

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

**FISCAL YEAR 2022, QUARTER 2  
FISHERY MANAGEMENT  
COUNCIL REPORT**

**JANUARY 1, 2022- MARCH 31, 2022**



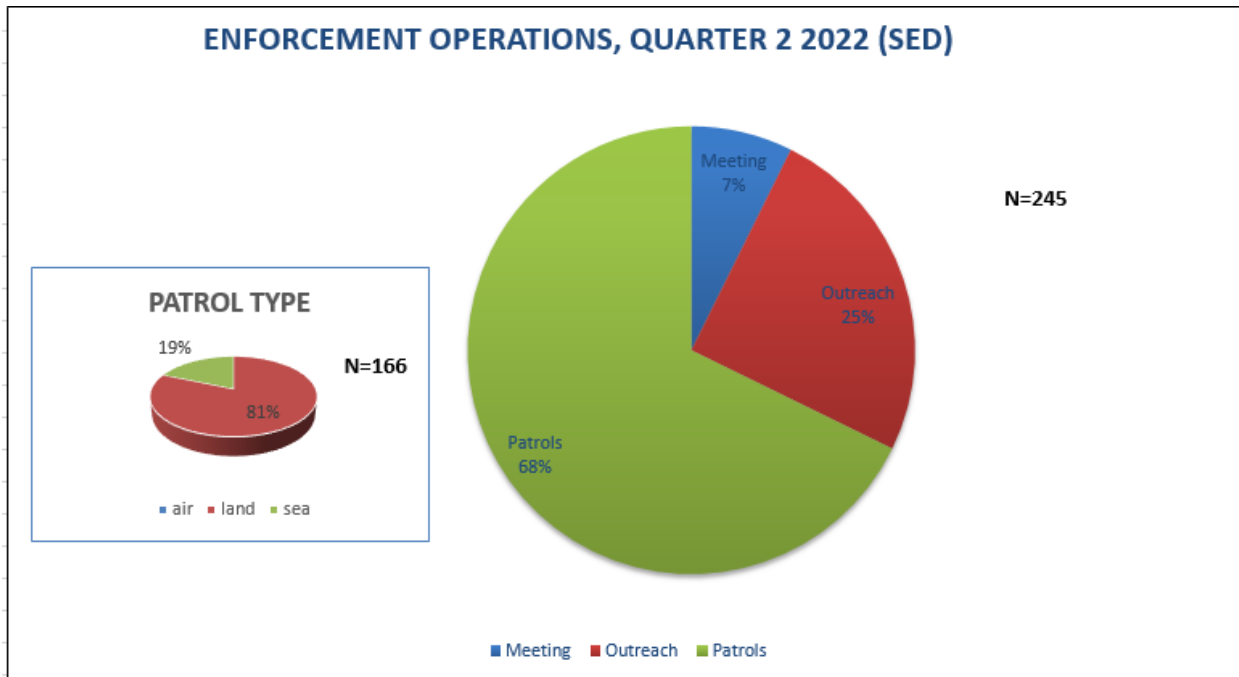
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# Enforcement and Compliance

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 2 2021, **January 1, 2022- March 31, 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).

