

SOUTHWEST/PACIFIC ISLANDS REGION SUMMARY SETTLEMENT SCHEDULE

| VIOLATION | VIOLATION HISTORY - PENALTY AMOUNT | | |
|--|------------------------------------|--------|-------|
| | FIRST | SECOND | THIRD |
| NATIONAL MARINE SANCTUARIES ACT | | | |
| Monterey Bay National Marine Sanctuary, 15 C.F.R. Part 922, Subpart M | | | |
| Discharging or depositing, from within or from beyond the boundary of the Sanctuary, any non-exempt material or matter | | | |
| Fuel, oil, etc. from recreational vessels -- Minor Violation | \$100 | | |
| Trash -- Minor Violation | \$100 | | |
| Raw material (unprocessed and not hazardous) -- Minor Violation | \$100 | | |
| Operating motorized personal water craft in an illegal zone within the Sanctuary | \$500 | | |
| Hawaiian Islands Humpback Whale National Marine Sanctuary, 15 C.F.R. Part 922, Subpart Q | | | |
| Discharging or depositing any material or other matter in the sanctuary | | | |
| Fuel, oil, etc. from recreational vehicles -- Minor Violation | \$100 | | |
| Trash -- Minor Violation | \$100 | | |

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| Raw materials (unprocessed and not hazardous) -- Minor Violation | \$100 | | |
| ENDANGERED SPECIES ACT | | | |
| Unauthorized, non-knowing taking of a salmon or steelhead listed as threatened or endangered by noncommercial fishing, e.g., by use of hook-and-line recreational fishing gear | \$450/fish | | |
| MARINE MAMMALS -- UNAUTHORIZED TAKING PILOT PROJECT FOR INTERACTIONS ALONG THE CALIFORNIA COAST 50 C.F.R. PART 216, SUBPART B¹ | | | |
| Unauthorized taking of a marine mammal by Level A/B harassment | \$100 | | |
| Category I Violations | | | |
| Failure to display annual decal or sticker (MMPA Category I and II fisheries only) | \$100 | | |
| Failure to carry certificate (or copy) onboard vessel or person (MMPA Category I and II fisheries only) | \$100 | | |

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| | FIRST | SECOND | THIRD |
| Category II Violations | | | |
| Failure to register for annual Authorization Certificate (MMPA Category I and II fisheries only) | \$750 | | |
| Failure to report the taking of marine mammal | \$750 | | |
| INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT | | | |
| Record keeping, reporting, or FCO requirement violations: | | | |
| a. Minor Violations (e.g., fail to submit report) | \$500 | \$500 | Refer to GCEL |
| WEST COAST SALMON FISHERIES 50 C.F.R. PART 660, SUBPART H | | | |
| Engage in recreational fishing while aboard a vessel engaged in commercial fishing | \$300 | \$450 | \$600 |
| Take and retain or land salmon caught with a net in the fishery management area | \$300 | \$450 | \$600 |

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| | FIRST | SECOND | THIRD |
| Fish for, or take and retain, any species of salmon during closed seasons or in closed areas -- Recreational, non-charter only | \$150 | | |
| Fish for, or take and retain, any species of salmon while possessing on board any species not allowed to be taken in the area at the time | | | |
| Commercial | \$300 | \$450 | \$600 |
| Recreational | \$150 | \$300 | \$450 |
| Fish for, or take and retain, any species of salmon once any catch limit is attained – Includes fish possessed or landed in violation of a ratio requirement (commercial or recreational) or in excess of daily bag limits (recreational) | | | |
| Commercial | \$300 | \$450 | \$600 |
| Recreational | \$150 | \$300 | \$450 |

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| | FIRST | SECOND | THIRD |
| Fish for, or take and retain, any species of salmon by means of gear or methods other than recreational fishing gear or troll fishing gear, or gear authorized for treaty Indian fishing Meat lines | \$225 | \$450 | |
| Fish for, or take and retain, any species of salmon in violation of any notice issued under this part, or in violation of any applicable area, season, species, zone, gear, daily bag limit, or length restriction Barbed hooks and other routine gear requirements Commercial Recreational Use of more than one rod and line Recreational | \$300 plus \$15/hook \$150 plus \$15/hook \$150 per extra rod or line | | |

