

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

FISCAL YEAR 2022, QUARTER 3  
FISHERY MANAGEMENT  
COUNCIL REPORT

APRIL 1, 2022-JUNE 30, 2022



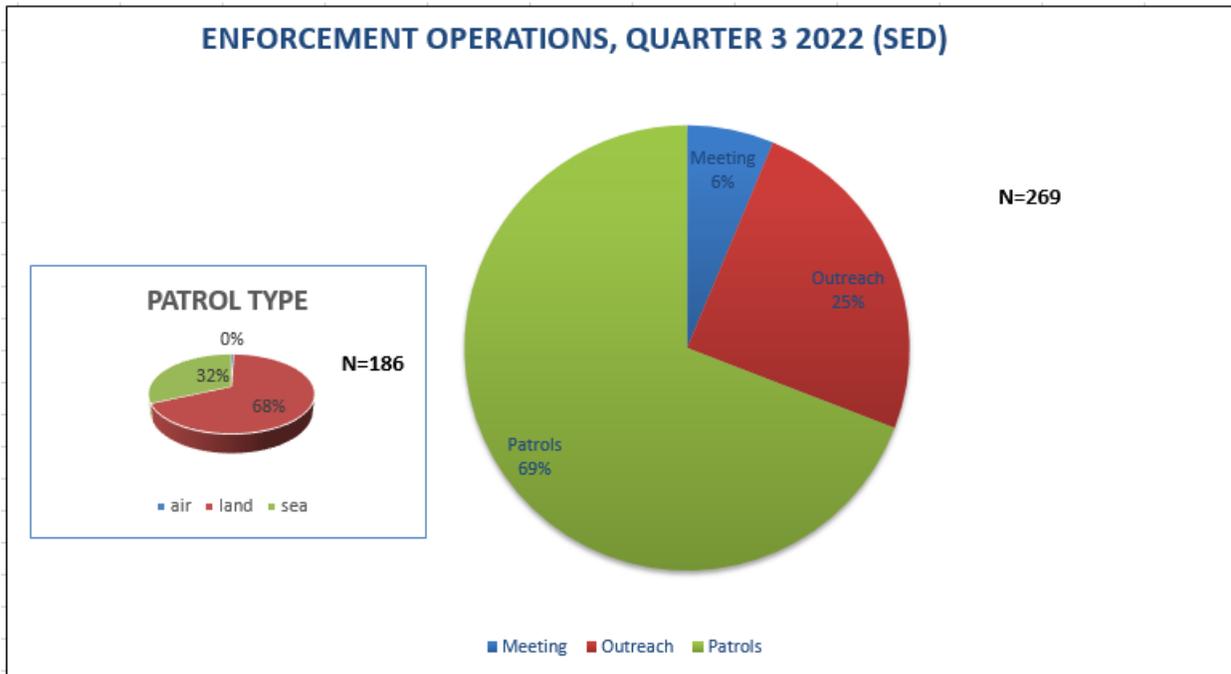
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# Enforcement and Compliance

Data represent National Oceanic and Atmospheric Administration, National Marine Fisheries, Office of Law Enforcement, Southeast Division’s (OLE-SED) enforcement effort conducted throughout FY Quarter 3 2022, **April 1, 2022- June 30, 2022**. 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).

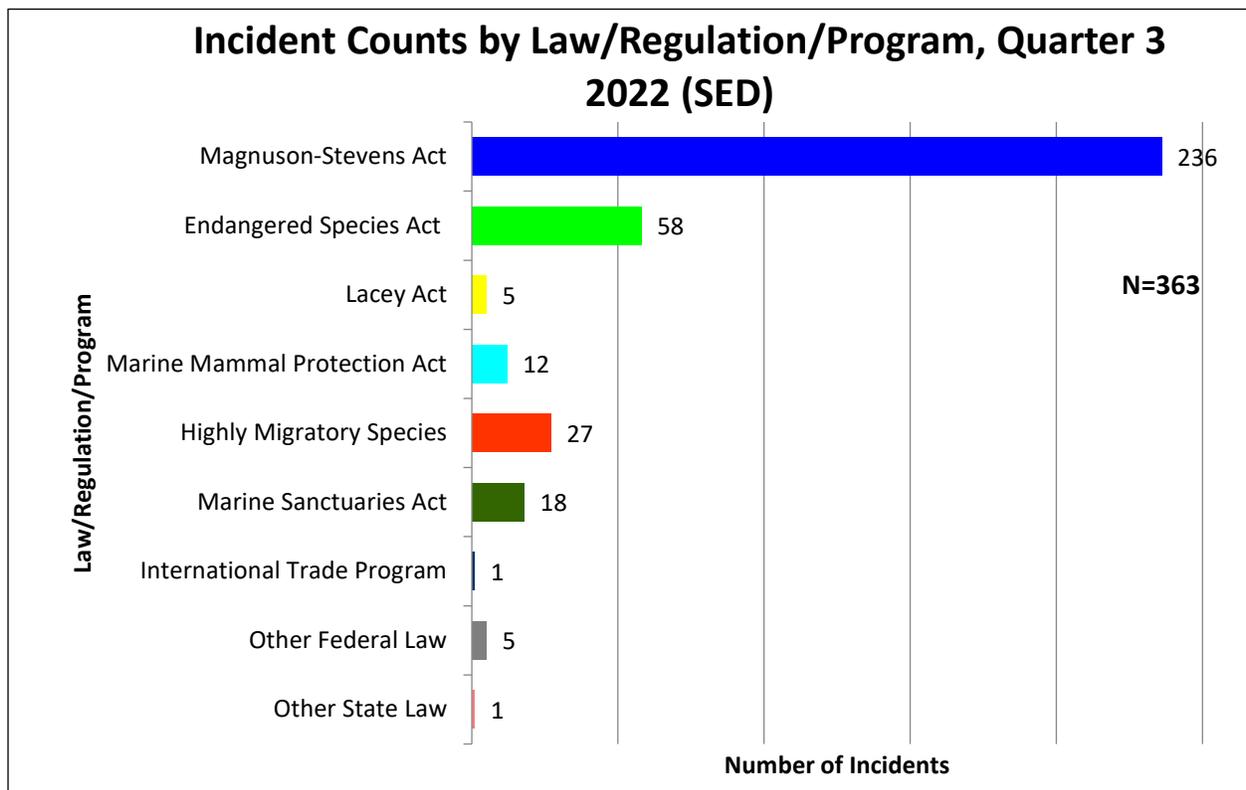
Patrols, outreach and education, compliance assistance, and investigations are the primary activities of OLE’s mission to protect marine wildlife and habitat by enforcing domestic laws and supporting international treaty requirements designed to ensure global resources are available for future generations. Specifically, Operation TexMex and Yellowfin concentrated on illegal, unreported and unregulated fishing by conducting joint patrols and Port of Entry inspections in Texas, with state and federal partners. Over 58,000 lbs of imported seafood were inspected, including shrimp, snapper, crab, grouper and yellowfin. Operation Blue Sky focused on shrimp TED checks conducted jointly with Mississippi Marine Resources Division and US Coast Guard. Operation SPA Mutton Moon and Green Horn focused on sanctuary regulations and SEFHIER compliance throughout the Florida Keys National Marine Sanctuary. Operation Big Bend focused on gag grouper with the Florida Fish and Wildlife Commission. OLE-SED personnel also conducted two joint international patrols with the USCG. Operation Titan Hammer focused on protected resources and IUU fishing around Bermuda. Counter IUU fishing efforts were also targeted on a North Pacific deployment and involved international partners. This quarter, OLE-SED conducted and documented **186** patrols, **66** specific instances of outreach and attended **17** meetings.



# Incident Information

During the third quarter, OLE-SED opened **361** incidents, which included **363** individual counts- **190** counts in the SAFMC area, **192** counts in the GMFMC area and **16** counts in the CFMC area<sup>1</sup>. Opened incidents originate from both NOAA personnel and our enforcement partners.

