation with the industry. Again, the CGMTA changed the statutorily imposed effective date from July 1, 2012 to July 1, 2013.

The CGMTA also deleted the phrase “substantial change...” and replaced it with “major conversion.” 46 CFR Part 28 and Part 42 will be amended to reflect these requirements.

Note: *Major conversion* is defined in 46 U.S.C. § 2101(14a) as meaning a conversion of a vessel that: substantially changes the dimensions (e.g. length, breadth, or depth) or carrying capacity of the vessel; changes the type of the vessel; substantially prolongs the life of the vessel; or, otherwise so changes the vessel that it is essentially a new vessel, as decided by the Commandant. *Built* date can be inferred from definitions provided in the U.S. Code and Regulations for “new” and “existing” vessels where determination is made based on when the keel is laid or the vessel was at a similar stage of construction.

Why the change? Generally, most commercial fishing vessels have been exempt from load line requirements. A load line indicates the minimum safe freeboard to which a vessel may be loaded. Conditions evaluated when calculating and assigning a load line include watertight integrity of the vessel, subdivision, and loading capacity. Casualty data has shown that commercial fishing vessels that are overloaded are more vulnerable to loss of stability that can lead to flooding and capsizing, particularly in severe weather or sea conditions. Having and complying with an assigned load line will help ensure safe loading and improved seaworthiness of vessels.

With regard to major conversion determinations, fishing vessels are often modified such that their dimensions are changed or they are converted to a different type of commercial fishing vessel. When that action is taken, the loading conditions and seaworthiness of the vessel can be affected. Re-evaluation of the watertight integrity and safe loading capacity of the vessel may be needed and an alternate load line compliance program is to be developed by the Coast Guard in cooperation with the commercial fishing industry. This program should ensure these substantially changed vessels that have undergone a major conversion meet an equivalent standard of safety for the vessel that would have been met if there had been a load line assigned to the vessel.

Classing of Vessels: 46 U.S.C. §4503 was amended by the 2010 CGAA to add a requirement that commercial fishing vessels at least 50 feet overall in length, built after July 1, 2012 that operate beyond 3 nautical miles must be designed, constructed, and maintained to the standards of a recognized classification society. The CGAA also required that vessels classed before July 1, 2012 shall remain subject to the requirements of a classification society and have on board a certificate from that society. The 2012 CGMTA changed the effective date to July 1, 2013 after which if a vessel 50 feet or more in length is built, it must meet survey and classification requirements. Further, the law defines “built” for vessels subject to 46 U.S.C. §4503. 46 CFR Part 28 will be amended to reflect this change, but the requirement will become effective by law and consequently, new commercial fishing vessels, built after July 1, 2013, will be required to meet survey and classification standards.

Note: The 2012 CGMTA added a subsection (e) to 46 U.S.C. §4503 that states the term “*built*” means, with respect to a vessel, that the vessel’s construction has reached any of the following stages: (1) The vessel’s keel is laid. (2) Construction identifiable with the vessel has begun and assembly of the vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.

Alternate Safety Compliance Program: The 2010 CGAA added a subsection (d) to 46 U.S.C. §4503. This provision requires the Coast Guard to prescribe and develop, in cooperation with the commercial fishing industry, an alternate safety compliance program for commercial fishing vessels that operate beyond the 3 nautical mile line, if the vessel: is at least 50 feet overall in length, is built before July 1, 2012, and is 25 years of age or older (in 2020); or, is built on or before July 1, 2012, and undergoes a substantial change to the dimension of, or type of vessel, completed after July 1, 2012, or a later date set by the Coast Guard. The 2012 CGMTA changed the dates of applicability from July 1, 2012 to July 1, 2013.

Alternate safety compliance programs may be developed for specific regions and fisheries. In general, the alternate safety compliance programs must be prescribed by 2017 and implementation begun by 2020. 46 CFR Part 28 will be amended to reflect these requirements.

