



NOAA FISHERIES

Fiscal Year Quarter 4 2018 Fishery Management Council Report

**NOAA Fisheries Office of Law Enforcement
Southeast Division**

July 1, 2018 – September 30, 2018



To report fisheries violations,
call our national hotline:
1-800-853-1964

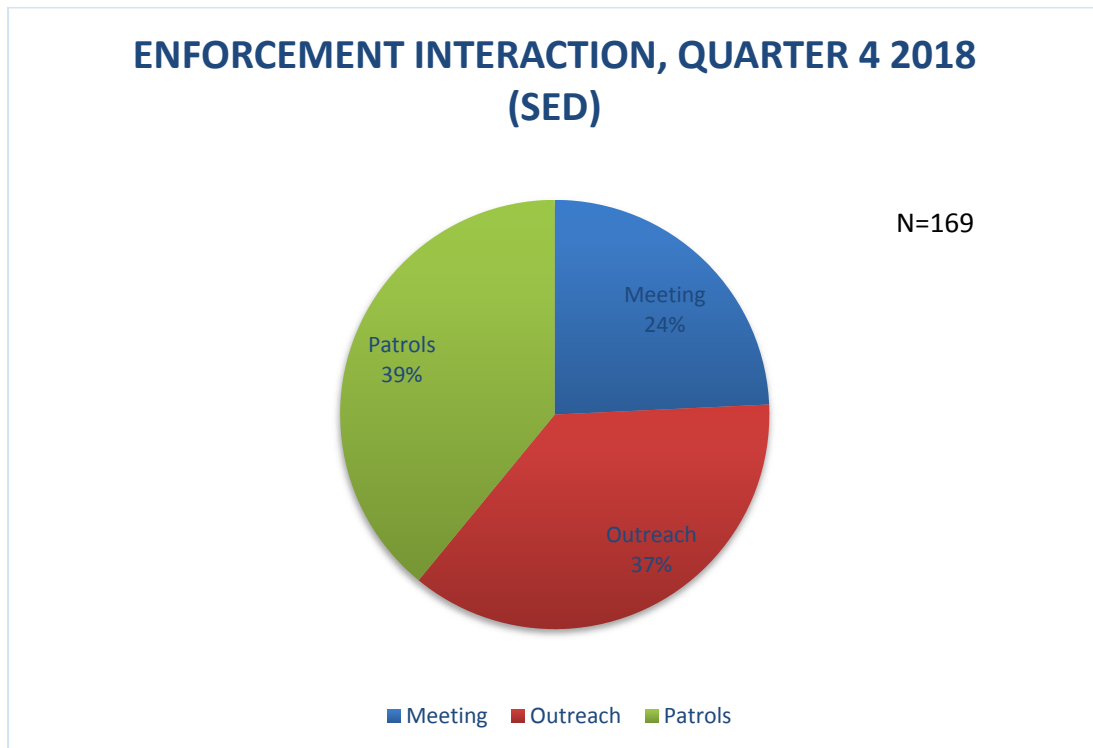
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Enforcement and Compliance

Summary

Data represent NOAA Fisheries Office of Law Enforcement Southeast Division's (OLE SED) enforcement effort conducted throughout FY Quarter 4 2018, **July 1, 2018- September 30, 2018**. When appropriate, information is separated by council, South Atlantic Fishery Management Council (SAFMC), Gulf of Mexico Fishery Management Council (GMFMC) and Caribbean Fishery Management Council (CFMC). There were **66** documented patrols, allowing critical face-to-face interaction between our field staff and the industry; **62** documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and **41** meetings. This list does not include the extensive outreach that the Investigative Support team provides on a daily basis, nor can it fully capture the interaction our agents, officers, and support staff regularly have with industry.