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| VIOLATION | VIOLATION HISTORY - PENALTY AMOUNT | | |
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| | FIRST | SECOND | THIRD |
| Take and retain or possess aboard a fishing vessel any species of salmon that is less than the applicable minimum total length | \$150 | \$300 | \$450 |
| Possess aboard a fishing vessel salmon for which a minimum total length is extended or cannot be determined | \$150 | \$300 | \$450 |
| Fail to return to the water immediately and with the least possible injury any salmon the retention of which is prohibited | \$150 | \$300 | \$450 |
| Remove the head of any salmon caught in the fishery management area, or possess a salmon with the head removed, if that salmon has been marked by removal of the adipose fin | \$150 | \$300 | \$450 |

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| | FIRST | SECOND | THIRD |
| Take and retain, possess, or land any steelhead (<u>Salmo gairdneri</u>) taken in the course of commercial fishing within the fishery management area, unless such take and retention qualifies as treaty Indian fishing as that term is defined in the regulations | \$150 | \$300 | \$450 |
| Sell, barter, offer to sell, offer to barter, or purchase any salmon taken in the course of recreational salmon fishing | \$300 | \$450 | \$600 |
| Fish for salmon in an area when salmon of less than the legal minimum length for that area are on board the fishing vessel | | | |
| Commercial | \$300 | \$450 | \$600 |
| Recreational | \$150 | \$300 | \$450 |
| Take and retain Pacific halibut except in accordance with the regulations | \$300 | \$450 | \$600 |

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| | FIRST | SECOND | THIRD |
| WESTERN PACIFIC PELAGIC FISHERIES 50 C.F.R. PART 660, SUBPART B | | | |
| Foreign fishing vessel fishing without a permit Minor violation (e.g., fishing for personal consumption) | \$500 | | |
| Failure to notify Pacific Area Office of vessel name change or other changes on original permit application within 3 months | \$500 | | |
| Failure to notify NMFS immediately upon entering and/or exiting the protected species zone -- First Violation Only | \$500 | | |
| Failure to maintain, make, keep, or submit any logbook data (includes failure to record data within 24 hours, failure to submit data within 72 hours, and other nonsubstantive violations) -- First Violation Only | \$500 | | |

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| | FIRST | SECOND | THIRD |
| Failure to notify NMFS within 12 hours of landing a management unit species -- First Violation Only | \$500 | | |
| Fishing without a general permit -- First Violation Only | \$500 | | |
| Fail to make and/or file all reports of management unit species landings as required by applicable state law or regulation -- First Violation Only | \$500 | | |
| Failure to properly mark longline floats or maintain vessel markings -- First Violation Only | \$500 | | |
| WEST COAST GROUND FISH FISHERY 50 C.F.R. PART 660, SUBPART G | | | |
| Retain any prohibited species, as defined in 50 CFR §660.323(c), caught by means of fishing gear authorized under this part unless authorized by 50 CFR 600. | \$300/fish, plus abandonment of the fish | \$450/fish, plus abandonment of the fish | \$600/fish, plus abandonment of the fish |

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| | FIRST | SECOND | THIRD |
| <p>Falsify or fail to affix and maintain vessel and gear markings as required by regulation.</p> <p>Failure to affix or maintain:</p> | See, Fix-it Schedule | \$450 | \$600 |
| <p>Violations regarding overages.</p> <p>Overages exceeding the trip limit by up to 25%, or up to 500lbs, whichever is greater:</p> | 2xFMV, or if the violation is self- reported then FMV | 2xFMV, or if the violation is self- reported then FMV | 2xFMV, or if the violation is self- reported then FMV |
| <p>Fail to make and/or file, retain throughout the cumulative limit period, or make available any and all reports of groundfish landings as required by applicable State law.</p> <p>Failure to make/file or make available:</p> | \$450 | \$600 | \$750 |
| <p>Fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or harvest guideline.</p> | \$750 | See, West Coast Groundfish Penalty Schedule | See, West Coast Groundfish Penalty Schedule |

