

NOAA Fisheries Office of Law Enforcement
Southeast Division

FISCAL YEAR 2023, QUARTER 4
FISHERY MANAGEMENT
COUNCIL REPORT

JULY 1, 2023-SEPTEMBER 30, 2023



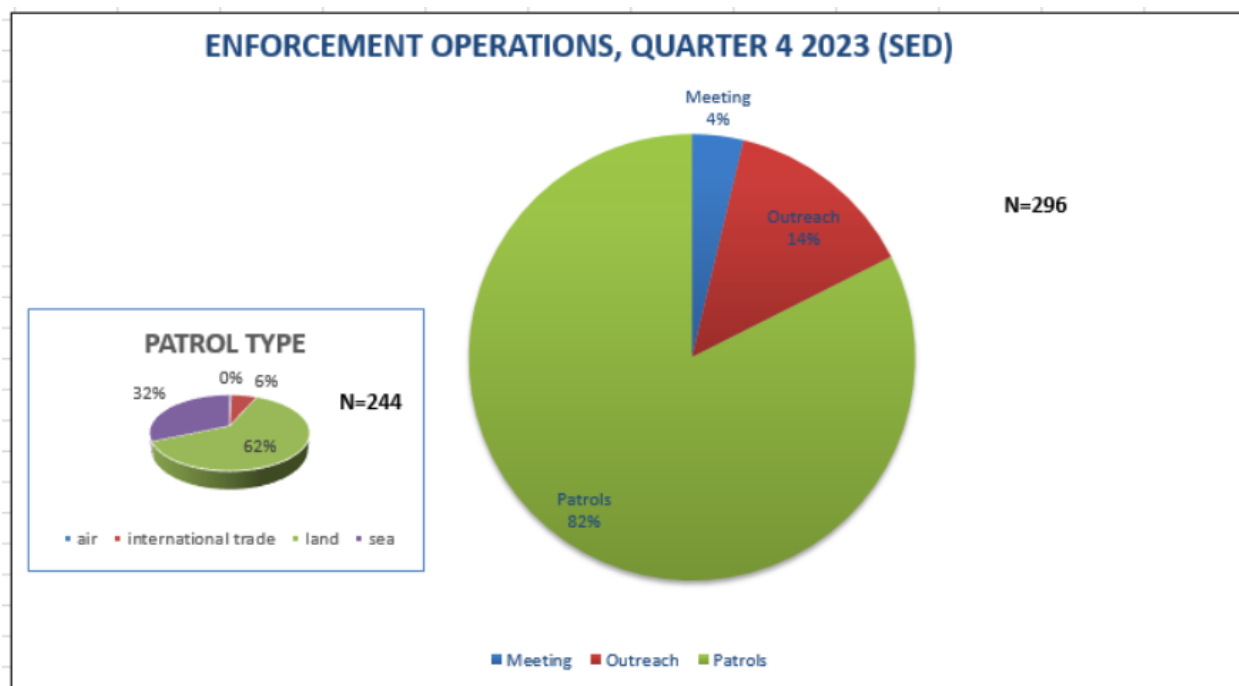
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Enforcement and Compliance

Data represent National Oceanic and Atmospheric Administration's Office of Law Enforcement, Southeast Division's (OLE-SED) enforcement efforts conducted throughout FY Quarter 4, 2023, **July 1, 2023- September 30, 2023**. 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).

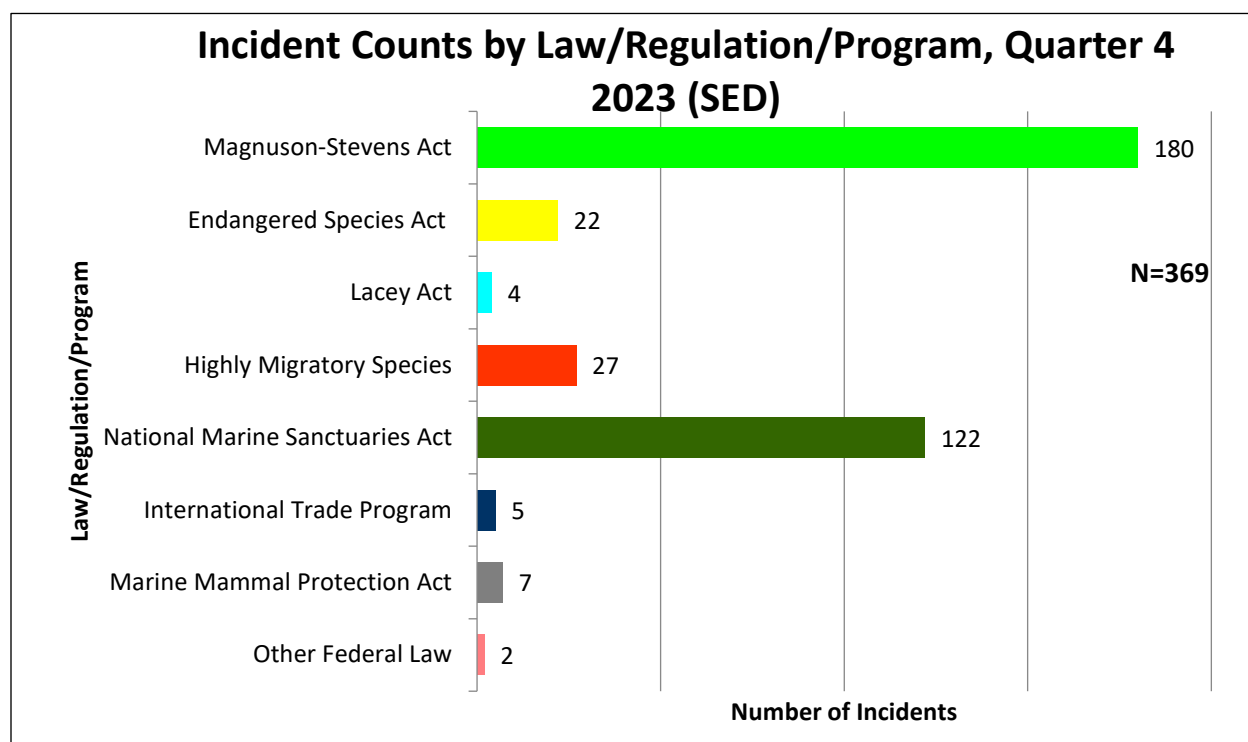
Patrols, outreach and education, compliance assistance, and investigations are the primary activities of OLE's mission to protect marine wildlife and habitat by enforcing domestic laws and supporting international treaty requirements designed to ensure global resources are available for future generations. Specifically, six operations were conducted throughout the division. Operation SANCTUARY SAVIOR was conducted during Florida's lobster mini-season. Enforcement efforts were conducted with multiple federal, state and local partners throughout the Florida Keys National Marine Sanctuary (FKNMS). Operation FORT NIGHT was also conducted in the FKNMS alongside state partners. Operations DISRUPT was conducted with state and federal partners on the Texas-Mexico border and targeted seafood imports as well as providing a presence in federal waters near the US/Mexico border. Another operation, YELLOW BIRD, targeting Illegal, Unreported, and Unregulated fishing and seafood imports was conducted at the Port of Miami. This quarter, OLE-SED conducted and documented **244** patrols, **41** specific instances of outreach and attended **11** meetings.



Incident Information

During the fourth quarter, OLE-SED opened **369** incidents, which included **236** counts in the SAFMC area, **258** counts in the GMFMC area and **7** counts in the CFMC area¹. These incidents originate from both NOAA personnel and our enforcement partners.