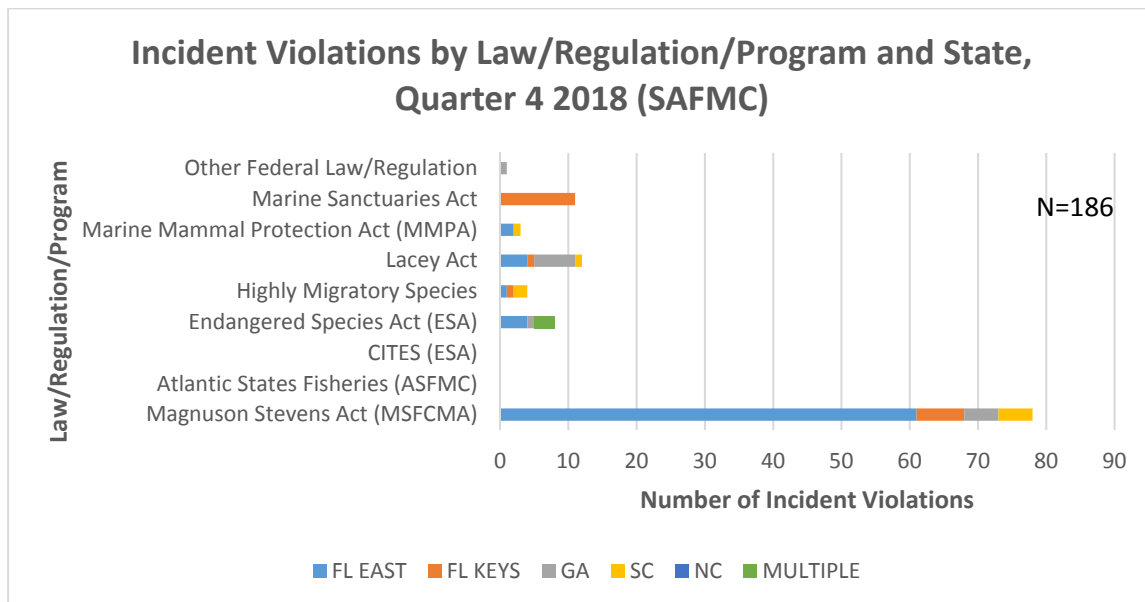


Incident Information

During the fourth quarter, OLE opened **269** incidents in the SED, which included 274 incident violation counts- **117** incident violation counts in the SAFMC area, **173** incident violation counts in the GMFMC area and **4** incident violations counts in the CFMC¹.

Summary of Incidents by Law/Regulation/Program and State; Quarter 4 2018 (SAFMC)

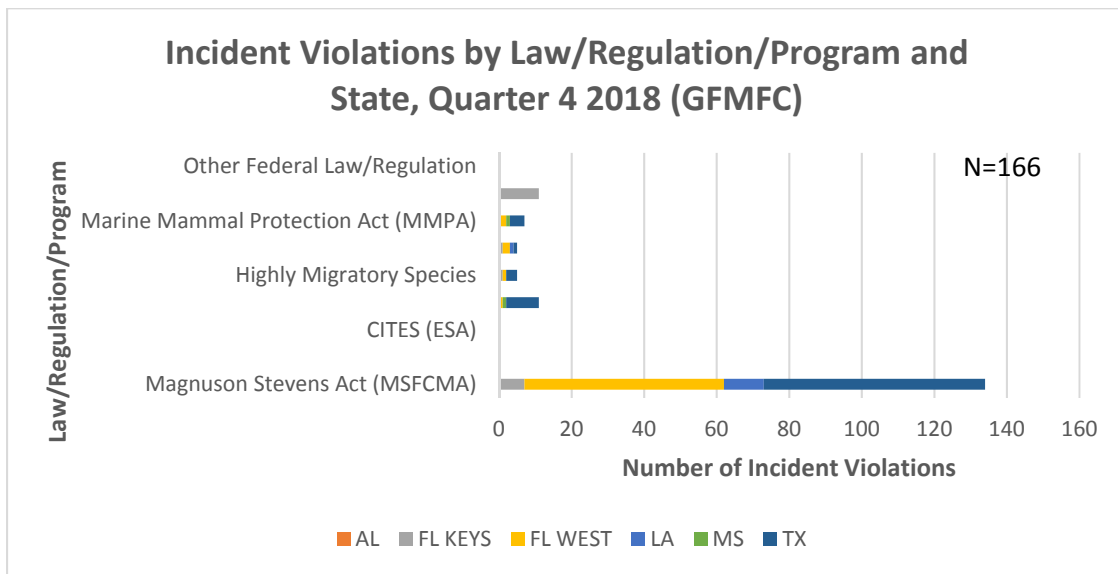
Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	MULTIPLE	Total
Magnuson Stevens Act (MSFCMA)	61	7	5	5			78
Atlantic States Fisheries (ASFMC)							0
CITES (ESA)							0
Endangered Species Act (ESA)	4		1			3	8
Highly Migratory Species	1	1		2			4
Lacey Act	4	1	6	1			12
Marine Mammal Protection Act (MMPA)	2			1			3
Marine Sanctuaries Act		11					11
Other Federal Law/Regulation			1				1
TOTAL	72	20	13	9	0	3	117