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|---|------------------------------------|---|-----------------------------------|
| | FIRST | SECOND | THIRD |
| Possess, deploy, haul, or carry on board a fishing vessel a set net, trap or pot, longline, or commercial vertical hook and line that is not in compliance with the gear restrictions. | \$300 | 450 | \$600 |
| Fail to retain on board a vessel, or provide to an authorized officer upon request, copies of any and all reports of groundfish landings as required state law. | \$300 | \$600 | \$750 |
| Possess, have custody or control of, ship or transport, offer for sale, sell, purchase, land, import, or export any fish or parts thereof taken or retained in violation of the Magnuson Act or any regulation or permit issued under the Magnuson Act. (50 C.F.R. 600.725(a)) Minor violations: | 2xFMV, or if self-reported FMV | 2xFMV, or if self-reported FMV | 2xFMV, or if self-reported FMV |
| Failure to maintain continuous vessel monitoring system (VMS) operation while docked in port | \$400 | \$400 per day, up to a maximum of \$2,800 | Refer to GCEL |

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|--|---|---|---------------|
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| Failure to submit any of the following reports, when required to do so by regulation: declaration report, VMS activation report, or VMS exemption report | \$400 | \$500 | Refer to GCEL |
| WESTERN PACIFIC BOTTOMFISH FISHERY 50 C.F.R. PART 665, SUBPART E | | | |
| Catching, possessing, retaining, and/or landing Hawaii prohibited bottomfish during a closure or closed season | \$50/fish (up to 10 fish), plus abandonment of the fish | \$50/fish (up to 10 fish), plus abandonment of the fish | Refer to GCEL |
| WEST COAST HMS FISHERY 50 C.F.R. PART 660, SUBPART K | | | |
| Fail to timely complete, or timely submit, a logbook as required by regulation | | | |
| Fishing trips of 1-5 days | \$500 | | |
| Fishing trips of 6 or more days | \$100/day | | |

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| | FIRST | SECOND | THIRD |
| Fish for HMS in the US EEZ off the Pacific Coast without a permit issued under §660.707 for the use of authorized gear. | \$500 | | |
| Land HMS at Pacific Coast ports without a permit issued under §660.707 for the use of authorized gear. | \$500 | | |

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ENDNOTES

I. MARINE MAMMALS- UNAUTHORIZED TAKING PILOT PROJECT FOR INTERACTIONS ALONG THE CALIFORNIA COAST -- 50 C.F.R. PART 216, SUBPART

1. This summary settlement schedule is being implemented as a pilot project within the Southwest Region to determine if a moderate enforcement scheme, in conjunction with efforts to educate the public, can reduce the number and severity of interactions between humans and the burgeoning marine population on the California Coast.

2. This summary settlement schedule is to be applied to violations of the statutory and regulatory prohibitions against Level A and Level B Harassment (16 U.S.C. § 1372; 15 C.F.R. § 216.11). Level A Harassment is defined as “any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild.” 16 U.S.C. § 1362 (18)(A)(i). Level B Harassment is defined as “any act of pursuit, torment, or annoyance which has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns” 16 U.S.C. § 1362 (18)(A)(ii).

3. Authorized officers are instructed to focus the issuance of summary settlement on violations of taking by the following --

Level A Harassment including, but not limited to:

Direct contact of marine mammals by humans (kicking or hitting, tail grabbing, tossing rocks or other objects);

Unauthorized removal/rescues of marine mammals from beach areas; and

Allowing dogs, or other pets, to aggravate or intimidate marine mammals.

Level B Harassment including, but not limited to:

Significant actions or movement that is intended to elicit an aggression or fleeing response from a marine mammal. 4. If a violation does not appear on this schedule, or does not factually belong under the Level A/B Harassment category, the

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violation has been deemed unsuitable for summary settlement and is to be handled using the Penalty Schedule for the Marine Mammal Protection Act of 1972 (MMPA).

5. Do not use this summary settlement schedule for cases where you have reasonable cause to believe that the violation involves aggravating circumstances (i.e., intentional animal cruelty), or for MMPA “takes” other than harassment.
6. If an authorized officer has reason to believe that the alleged violator is a repeat offender of the prohibition against Level A Harassment, or discovers any other violations in addition to a Level A Harassment violation that is not addressed under this summary settlement schedule, then the officer may remove the Level A Harassment violation from the summary settlement schedule and address it under the Penalty Schedule for the MMPA.
7. Evaluation of the success/failure of this pilot project will be based, *inter alia*, on a review of the overall reduction in illegal interactions, as well as a review of the quality of the summary settlements issued.
8. References to C.F.R. section numbers are provided for guidance on where a particular regulatory requirement can be found. The regulatory citation should be checked to ensure accuracy.