Summary of Incidents by Law/Regulation/Program; Quarter 4, 2023



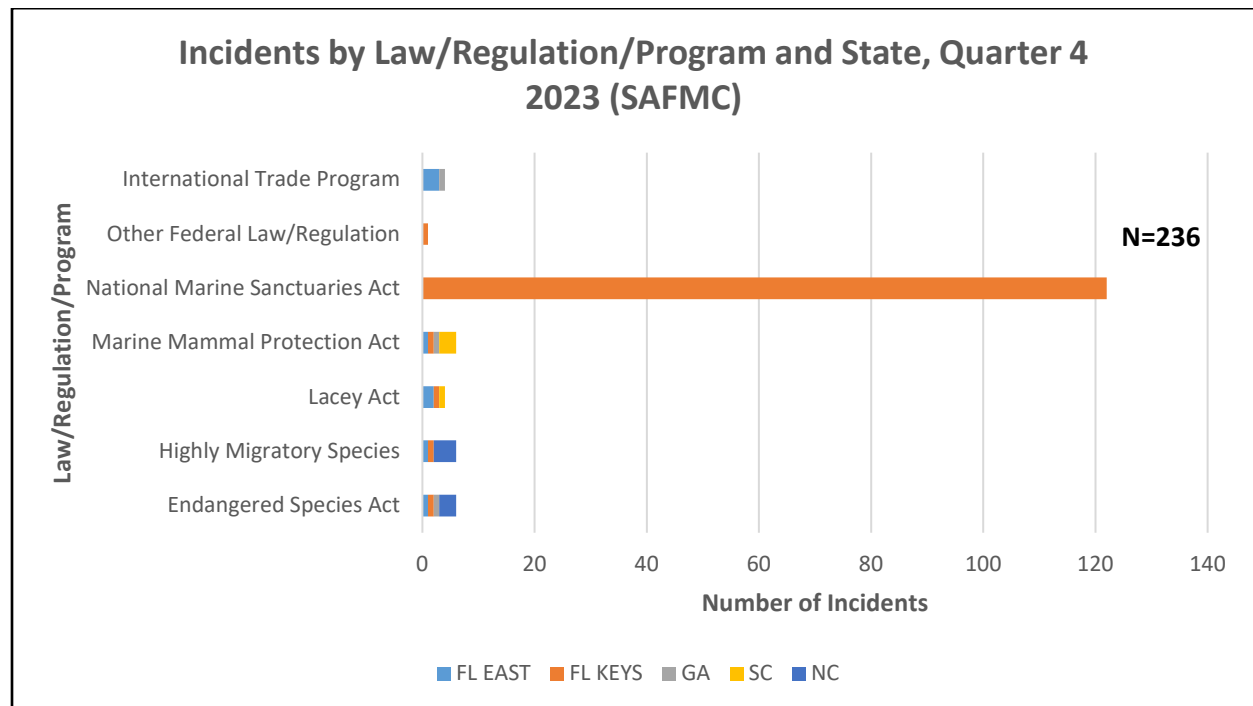
¹ Incidents occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total individual counts are greater than opened incidents due to multiple counts charged for separate incidents

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 4, 2023 (SAFMC)

Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Total
Magnuson Stevens Act	45	5	15	19	3	87
Endangered Species Act	1	1	1		3	6
Highly Migratory Species	1	1			4	6
Lacey Act	2	1		1		4
Marine Mammal Protection Act	1	1	1	3		6
National Marine Sanctuaries Act		122				122
Other Federal Law/Regulation		1				1
International Trade Program	3		1			4
TOTAL	53	132	18	23	10	236

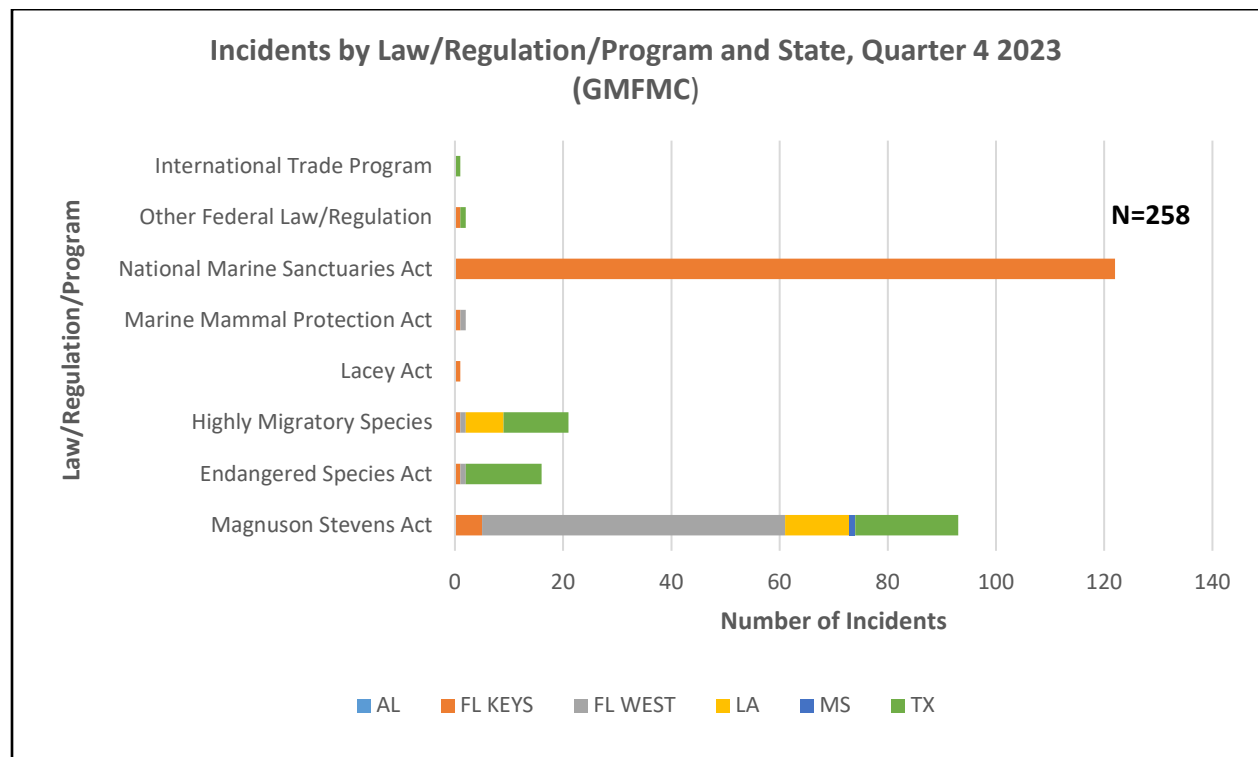


Gulf of Mexico Fishery Management Council Summary

**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 4, 2023 (GMFMC)

Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act		5	56	12	1	19	93
Endangered Species Act		1	1			14	16
Highly Migratory Species		1	1	7		12	21
Lacey Act		1					1
Marine Mammal Protection Act		1	1				2
National Marine Sanctuaries Act		122					122
Other Federal Law/Regulation		1				1	2
International Trade Program						1	1
TOTAL		132	59	19	1	47	258