## Summary of Incidents by Law/Regulation/Program; Quarter 3 2022



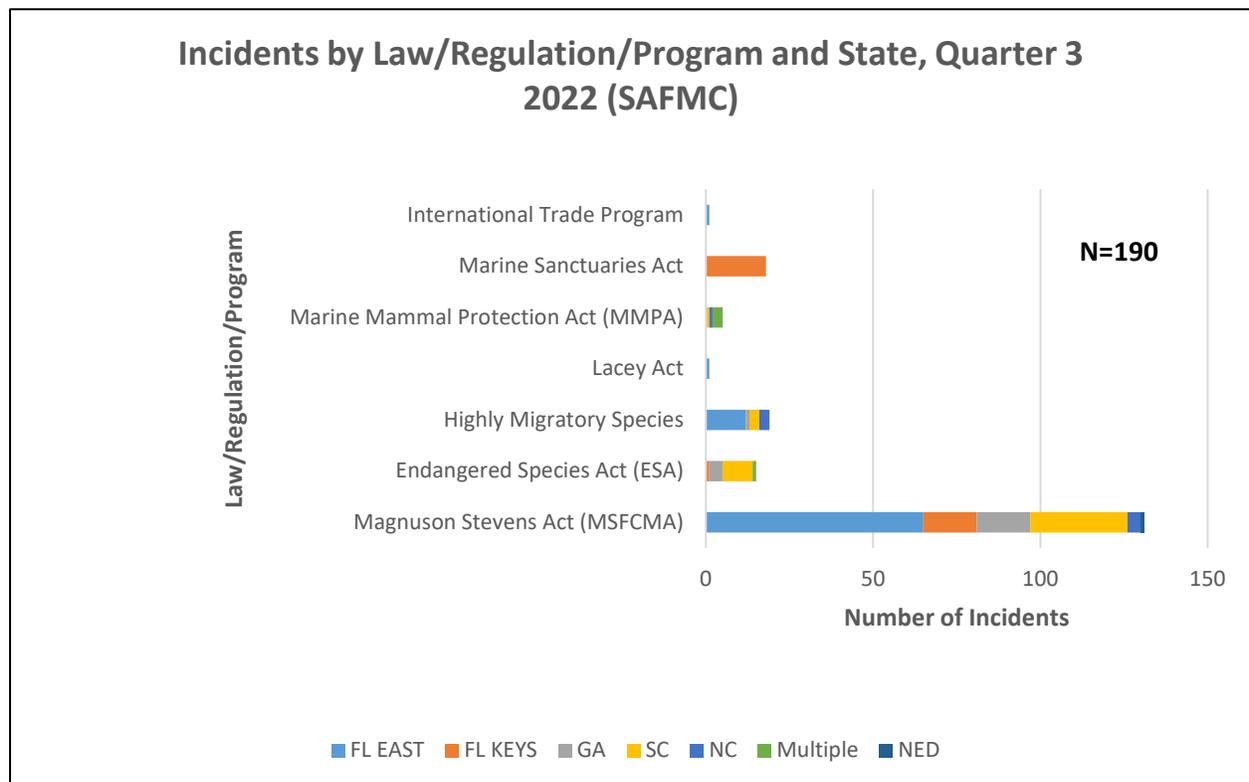
<sup>1</sup> Incidents occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total individual counts are greater than opened incidents due to multiple counts charged for separate incidents

## South Atlantic Fishery Management Council Summary

\*\*Total number of incidents listed below includes effort by OLE and enforcement partners, by location

### Number of Incidents by Law/Regulation/Program and Location; Quarter 3 2022 (SAFMC)

Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Multiple	NED	Total
Magnuson Stevens Act (MSFCMA)	65	16	16	29	4		1	131
Endangered Species Act (ESA)		1	4	9		1		15
Highly Migratory Species	12		1	3	3			19
Lacey Act	1							1
Marine Mammal Protection Act (MMPA)				1	1	3		5
Marine Sanctuaries Act		18						18
International Trade Program	1							1
<b>TOTAL</b>	<b>79</b>	<b>35</b>	<b>21</b>	<b>42</b>	<b>8</b>	<b>4</b>	<b>1</b>	<b>190</b>

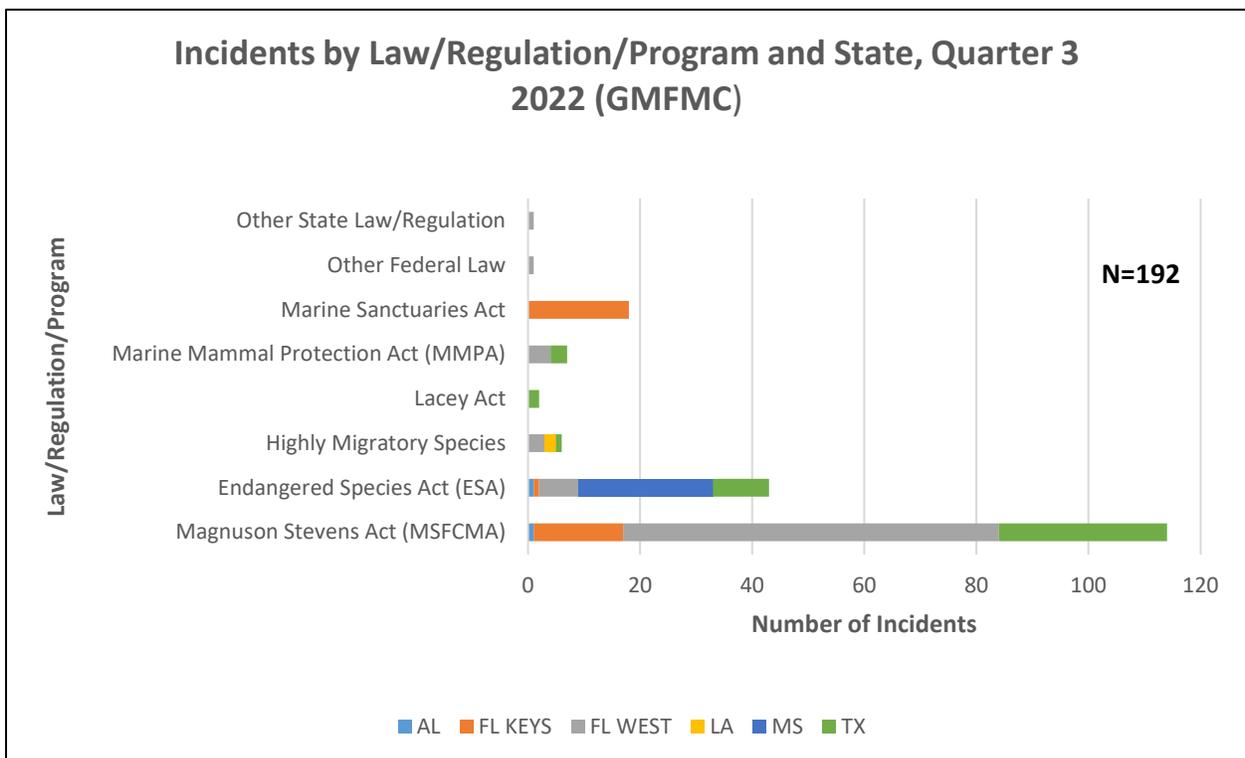


## Gulf of Mexico Fishery Management Council Summary

\*\*Total number of incidents listed below includes effort by OLE and enforcement partners, by location

### Number of Incidents by Law/Regulation/Program and Location; Quarter 3 2022 (GMFMC)

Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)	1	16	67			30	114
Endangered Species Act (ESA)	1	1	7		24	10	43
Highly Migratory Species			3	2		1	6
Lacey Act						2	2
Marine Mammal Protection Act (MMPA)			4			3	7
Marine Sanctuaries Act		18					18
Other Federal Law			1				1
Other State Law/Regulation			1				1
<b>TOTAL</b>	<b>2</b>	<b>35</b>	<b>83</b>	<b>2</b>	<b>24</b>	<b>46</b>	<b>192</b>

