

WESTERN PACIFIC CRUSTACEAN FISHERY CIVIL ADMINISTRATIVE PENALTY SCHEDULE
50 C.F.R. Part 660, Subpart D

VIOLATION	VIOLATION HISTORY -- PENALTY AMOUNT		
	FIRST	SECOND	THIRD
ENTIRE MANAGEMENT AREA			
Administrative			
Fishing without a permit for the area.	\$25,000 plus the catch or FMV of the catch.	\$50,000 plus two times the FMV of the catch.	\$75,000 plus two times the FMV of the catch and seizure of the vessel.
Fishing after failing to take an observer when requested by the Regional Director.	\$5,000 - \$10,000 plus the catch or FMV of the catch.	\$10,000 - \$15,000 plus two times the FMV of the catch.	\$20,000 - \$25,000 plus two times the FMV of the catch and seizure of the vessel.
Falsify or fail to make, keep, maintain or submit log book or any other report or record in the manner prescribed in the regulations.	\$500 - \$1,000	\$1,000 - \$2,000	\$2,000 - \$5,000
Fail to affix and maintain vessel markings as prescribed in the regulations.	\$500 - \$1,000	\$1,000 - \$2,000	\$2,000 - \$3,000
Fail to provide 48-hour notice prior to leaving port to fish in the Management area. (Use low end of the range if the notice was late and high end if there was no notice at all.)	\$1,000 - \$2,000	\$2,000 - \$3,000	\$3,000 - \$5,000

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VIOLATION	VIOLATION HISTORY -- PENALTY AMOUNT		
	FIRST	SECOND	THIRD
General			
Possess, have custody or control of, ship, transport, offer for sale, sell, import, export, or land any lobster which was taken or retained in violation of the Magnuson Act.	Same penalty as underlying violation, e.g., if possession of shorts, use the same penalty.	Same penalty as underlying violation, e.g., if possession of shorts, use the same penalty.	Same penalty as underlying violation, e.g., if possession of shorts, use the same penalty.
LOBSTERS TAKEN IN THE NWHI AND MAIN HAWAIIAN ISLANDS			
Gear Restrictions			
Fish for, take or retain lobsters by any gear not authorized.	\$2,000 - \$3,000 plus the catch or the FMV of the catch.	\$3,000 - \$4,000 plus two times the FMV of the catch.	\$4,000 - \$5,000 plus two times the FMV of the catch and seizure of the vessel.
Possessing traps on board vessel during closed season.	\$1,000 per trap	\$5,000 per trap	\$10,000 per trap
Leave a trap unattended in the management area.	\$1,000 - \$2,000 per trap	\$5,000 per trap	\$10,000 per trap
More than 1200 traps per fishing vessel, of which no more than 1100 can be assembled as traps, as specified in the regulations.	\$300 - \$600 per trap	\$500 - \$1,000 per trap plus two times the FMV of the catch.	\$1,000 - \$5,000 per trap plus two times the FMV of the catch and seizure of the vessel.

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	FIRST	SECOND	THIRD
Fail to mark vessel and gear as prescribed in the regulations.	\$500 - \$1,000	\$1,000 - \$2,500	\$2,500 - \$5,000
Area Restrictions			
Fish for, take or retain lobsters from a closed area for lobsters as specified in the regulations.	\$25,000 plus seizure of entire catch or value of entire catch.	\$50,000 plus two times the FMV of the catch.	\$75,000 plus two times the FMV of the catch and seizure of the vessel.
Failure to make a limited entry permit available for inspection.	\$500	\$750	\$1,000
Size Limit			
Retain or possess on a fishing vessel spiny lobster tails narrower than 5.0 cm. and/or slipper lobster tails narrower than 5.6 cm. or spiny lobsters shorter than 8.26 cm. carapace length.	\$2,500 base penalty plus \$15 per undersized lobster plus seizure of illegal catch.	\$5,000 base penalty plus \$15 per undersized lobster plus seizure of illegal catch.	\$7,500 base penalty plus \$15 per undersized lobster plus seizure of illegal catch.
Possess on a fishing vessel a lobster taken in Area 1 in such condition that its tail width cannot be determined; retain a lobster with a separated carapace and tail or a punctured or mutilated body.	\$2,500 base penalty plus \$15 per undersized lobster plus seizure of illegal catch.	\$5,000 base penalty plus \$15 per undersized lobster plus seizure of illegal catch.	\$7,500 base penalty plus \$15 per undersized lobster plus seizure of illegal catch.

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Fishing without a limited entry permit in Area 1 as required by the regulations.	\$25,000 plus the catch or fair market value of the catch.	\$50,000 plus two times the FMV of the catch.	\$75,000 plus two times the FMV of the catch and seizure of the vessel.
Berried Females			
Retain or possess on a fishing vessel any berried lobster.	\$2,500 base penalty plus \$30 per berried lobster plus seizure of illegal catch.	\$5,000 base penalty plus \$30 per berried lobster plus seizure of illegal catch.	\$10,000 base penalty plus \$30 per berried lobster plus seizure of illegal catch.
Remove the eggs from a berried lobster.	\$5,000 plus the catch or fair market value of the catch.	\$10,000 plus two times the FMV of the catch.	\$20,000 plus two times the FMV of the catch.
Fail to report at least 24 hours before landing			
Late report	\$1,000 - \$2,500	\$2,500 - \$5,000	\$5,000 - \$10,000
No report	\$2,500 - \$5,000	\$5,000 - \$10,000 plus the catch or fair market value of the catch.	\$10,000 - \$20,000 plus two times the FMV of the catch.

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Closed Season			
Fish during closed season.	\$25,000 plus the catch or fair market value of the catch.	\$50,000 plus two times the FMV of the catch.	\$75,000 plus two times the FMV of the catch and seizure of the vessel.
Fail to comply with any practice or measures promulgated pursuant to regulations	Reserved	Reserved	Reserved