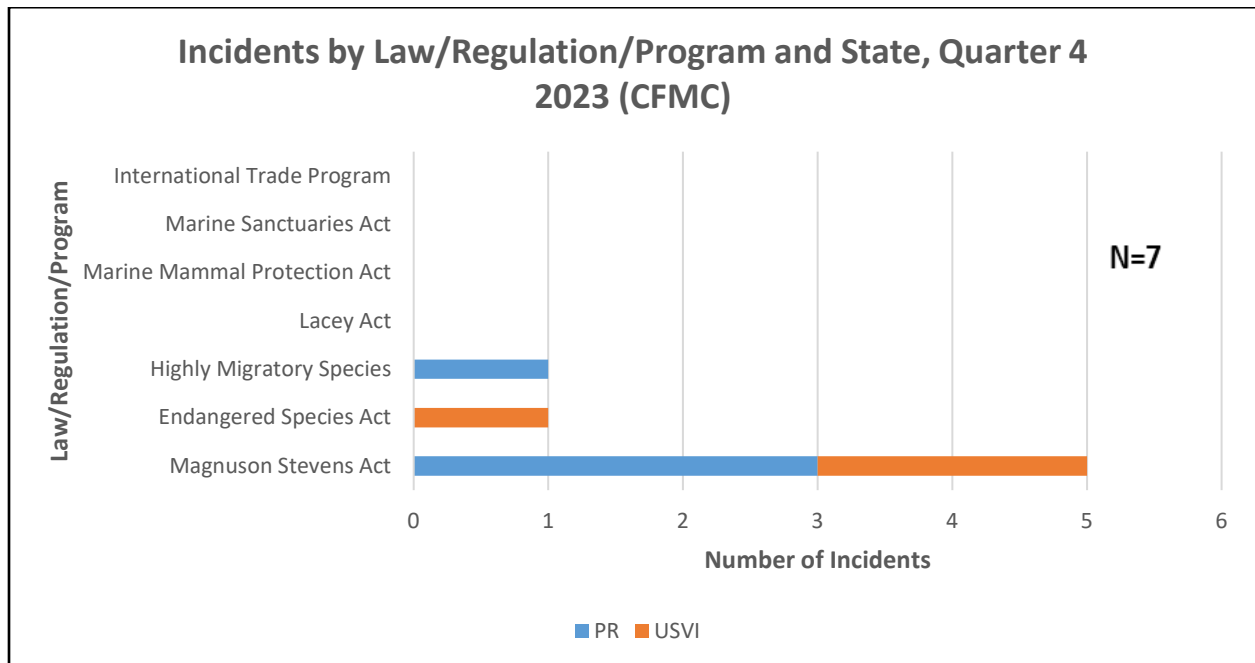


Caribbean Fishery Management Council Summary

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

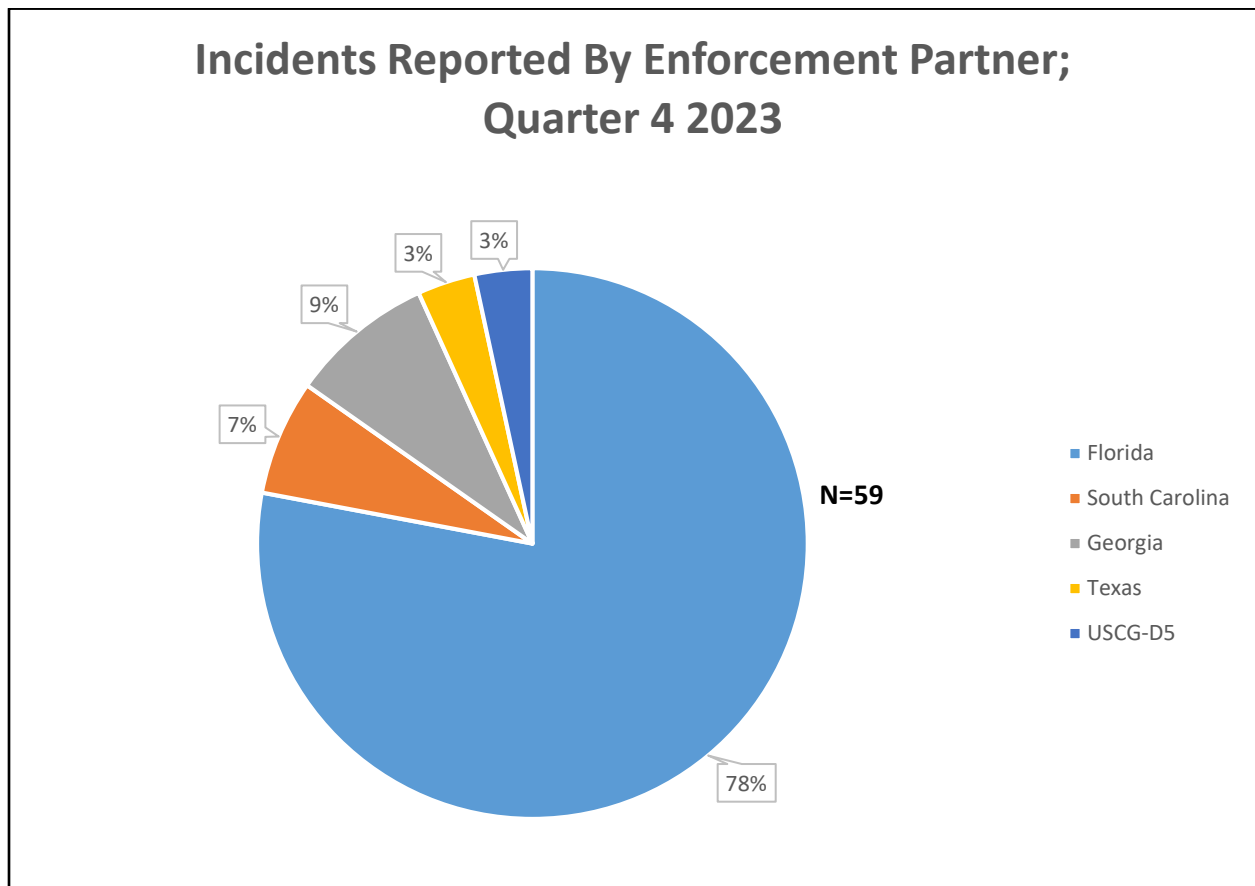
Number of Incidents by Law/Regulation/Program and Location; Quarter 4, 2023 (CFMC)

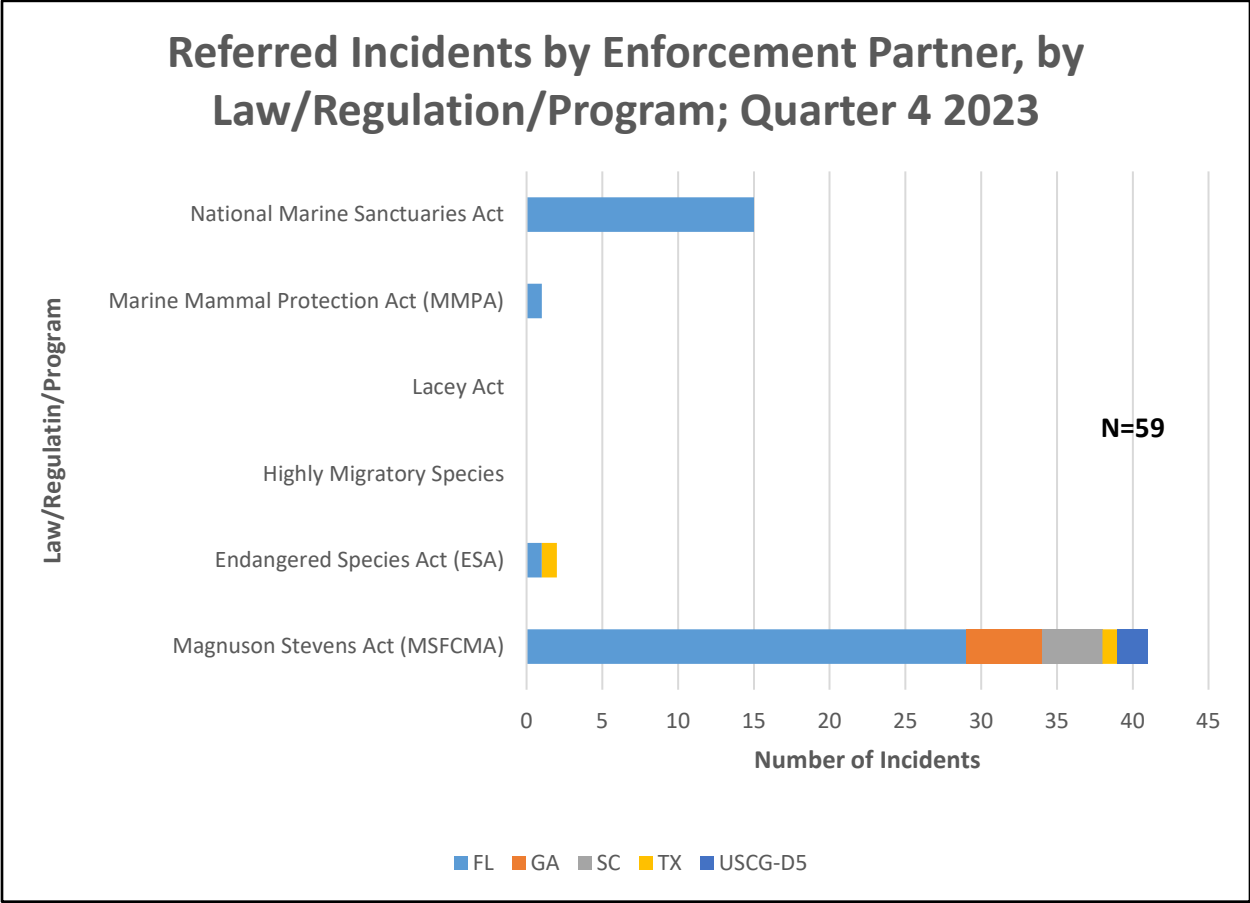
Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act	3	2	5
Endangered Species Act		1	1
Highly Migratory Species	1		1
Lacey Act			
Marine Mammal Protection Act			
Marine Sanctuaries Act			
International Trade Program			
TOTAL	4	3	7



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

Throughout Quarter 4, 2023, there were **59** 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 partner¹. Effort consisted of dockside vessel boardings, offshore vessel boardings and interaction with the general public and industry members.