¹ Incident violations occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total incident violation counts greater than incidents due to multiple counts

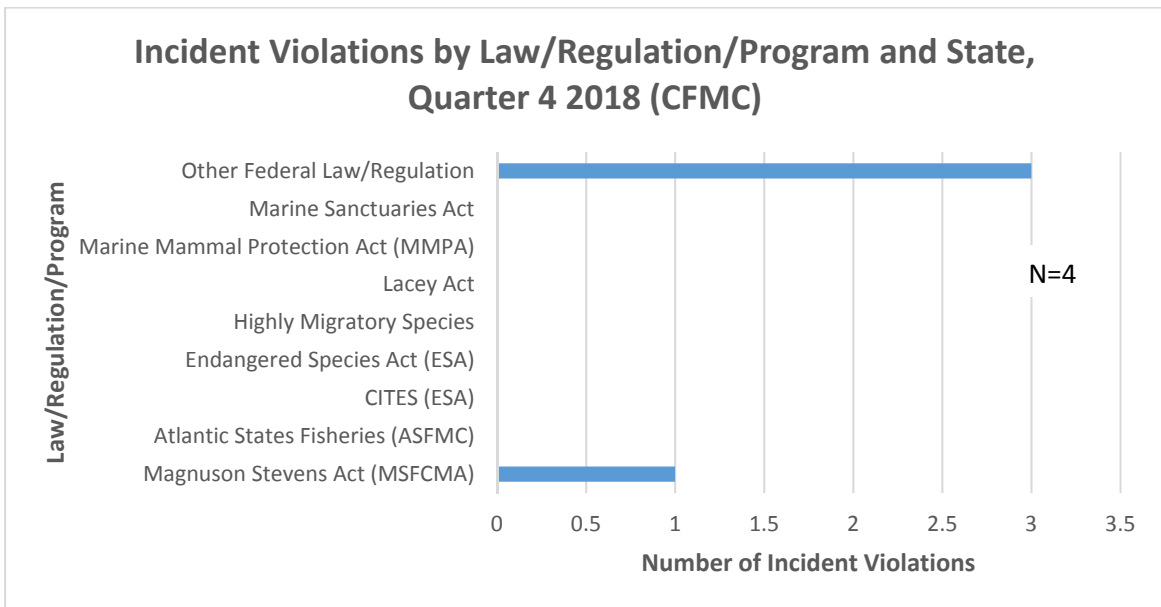
Summary of Incidents by Law/Regulation/Program and State; Quarter 4 2018 (GMFMC)

Law/Regulation/Program	AL	Column2	Column3	Column4	Column5	Column6	Column7
Magnuson Stevens Act (MSFCMA)		7	55	11		61	134
CCAMLR							0
CITES (ESA)							0
Endangered Species Act (ESA)			1		1	9	11
Highly Migratory Species		1	1			3	5
Lacey Act		1	2	1		1	5
Marine Mammal Protection Act (MMPA)			2		1	4	7
Marine Sanctuaries Act		11					11
Other Federal Law/Regulation							0
TOTAL	0	20	61	12	2	78	173