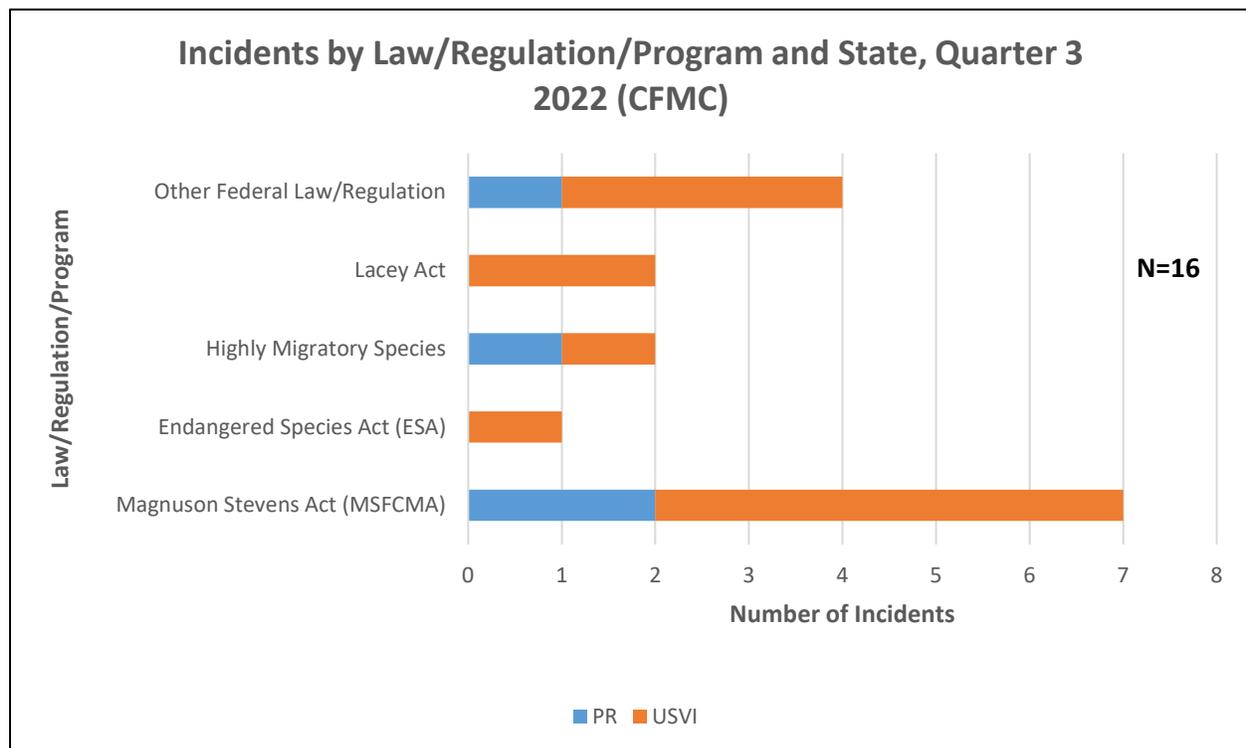


## Caribbean Fishery Management Council Summary

\*\*Total number of incidents listed below includes effort by OLE and enforcement partners, by location

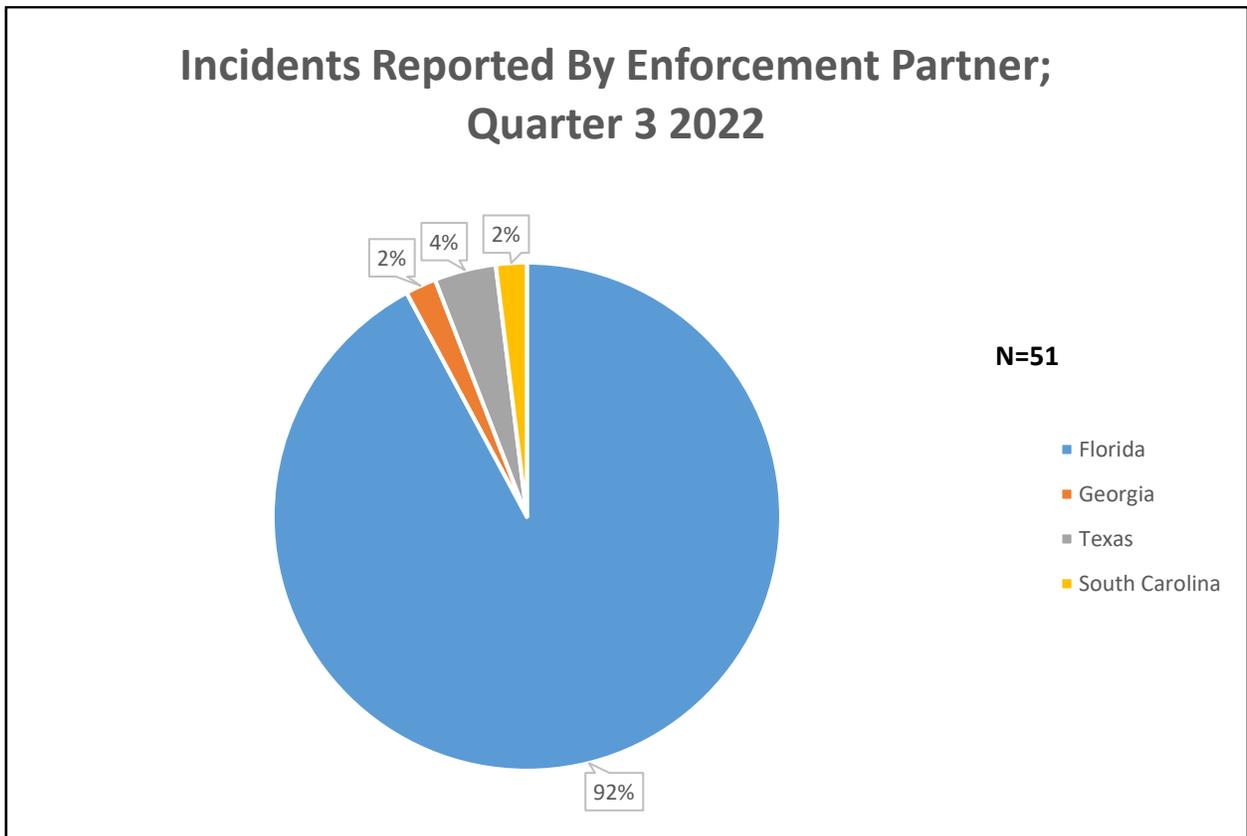
### Number of Incidents by Law/Regulation/Program and Location; Quarter 3 2022 (CFMC)

Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act (MSFCMA)	2	5	7
Endangered Species Act (ESA)		1	1
Highly Migratory Species	1	1	2
Lacey Act		2	2
Other Federal Law/Regulation	1	3	4
<b>TOTAL</b>	<b>4</b>	<b>12</b>	<b>16</b>