Note: The meaning of “built” as described in the Note under the “Classing of Vessels” is also applicable to commercial fishing vessels that will be subject to alternate safety compliance programs.

Why the changes? Casualty data shows that approximately two thirds of commercial fishing vessels lost to flooding result from hull or equipment failure; poor maintenance is often a factor. The older the vessel, the more likely it is to experience a catastrophic event. The Coast Guard does not have authority to require inspection of fishing vessels. Except for fish processing vessels built after 1990, commercial fishing vessels have not been required to meet construction standards such as survey and classification requirements. Thus, there has been little authority or ability to enforce construction standards and material condition on commercial fishing vessels. Standards to ensure a well-built and maintained vessel and application of equivalent safety standards on older and modified commercial fishing vessels are needed to improve the safety of the vessel. Construction and maintenance standards have been needed for some time and had never been fully addressed in the law or regulations previously.

Clarification of Existing Equipment Requirements: Section 604 of the 2010 CGAA also clarified or changed certain existing equipment standards by amending parts of 46 U.S.C. §4502(a) and §4502(b) as noted in the following paragraphs. 46 CFR Part 28 will be amended to reflect these added requirements or changes to existing requirements.

Applicable to all commercial fishing vessels:

46 U.S.C. §4502(a) was amended to add a new paragraph (6) that grants authority for the Coast Guard to require “other equipment required to minimize the risk of injury to the crew during vessel operations if the Secretary determines that a risk or serious injury exists that can be eliminated or mitigated by that equipment.” (This used to be found as 46 U.S.C. §4502(b)(2)(G) before the amendment.)

Applicable to commercial fishing vessels operating beyond 3 nautical miles of the baseline of the territorial sea or 3 nautical miles from the coastline of the Great Lakes:

46 U.S.C. §4502(b)(2)(D) was amended by specifying that radio communication equipment must be “marine radios” for effective communication with land-based search and rescue facilities. This implies that cellular telephones will not be accepted as primary or secondary emergency communication equipment.

46 U.S.C. §4502(b)(2)(E) was amended by striking the requirement for “radar reflectors” and “anchors.” The revision added “publications” to the requirement for navigation equipment, compasses and nautical charts. The publications may include U.S. Coast Pilot, Coast Guard Light List, tide tables, and Inland Navigation Rules.

46 U.S.C. §4502(b)(2)(F) was amended by replacing the requirement for “medicine chests” with “medical supplies sufficient for the size and area of operation of the vessel.” This will permit the development of standards for first-aid kits and other emergency medical equipment for vessels operating in different areas.

46 U.S.C. §4502(b)(2)(G) was amended to require “ground tackle sufficient for the vessel.” This would include appropriate anchoring capability for the vessel, a requirement that was deleted by the change made to §4502(b)(2)(E) as noted above. Further, with respect to that change, there are no standards for radar reflectors, and they may not be necessary on most vessels.

Note: None of the above changes was affected by the CGMTA.

Why the changes? The impact of these changes will be to more accurately reflect equipment that is better suited for and needed in today’s commercial fishing industry for vessels based on their operating areas.

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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Washington, DC 20593-7581
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16701

January 16, 2013

Dear Commercial Fishing Industry Vessel Owner and Operator:

On August 15, 2012, I issued a letter explaining that after October 15, 2012, all commercial fishing, fish tender and fish processing vessels that operated (or transited) more than 3 nautical miles offshore must demonstrate full compliance with existing fishing industry vessel safety regulations by completing a biennial safety examination. That requirement was one of several mandates established by the *Coast Guard Authorization Act of 2010*. The examination requirement applied to State-registered or Federally-documented vessels, to vessels with more than 16 individuals on board operated anywhere, and to fish tender vessels engaged in the Aleutian Trade.