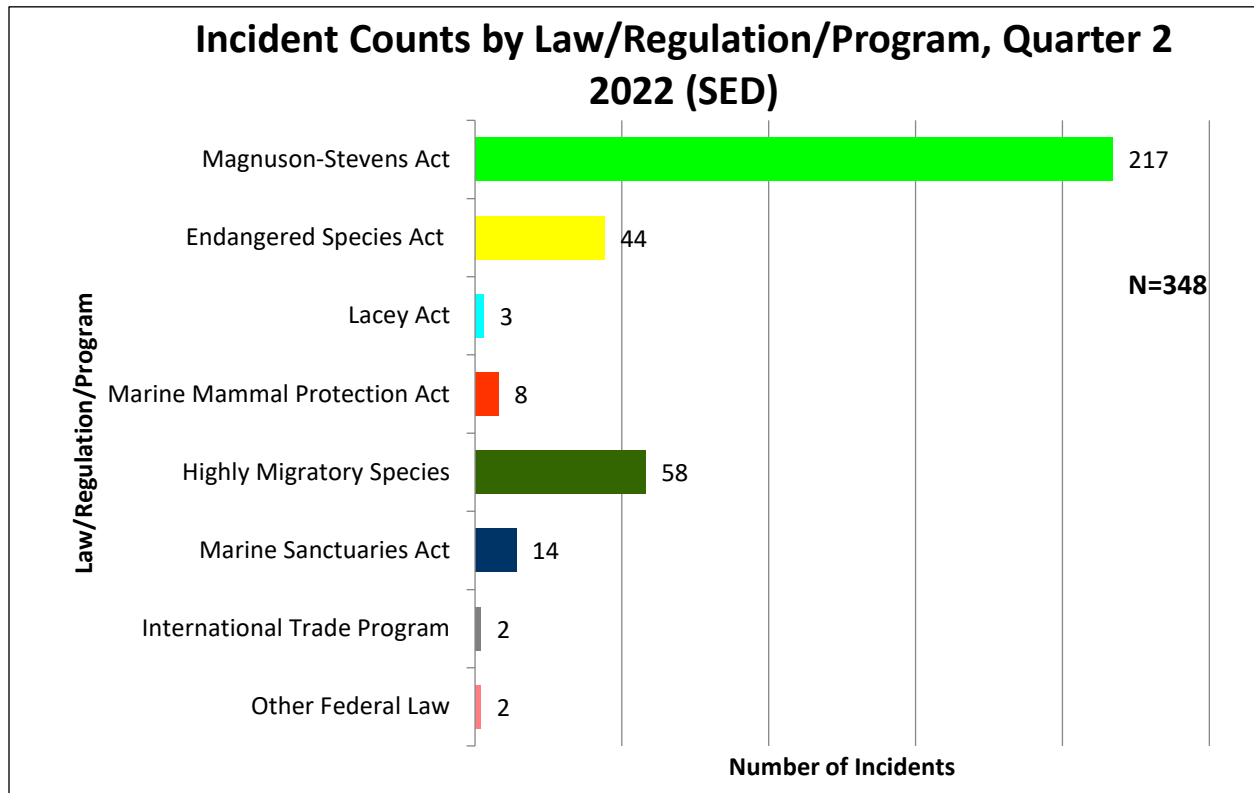
Patrols, outreach and education, compliance assistance, and investigations are the primary activities of OLE’s mission to protect marine wildlife and habitat by enforcing domestic laws and supporting international treaty requirements designed to ensure global resources are available for future generations. Specifically, Operation Lone Star concentrated on illegal, unreported and unregulated fishing by conducting joint patrols and Port of Entry inspections in Texas, with state and federal partners. Operation Bammer focused on shrimp TED checks conducted jointly with Alabama Marine Resources Division. Operation SPA Hopper focused on sanctuary regulations and SEFHIER compliance throughout the Florida Keys National Marine Sanctuary. Overall this quarter, OLE-SED conducted and documented **166** patrols, **61** specific instances of outreach and attended **18** meetings.



# Incident Information

During the second quarter, OLE-SED opened **345** incidents, which included **348** individual counts- **195** counts in the SAFMC area, **161** counts in the GMFMC area and **15** 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 2 2022