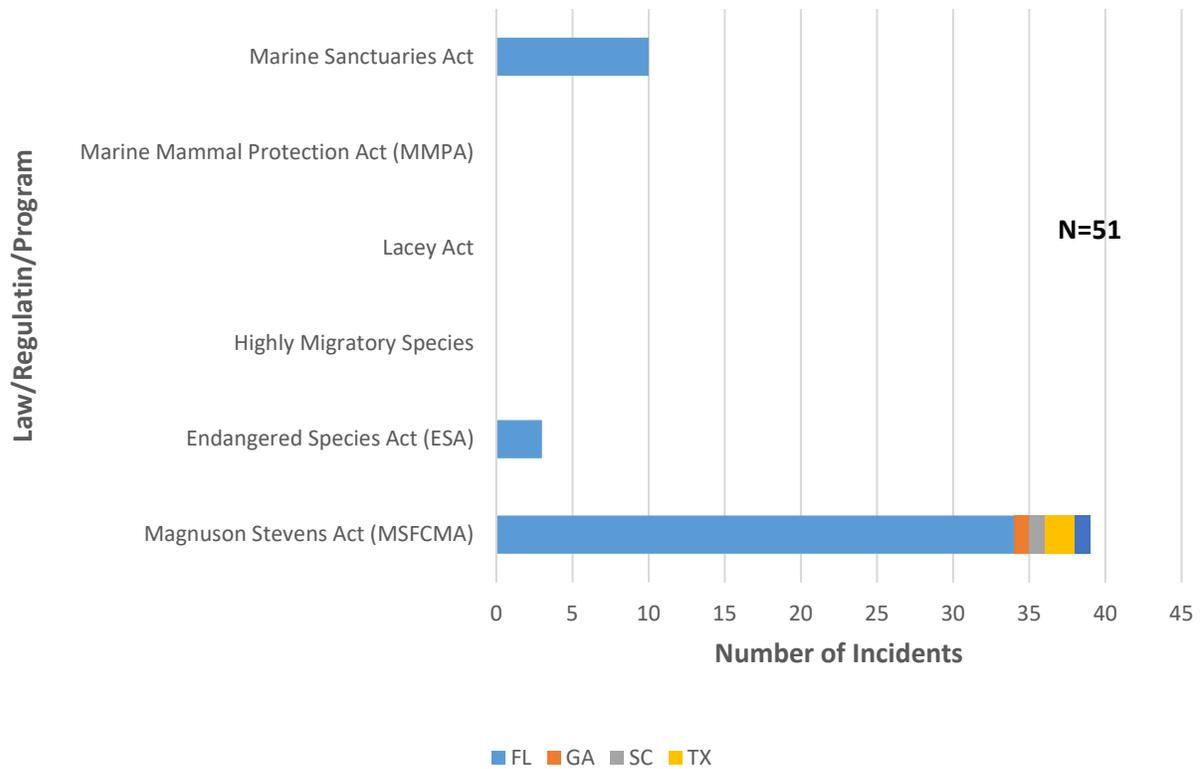


# Summary of Cases by Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 3, 2022, there were **51** cases referred to OLE-SED through Joint Enforcement Agreement (JEA) and United States Coast Guard (USCG) partners. Below is a summary showing the overall distribution of cases initiated by partner, and a breakdown of case counts by law/regulation/program per enforcement partner<sup>1</sup>. Effort consisted of dockside vessel boardings, offshore vessel boardings and interaction with the general public and industry members.



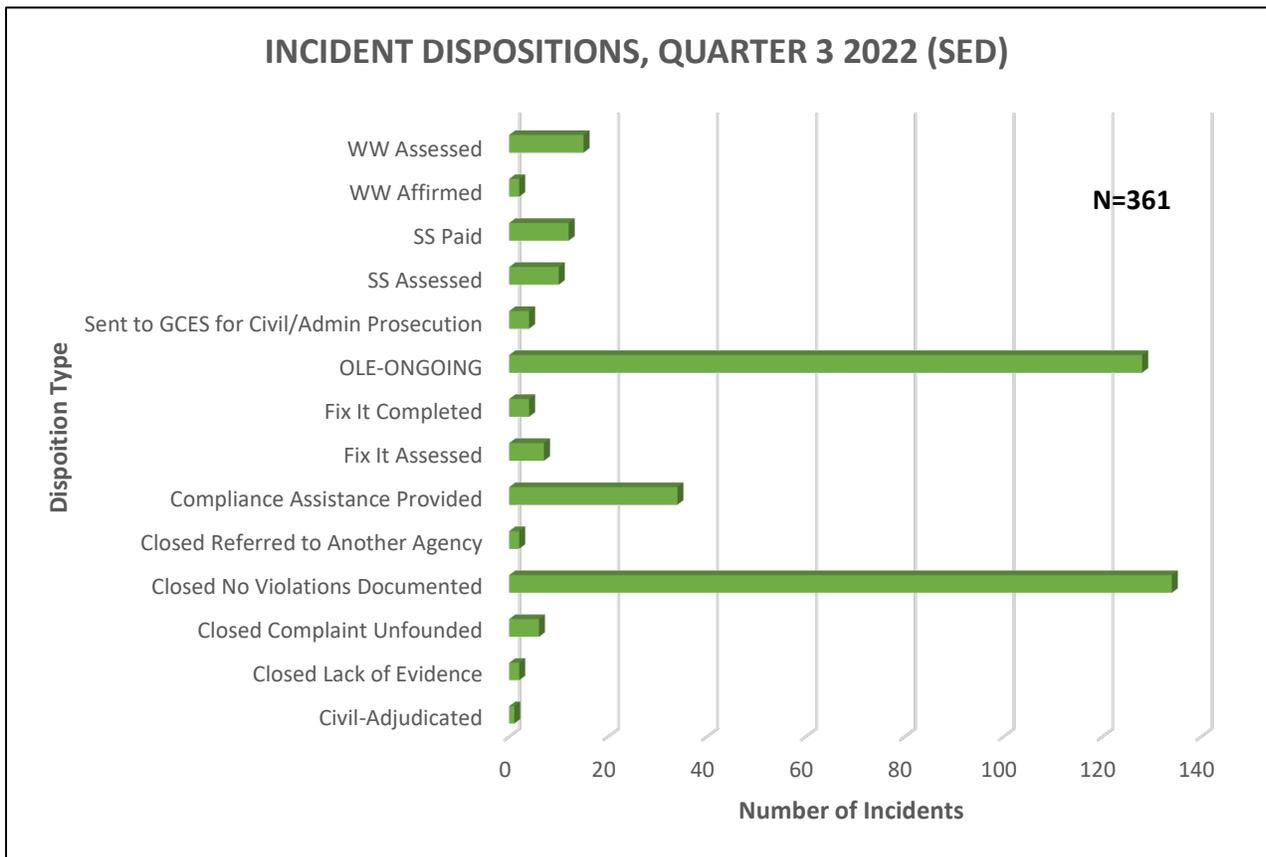
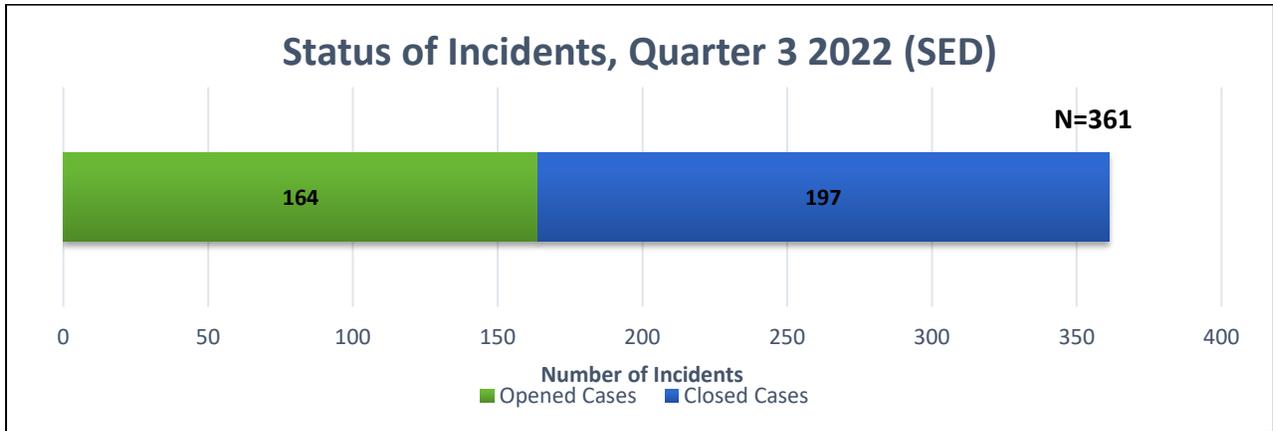
## Referred Incidents by Enforcement Partner, by Law/Regulation/Program; Quarter 3 2022



<sup>1</sup> total individual counts may be greater than opened cases due to multiple counts charged for separate cases

# Caseload Snapshot

Below is a breakdown of the initiated incidents (**361**) throughout the quarter, by status and disposition. The total also includes cases referred to OLE-SED by our enforcement partners. Throughout the quarter, enforcement personnel were able to complete investigations and close **55%** of the incoming workload.



# Enforcement Highlights

## Highly Migratory Species



A North Carolina enforcement officer (EO) made daily patrols during the 2022 Big Rock Blue Marlin Tournament. There were 266 vessel participants this year with payouts totaling \$5,858,875 to date. NOAA OLE presence and community outreach was well received.

A North Carolina EO worked with NC Marine Patrol and HMS management when it was found that personnel at a charter marina were collecting tuna carcasses after charters and selling them as shark bait. A person must obtain a HMS dealer permit for any HMS product to enter commerce if received by “purchase, barter, or trade.” In this case, the personnel were “trading” fish cleaning services for the carcasses.