That statutory biennial examination requirement for these vessels has changed. The *Coast Guard and Maritime Transportation Act of 2012*, which was signed into law by the President on December 20, 2012, modified the law to require that dockside safety examinations must be completed at least once every 5 years (instead of 2 years), and that the first dockside exam of a vessel must be completed no later than October 15, 2015. Please note, however, that depending on the type and area of vessel operations, other examination requirements may still apply (such as for Distant Water Tuna Fleet manning exemptions, District-granted equipment exemptions, post-SAR boarding and safety checks, post-voyage termination compliance checks, etc.).

The development of specific regulations to clarify the new examination (and other) requirements of the law is ongoing. Mandatory safety exams on many vessels, for now, are not required until after October 15, 2015. If you had your vessel examined for the first time based on the mandates described in my August letter, please recognize that it was not done in vain. Completion of the exam demonstrated that your vessel was in compliance with current safety regulations. At this point, I encourage you to continue to have your vessel examined at least every 2 years, which will help you align with the current period for which a safety decal is issued after successfully completing an examination. Also, be aware that a 2-year examination requirement remains in effect for your vessel and operation if you are subject to carrying a NOAA Fisheries Observers, or if your vessel is a fish processing vessel or fish tender vessel engaged in the Aleutian trade.

To arrange for an examination, or to obtain more information on methods to ensure compliance, please contact your local Coast Guard Sector, Marine Safety Unit, or Field Office and ask for the local fishing vessel safety examiner. They will make every effort to accommodate your operations and schedule an examination. You may also request an examination through a link on the www.fishsafe.info website. If you have any questions regarding exam requirements, please feel free to contact Mr. Jack Kemerer, Chief of my Fishing Vessels Division at Coast Guard Headquarters (CGCVC3@uscg.mil), or one of our Area or District Fishing Vessel Safety Program coordinators listed on our website.

For your future awareness, and as required by the *Coast Guard Authorization Act of 2010* and the *Coast Guard and Maritime Transportation Act of 2012*, the Coast Guard is updating the regulations applicable to all U.S. commercial fishing vessels, fish processing vessels, and fish tender vessels. That project, when finished, may have additional requirements for fishing vessels beyond the current regulations. There will also be a new Coast Guard Certificate of Compliance (COC) form that will be used when the regulations are updated, but in the interim, a valid safety decal or signed exam form will signify compliance.

As a last note, if you operate your vessel and it is boarded and found not to be in full compliance with the current regulations, your operation may be subject to enforcement action for noncompliance with 46 C.F.R. Part 28, as well as other applicable regulations currently in effect. Such enforcement action may include civil penalties, termination of the vessel's voyage, or other operational controls such as a Captain of the Port Order.

A handwritten signature in black ink, appearing to read "Kyle P. McAvoy".

Kyle P. McAvoy
Captain, U.S. Coast Guard
Chief, Office of Commercial Vessel Compliance
By direction



UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE
Southwest Division
501 W Ocean Blvd., Suite 4300
Long Beach, CA 90802

File: 600-20.1SWD2013F/EN00001:MMS

February 11, 2013

Donald McIssac
Executive Director Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 98220-1384

Dear Director McIssac,

The NOAA Fisheries Office of Law Enforcement (OLE) has posted the Draft Divisional Enforcement Priorities for 2013 on the OLE website on January 24, 2013. The comment period is open for 60 days until March 24, 2013.

Regional priorities work to support each national priority and are updated on an annual basis. The Southwest and Northwest regional priorities allow NOAA to focus on area-specific resources, activities, and threats. Setting regional priorities helps us focus our enforcement work as effectively and efficiently as possible. This is important because fish stocks, fishing gear, and management programs are not identical across the country and enforcement programs must tailor their priorities appropriately.

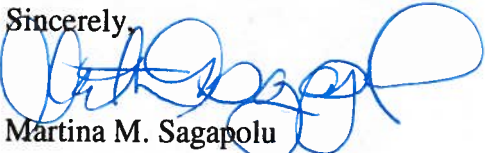
I request this letter be included in the March 2013 briefing book for the upcoming Council Meeting. Representatives from the Office of Law Enforcement will attend the Tacoma Council Meeting and may be available to schedule meetings with interested parties, if requested. A link to the NOAA OLE website is also included: <http://www.nmfs.noaa.gov/ole/index.html>.