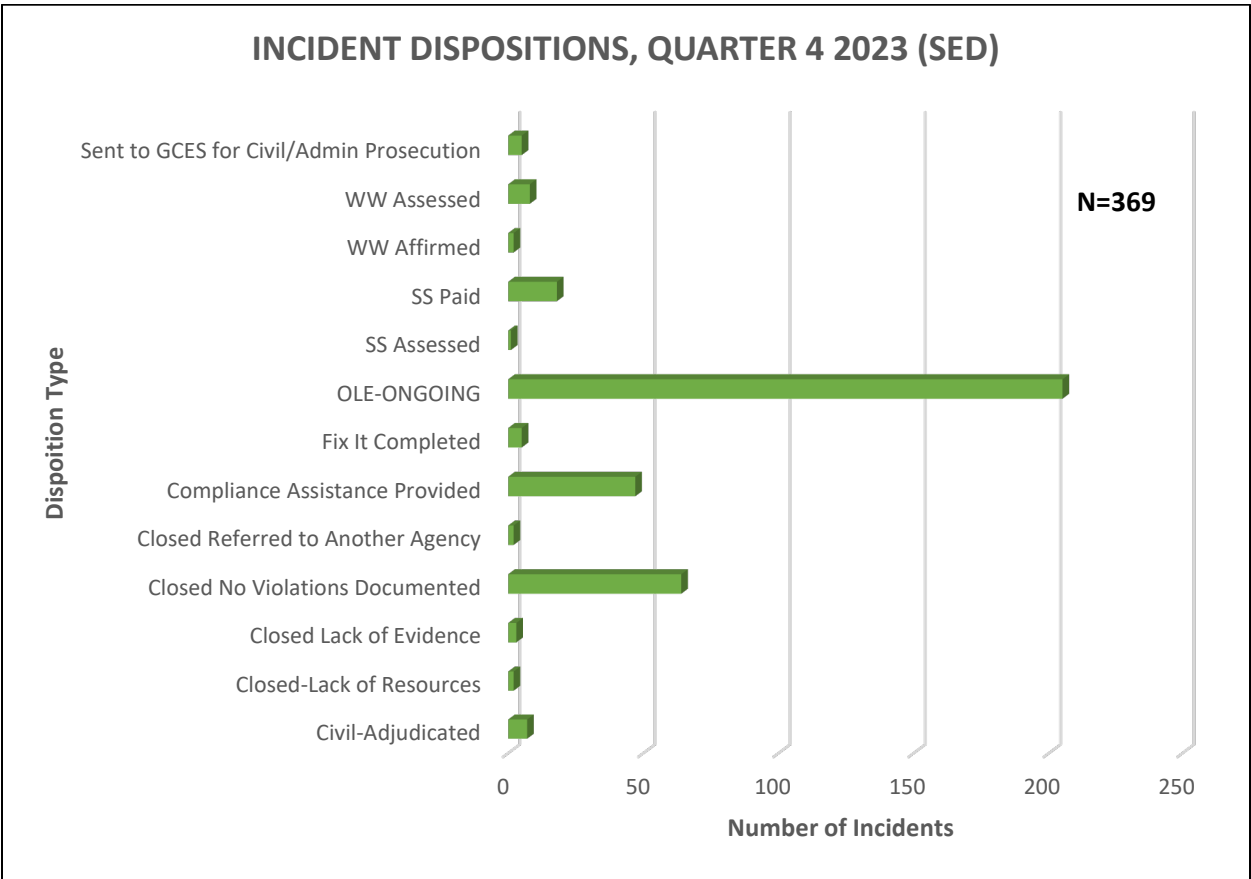
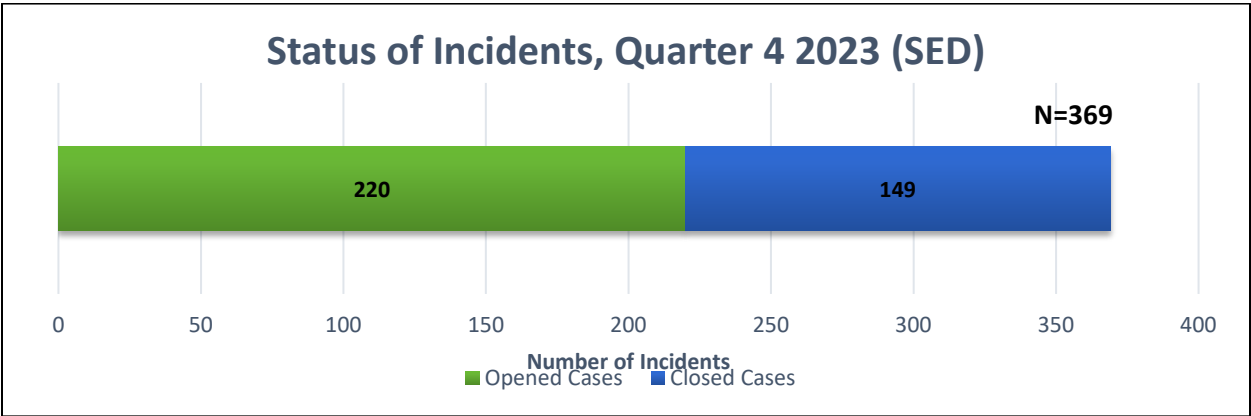




¹ total individual counts may be greater than opened cases due to multiple counts charged for separate cases

Caseload Snapshot

Below is a breakdown of the initiated incidents (369) 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 40% of the incoming workload.



Enforcement Highlights

Highly Migratory Species

A Slidell, LA Special Agent (SA) and Houma, LA Enforcement Officer (EO) traveled to Dulac, LA to meet with a HMS Dealer that was failing to meet reporting requirements for bluefin tuna, potentially triggering a shutdown of the fishery if the data was not received. It was determined that the person previously filing the reports had left the business and the person who had taken over had a language barrier. After the meeting, the dealer was able to complete the reporting requirements, renew the company's HMS permit, and took further steps to ensure it does not happen again.



A North Carolina EO received a call over the holiday weekend reporting a charter vessel allegedly returning to port with two blue marlin, one over the limit. The EO responded, located the suspect vessel and found one blue marlin on deck. A second blue marlin was also located on ice which placed them one over the limit and one of the two billfish was also undersized. A \$750 Summary Settlement Offer (SSO) was issued.

A Corpus Christi, TX EO identified five vessels participating in HMS tournament(s) without a valid HMS permit. Each was issued a \$500 SSO.

A Cape Canaveral, FL EO processed a Bahamian incursion case. A commercial vessel was observed on VMS entering Bahamian waters. The EO boarded the vessel and interviewed the captain who stated he was retrieving pelagic longline that drifted into Bahamian waters. Electronic monitoring footage showed that four swordfish were retained from Bahamian waters. A \$2,000 SSO was issued.

A San Juan, PR SA attended a two-day Blue Marlin tournament in order to assure compliance with HMS regulations. The SA was present at the tournament for the registration, answering HMS questions and assisting with permit applications. The second day of the tournament the SA attended with a Department of Natural and Environmental Resources (DNER) Officer to measure any fish in case they were landed. No violations were detected.

A North Carolina EO traveled to Manteo, NC to attend the public hearing for Amendment 15 to the 2006 Consolidated HMS Fishery. 45 members of the local pelagic longline fleet attended and a passionate discussion ensued. The EO met with fisherman the following morning to further discuss HMS regulations.

A North Carolina EO traveled to Silver Spring, MD and attended the HMS AP Meetings to serve as the representative for OLE and brief the AP on OLE's HMS efforts.