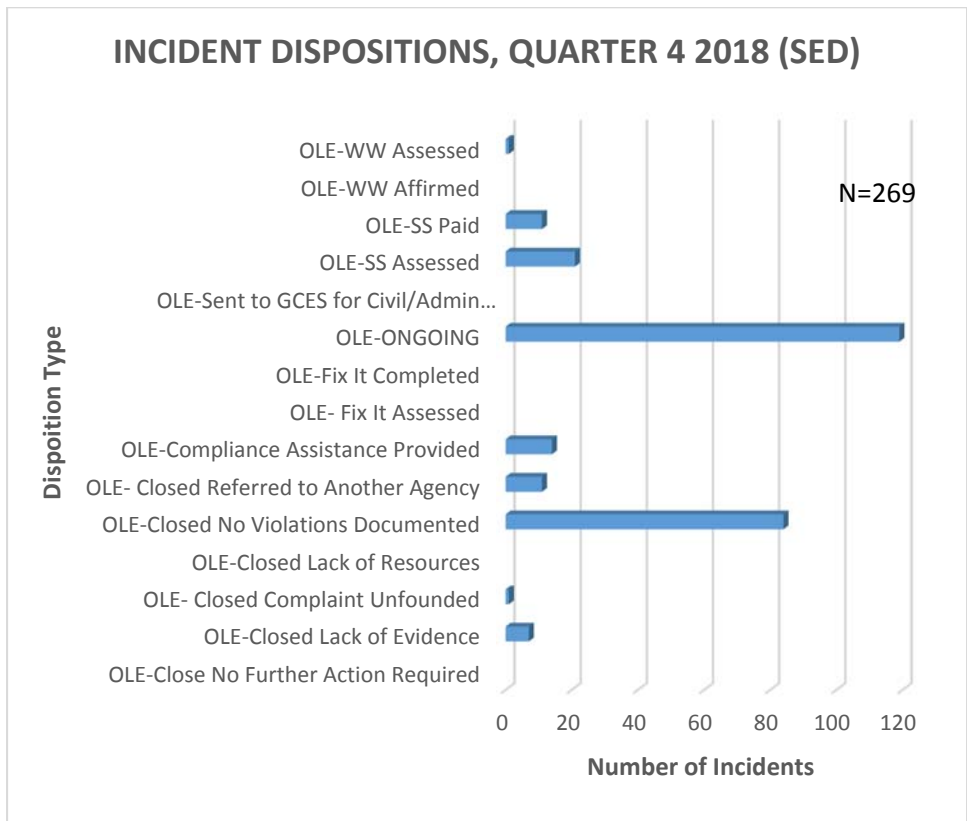
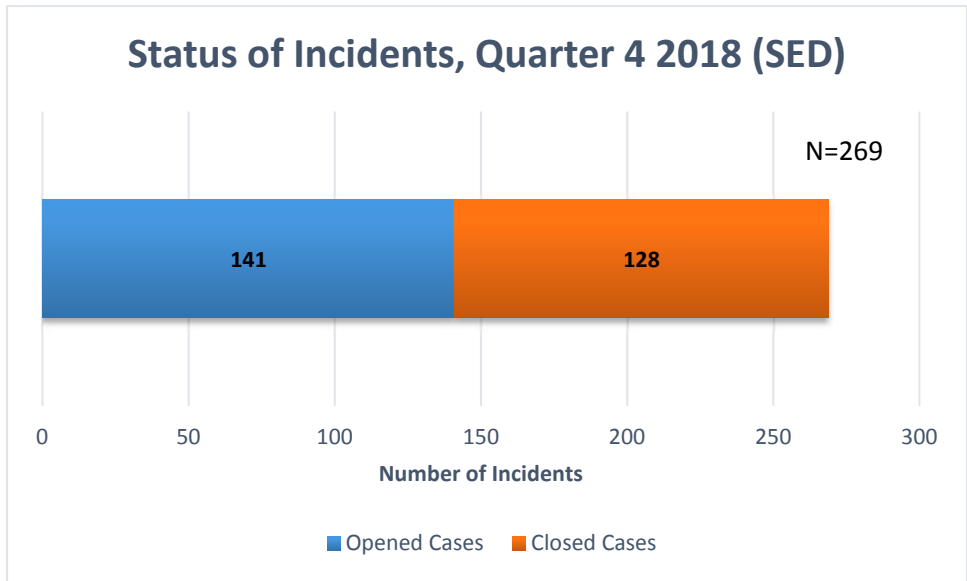