The Compliance Liaison presented recent SED HMS related efforts at the Spring HMS advisory panel (AP) meeting. Patrols and cases conducted in the Caribbean and North Carolina areas were highlighted as well as our relationship with HMS staff. AP members praised local enforcement officer interactions they have seen in their areas.

A South Carolina EO and special agent (SA) spoke with anglers regarding HMS regulations in Georgetown, SC who were participating in the SC Governor’s Cup Billfish Tournament. Two blue marlin were weighed at the dock.

## Lacey Act



A special agent in Niceville, FL, attended criminal court proceedings in the Southern District of Alabama. The subject of a two-year investigation was summoned to court subsequent to a criminal Information, documenting violations of the Lacey Act. The subject was arraigned and pled guilty to two of seven counts of violating the Lacey Act. Sentencing is scheduled for late September.

## Illegal, Unregulated and Unreported (IUU) Fishing

A St. Petersburg, FL EO, Miami, FL SA and EO conducted a Bahamian IUU fishing patrol operation with several South Florida agencies. NOAA OLE led all fishery investigations and provided on-scene training to the other agencies throughout the patrol. Two NOAA vessels participated in the operation and conducted vessel stops. The USCG terminated two voyages for failure to provide evidence of active participation in a drug-testing program for the captain and crew.

## Seafood Import Monitoring Program (SIMP) and Port State Measures Act (PSMA)



A Savannah, GA EO, Georgia Department of Natural Resources (GADNR) Game Wardens, and NOAA Forensic Scientist examined a cargo container of imported salmon at the Port of Savannah, GA. A Biomeme field-testing instrument was used to analyze DNA to ascertain specific salmon species suspected of mislabeling. Results from the Biomeme equipment will further detention of suspect shipments for release or more intensive sampling and submission to the forensic laboratory. A NOAA Forensic Geneticist Technician Contractor provided officers with training and tested the use of the equipment in the field.

A Houston, TX EO and Supervisory Enforcement Officer (SEO) conducted IUU Operation Yellowfin at Veteran’s Point of Entry in Brownsville, TX. During the three-day operation, officers conducted 9 Seafood Import Monitoring Program (SIMP) examinations containing over 30,000 pounds of yellowfin tuna, 22,000 pounds of shrimp, 1,500 pounds of red snapper, 500 pounds of grouper and 500 pounds of crab. Several of the shipments were referred to the SIMP audit team to ensure compliance with SIMP requirements. Additionally, four samples of processed crabmeat were collected and sent to the NOAA Forensics Laboratory for species identification.

Miami and Saint Thomas EO’s conducted a multi-day operation with US Customs and Border Protection (CBP) and the Federal Drug Administration (FDA) at the Saint Thomas Airport and seaport to inspect commercial seafood shipments coming from outside the United States. Several cargo inspections from Dominica were conducted with the assistance from the CBP agricultural specialist and further investigation is ongoing.

## Marine Mammal Protection Act

A Corpus Christi, TX SA completed an investigation into complaints received of an individual swimming with and holding a bottlenose dolphin in a shallow cove of the upper Laguna Madre off North Padre Island in Corpus Christi, TX. The subject was issued a \$100.00 Summary Settlement penalty.

A Corpus Christi, TX SA initiated an investigation into the entanglement of a bottlenose dolphin in an illegal gillnet found near South Padre Island. The dolphin was located during a U.S. Coast Guard small boat patrol and was able to be released alive.



Texas OLE Eos and a SA, along with Texas Parks and Wildlife Department (TPWD) Game Wardens assisted the Texas Marine Mammal Stranding Network and NOAA Protected Resources Division with the removal of a bottlenose dolphin from North Padre Island, TX. OLE patrolled the cove, ensuring the safe removal of the bottlenose dolphin. The dolphin is described as “out of habitat” and has been

injured on several occasions by boat propellers. It has undergone evaluation and rehabilitation at the Texas State Aquarium.

A Panama City, FL SA and a Niceville, FL EO participated in Operation Cetacean Salvation. This is an on-going long-term operation to address bottlenose dolphin harassment issues in the Panama City Beach area. During this period, the EO and SA made a dolphin feeding case against a recreational vessel resulting in the issuance of a \$500 Summary Settlement penalty

## **Magnuson-Stevens Fishery Conservation and Management Act**

NOAA's General Counsel Enforcement Section (GCES) reported that the respondents in an illegal charter vessel investigation paid a \$5,915 fine to settle their case. NOAA and FWC investigators previously conducted an operation that produced evidence that the subject entered federal waters, targeted, and caught federally regulated species without the required permits.



St. Petersburg and Panama City, FL EOs, and two boarding officers with the USCG conducted an at-sea patrol in the Gulf of Mexico targeting illegal charter fishing vessels. The team boarded several vessels, which were all in compliance. No illegal charters were identified. The officers also responded to several overturned vessels and assisted USCG in rescuing anglers aboard a sinking vessel.

A Cape Canaveral and Miami, FL EO took part in Operation Intercept with the USCG in the EEZ East of Ponce Inlet. The operation focused on targeting illegal charters. Officers provided compliance assistance to multiple charter vessel captains for snapper/grouper gear violations. The USCG terminated a vessel's trip due to safety violations.

A Sunrise, FL SA completed an investigation involving, a commercial snapper/grouper vessel that was found to be in possession of 372 pounds of red snapper harvested during the closed season. The vessel also harvested 440 pounds of vermillion snapper in excess of the commercial possession limit. The red snapper and overage of vermillion snapper were seized and sold for \$4,931.00. The investigation was the result of a joint vessel inspection in Atlantic Beach, FL in coordination with a Jacksonville SA, CGIS, FWC, and USCG Sector Jacksonville as part of operation "Over The Limit".

A North Carolina EO issued written warnings to three fishermen for a FWC referred case where two red snapper were found alive in their possession in a live well. The men were actively trying to identify the catch at the time of the boarding by using the Fish Rules App and the red snapper were successfully released via descending device.

NOAA's GCES assessed a \$25,600 for a violation of landing 372 lbs. of red snapper during a closed season and for exceeding the 1,000 lb. vermillion snapper commercial catch limit by 440 lbs. The red snapper and overage of vermillion snapper were seized and sold for \$4,931.00. The investigation was the result of a joint vessel inspection in Atlantic Beach, FL in coordination with a Jacksonville SA, CGIS, FL FWC, and Coast Guard Sector Jacksonville as part of operation "Over the Limit".

## Endangered Species Act



A Houston, TX EO traveled to the Galveston Shrimp Basin to assist the Gear Monitoring Team with a Turtle Exclusion Device (TED) outreach event. The purpose of the outreach event was to provide captains with the status of their TEDs ahead of the reopening of the federal shrimping season in Texas. The team completed 6 boardings and provided compliance assistance to three captains regarding minor TED discrepancies.

A Saint Thomas EO and St Thomas Department of Planning & Natural Resources (DPNR) officers investigated a complaint of illegal possession of staghorn coral at the Sea Cliff Villas Complex. A small collection of dead staghorn coral was observed in a flowerbed and the property manager was advised to remove the coral from the property. The manager was given compliance assistance and agreed to remove the coral as well as informing the residents of the violation.

SAs from Jacksonville and St. Petersburg, FL assisted US Fish and Wildlife Service (USFWS) personnel with the inspection of ten Kemp's Ridley sea turtles at the Orlando International Airport. NOAA Fisheries, USFWS, and the Association of Zoos and Aquariums facilitated the trip. A NOAA Fisheries veterinarian accompanied the animals on the flight to ensure their safety. The turtles were returned to the U.S. from the Cayman Islands after being in the Islands for several decades as part of an experimental captive breeding effort. USFWS took possession of the turtles with the assistance of Sea World and they were sent to new homes across the U.S. after their quarantine time.

CBP officers from the St. Thomas Airport contacted a St. Thomas EO in regards to an illegal shipment of West Indian whelks that arrived from the British Virgin Island of Tortola. The EO advised the officers that if no documentation of the shipment was presented to the inspectors then the shipment could be denied entry. West Indian whelks are closed for harvest in the USVI and the shipment was denied entry.