The St. Petersburg Assistant Special Agent in Charge (ASAC), along with representatives from NMFS International Atlantic Tuna Commission (IATC) and the United States Coast Guard (USCG), attended the International Commission for the Conservation of Atlantic Tunas (ICCAT) High Seas Boarding Schemes in the ICCAT Context Seminar in Vigo, Spain. The seminar was hosted by the European Union (EU) supported by the European Fisheries Control Agency (EFCA). Representatives from several countries gave presentations on At-Sea Partnerships (USCG) and High Seas Boarding Initiatives in other RFMOs such as the WCPFC (New Zealand) and NAFO (Canada).

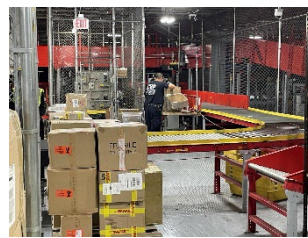
A Corpus Christi, TX EO provided compliance assistance to an HMS angler after the operator displayed a permit with inaccurate vessel information. The permits office was contacted and verified the known glitch whereby a previously owned/HMS permitted vessel information will populate a permit.

Lacey Act

A Niceville, FL SA travelled to south Florida and met with Probation and Parole Officers to perform audits/inspections on subject companies who are currently on probation, and under a compliance plan, for Lacey Act violations.

Illegal, Unregulated and Unreported (IUU) Fishing, Seafood Import Monitoring Program (SIMP)

A Miami, FL EO and Miami U.S. Customs and Border Protection (CBP) import specialist witnessed the destruction of wild-caught shrimp (*Plesioopenaeus edwardsianus*) harvested in Senegal after it had been concluded that the entries violated Section 609.



A Miami, FL EO conducted an IUU operation at the Miami FL Airport called “Yellowbird”. Multiple agencies over several days this week conducted planeside inspections on flights arriving from Colombia, China, Hong Kong, and other Central and

South American countries. The Operation included CBP (Officers and Import Specialists), CPSC, FDA-OCI, and NOAA SA’s and Officers. NOAA LEOs conducted port-of-entry inspections of marine products and assisted with FDA and CPSC-regulated products entering the United States airside. Several SIMP inspections were completed. One of the specific cargoes of interest was a shipment of red snapper from Guyana suspected of mislabeling and violating the Seafood Import Monitoring Program (SIMP). This shipment was meticulously tested to verify the species of the red snapper, as SIMP regulations only apply to Northern American red snapper and not Caribbean red snapper. Further forensic analysis is pending for these samples. In addition, three other entries labeled as fresh or frozen fish without specifying the species were inspected, and no violations were found.

Along with a CBP Officer from the Trade Sensitive Team and a U.S Fish and Wildlife Service (USFWS) Inspector, a San Juan, PR SA conducted an inspection on a container coming from Japan with imitation crab meat. The container was put on hold because of discrepancy between the master bill of lading and the house bill. The master bill of lading described the product as imitation crab meat and the house bill described the product as shark fins and fish sausages. After a full inspection of the container, all the product was confirmed as imitation crab meat. The container was released as no violations were detected.

A Harlingen, TX EO conducted a SIMP inspection of yellowfin tuna imported from Mexico into the United States. The EO inspected approximately 6,393.40 lbs of tuna with a value of \$21,771 USD. No violations were documented and the import was released into commerce.

A Harlingen, TX EO conducted a SIMP inspection at the Brownsville Port of Entry. The EO inspected approximately 14,000lbs of yellowfin tuna valued at \$88,956 USD. No violations were documented and the import was released into commerce.

Port State Measures Act (PSMA)



Cape Canaveral, Miami EOs, and Miami FL SAs participated in two weeks of PSMA training with the Bureau of Fisheries and Aquatic Resources Officers (BFAR) in the Philippines. The training

consisted of high-level meetings with BFAR in Manila to finalize details of their PSMA manual of operation. The second half of the training took part in General Santos and consisted of inspections of the Fish Port Complex, boarding scenarios, presentations, and in class scenarios to reinforce the skill sets developed during the week.

Marine Mammal Protection Act

A Jacksonville, FL SA interviewed the operator of a vessel, which exceeded the speed restrictions in seasonal management areas (SMA) designed to prevent ship strikes upon North Atlantic right whales. The operator advised the SA he is aware of the regulations for NARW SMA. He stated there were no mitigating circumstances, and the speed of the vessel during the time of the violations was just an oversight on his part. The case was forwarded to NOAA's Office of General Counsel Enforcement Section (GCES).

A Houston, TX EO received a complaint from a local commercial fisherman regarding a social media post showing a fisherman hooking a bottlenose dolphin while fishing at the jetties in Galveston, TX. The video showed the fisherman bring the dolphin out of the water and onto the jetties in order to untangle the fishing line from the dolphin's dorsal fin. The EO contacted the fisherman and provided compliance assistance regarding safe handling of dolphins and what resources are available if it were to happen again.

A Houma, LA EO received information from USCG personnel out of Venice, LA about a possible Rice's Whale sighting in the GOM. The information was referred to the Protected Resources Division who reviewed the information and determined it was a sperm whale sighting.

Magnuson-Stevens Fishery Conservation and Management Act



A Charleston, SC Supervisory Enforcement Officer (SEO) and SA and Savannah, GA EO conducted an offshore patrol during the 2 day red snapper season. Nine vessels were

boarded and no violations were documented. Of note, were that only half even had red snapper onboard their boats. A Cape Canaveral, FL EO conducted a pre-opening night patrol and first day of the opening patrols onboard an Florida Fish and Wildlife Conservation Commission (FWCC) vessel and boarded 14 vessels with one vessel found with 4 red snapper over the limit. A North Carolina EO conducted dockside patrols both days of the opening covering ramps, marinas and returning charter vessels. No violations were detected however the weather limited vessels going offshore.

A League City, TX SA reviewed two incidents of observer witnessed lack of a proper lookout on federally permitted commercial fishing vessels, which included the captain asleep at the helm and no lookout with the bridge unmanned. As these violations are investigated and prosecuted by the USCG, the two cases were referred to them for further action.

A San Juan, PR SA along with a DNER Officer investigated a case where a spear fisherman caught a Goliath Grouper of over 200lbs. The fisherman admitted to catching the Goliath and the case was transferred to DNER.



Charleston, SC and Savannah, GA EOs conducted two offshore patrols. Charleston Edisto and Charleston Deep marine protected areas (MPA) were patrolled as well as surrounding areas. Four commercial fishing vessels were boarded and

violations were found for missing sea turtle release gear, using j-hooks, not having a descending device, and failure to maintain fish intact through offload. Three recreational vessels were boarded with no violations documented. Multiple SSOs were issued.

A Saint Thomas, USVI EO coordinated an OLE response to a vessel who was suspected of fishing in the Hind Bank Marine Conservation District (MCD). The vessel was boarded by USCG in USVI waters and the voyage was terminated for safety gear violations. USCG had the vessel return to Fajardo, Puerto Rico, where it was turned over to Puerto Rico's Forces United for Rapid Action

(FURA). The operator was questioned by a Puerto Rico SA in relation to the report of fishing in a closed area. The subject was later turned over to Border Patrol for an immigration violation.

A Saint Thomas, USVI EO conducted a patrol with USCG out of St. Thomas to the Hind Bank MCD to verify the position of illegally placed fish traps.

A Houma, LA EO conducted an IFQ offload and interview with the captain of the vessel about ongoing VMS issues they were having. The EO, ISTs, and the captain were able to contact the vendor and figure out the issue. Compliance assistance was given to the captain.

A Savannah, GA EO, prepared a \$1,075 SSO regarding a commercial snapper/grouper vessel possessing cut-up vermillion snapper and gear violations. The vessel's owner had prior violations for both offenses. The violation was discovered during an OLE underway patrol to the offshore MPAs.

Endangered Species Act

A Houma, LA EO received a complaint regarding sea turtle handling incidents on Rutherford Beach in Cameron Parish, LA. The EO conducted a patrol of the beach and made contact with multiple individuals who confirmed sea turtle sightings are frequent in the area. No violations were documented.

A North Carolina EO assisted a Commercial Conch & Welk fisherman who was requesting to know if he was required to run a TED in a "Beam Trawl." After research and talks with NOAA Gear management it was determined that these trawls are exempt from the TED requirement.