Summary of Incidents by Law/Regulation/Program and State; Quarter 4 2018 (CFMC)

Law/Regulation/Program	CAR
Magnuson Stevens Act (MSFCMA)	1
Atlantic States Fisheries (ASFMC)	0
CITES (ESA)	0
Endangered Species Act (ESA)	0
Highly Migratory Species	0
Lacey Act	0
Marine Mammal Protection Act (MMPA)	0
Marine Sanctuaries Act	0
Other Federal Law/Regulation	3
TOTAL	4



Caseload Snapshot



Enforcement Highlights

On July 3, 2018, NOAA GCES issued a Notice of Violation and Assessment (NOVA) in the amount of \$14,000 to the owner and operator of the FV LIBERTAD for turtle excluder device (TED) violations documented during a USCG boarding. The case was assigned to a NOAA OLE special agent in the Corpus Christi, TX Field Office for follow-up prior to submission to GCES.

On July 16, 2018, NOAA GCES issued a \$3,500 NOVA to the owner and operator of the FV THIEN THANH. The case was initiated by Louisiana Department of Wildlife and Fisheries (LDWF) officers on JEA patrol in the Gulf of Mexico out of Calcasieu Pass. The LDWF officers boarded the vessel to conduct a catch and compliance check with state and federal regulations. During the boarding, the officers measured the TEDs being utilized by the vessel. The check of the TEDs showed that the vessel's starboard side outside TED had an angle of 70°, which was above the maximum allowed angle of 55°. The case was investigated by a NOAA OLE special agent assigned to the Slidell, LA Field Office.

On May 10, 2018, Florida Fish and Wildlife Conservation Commission (FWC) officers boarded the FV JUMA and documented multiple violations that included exceeding the number of allowable hooks, possession of greater amberjack filets, use of shark as bait, and use of reef fish as bait. The case was investigated by a NOAA OLE enforcement officer assigned to the Galveston, TX Field Office.

On September 18, 2018, NOAA GCES issued a \$15,000 NOVA to the owner and operator of the FV Casey's Pride for exceeding the number allowable rigged fishing hooks. A NOAA OLE enforcement officer in the St Petersburg, FL initiated the case during a joint JEA patrol.

On September 24, 2018, NOAA GCES issued a \$15,000 NOVA to the owner and operator of the FV Ronald E. NOAA OLE enforcement officers from St Petersburg, and Key West, FL initiated the case during a joint patrol onboard a USCG cutter out of Key West. The federally permitted shrimp vessel was found actively fishing inside the Tortugas shrimp sanctuary. The vessel was escorted to the dock and the catch was seized.

