

## **TOPIC OVERVIEW**

### **CCC MEETING**

**February 28, 2018**

**Penalty Increase for Non-Reporting** – the purpose of this topic is to gauge support from other Councils on working together to have the penalties increased for non-reporting (dealer reports, commercial logbooks, for-hire logbooks, and private recreational reporting). The South Atlantic Council approved the following motion at their June 2017 meeting:

**MOTION#1:** HAVE THE SAFMC WORK THRU THE CCC TO REQUEST NOAA GC, OR OTHER BODY AS APPROPRIATE, ADDRESS AN INCREASE IN SEVERITY OF PENALTIES FOR NON-REPORTING BY THOSE ENTITIES REQUIRED TO REPORT BOTH NATIONALLY AND IN THE SOUTHEAST.

**Background** – The South Atlantic Fishery Management Council (SAFMC) has expressed concern over many years about the lack of adequate enforcement for violations of reporting requirements. The worst example is that of some commercial snapper grouper fishermen who apply for a permit renewal while not turning in any logbooks for the previous year. The individual would be notified that their application is “incomplete” and that they need to provide the missing logbook reports before their application can be processed. The individual then provides the missing logbook reports and their permit is renewed. The missing logbook reports range from legitimate reports that were missing for a trip or several trips to a full year of totally manufactured data.

During discussions at the March 2017 Council meeting, a member noted that Section 307 of the Magnuson Act stated that it is unlawful to violate any provision in the Act or any regulation or permit issued pursuant to the Act. He noted that reporting requirements are considered provisions/regulations of the Magnuson Act and, therefore, subject to penalties if violated. Further, under the permit sanctions section of the Magnuson Act, it states that, in cases where a vessel has been involved in any act prohibited under Section 307, the Secretary may revoke, suspend, deny, or impose additional conditions on the vessel permit. The Council member requested a clarification from NOAA GC of why non-reporting would not qualify for denial of a permit. Karen Raine, NOAA GC delivered a presentation on this topic to the South Atlantic Council’s June 13, 2017 Law Enforcement Committee (**Attachment 1**). Minutes of the meeting are included (**Attachment 2**), and the presentation begins on page 11. The South Atlantic Council’s motion was made during the June 15, 2017 Executive Finance Committee meeting (**Attachment 3**; pages 8-10).

**NMFS Action:** Provide any thoughts or clarifications on how to increase the penalty for non-reporting.

**CCC Action:** The CCC will determine whether this is an issue of national importance and discuss an approach to improve compliance with reporting requirements.