A St Thomas, USVI EO conducted a joint patrol and surveillance with CBP of a food truck that was suspected of selling ESA Sea Turtle in the Tutu Mall area. No violations were observed.

A Key West, FL SA attended the arraignment of a subject charge with a violation of the ESA by cutting a rostrum off a live sawfish. In two separate interviews, the subject admitted to removing the rostrum.

A San Juan, PR SA traveled to St. Croix USVI to attend a sentencing hearing of the second defendant in a criminal case regarding a sea turtle take. The defendant was sentenced to one-year probation and \$500 fine.

National Marine Sanctuaries

Multiple EOs, SEOs, and SAs completed Operation Sanctuary Savior (lobster mini-season) in the Florida Keys. Boat crews conducted 29 vessel patrols in the Florida Keys National Marine Sanctuary, 171 vessel patrol hours, 100 vessel stops, 31 of which had sanctuary or fishery violations (69% compliance rate).



A Key West, FL EO conducted OPERATION FORT KNIGHT. The Operation took place over four days and in conjunction with the FWCC Offshore Patrol Vessel program. OLE and FWCC Officers patrolled the Dry Tortugas and Tortugas North and South Ecological Reserves. Officers boarded multiple commercial and recreational vessels and documented multiple National Marine Sanctuary Act violations.

Cooperative Enforcement/Partnerships

A Houma, LA EO conducted an underway patrol with USCG out of Grand Isle, LA. During the patrol the team conducted numerous boardings on recreational and charter vessels targeting reef fish. During one boarding the EO cited the captain of the vessel for possession of Red Drum in federal waters, possession of undersized red snapper, and possession of undersized greater amberjack during a closed season.



A League City, TX SEO assisted a Texas Parks and Wildlife (TPWD) Marine Tactical Operations Group (MTOG) team with a long range patrol in the EEZ off Port Mansfield, Texas. During the patrol, the team located and extracted over half a mile of illegal longline gear in the EEZ approximately 35 miles offshore of Port Mansfield. A heavily decomposed shark was located on the long line but was unable to be identified due to its decayed state.

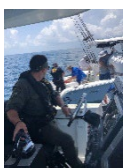


A League City, TX SEO and a Corpus Christi, TX EO assisted a TPWD MTOG team with a long range patrol in the EEZ off Port O'Connor, Texas. During the patrol, the team conducted multiple boardings and documented a gulf reef fish vessel ID violation and a recreational red snapper over limit violation.



A Mobile, AL EO & a Niceville, FL EO conducted an illegal charter patrol off Orange Beach, Alabama with the Alabama Marine Resources Division in the Gulf of Mexico, EEZ. The team completed charter and private angler boardings. The team documented one violation for failure to display proper vessel ID.

A North Carolina EO met with the new department heads from USCG Sector North Carolina Enforcement Division to make introductions, explain the vast majority of NC's fisheries, plan training sessions and make preparations for future joint operations.



A Houma, LA EO conducted a joint patrol with Louisiana Department of Wildlife and Fisheries (LDWF) Enforcement Agents in the Gulf of Mexico off of Grand Isle, LA. The team conducted fisheries inspections on numerous private and federally permitted charter vessels. The EO

documented violations on two federally permitted vessels for not displaying vessel numbers and possessing over the limit of Red Snapper.



The SED Assistant Director (AD), Jacksonville, FL ASAC, Investigative Support Program Manager and Compliance Liaison met with Bahamian officials and NGO representatives from WildAid, regarding the implementation of a VMS program in the Bahamas. OLE representatives presented case material and guidance on how the SED has utilized VMS through compliance assistance, detection and prosecution. A site visit to a local fish dealer was also coordinated so officials could hear from an industry perspective on the uses of VMS.



A Houma, LA EO worked with personnel from the USCG Gulf Regional Fisheries Training Center to provide training to Fisheries Officers from the Mexican Navy. Mexican Naval Officers that specialize in Fisheries Enforcement were in Grand Isle, LA with several U.S. Military officers from the American Embassy in Mexico. The EO and GRFTC personnel provided training and recommendations on how to conduct fisheries boardings at sea while using several USCG vessel platforms off Grand Isle.

Patrols/VMS/Catch Shares

A Key West, FL EO and FWCC officers conducted an at-sea patrol in the lower Florida Keys National Marine Sanctuary and Dry Tortugas National Park. Officers conducted multiple boardings and documented violations referencing commercial fishing in the Tortugas North Ecological Reserve and South Atlantic Charter/ Headboat not in possession of valid permits.

A Niceville, FL EO and a Mobile, AL EO conducted an inshore patrol in Orange Beach, AL aboard an Alabama Marine Resources Division patrol vessel. Officers documented violations for failing to properly display vessels' official numbers.



A League City, TX SEO and a Harlingen, TX EO conducted Operation Disrupt, a joint IUU/SIMP operation involving TPWD and the USCG, out of South Padre Island, TX. Officers conducted underway patrols to deter, detect, and mitigate IUU fishing in the EEZ. Over the two day patrol, officers conducted 19 boardings on recreational, shrimping and charter fishing vessels. Violations documented included: one violation on one federally permitted vessel for not displaying vessel identification, bent bar spacing during a TED inspection and a TPWD violation for fishing without a valid fishing license while in possession of a state bag limit of red snapper. Additionally, the SEO assisted

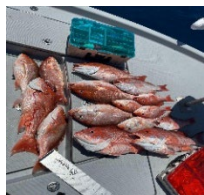
wardens with the removal of over 750 feet of illegal gillnet containing various aquatic wildlife from the mouth of the Rio Grande River.

A Corpus Christi, TX EO and TPWD conducted a joint patrol of the EEZ from off Port Aransas, TX. A total of 8 vessel boardings were conducted. Violations included a recreational fishing vessel in possession of four red snapper over the federal bag limit and a vessel in possession of two undersized red snapper.



A Houston, TX EO, Key Largo, FL EO, and a League City, TX ASAC while patrolling the FKNMS, responded to a call for assistance regarding a vessel in distress. The EO's and ASAC were first on scene and able to assist

four individuals from their sinking vessel onto a USCG vessel. Several pieces of debris were recovered and returned to the vessel owner.



A Houston, TX EO conducted an underway patrol in the EEZ with USCG Station Freeport off Sargent and Matagorda, TX. The EO conducted three boardings and documented one vessel in possession of seven red snapper over the federal bag limit. Additionally, the USCG terminated all three vessel's

voyages due to missing safety equipment.

A Niceville, FL EO conducted an offshore patrol aboard a FWCC Offshore Patrol Vessel near Pensacola, FL. The EO identified minor violations pertaining to vessel identification and sea turtle conservation measures.

A Houma, LA EO conducted an underway patrol with LDWF in Venice, LA. The EO completed two boardings on commercial shrimp trawlers. All TEDs were in compliance. The EO assisted LDWF in the seizure of several crab traps that were illegally possessed by one of the trawlers.

Compliance Assistance/Outreach/Education/Public Affairs/Media



The Compliance Liaison presented recreational fishing tips and an OLE overview to the West Palm Beach Fishing Club, at their July 2023 meeting. Two Miami, FL SAs also attended and answered questions. Over 70 club members attended the meeting. During OLE's portion, tips on how to properly fish in the Bahamas, descender device use and HMS permits were covered. Numerous contacts were made while answering questions and the club invited OLE to come back again in the future.

The Compliance Liaison and an Investigative Support Technician (IST) led a VMS related training for the SEFSC Observer Program staff. The purpose of the training was to aid observer coordinators in verifying selected fishing vessel activity and help ensure coverage is met, before

referrals are submitted to OLE. The training session composed of an overview of vTrack, basic search functions and real-time examples within the system.



A Houston, TX EO and a League City, TX SEO assisted the NOAA Gear Monitoring Team with TED outreach and compliance checks for commercial shrimp trawlers ahead of the Texas shrimp opener.

IS Personnel sent numerous outreach/targeted education emails to commercial reef fish vessels, informing them of their apparent violations and informing them of their reporting requirements. Guidance on VMS requirements and power down exemption processes were also answered through multiple calls and interactions with industry.



