



NOAA FISHERIES SERVICE

NORTHEAST
REGIONAL
OFFICE

Incident Reporting Guide

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Fishing Year 2012



THE HADDOCK FISHERY.

Raising trawls on deck of Gloucester haddock schooner Mystic. (Brit. v. vol. 4, p. 207.)
From a photograph by T. W. Smith.

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Introduction

The final rule implementing Amendment 16 to the Northeast Multispecies Fishery Management Plan includes requirements for incident reporting.

The Northeast Region (NER) of the National Marine Fisheries Service (NMFS) has provided this guidance document to assist you in reporting incidents. Before proceeding with the rest of this document, read this page to learn the answers to following questions:

- [What Types of Incidents Must Be Reported?](#)
- [Who Must Report Incidents to NMFS?](#)
- [How Are Incidents Reported to NMFS?](#)

What Types of Incidents Must Be Reported?

NMFS requires that the following types of incidents be reported:

- Compliance / enforcement concerns
- Sector enforcement issues
- Enforcement actions
- Incident / non-compliance reports

Who Must Report Incidents to NMFS?

NMFS requires that **sectors** and **Monitoring Service Providers (MSPs)** report incidents of the types listed above. [Table 1](#) lists the methods by which you must report these incidents.

Table 1: Incident Reporting

Method:	Submitted by:
Trip Issue Report	Sector
Sector Incident Report	Sector
Sector Annual Year-end Report	Sector
Monitoring Service Incident Report	Dockside, roving, or at-sea monitoring service providers

How Are Incidents Reported to NMFS?

The remainder of this document tells you what you need to know in order to report incidents. If you are a sector manager, use the section [Sector Requirements](#); if you are a monitoring service provider, use the section [Monitoring Service Provider \(MSP\) Reporting Requirements](#).

Sector Requirements

NMFS requires that the sector must record each incident using the following methods:

- Sector Trip Issue Report
- Incident Report
- Sector Year-end Report

The following sections define the requirements for reporting incidents in each of these reports.

Sector Manager Report Requirements

The Sector Manager Report comprises the Sector Detail Report, the Sector ACE Status Report, and the Sector Trip Issue Report. Each sector is responsible for completing and submitting a Sector Manager Report to NMFS on a weekly basis, unless certain thresholds trigger daily reporting. (In this case, you must submit the ACE Status Report on a daily basis until the sector no longer exceeds any threshold.) Descriptions of these reports are outlined in the guide, “Preparing the Sector Manager Report” available online at:

<http://www.nero.noaa.gov/sfd/SectorManagers.html>

The regulations (§ 648.87(b)(1)(vi)(B)) require that the Sector Manager Report include catch and discard data, and any sector enforcement issues or “compliance concerns.” The Sector Trip Issue Report includes this information.

Sector Trip Issue Report Requirements

The Sector Manager Trip Issue Report allows sectors to briefly describe to NMFS any enforcement or reporting compliance issues, violations of sector operations and regulations, and general problems with monitoring or sector operations during the reporting period.

Submit **one Trip Issue Report per reporting period**, either weekly or daily. If there are no issues to report, set the Enforcement Flag in the Sector Detail Report to **N**, and set the values in the Trip Issue Report to be **NULL**.

Sectors must also continue to use the online issue tracking system named JIRA (maintained by the Fisheries Data Services Division (FDSD)) in order to report and track data quality issues.

Enforcement issues to report in the Trip Issue Report include, but are not limited to:

- Monitoring refusals and a description of each occurrence
- Violations of sector operations plans (exclusive of defined administrative provisions)
- Violations of regulations
- Discrepancies between observed offload fish weights and dealer-reported weights
- Non-compliance with the dockside monitoring operational standards by vessels or dealers
- General problems with dockside monitoring or sector operations during the reporting period

Limit the issues you identify to the sector. Do not repeat issues raised by dockside monitors, at-sea monitors, observers, or monitoring providers; these types of issues are reported through a separate mechanism (see [Monitoring Service Provider \(MSP\) Reporting Requirements](#)).

Sector Incident Report Requirements

Following the initial reporting of an incident in the Trip Issue Report, sectors must provide the details of the each violation in a Sector Incident Report. Sector Incident Reports should be submitted during the fishing year, no more than **15 days** after the sector has concluded its investigation.

Required Information in a Sector Incident Report

The Sector Incident Report should include a full description and discussion of the investigations, the conclusions, and any resultant actions taken by the sector manager in response to these enforcement issues.

For each violation, prepare a Sector Incident Report that provides the details, an overview describing the violation, a chronology explaining what was determined to have happened, any action taken (if any) by the sector or NMFS Office of Law Enforcement (OLE) if known, and the outcome.