OPERATION BLUE SKY - A League City Texas SEO, Mobile, Alabama EO and a Corpus Christi Texas EO conducted a joint TEDs enforcement operation with USCG and Mississippi JEA partners in Biloxi, Gulfport and Bayou Caddy Mississippi. Vessel boardings were conducted on twenty-six (26) shrimp boats. Five minor violations were identified on the new skimmer style trawl, and corrected on the spot. OLE provided training to USCG boarding officers that were unfamiliar with TEDs

## National Marine Sanctuaries



A SED SEO and four EOs conducted operation "Green Horn," a Field Training and Evaluation Program operation in the Florida Keys. Officers spent five days operating the Region's 36' and 26' Metal Shark patrol boats in the Key

West area. The primary focus was to enforce sanctuary regulations and train a new officer. Other laws/regs were enforced as they were discovered while conducting vessel stops.



A Key West patrol boat crew completed Operation Mutton Moon, an operation in the Dry Tortugas. During the five-day patrol, the crew patrolled the Tortugas Ecological Reserve, North and South to

deter and detect illegal fishing in the closed marine protected areas. The timing and location of the operation is due to the annual mutton snapper spawn in the Keys during the months of May and June. The Tortugas Ecological Reserve South encompasses Riley's Hump, a mutton snapper spawning site. The boat crew documented two recreational fishing vessels illegally fishing in the North Reserve and deterred one, which was preparing to fish on Riley's Hump in the South Reserve. The crew also patrolled with the National Park Ranger to assist with checking boats in Garden Key Harbor and with a welfare check on a family aboard a sailboat.



A Key West, FL EO and SA conducted a patrol in the Florida Keys National Marine Sanctuary. The patrol focused on the lower Florida Keys Sanctuary Preservation Areas and Ecological Reserves. The crew identified multiple violations on commercial fishing vessels and commercial snorkel/ dive vessels.

Savannah, GA, St Thomas, USVI, and Port Canaveral, FL EO's conducted a TED patrol and a patrol to Grays Reef National Marine Sanctuary. During the patrols, three trawlers, three recreational vessels, and one charter vessel was boarded. Officers provided compliance assistance to two vessels regarding fish descending devices onboard, but not rigged and ready for use.

## Cooperative Enforcement/Partnerships



A St Petersburg SEO and three EOs attended the FWC annual JEA Offshore Patrol Vessel (OPV) rally. The event was held in Crystal River, Florida. The officers

provided classroom training on federal fisheries investigations and case referral submissions. They also attended a vessel boarding scenario and team-building event.



A SEO and EO's from Texas conducted a joint IUU fishing and SIMP operation with TPWD, USCG, and USFWS at the Veterans and Pharr Points of Entry in Brownsville, TX. During the three-day operation, officers examined 20 containers from 4 shipments containing 6,641 pounds of red snapper, 327 pounds of grouper, and 2,900 pounds of

blue crab. While underway in the Gulf of Mexico Exclusive Economic Zone, officers retrieved over 300 yards of gillnet, which illegal Mexican fishing vessels known as Lanchas commonly use.

The St. Petersburg Assistant Special Agent in Charge (ASAC) and a St. Petersburg EO attended the Operation Red Karma brief at the FWC office in Port Charlotte. Participating agencies included FWC, USCG, CBP AMO, Sarasota County Sheriff's Office Marine Unit, and Venice Police Department Marine Unit. The EO provided training on federal case package submissions. The operation targeted state and federal violations in the Gulf of Mexico from Lee to Hillsborough counties associated with the opening of the red snapper season with a focus on illegal charters.



FWC OPV Officers, a Key West SA and two Key West EOs attended a meeting with USCG Living Marine Resource (LMR) training staff in order to discuss the Gulf of Mexico fisheries regulation instruction provided to USCG boarding teams around the Gulf of Mexico. LMR training staff presented the training curriculum. Attendees discussed how to better prepare JEA case packages submitted to OLE.

A Key West SA, Sunrise SA, Jacksonville SA, and Sunrise EO attended a virtual meeting with numerous members of the Bahamian government to include members of the Royal Bahamian Defense Force, Bahamas Immigration Service, Royal Bahamas Police Force, and Department of Marine Fisheries. FWC representatives also attended the meeting. The WildAid NGO organized the meeting. Topics of conversation included U.S. registered vessels fishing Bahamian waters without checking into customs and not obtaining a fishing permit, charters in the Bahamas, and fishing regulations. It was a collaborative first step and provided networking opportunities between NOAA OLE and the Bahamas.



A Sunrise SA and the U.S. Coast Guard Cutter Angela McShan participated in Operation Titan Hammer. The primary objectives of Operation Titan Hammer were to increase efforts to counter, detect, and monitor potential illegal, unreported and unregulated (IUU) fishing in the Atlantic region and to help Bermuda protect the living marine resources in the country's Exclusive Economic Zone (EEZ). Additionally, the operation was planned to help the U.S. and Bermuda build upon the two countries' partnership to advance the shared interest of protecting the environment.



A League City SA returned from a 3-week deployment with the USCG Cutter MUNRO (WMSL 755) in support of operation North Pacific Guardian 2022 in the North Pacific and Western Central Pacific Fisheries Commission Areas of Responsibility off the Coast of Japan. The SA conducted approximately 21 IUU fishing boardings on People's Republic of China and Japanese fishing vessels, identifying serious violations to include inspection denials, record keeping violations, and marking violations. The joint operation was partnered with NMFS, USCG, Canada Department of Fisheries and Oceans and the Fisheries Agency Government of Japan.

A Corpus Christi EO and SA along with a League City SEO conducted a JEA training session on SEFHIER and JEA case package preparation for Texas Parks and Wildlife Game Wardens.



While conducting a TED boarding, officers debarked and responded to a USCG call for assistance for a vessel taking on water and attempting to make it back to Charleston, which was approximately 45nm from their position. The USCG lost communication with the vessel and NOAA patrol vessel responded and ran a reciprocal course towards the last known position. The officers located the vessel and it was underway with its

bilge pumps keeping up with the flooding while the vessel remained on plane. The vessel operator could not hear anything on their radio because their engine compartment was open for dewatering and running at full speed. NOAA officers escorted the vessel towards Charleston and provided positional updates to vector in a USCG vessel who relieved OLE of the escort to port. A Miami, FL EO conducted training to 30 Coast Guard members at USCG Station Fort Lauderdale on current fisheries regulations, conservation laws, and partnership priorities for future joint patrol efforts in their AOR.



A Key West, FL SA participated in a meeting with FWC and numerous Bahamian officials including the Minister of National Security, Royal Bahamas Defense Force officials, and the Minister of Environment and Natural Resources. The subject of the meeting was in reference to a new Bahamian law enforcement team, the Bahamas Wildlife Enforcement Network, or BahWEN. The main objective of this team is to increase the country's effectiveness in the prevention and detection of wildlife threats, which includes fishery violations.

## Patrols/VMS/Catch Shares

A Saint Thomas EO conducted a targeted patrol in the Red Hook Area for unpermitted HMS fisheries charters. Upon inspection of a vessel at the dock in American Yacht Harbor Marina, the vessel's captain was not able to provide any NOAA or DPNR Territorial fisheries permits. A records search of the HMS permits showed that the vessel had expired NOAA permits from 2017.



A Charleston, SC EO conducted a multi-day patrol with USCGC Pompano from Tybee Island, GA to Little River, SC. Six snapper-grouper bandit vessels were boarded and inspected. Violations ranged from prohibited J-hooks use and lack of descender devices. A written warning was issued for four undersized fish as well as compliance assistance given for retaining a shark bit snowy grouper

and failing to have the valid permits on board one of the vessels.



A Charleston, SC SEO and EO and a Savannah, GA EO conducted a patrol targeting shrimp trawlers to conduct TED inspections. Seven shrimp trawlers and one recreational fishing vessel were boarded. OLE documented two violations for TED violations pertaining to improper leading edge and forward cut TED measurements. Compliance assistance was provided to the recreational vessel for a missing descending device.



A Key West, FL SA completed an investigation into a commercial fishing vessel with numerous violations in reference to his VMS, IFQ declarations, and fish traps. The captain admitted to most of the violations after being confronted with VMS tracks, photographs from an FWC stop, and logbooks. OLE issued a summary settlement penalty and three written warnings.

