



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Washington, D.C. 20235

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COUNCIL MEMORANDUM

MAY 1977
(Cutoff Date: May 6)

Letter from the Director

Dear Council Member:

The first seizure of a foreign vessel under the Fishery Conservation and Management Act of 1976 occurred April 9, 1977. The Soviet stern trawler TARAS SHEVCHENKO was boarded off the New England coast while she was engaged in the hake fishery. Because the vessel's logs showed she had on board more than the allowed incidental catch of river herring, the vessel was seized and brought to Boston. United States fishery regulations limit the by-catch of river herring and certain other species in the hake fishery to one percent by species of all other fish on board. Eleven tons of the 397 tons of fish aboard were found to be in excess of the allowable one percent. Other violations, including failure to properly log catches and transfer of fish, were also discovered. The United States Attorney in Boston filed a criminal complaint against the Master, Aleksandr Gupalov, and filed civil forfeiture action against the trawler.

The case was settled in court on May 2. The Master pleaded guilty to the criminal complaint and was fined \$10,000. He was sentenced to nine months in jail, which was suspended, and placed on one year's probation. The civil charges against the vessel were settled with a fine of \$240,000 and forfeiture of the seized fish. The vessel was then released and she returned to sea on May 5.

In a related action, the logs of the TARAS SHEVCHENKO showed that she had transferred fish to the Soviet transport ANTANAS SNECHKUS on March 28-29. Records of the transfer showed that more than one percent of the 373 tons transferred were river herring. On April 10, after the vessel (SNECHKUS) was brought into Boston to facilitate her offloading, 16 tons of river herring were confiscated. She was subsequently released. Because the illegal fish in this case were taken by the TARAS SHEVCHENKO, forfeiture of the fish was included in the civil settlement of the case against that vessel.

The disposition of the entire 27 tons of river herring and other species in excess of permissible limits remains with the Federal court in Boston.

Sincerely,

Bob

Robert W. Schoning
Director

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