Overview of Summary Settlements

- 78 Summary Settlements Issued

LAW/REG/PROGRAM	VIOLATION	AMOUNT	LOCATION
Endangered Species Act (ESA)	TED Requirements	\$1,500	FL EAST
Endangered Species Act (ESA)	TED Requirements	\$100	TX
Endangered Species Act (ESA)	TED Requirements	\$900	TX
Endangered Species Act (ESA)	TED Requirements	\$100	TX
Highly Migratory Species	Fail to submit required dealer reports	\$1,000	FL EAST
Highly Migratory Species	Fail to submit required dealer reports	\$1,000	FL EAST
Highly Migratory Species	Possess prohibited species	\$750	FL WEST
Highly Migratory Species	Fish without valid permit; Retain undersize species	\$500	TX
Lacey Act	Smuggling goods into the US	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	TED Requirements	\$600	AL
Magnuson Stevens Act (MSFCMA)	TED and BRD requirements	\$1,850	AL
Magnuson Stevens Act (MSFCMA)	Engage in activity without required permit	\$750	AL
Magnuson Stevens Act (MSFCMA)	Possession of undersize species; engage in activity without required permit	\$3,300	AL
Magnuson Stevens Act (MSFCMA)	Possess prohibited species	\$300	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in activity without required permit	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$650	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$850	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$850	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Possession of undersize species	\$675	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,725	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in activity without required permit; gear violations	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$300	FL EAST

Magnuson Stevens Act (MSFCMA)	Retention during closure	\$875	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess prohibited species	\$300	FL EAST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Fishing activity without required electronic monitoring system	\$2,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$300	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in activity without required permit	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded; Possess undersize species	\$975	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in activity without required permit; Possess prohibited species	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$550	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	FL KEYS
Magnuson Stevens Act (MSFCMA)	Possession of undersize species	\$750	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention during closure; prohibited gear	\$525	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$500	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,050	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$450	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$3,450	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure; possess undersize species	\$600	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$325	FL WEST
Magnuson Stevens Act (MSFCMA)	Possession of undersize species	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$550	FL WEST
Magnuson Stevens Act (MSFCMA)	Fail to comply with protected species conservation measures	\$1,500	FL WEST
Magnuson Stevens Act (MSFCMA)	Possession of undersize species	\$550	FL WEST

Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Possession of undersize species	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Engage in activity without required permit	\$750	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$850	GA
Magnuson Stevens Act (MSFCMA)	Possession of undersize species	\$325	GA
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	GA
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,000	GA
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	GA
Magnuson Stevens Act (MSFCMA)	Engage in activity without required permit; possess undersize species	\$500	GA
Magnuson Stevens Act (MSFCMA)	Possession of undersize species	\$350	GA
Magnuson Stevens Act (MSFCMA)	Bycatch reduction device requirements	\$600	MS
Magnuson Stevens Act (MSFCMA)	Engage in activity without required permit	\$500	SC
Magnuson Stevens Act (MSFCMA)	Possession of undersize species	\$375	SC
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$550	TX
Magnuson Stevens Act (MSFCMA)	Possession of undersize species	\$425	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$650	SC
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$325	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,100	TX
Magnuson Stevens Act (MSFCMA)	Possession of undersize species	\$600	TX
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded; Fail to comply with protected species conservation measures	\$2,700	TX
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$850	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	TX
Magnuson Stevens Act (MSFCMA)	TED Requirements	\$400	TX

Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$1,000	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,000	TX
Magnuson Stevens Act (MSFCMA)	TED Requirements	\$200	TX
Magnuson Stevens Act (MSFCMA)	TED Requirements	\$100	TX
Magnuson Stevens Act (MSFCMA)	Possession of undersize species	\$275	TX
Magnuson Stevens Act (MSFCMA)	Engage in activity without required permit	\$3,000	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$850	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure; TED requirements	\$800	TX

Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: 1,036

Population Breakdown by (VMS) Fisheries:

Fisheries	NETWORK INNOVATIONS	WOODSHOLE	SKYMATE	FARIA	MCMURDO	TOTAL
HMS PELAGIC LL	20	42	13	28	6	109
HMS SHARK	0	5	1	3	0	9
GULF REEF FISH	234	261	32	129	181	837
ROCK SHRIMP	16	15	6	14	30	81
TOTAL	270	323	52	174	217	1036

Violations ranging from fishing in a closed area, improper gear use and failure to comply with reporting requirements (trip declarations, daily reports, pre-landing notices) were detected by Investigative Support staff and referred to enforcement officers or special agents for follow-up. Additionally, staff conducted **183** calls with the industry relating to compliance during the quarter.