Comments may be sent electronically to enforcementpriorities@noaa.gov or by U.S. mail to the following address:

NOAA's Office of Law Enforcement
Attn: Tracy Dunn
8484 Georgia Ave., Suite 415
Silver Spring, MD 2091

Thank you for your assistance in this matter.

Sincerely,



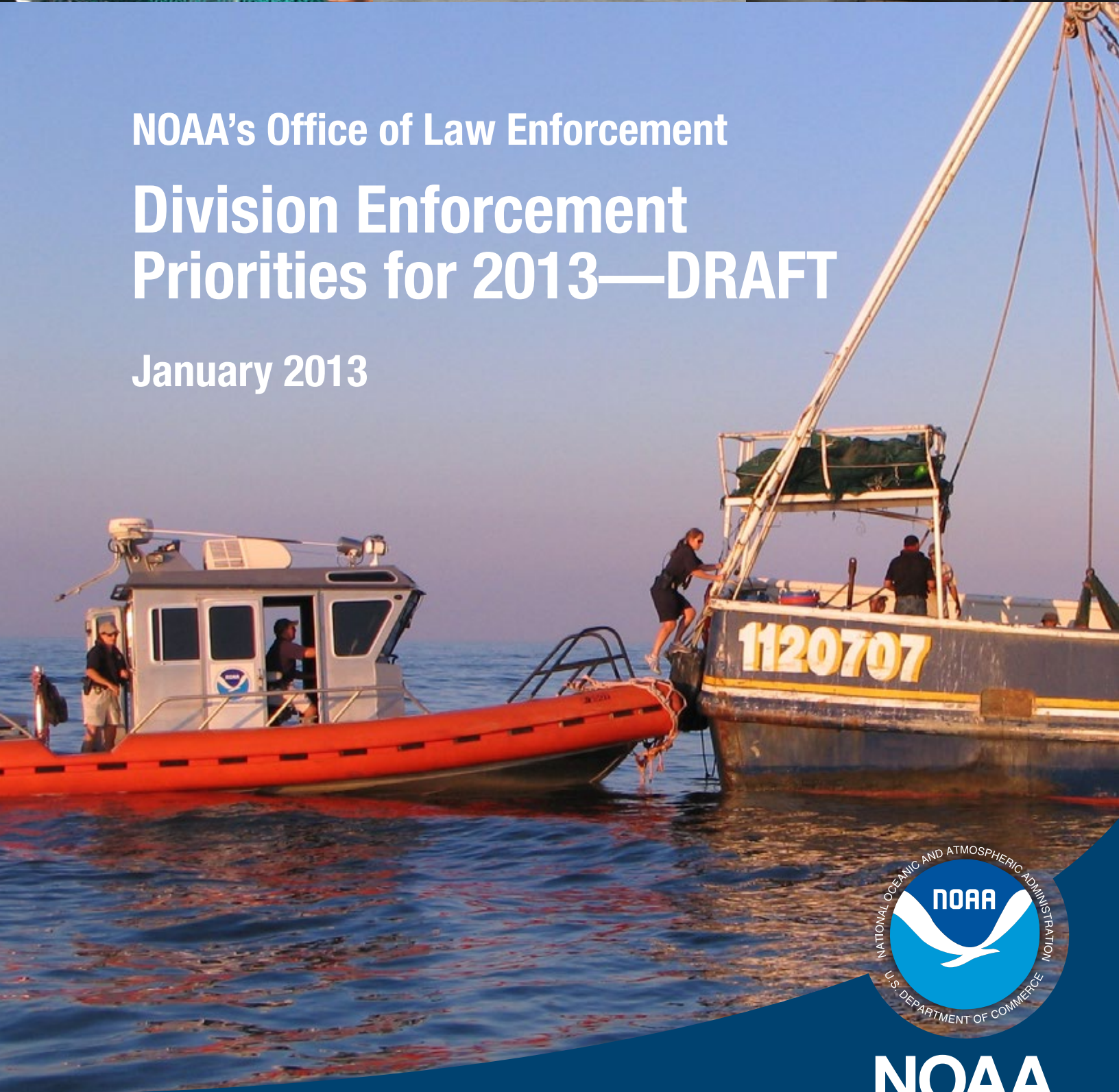
Martina M. Sagapolu
Special Agent in Charge (Acting)
Office of Law Enforcement