## Compliance Assistance/Outreach/Education/Public Affairs

A Miami, FL EO provided NOAA Fisheries education to an Indonesian fisheries organization via video chat and continued to work with the organization. Topics discussed were SIMP species, NOAA Website features, IUU red flags, future of SIMP and the needs and problems in the Indonesian fishing fleet. Destructive Fishing Watch Indonesia was integral in confirming small vessel harvest in an Indonesian import fishery case.

A Niceville, FL EO and a Savannah, GA EO conducted an outreach with a small group of charter fishing vessel captains in Destin, FL. EOs provided resources on sea turtle release gear and answered questions pertaining to for-hire fishing trips and VMS issues.

The SED Assistant Director, Deputy Special Agent-in-Charge and Compliance Liaison presented at a Marine Resource Education Program (MREP) Management Workshop. The group discussed enforcement capabilities and priorities, as well as case examples. The participants were from the 2020 class that was put on hold due to COVID and were highly engaged. Plans are underway for future workshops in the Southeast and MREP staff are planning to incorporate more enforcement topics to further educate stakeholders on enforcement's role in fisheries decisions.



A League City, TX SA and the Compliance Liaison provided OLE related observer training to an initial class at the SEFSC Galveston Lab. Emergency, SASH and fishery violation reporting protocols were discussed as well as conflict resolution scenarios. The class was heavily engaged and asked numerous questions on how to conduct their job safely and effectively. An opportunity to visit a local fishing dock after training was completed resulted in compliance assistance with a commercial reef fish vessel regarding observer coverage as well as SEFHIER assistance to a party boat operation experiencing issues reporting their landings properly.

A Sunrise, FL SA and a Miami, FL EO attended the 2022 Miami International Trade Show. Agencies that participated included Customs and Border Protection, Food and Drug Administration, US Fish and Wildlife Service, US Department of Agriculture, Consumer Product Safety Commission, Alcohol and Tobacco Tax and Trade Bureau and Customs Trade Partnership Against Terrorism. During this conference, federal agencies educated the public and industry regarding existing and new regulations. Agency participants also make important peer contacts and discuss their agencies mission and potential for joint operations.

Key West and Key Largo EOs, and the compliance liaison assisted the observer program with an outreach event in Stock Island, FL. The purpose was to identify commercial fishing vessels in the program and notify captains of the upcoming increase in observer coverage on their vessels.

A Charleston, SC EO spent three days with NOAA Observer representatives making contact with South Carolina Snapper-Grouper permit holders, vessel owners, and operators. The outreach provided education to stakeholders in the observer program regarding expectations and requirements ahead of an increase in observer coverage and selections.

## Media

Dolphin Rescue: <https://www.fisheries.noaa.gov/feature-story/izzy-dolphin-unlikely-survive-wild-will-remain-permanent-care>

Dolphin Harassment: <https://www.fisheries.noaa.gov/feature-story/texas-dolphin-harassed-death>

Seafood Fraud: <https://www.fox10tv.com/2022/06/22/feds-mobile-net-conviction-fish-trafficking-charges/>

Joint Patrols: <https://www.gov.bm/articles/coast-guard-visit>  
<https://www.royalgazette.com/general/news/article/20220406/us-coast-guard-cutter-to-arrive-in-bermuda-today-as-part-of-fisheries-enforcement-operation/>

<https://seapowermagazine.org/coast-guard-begins-multi-month-fisheries-enforcement-operation-with-bermuda/>

## Overview of Summary Settlements

Listed below is a summary of the **50** Summary Settlement penalties issued during the quarter. The most frequently observed violation types cited involved retention during closure, undersize possession and/or lack of descender or turtle mitigation devices (27), fishing with invalid permits (6) and IFQ program requirements (3). **25** violations were cited throughout the Gulf region and ranged in subject, including 15 citations for retention during closure, undersize possession and/or lack of descender or turtle mitigation devices, 3 citations for shrimp vessel TED/BRD requirements and 3 violations involving IFQ program requirements. **18** violations were cited throughout the South Atlantic region, which included 11 citations related to retention during closure, undersize possession and/or lack of descender or turtle mitigation devices and 2 involving gear requirements. There were **5** violations in the Keys area and included 3 citations for fishing within sanctuary areas. **2** violations were cited in the Caribbean region, both for fishing with invalid permits.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	\$100	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$300	FL WEST
Endangered Species Act (ESA)	TED/BRD Requirements	\$200	FL WEST
Highly Migratory Species	Possession of HMS Species Without Required Permits	\$500	FL EAST
Highly Migratory Species	Possession of HMS Species Without Required Permits	\$1,000	PR
Highly Migratory Species	Possession of HMS Species Without Required Permits	\$2,500	PR

Highly Migratory Species	Electronic Monitoring Requirements	\$500	SC
Magnuson Stevens Act (MSFCMA)	Expired Permit	\$325	FL WEST
Magnuson Stevens Act (MSFCMA)	Expired Permit	\$350	FL WEST
Magnuson Stevens Act (MSFCMA)	Sea Turtle Gear Mitigation Requirements	\$250	FL WEST
Magnuson Stevens Act (MSFCMA)	Observer Program Requirements	\$2,500	NC
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$325	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$375	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$800	FL EAST
Magnuson Stevens Act (MSFCMA)	Undersize Possession; Sea Turtle Gear Mitigation Requirements	\$575	FL WEST
Magnuson Stevens Act (MSFCMA)	IFQ Program Requirements	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Dispose of fish after approach by law enforcement	\$1,300	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$325	FL WEST

Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$375	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$325	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$800	TX
Magnuson Stevens Act (MSFCMA)	IFQ Program Requirements	\$1,000	FL KEYS
Magnuson Stevens Act (MSFCMA)	IFQ Program Requirements	\$2,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Undersize Possession	\$975	GA
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$700	TX
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$1,250	TX
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$700	TX
Magnuson Stevens Act (MSFCMA)	Commercial Trip Limit Exceeded	\$582	SC
Magnuson Stevens Act (MSFCMA)	Gear Violations	\$250	SC

Magnuson Stevens Act (MSFCMA)	Undersize Possession; Lack of Descender Device	\$250	SC
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$650	GA
Magnuson Stevens Act (MSFCMA)	Retention During Closure; Lack of Descender Device	\$700	FL EAST
Magnuson Stevens Act (MSFCMA)	Expired Permit	\$1,250	SC
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$1,225	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$650	TX
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$550	TX
Magnuson Stevens Act (MSFCMA)	IFQ Program Requirements	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Lack of Descender Device; Sea Turtle Gear Mitigation Requirements	\$250	SC
Magnuson Stevens Act (MSFCMA)	Gear Violations	\$250	SC
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$900	TX
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$525	SC

Magnuson Stevens Act (MSFCMA)	Lack of Descender Device	\$250	SC
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$2,150	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$300	FL WEST
Marine Mammal Protection Act (MMPA)	Dolphin Feeding	\$1,000	FL WEST
Marine Mammal Protection Act (MMPA)	Dolphin Feeding	\$500	FL WEST
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$1,300	FL KEYS

# Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **1286**

## Population Breakdown by (VMS) Fisheries and VMS Vendor

FISHERY	ADDVALUE	ATLANTIC	FARIA	METOCEAN	NAUTIC ALERT	NETWORK INNOVATIONS	SKYMATE	WOODSHOLE	TOTAL
HMS Pelagic Longline			25			5	14	43	<b>87</b>
HMS Shark			3				1	3	<b>7</b>
Gulf Reef Fish	1		113	93	1	86	109	323	<b>726</b>
Rock Shrimp			13	5	4		8	37	<b>67</b>
Southeast For Hire	3	2	24		6		120	244	<b>399</b>
TOTAL	4	2	178	98	11	91	252	650	<b>1286</b>

Investigative Support Program staff play a vital role in ensuring compliance and provide assistance to enforcement officers and special agents. Staff received and processed **59** referrals from JEA partners. Case support to the field was provided as well, with work ranging from preparing incident reports, confirming vessel ownership and track lines, validating AIS data and creating chartlets. During the quarter, commercial and charter trips were monitored via VMS to detect potential violations. Violations, ranging from fishing in closed areas, improper gear use and failure to comply with reporting requirements (trip declarations, daily reports, and pre-landing notices) were detected by Investigative Support staff and referred to enforcement officers or special agents for follow-up. **11** vessels with multiple SEFHIER violations and **4** commercial vessels that fished in a closed area were identified. Additionally, staff conducted daily calls with the industry related to compliance during the quarter.