Significant Investigative Support Issues:

A training for case management protocol between federal and state entities was held in the Florida Keys with Florida Fish and Wildlife enforcement and NOAA staff. Investigative support staff presented protocol, as well as NOAA General Counsel and the Florida Keys National Marine Sanctuary Enforcement and Emergency Response Coordinator. Investigative support staff also provided training, along with OLE sworn officers, to newly hired fishery observers in the Gulf of Mexico Gulf Reef Fish and Shrimp Observer Program, Galveston, TX.

Observer Program Highlights

During FY Quarter 4 2018; the observer programs deployed on **69** trips for **757** sea days. Approximately **100%** of all selected trips were completed without an observer related enforcement incident (assault/harassment, safety). Effort conducted in the Gulf of Mexico consisted of observer coverage from the Galveston and Panama City Programs. The Gulf of Mexico Shrimp Program deployed on 25 trips for 380 sea days, and the Gulf of Mexico Reef Fish Program deployed on 12 trips for 60 sea days. Effort for the Panama City Gillnet Program and the Panama City Bottom Longline Program (includes Shark Research Fishery) were not available due to Hurricane Michael. The Pelagic Observer Program (POP) deployed on 32 trips for 317 sea days. The summary below details the status of observer related complaints during Quarter 3 (calendar year) of 2018, for all 3 programs.

Complaint Type	Gulf of Mexico	POP
	Q4	Q4
Handling	0	11
Gear	1	1
Retention	0	2
Spatial	0	2
Assault/Harassment	0	0
Safety	0	0
Non-Compliance for Coverage	0	0
MARPOL-USCG	5	5
Totals	6	21

Cases sent to NOAA General Counsel Enforcement Section (GCES)

- 30 cases forwarded to GCES

LAW/REG/PROGRAM	VIOLATION	STATE
Atlantic Tuna	Fish with unauthorized gear	FL WEST
	Transfer of HMS at sea	NC
Endangered Species Act (ESA)	TED requirements	FL WEST
	Speed restrictions exceeded	MULTIPLE
	Speed restrictions exceeded	MULTIPLE
	Speed restrictions exceeded	MULTIPLE
	Speed restrictions exceeded	MULTIPLE
	Speed restrictions exceeded	MULTIPLE
Highly Migratory Species	Commercial limit exceeded	FL WEST
Magnuson Stevens Act (MSFCMA)	Fishing without required permit	FL EAST
	Fishing in restricted area	FL KEYS
	Fish in violation of prohibitions/requirements; Fail to comply with provisions related to IFQ program	FL WEST
	Gear restrictions	FL WEST
	Fail to comply with provisions related to IFQ program	FL WEST
	Dispose of fish after communication with law enforcement; Fish in violation of prohibitions/requirements; Bag limit exceeded; Prohibited gear	FL WEST
	Dispose of fish after communication with law enforcement; Fish in violation of prohibitions/requirements	FL WEST
	Dispose of fish after communication with law enforcement; Fail to maintain fish as specified; Fail to comply with restrictions after closure of a fishery	FL WEST
	Fail to comply with provisions related to IFQ program	FL WEST
	Fish in violation of prohibitions/requirements	FL WEST
	Fail to maintain fish as specified; Use of Gulf reef fish as bait; gear restrictions; Fail to maintain HMS in specified form	FL WEST
	Fail to maintain fish as specified	FL WEST
	TED requirements	FL WEST

	Observer requirements	FL WEST
	TED requirements	LA
	Fishing in prohibited area	TX
	Fail to comply with provisions related to IFQ program; Dispose of fish after communication with law enforcement	TX
	Fish in violation of prohibitions/requirements	TX
	Dispose of fish after communication with law enforcement; Fish in violation of prohibitions/requirements	TX
Marine Sanctuaries Act	Fishing with prohibited gear	FL KEYS
	Transit through Area to be Avoided	FL KEYS