

SOUTHWEST 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		

SOUTHWEST REGION SUMMARY SETTLEMENT SCHEDULE

VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
	FIRST	SECOND	THIRD
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		

SOUTHWEST REGION SUMMARY SETTLEMENT SCHEDULE

VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
	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		
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
Fish for, or take and retain, any species of salmon during closed seasons or in closed areas -- Recreational, non-charter only	\$150		

SOUTHWEST REGION SUMMARY SETTLEMENT SCHEDULE

VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
	FIRST	SECOND	THIRD
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 Recreational	\$300	\$450	\$600
	\$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 Recreational	\$300	\$450	\$600
	\$150	\$300	\$450

SOUTHWEST REGION SUMMARY SETTLEMENT SCHEDULE

VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
	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		

SOUTHWEST REGION SUMMARY SETTLEMENT SCHEDULE

VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
	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
Take and retain, possess, or land any steelhead (<i>Salmo gairdneri</i>) 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

SOUTHWEST REGION SUMMARY SETTLEMENT SCHEDULE

VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
	FIRST	SECOND	THIRD
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
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		

SOUTHWEST REGION SUMMARY SETTLEMENT SCHEDULE

VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
	FIRST	SECOND	THIRD
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		
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		

SOUTHWEST REGION SUMMARY SETTLEMENT SCHEDULE

VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
	FIRST	SECOND	THIRD
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
Falsify or fail to affix and maintain vessel and gear markings as required by regulation. Failure to affix or maintain:	See, Fix-it Schedule	\$450	\$600
Violations regarding overages. Overages exceeding the trip limit by up to 25%, or up to 500lbs, whichever is greater:	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

SOUTHWEST REGION SUMMARY SETTLEMENT SCHEDULE

VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
	FIRST	SECOND	THIRD
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. Failure to make/file or make available:	\$450	\$600	\$750
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.	\$750	See, West Coast Groundfish Penalty Schedule	See, West Coast Groundfish Penalty Schedule
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

SOUTHWEST REGION SUMMARY SETTLEMENT SCHEDULE

VIOLATION	VIOLATION HISTORY - PENALTY AMOUNT		
	FIRST	SECOND	THIRD
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

SOUTHWEST REGION SUMMARY SETTLEMENT SCHEDULE

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 violation

SOUTHWEST REGION SUMMARY SETTLEMENT SCHEDULE

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.