A Key West, FL EO, Key West, FL SA and Key Largo, FL EO participated in the Law Enforcement National Night Out in the Florida Keys. The annual event aimed at increasing awareness about assets and resources in the community. Multiple State, Local and Federal agencies gathered to meet with the public and enhance the relationship between neighbors and law

enforcement.

A San Juan, PR SA participated and presented in the Marine Resource Educational Program (MREP) held at Fajardo. Approximately 30 commercial and recreational fishers participated in the training. The SA gave a presentation covering the laws and regulations of the Caribbean governed by OLE. Additionally, the SA served as coach for the mock council exercise.

A Savannah EO assisted the USCG Marine Safety Office with a presentation at a Coastal Conservation Association meeting on Skidaway Island, GA.

Training/Other

A League City, TX ASAC assisted a TPWD Game Warden in preparing for an upcoming State JEA HMS patrol by giving him an overview of HMS regulations, supplying him with the recreational and commercial compliance guides, and providing him with HMS species identification materials.

A League City, TX SA gave a career presentation for “Flavor of Fisheries” webinar for NOAA interns. It was an opportunity for them to better understand the breadth of positions available within Fisheries. It also provided an important opportunity for students to learn about non-linear educational and career paths.

A Niceville, FL EO gave a presentation regarding NOAA OLE enforcement and violation reporting to the Florida Marine Intelligence Unit conference held at the Okaloosa County, FL Sheriff’s Office in Shalimar, FL.

A San Juan, PR SA along with the SED AD attended a meeting with the Director and Commissioner of DNER. The meeting was to discuss the JEA program and how they can better accomplish the agreement. The Director agreed to repower a patrol vessel and dedicate it to JEA patrols.

A Charleston EO met with USCG Sector Charleston Enforcement staff and Southeast Regional Fisheries Training Center Commanding Officer and discussed future operations and underway opportunities. The EO also presented an OLE overview and SED brief to a class at the USCG Southeast Regional Fisheries Training Center (SRFTC). OLE missions, case package procedures, hot topics, and recent cases were discussed and SED EO contact info was shared with the class.

Media

NOAA OLE's 2023-2027 Enforcement Priorities: <https://www.fisheries.noaa.gov/feature-story/noaas-office-law-enforcement-priorities>

NOAA's New Dashboard for Northern Atlantic right whale Vessel Speed Compliance:
<https://www.fisheries.noaa.gov/media-release/noaa-fisheries-launches-new-dashboard-vessel-speed-compliance>

Overview of Summary Settlements

Listed below is a summary of the **63** 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 (38), Fishing in SanctuRY Preservation Areas (7) and Permit Requirements (7). **28** violations were cited throughout the Gulf region, **23** violations were cited throughout the South Atlantic region and there were **12** violations in the Keys area.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act	TED/BRD Requirements	\$300	TX
Endangered Species Act	TED/BRD Requirements	\$300	MS
Endangered Species Act	TED/BRD Requirements	\$500	GA
Highly Migratory Species	Permit Requirements	\$500	TX
Highly Migratory Species	Permit Requirements	\$500	TX
Highly Migratory Species	Permit Requirements	\$500	TX
Highly Migratory Species	Permit Requirements	\$500	TX
Highly Migratory Species	Permit Requirements	\$500	TX
Highly Migratory Species	Retention of Prohibited Species	\$750	NC
Highly Migratory Species	Permit Requirements	\$1,000	FL WEST
Highly Migratory Species	Permit Requirements	\$1,000	TX
International Trade Program	Improper Paperwork, Chain of Custody	\$1,500	GA
Magnuson Stevens Act	Reporting Requirements	\$500	FL KEYS
Magnuson Stevens Act	Reef Fish as Bait	\$550	FL WEST
Magnuson Stevens Act	Retention During Closure	\$325	FL WEST
Magnuson Stevens Act	Retention During Closure	\$550	TX
Magnuson Stevens Act	Retention During Closure	\$600	GA

Magnuson Stevens Act	Retention During Closure	\$550	SC
Magnuson Stevens Act	Undersize Possession	\$600	TX
Magnuson Stevens Act	Undersize Possession	\$1,325	GA
Magnuson Stevens Act	Retention During Closure	\$950	TX
Magnuson Stevens Act	Reporting Requirements	\$500	FL KEYS
Magnuson Stevens Act	Commercial Trip Limit Exceeded	\$303	FL WEST
Magnuson Stevens Act	Bag Limit Exceeded	\$925	TX
Magnuson Stevens Act	Unpermitted Charter Activity-Open Access Permit	\$500	FL EAST
Magnuson Stevens Act	Bag Limit Exceeded	\$350	FL KEYS
Magnuson Stevens Act	Lack of Descender Device	\$550	FL EAST
Magnuson Stevens Act	Retention During Closure; Lack of Descender Device	\$850	FL EAST
Magnuson Stevens Act	Undersize Possession	\$325	GA
Magnuson Stevens Act	Undersize Possession	\$350	FL KEYS
Magnuson Stevens Act	Retention During Closure	\$750	TX
Magnuson Stevens Act	Reef Fish as Bait	\$1,050	TX
Magnuson Stevens Act	Bag Limit Exceeded	\$900	TX
Magnuson Stevens Act	Lack of Sea Turtle Release Gear	\$1,500	TX
Magnuson Stevens Act	Undersize Possession	\$1,350	GA
Magnuson Stevens Act	Undersize Possession	\$400	GA
Magnuson Stevens Act	Retention During Closure	\$300	FL EAST
Magnuson Stevens Act	Undersize Possession	\$550	GA
Magnuson Stevens Act	Undersize Possession; Lack of Descender Device	\$850	GA
Magnuson Stevens Act	Undersize Possession; Lack of Descender Device	\$500	GA
Magnuson Stevens Act	Undersize Possession; Lack of Descender Device	\$825	GA

Magnuson Stevens Act	Undersize Possession; Lack of Descender Device	\$825	FL KEYS
Magnuson Stevens Act	Fishing in a Closed Area	\$775	FL EAST
Magnuson Stevens Act	Retention During Closure	\$800	TX
Magnuson Stevens Act	Bag Limit Exceeded	\$850	TX
Magnuson Stevens Act	Retention During Closure; Lack of Descender Device	\$250	FL EAST
Magnuson Stevens Act	Bag Limit Exceeded	\$238	FL EAST
Magnuson Stevens Act	Bag Limit Exceeded	\$238	FL EAST
Magnuson Stevens Act	Undersize Possession	\$450	FL EAST
Magnuson Stevens Act	Retention During Closure	\$1,275	FL WEST
Magnuson Stevens Act	Retention During Closure	\$800	TX
Magnuson Stevens Act	Undersize Possession	\$350	FL EAST
Magnuson Stevens Act	Bag Limit Exceeded	\$800	TX
Magnuson Stevens Act	Retention During Closure	\$999	FL WEST
Magnuson Stevens Act	Retention During Closure	\$650	LA
Magnuson Stevens Act	Undersize Possession	\$375	FL WEST
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$200	FL KEYS
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$300	FL KEYS
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$300	FL KEYS
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS

Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **1171**

Population Breakdown by (VMS) Fisheries and VMS Vendor

FISHERY	ADDVALUE	ATLANTICRT	FARIA	METOCEAN	NAUTIC ALERT	NI	SKYMATE	WOODS HOLE GROUP	TOTAL
HMS Pelagic Longline			13			2	15	56	86
HMS Shark			1				1	5	7
Gulf Reef Fish	1		71	87	1	62	108	329	659
Rock Shrimp			2	5		4	8	47	66
Southeast For Hire*	3	2	4	1	6		70	267	353
TOTAL	4	2	91	93	7	68	202	704	1171

The Investigative Support Program staff play a vital role in ensuring compliance and provide assistance to enforcement officers and special agents. Staff received and processed **85** referrals from JEA partners. Case support to the field was provided as well, with work ranging from processing summary settlements (**43**), preparing incident reports for GCES, in support of prosecution (**14**), 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. Staff technicians initiated targeted outreach to **33** vessels following observation of suspected VMS or fishing violations. **6** investigations were referred for VMS violations. Additionally, staff conducted **465** calls/emails with industry related to compliance during the quarter.