NOAA's Office of Law Enforcement Division Enforcement Priorities for 2013—DRAFT

January 2013



**NOAA
FISHERIES**

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NOAA's Office of Law Enforcement Division Enforcement Priorities for 2013—DRAFT

January 2013

U.S. DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Law Enforcement**



**NOAA
FISHERIES**

Definitions

High Priority—Identifies those areas that are of significant importance to NOAA, NMFS, OLE, stakeholders and the public and require the utmost attention in order to assure the sustainability of the identified resources or program.

High Priority Example: 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 those areas that require continued attention by OLE in order to maintain the level of compliance desired to obtain maximum protection of the resource or program.

Medium Priority Example: Compliance is acceptable, but 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 Example: Compliance is good, but continued maintenance monitoring will continue.

Introduction

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's Office of Law Enforcement protects marine wildlife and habitat by enforcing domestic laws and international treaty requirements designed to ensure these global resources are available for future generations.

NOAA has committed to establishing its national enforcement priorities every two years and its division (regional) enforcement priorities each year to meet our mission and guide our planning. The 2012 national priorities can be found here: http://www.nmfs.noaa.gov/ole/docs/2012/ole_priorities_2012.pdf

Setting division priorities supports sustainable fisheries and protected resources by helping us focus our resources and strategically use our state and federal partnerships to provide the most benefit for marine resources and the American people.

Division priorities vary according to region-specific resources, activities, and threats. While these identified priority areas will be the focus, NOAA will continue to encourage compliance and enforce all marine statutes and regulations for which it is responsible.



Our Draft Division Enforcement Priorities for 2013, posted on January 24, 2013, are available for a 60-day public comment period.

We appreciate your input. Please e-mail comments to enforcementpriorities@noaa.gov or mail them to:

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

Alaska Division

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



International/Lacey Act

High Priority

- Felony and major civil violations (e.g., 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 (e.g., 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

Magnuson-Stevens Act

High 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.
- 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 interference/assault/harassment
- Maintain and foster relationships with industry

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
- Noncompliance with state/federal fisheries permitting requirements pertaining to fisheries under NOAA's jurisdiction (open access permits)
- Operator permits
- Non-limited access species permits
- Charter/headboat permits

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)—Aid in development, outreach, and education
- Complaint response and random gear inspections concerning compliance with TEDs and other devices designed to limit marine mammal and endangered species interactions with gear.

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 (e.g., 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 endangered species parts
- Marine mammals (parts) and sea turtles (parts) (e.g., 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 (e.g., 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 longlines, 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

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

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 & 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 that 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
- Puget Sound Habitat Initiative near-shore 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

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
- Noncompliance 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 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 or 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 marine mammal 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



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 endangered species arts
- Marine mammal and endangered species 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 fishery management plan (FMP) violations
- Any reported FMP 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

Magnuson-Stevens Act:

High Priority:

- Red snapper/grouper/tilefish catch shares-IFQ monitor and enforcement
- Fishery closures—closed areas and closed seasons, highly migratory species
- Observer harassment

Medium Priority:

- Dealer non-reporting on overfished species
- Enforce gear and permit sanctions/restrictions
- VMS violations
- Commercial vessel incursions into closure areas and 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 (TED) education and enforcement
- Right whale approach and vessel speed restriction enforcement in South Atlantic waters
- Lethal takes, Level A harassment with the potential to injure marine mammal stock
- Caribbean corals and coral reef protection in the region's National Marine Sanctuaries
- Any take, importation/exportation/possession of commercial quantities of endangered species items
- Importation/exportation/possession of commercial quantities of marine mammal items