The Investigative Support Program continues collaboration with the NOAA Southeast Regional Office personnel to ensure SEFHIER reporting requirements are met. Compliance measures include referrals to enforcement officers and other actions, such as permits being placed on hold by the Southeast Permits Office until a vessel meets their SEFHIER reporting requirements and pending equipment failure exemption issues and data/workflow processes. Another continued area of focus this quarter involves North Atlantic Right Whale conservation, as comprehensive investigative work was completed for **6** vessels referred to GCES and **13** compliance assistance letters have been sent to stakeholders regarding right whale speed rule violations.

# Observer Program Highlights

During FY Quarter 3 2022, the Southeast Division Observer Programs deployed on **130** trips for **1022** sea days. Approximately **95%** of all selected trips were completed without an observer related enforcement incident [assault/harassment (sexual and non-sexual), safety]. Observer programs reported **16** fishery violations and International Convention for the Prevention of Pollution From Ships (MARPOL) violations and **47** observer coverage refusals to OLE-SED. The Gulf of Mexico Shrimp Program deployed on 29 trips for 551 sea days, and the Gulf of Mexico Reef Fish Program deployed on 25 trips for 110 sea days. Effort for the Panama City Shark Research Program were 21 trips for 37 sea days, and the Panama City South Atlantic Reef Fish Program deployed on 29 trips for 57 sea days. The Pelagic Observer Program deployed on 26 trips for 267 sea days. The summary below details the type of observer related complaints received during Quarter 2 (calendar year) of 2022, for all three programs.

COMPLAINT TYPE	Galveston Reef Fish and Shrimp Programs	Panama City Shark Bottom Longline and Gillnet Programs	Pelagic Observer Program	TOTALS
ASSAULT				0
HARASSMENT/INTIMIDATE/IMPEDEMENT	1	1	3	5
SAFETY	1			1
NON-COMPLIANT FOR OBSERVER COVERAGE			1	1
HANDLING		1	5	6
GEAR	2		9	11
RETENTION			6	6
SPATIAL				0
MARPOL-USCG	2		22	24
<b>TOTALS</b>	<b>6</b>	<b>2</b>	<b>46</b>	<b>54</b>

## Cases Referred For Prosecution

Listed below is a summary of the 9 cases forwarded to NOAA Office of General Counsel Enforcement Section (GCES) and/or the United States Attorney Office/Department of Justice for this quarter. Cases varied in violation type, with 1 occurring in the South Atlantic area, 5 in the Gulf area, 1 in the Caribbean area and 2 in the Florida Keys area.

LAW/REG/PROGRAM	VIOLATION	STATE
Endangered Species Act (ESA)	Illegal Take of Species	FL KEYS
Endangered Species Act (ESA)	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE
Lacey Act	Seafood Fraud	LA
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Moratorium Access	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention Without Valid Permits	TX
Magnuson Stevens Act (MSFCMA)	Foreign Vessel in US Waters	PR
Magnuson Stevens Act (MSFCMA)	Fishing in Closed Area	FL WEST
Magnuson Stevens Act (MSFCMA)	Gear Violations	FL KEYS
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Moratorium Access	FL WEST

\*Cases sent to the United States Attorney Office/Department of Justice for criminal prosecution.

## NOAA General Counsel Enforcement Section Charging Information

The following Civil Administrative Enforcement Actions are results from NOAA GCES that occurred in the Southeast Division, from April-May 2022 (June 2022 not yet available to include). Nationwide results may also be found at the [enforcement charging information site](#)

1. Tug Stephen J. Leaman – Owner Norfolk Tug Company and Operator Chessy Lane Briggs were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided (ATBA) in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750.

2. Yacht Lonian – Owner Lonian Holdings, LTD. and Operator John Paul Jones were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the ATBA in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued.
3. F/V Continental Shelf – Owner Voyager Fishing Charter Company and Operator Lawrence I. Horowitz were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$12,500 NOVA was issued.
4. M/V Areti I – Owner Areti I Ltd. and Operator David Gaskins were charged jointly and severally under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$12,500 NOVA was issued.
5. M/V Esprit D IV – Owner Clarke Holdings I, LLC was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued.
6. M/V Privateer – Owner Jarrett Bay Boatworks, Inc. and Operator Joseph P Johnson were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued.
7. F/V FL8580LB – Owner Yandie Concepcion and Fisher Yunior Rosales Morales were charged jointly and severally under the Marine Mammal Protection Act with lethally taking a marine mammal. A \$16,250 NOVA was issued.
8. F/V Evening Tide – Crewmember Armando Sui Gomez was charged under the Magnuson Stevens Fishery Conservation and Management Act for sexually harassing an observer. A \$36,000 NOVA was issued.
9. F/V FL4338NG – Owner/Operator Jo'von Roshard Jackson and Passengers Rashad Deangelo Cue, Fred Person, and Joel Alvin Jerome Clayton were charged jointly and severally under the Magnuson-Stevens Act with fishing for and/or possessing red snapper during a recreational sector seasonal closure, possessing undersized vermillion snapper and possessing a black sea bass that was not intact. A \$2,850 NOVA was issued.
10. M/V Antares – Owner Jeffrey Alter was charged under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$20,000 NOVA was issued.

### Resolved Cases Charged Before April 1, 2022 to May 31, 2022<sup>i</sup>

1. TX3989BD – Owner/Operator Yunior Morales was charged under the Magnuson-Stevens Act for possessing fish during a closed season. An \$18,000 NOVA was issued, and the case settled for \$14,600. [See Charged Cases, Item 10, from January 2022 report.]
2. F/V Miss Carolyn Louise – Owner Miss Candace Nicole, Inc. and Operator Fernan Rohenes were charged jointly and severally under the Endangered Species Act with fishing for rock shrimp in the South Atlantic with non-compliant Turtle Excluder Devices, and under the Magnuson-Stevens Act for failure to operate a vessel monitoring system. A \$16,125 NOVA was issued, and the case settled for \$14,512.50. [See Charged Cases, Item 10, from September 2021 report.]
3. F/V Watch Out – Owner Darrell York and Associates, Inc. and Operator Darrell York were charged jointly and severally under the Magnuson-Stevens Act with possessing gag grouper and red snapper out of season. A \$27,000 NOVA was issued, and the case settled for \$22,300.
4. F/V Wings Spread – Owner Wings Spread, LLC and Operator Allen Quackenbush were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$15,000 NOVA was issued, and the case settled for \$13,500. [See Charged Cases, Item 10, from February 2022 report.]
5. M/V Lady Serra Lady – Owner Serra Shipping Ltd. and Operator Emin Uysal were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters in length inside the ATBA. A \$7,500 NOVA was issued, and the case settled for \$6,750.
6. F/V FL0501RB – Owner/Operator Vasiliy Obukhov was charged under the Magnuson-Stevens Act with operating a reef fish charter in the US EEZ in the Gulf of Mexico without a permit and failing to maintain Gulf reef fish intact. A \$19,000 NOVA was issued, and the case settled for \$5,000. [See Charged Cases, Item 27, from May - August 2021 report.]
7. Yacht LONIAN – Owner Lonian Holdings, LTD. and Operator John Paul Jones were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area TO Be Avoided (ATBA) in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$5,000. [See Charged Cases, Item 14, from April 2022 report.]

8. M/V Areti I – Owner Areti I Ltd. and Operator David Gaskins were charged jointly and severally under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$12,500 NOVA was issued, and the case settled for \$11,250. [See Charged Cases, Item 16, from April 2022 report.]
  
9. M/V Privateer – Owner Jarrett Bay Boatworks, Inc. and Operator Joseph P. Johnson were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 18, from April 2022 report.]

<sup>i</sup>All cases in this portion of the report were previously charged.