Another continued area of focus this quarter involves North Atlantic Right Whale protection, as comprehensive investigative work was completed for **9** vessels referred to GCES for violating speed restrictions. During this quarter, OLE drafted and mailed **107** compliance assistance letters to stakeholders regarding right whale speed rule violations, with the majority of letters targeting foreign owned vessels.

*VMS no longer required for the for-hire fleet, but units still reporting are noted.

Observer Program Highlights

During FY Quarter 4, 2023, the Southeast Division Observer Programs deployed on **157** trips for **927** sea days. Approximately **96%** of all selected trips were completed without an observer related enforcement incident [assault/harassment (sexual and non-sexual), safety]. Observer programs reported **9** International Convention for the Prevention of Pollution From Ships (MARPOL) violations and **23** potential fishery violations to OLE-SED. The Gulf of Mexico Shrimp Program deployed on **18** trips for **341** sea days, and the Gulf of Mexico Reef Fish Program deployed on **31** trips for **239** sea days. The Panama City Gillnet Program deployed on **3** trips for **3** sea days, Panama City deepwater longline project deployed on **10** trips for **40** sea days and the Panama City South Atlantic Reef Fish Program deployed on **70** trips for **100** sea days. The Miami Pelagic Observer Program deployed on **22** trips for **196** sea days. The summary below details the type of observer related complaints received during Quarter 3 (calendar year) of 2023, for all three programs.

COMPLAINT TYPE	Galveston Programs	Panama City Programs	Miami Observer Program	TOTALS
ASSAULT				0
HARASSMENT/INTIMIDATE/IMPEDEMENT			1	1
SAFETY	2	1	2	5
NON-COMPLIANT FOR OBSERVER COVERAGE	3	2	1	6
HANDLING		1	5	6
GEAR		1	10	11
RETENTION				0
SPATIAL				0
MARPOL-USCG	3		6	9
TOTALS	8	5	25	38

Cases Referred For Prosecution

Listed below is a summary of the **15** 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 two occurring in the South Atlantic area, three in the Gulf area and ten in the Florida Keys area.

LAW/REG/PROGRAM	VIOLATION	STATE
Magnuson Stevens Act	Reporting Requirements	FL KEYS
Magnuson Stevens Act	Reporting Requirements	FL KEYS
Magnuson Stevens Act	Reporting Requirements	FL KEYS
Magnuson Stevens Act	Reporting Requirements	FL KEYS
Magnuson Stevens Act	Reporting Requirements	FL KEYS
Magnuson Stevens Act	Reporting Requirements	FL KEYS
Magnuson Stevens Act	Reporting Requirements	FL KEYS
Magnuson Stevens Act	Reporting Requirements	FL KEYS
Magnuson Stevens Act	Reporting Requirements	FL KEYS
Magnuson Stevens Act	Reporting Requirements	FL KEYS
Magnuson Stevens Act	Unpermitted Charter Activity-Moratorium Access	FL WEST
Magnuson Stevens Act	Seafood Import Monitoring Program	TX
Magnuson Stevens Act	Fishing in a Closed Area	FL WEST
Marine Mammal Protection Act	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE
Marine Mammal Protection Act	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE
National Marine Sanctuaries Act	Areas to be Avoided Activity	FL KEYS

*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 **June 2023-September 2023** (available information since last report). Nationwide results may also be found at the [enforcement charging information site](#)

1. M/V Amara – Owner Adventure of Amara, LLC, and Operator Gregory Gaskins 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 \$22,500 NOVA was issued.

2. M/V Persistence III – Owner Persistence II Holdings, LLC, and Operator Patrick Longley 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 \$30,000 NOVA was issued.
3. F/V Hailey Marie – Owner Hailey Marie Inc. and Operator Leonard Hunte were charged jointly and severally under the Magnuson-Stevens Act with exceeding the bag or possession limit for lane snapper. An \$8,500 NOVA was issued.
4. F/V TX6994CZ – Operator Humberto Villarreal was charged under the Magnuson-Stevens Act with possessing red snapper during a closed season. A \$2,500 NOVA was issued.
5. F/V Super Grouper – Owner Super Grouper Inc. and Operator Charles Veach were charged jointly and severally under the Magnuson-Stevens Act with failing to report, fishing without an activated VMS, failing to submit advance notice of landing of IFQ species, and selling South Atlantic snapper/grouper from a vessel operating as a charter. A \$19,750 NOVA was issued.
6. F/V Casey Luck – Operator Timothy Dewayne King and Owner AJLE, LLC were charged jointly and severally under the National Marine Sanctuaries Act with discharging or depositing from within sanctuary boundaries any non-exempt material or other matter in the Florida Keys National Marine Sanctuary. A \$1,250.00 NOVA was issued, and the case settled for \$1,125.
7. M/V Se-Lah – Owner BB Yachts Ltd. and Operator Jordy Gardiner 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 \$15,000 NOVA was issued.
8. F/V FL3669PF – Owner/Operator Stanley Eugene Harrison (d/b/a Anchors Aweigh Fishing Charters & More LLC) was charged under the Magnuson-Stevens Act with fishing for Gulf reef fish in the EEZ aboard a charter vessel without a federal charter permit. A \$16,000 NOVA was issued.
9. F/V Miss Donna – Owner Glenhart Brooks III and Operator Jessie Lamar Reed were charged jointly and severally under the Magnuson-Stevens Act with illegally fishing or possessing fish in a closed area. A \$17,500 NOVA was issued.
10. F/V Summer Salt II – Owner/Operator Albert Leonard Clark IV (d/b/a Sealark Charters LLC) was charged under the Magnuson-Stevens Act with fishing for Gulf reef fish on a charter vessel in the EEZ without a federal charter permit. A Written Warning was issued.

11. F/V Miss Donna – Owner Glenhart Brooks III and Operator Patrick Murphy were charged jointly and severally under the Magnuson-Stevens Act with illegally fishing and possessing fish in a closed area. A \$16,212 NOVA was issued.

Resolved Cases Charged Before June 1, 2023 to September 30, 2023¹

1. Importer Magni Enterprise Corp. was charged under the Antarctic Living Marine Resources Convention Act with importing frozen *Dissostichus* spp. (Patagonian toothfish) without a preapproval. A \$12,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 10, from March 2023 report].
2. M/V Warnow Dolphin – Owner Asmato Shipping Co. Ltd., Technical Manager Marlow Navigation Co. Ltd., and Commercial Operator Seaboard Marine Ltd. Inc. 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 \$60,000 NOVA was issued, and the case settled for \$42,000. [See Charged Cases, Item 14, from January 2023 report].
3. F/V The Rougarou – Owner Voodoo Fishing Charters, LLC and Operator Chad Patrick Pique were charged jointly and severally under the Magnuson-Stevens Act with fishing for, catching, possessing, retaining, or landing Atlantic HMS without the appropriate valid vessel permit. A \$5,750 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 12, from May 2023 report].
4. F/V The Holly – Owner Thornridge Farms Nursery, LLC and Operator Mark Andre were charged jointly and severally under the Magnuson-Stevens Act with failing to provide electronic reports. A \$2,000 NOVA was issued, and the case settled for \$1,000. [See Charged Cases, Item 21, from April 2023 Report].
5. M/V Rumours – Co-owners John August Moisson and Carolyn Smith Moisson and Operator Alan Scott Eason were charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$30,000 NOVA was issued, and the case settled for \$20,250. [See Charged Cases, Item 23, from April 2023 report]
6. F/V TX6994CZ – Operator Humberto Villarreal was charged under the Magnuson-Stevens Act with possessing red snapper during a closed season. A \$2,500 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 10, from July 2023 Report].

7. F/V Longway – Owner/Operator Christopher Long was charged under the Magnuson-Stevens Act with exceeding the bag limit for black sea bass and for making a false statement to an authorized officer. A \$132,800 NOVA and 132 day NOPS were issued. The case settled for \$100,000. [See Charged Cases, Item 3, from July 2022 Report]

8. M/V Amara – Owner Adventure of Amara, LLC, and Operator Gregory Gaskins 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 \$22,500 NOVA was issued, and the case settled for \$20,250. [See Charged Cases, Item 11, from June 2023 Report].

ⁱAll cases in this portion of the report were previously charged.