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.
- Noncompliance with conditions of incidental take permits

Low Priority

- Importation/exportation/possession of non-commercial quantities of endangered species 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
- Damage caused by negligent act or violation of law/regulation, damage to sanctuary natural resources(i.e., vessel grounding, anchoring in unlawful areas, setting and illegal use of habitat)

Medium Priority

- Unlawful fishing and/or use of restricted fishing gear

Low Priority

- Unlawful operation of vessel/aircraft/conveyance

Southwest Division

Magnuson-Stevens Act

High Priority

- Observer assault, harassment, or interference violations
- Pacific highly migratory species (HMS) fishery
- 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 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.
- Tuna tracking and verification program

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 that 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
- 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
- Lost or stranded marine mammals
- Commercialization and sales of listed species parts and products



Low Priority

- Permit violations
- 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
- Live animals illegally in interstate/international commerce under the jurisdiction of NOAA
- 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
- IUU fishing
- Tribal fisheries cases involving Lacey Act violations
- Tribal fishing activities involving salmonids that pose a real threat to the continued existence of local populations. Main focus should be pursuing prosecution in cases involving large-scale, organized illegal fishing conspiracies with non-tribal commercial fish dealers
- Special emphasis on incidents that may involve ESA-listed salmonids

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 (e.g., various fish species)

- Marine mammal and/or endangered species parts
- Marine mammals (parts) and sea turtles (parts) (e.g., 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
- 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
- Vehicular operations
- Unlawful operation of motorized personal watercraft, aircraft, etc.

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



U.S. Secretary of Commerce
Rebecca Blank (acting)

**Administrator of National Oceanic and Atmospheric
Administration and Undersecretary of Commerce**
Dr. Jane Lubchenco

Assistant Administrator for Fisheries
Eric C. Schwab

January 2013

www.nmfs.noaa.gov

OFFICIAL BUSINESS

National Marine Fisheries Service

1315 East-West Highway
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Silver Spring, MD 20910

ENFORCEMENT CONSULTANTS REPORT ON CURRENT ENFORCEMENT ISSUES

State enforcement and the United States Coast Guard have reviewed the National Oceanic and Atmospheric Administration's Office of Law Enforcement (OLE) Draft Divisional Enforcement Priorities and appreciate the opportunity to provide comment. We support the priorities as listed and note a positive change in how priorities are established. Priorities are now set as High, Medium, and Low under an overarching Act, such as the Magnuson-Stevens Act. Historically, enforcement priorities were also set under a particular species or species group, such as groundfish, halibut, or tuna. Since enforcement protection efforts are in many ways similar for different marine species and species groups, condensing the priorities to the overarching Acts makes sense.

The West Coast States recently met with OLE representatives from the Northwest and Southwest Regions to set State priorities for our 2013 Joint Enforcement Agreements, which begin later this year. Our State priorities were established using the same format as the Draft Regional Priorities presented at this meeting. This was a welcome change to the States, as it removed much of the repetitive language that existed when setting previous years' priorities.

PPMC
03/09/13

GROUND FISH ADVISORY SUBPANEL REPORT ON
CURRENT ENFORCEMENT ISSUES

The Groundfish Advisory Subpanel (GAP) thanks the presentation from Captain Dan Hardin, of the Coast Guard's 13th District, regarding changes in the implementation of the Coast Guard Authorization Act of 2012.

Specifically, Captain Hardin provided a web site (www.fishsafewest.info) for all mariners to review for fishing vessel safety requirements and compliance. At the website, there is a compilation of all checklists, useful for vessel owners to review, before contacting the Coast Guard to obtain a vessel safety inspection.

The GAP recommends it would be useful for the Council website to link to this very important safety site.

PFMC
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