Details must include:

- Date
- Vessel
- Captain
- Owner
- Investigator
- Violation
- Outcome

Sector Incident Report (Example)

See an example of a Sector Incident Report on the following page.

Note: Amendment 16 allows for monitoring providers, in accordance with the monitoring service provider requirements, to generate and submit weekly reports. The final rule implementing Amendment 16 specified that the sector must submit weekly reports, but does not prohibit submission of weekly reports by a company hired by the sector. Therefore, sectors may hire a company to handle its weekly reporting requirements, but the sector is ultimately responsible for meeting all reporting requirements.

SECTOR_NAME

INCIDENT REPORT

Infraction Date: May 10, 2012
Infraction Description: ASM Refusal
Vessel Name: F/V My Boat
Captain Name: Bob Cooper
Owner Name: Joe Smith
Investigated by sector manager

Overview

The captain of the F/V My Boat proceeded with a fishing trip after refusing to take the assigned at-sea monitor (ASM) to sea on the trip.

Chronology of Events

On May 1, 2012, the captain logged into PTNS and indicated a planned trip for May 10, 2012. On May 3, 2012, the captain received notification that the trip was assigned an ASM.

On May 10, 2012, the captain and crew were preparing the vessel for departure. The assigned ASM arrived, but the captain refused to allow the monitor aboard. The captain subsequently proceeded on the scheduled fishing trip.

On May 10, 2012, the assigned ASM contacted his/her company, which subsequently submitted an incident report to the Northeast Fisheries Observer Program (NEFOP) regarding the situation. The Office of Law Enforcement (OLE) subsequently contacted the sector manager regarding the situation.

On May 12, 2012, the vessel returned to port. The sector manager met the vessel at the dock and informed the captain that if a trip was selected for any kind of monitoring, the vessel was required to submit to that monitoring. The captain was informed that the Infractions Committee would be notified.

On May 13, 2012, the members of the Infractions Committee were notified via telephone of the incident.

Decision of the Infractions Committee

On May 18, 2012, the Infractions Committee met to review the above outlined infraction. After reviewing the circumstances, the Committee elected to send the captain and vessel owner a written warning. On May 19, 2012, the written warning was sent, closing out the infraction.

Sector Annual Year-end Report Requirements

The Sector Annual Year-end Report must contain the necessary information to evaluate the biological, economic, and social impacts of sectors and their fishing operations.

To fully evaluate the operations of a sector in a given fishing year, the Sector Annual Year-end Report must also include a description of “enforcement actions.” Since Sector Incident Reports are now required to be submitted in-season, the Sector Annual Year-end Report should include a brief description only of each incident, and include a copy of each Sector Incident Report.

Note: NMFS will provide additional detailed guidance for you when you need to report incidents in the Sector Annual Year-end Report. Look for this guidance in the document “Preparing the NE Multispecies Sectors Annual Year-end Report” for the appropriate fishing year.

Monitoring Service Provider (MSP) Reporting Requirements

Dockside, roving, and at-sea monitor service providers must have a system in place to record, retain, and distribute (on request) certain information to NMFS, including:

- Monitor deployment levels
- Number of refusals and reasons for such refusals
- Incident / non-compliance reports

FSB Incident Form

The regulations at § 648.87(b)(4)(ii) provide details of the required elements, but do not specify the timing and method of reporting. Monitoring providers must report any incidents, non-compliance, or deviations from the dockside/roving monitoring standards at § 648.87(b)(5) to the Northeast Fisheries Observer Program (NEFOP), using the Web-based reporting form currently located at:

http://www.nefsc.noaa.gov/femad/fsb/Misc/FSB_Incident_Report.pdf

Always check the FSB Web site for the most current version of this form.

FSB Incident Letter

The Fisheries Sampling Branch (FSB) letter dated November 12, 2010 instructs monitors, observers, and/or monitoring service providers to complete and submit incident reports directly to NEFOP. This letter resides at the following location; always check the FSB web site for updates to this letter.

<http://www.nefsc.noaa.gov/fsb/memos/2010/10-019-UpdatedIncidentReportOLELetter.pdf>

These incident reports must include the following information:

- All possible dockside, roving, and at-sea monitor harassment
- All possible dockside, roving, and at-sea monitor discrimination
- Concerns about vessel safety or marine casualty

- Injury
- Information, allegations, or reports regarding dockside, roving, or at-sea monitor conflict of interest
- Breach of the standards of behavior

NEFOP provides this information to OLE immediately upon receipt. This information is not shared with sector managers, except in limited instances where OLE delegates the resolution of minor issues to a sector manager.