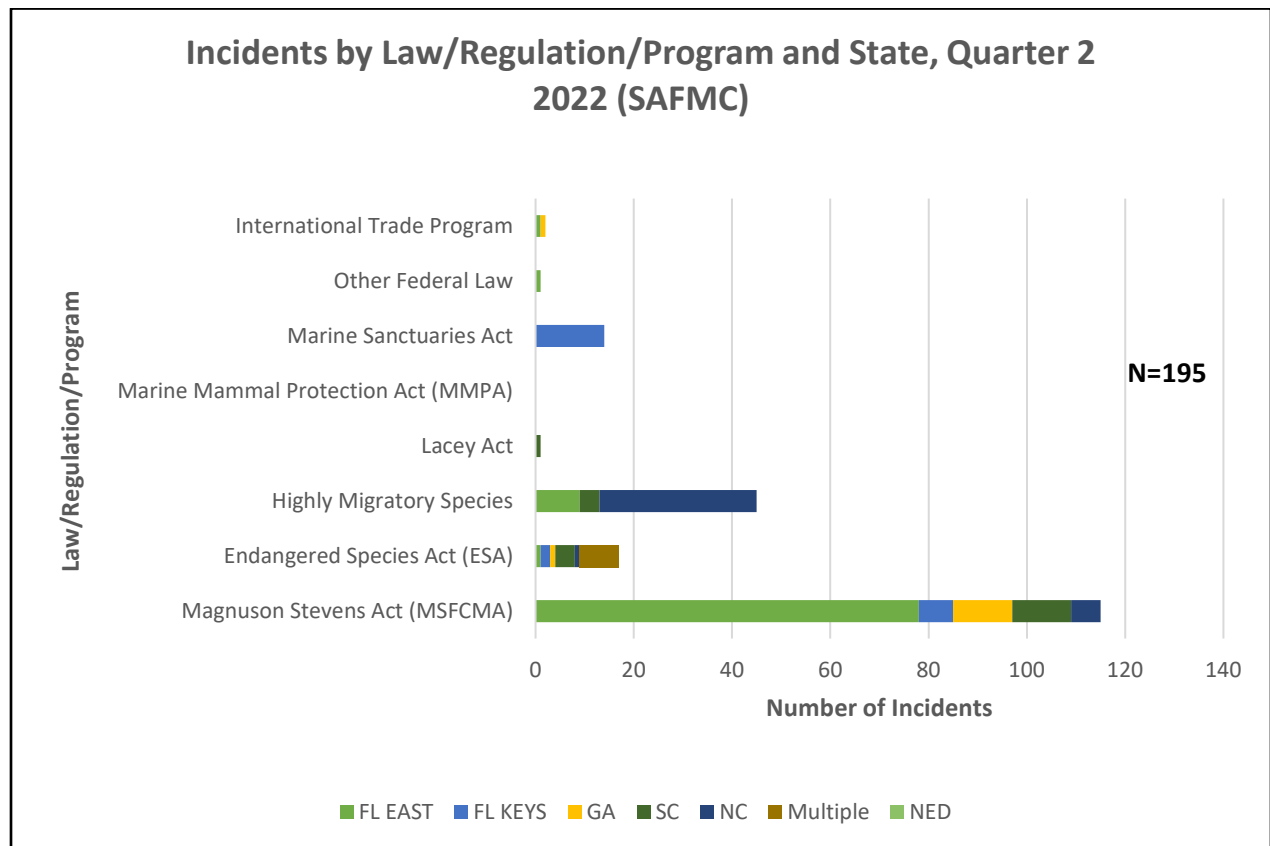
<sup>1</sup> Incidents occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total individual counts are greater than opened incidents due to multiple counts charged for separate incidents

## 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 2022 (SAFMC)

Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Multiple	NED	Total
Magnuson Stevens Act (MSFCMA)	78	7	12	12	6			115
Endangered Species Act (ESA)	1	2	1	4	1	8		17
Highly Migratory Species	9			4	32			45
Lacey Act				1				1
Marine Mammal Protection Act (MMPA)								0
Marine Sanctuaries Act		14						14
Other Federal Law	1							1
International Trade Program	1		1					2
<b>TOTAL</b>	<b>90</b>	<b>23</b>	<b>14</b>	<b>21</b>	<b>39</b>	<b>8</b>	<b>0</b>	<b>195</b>

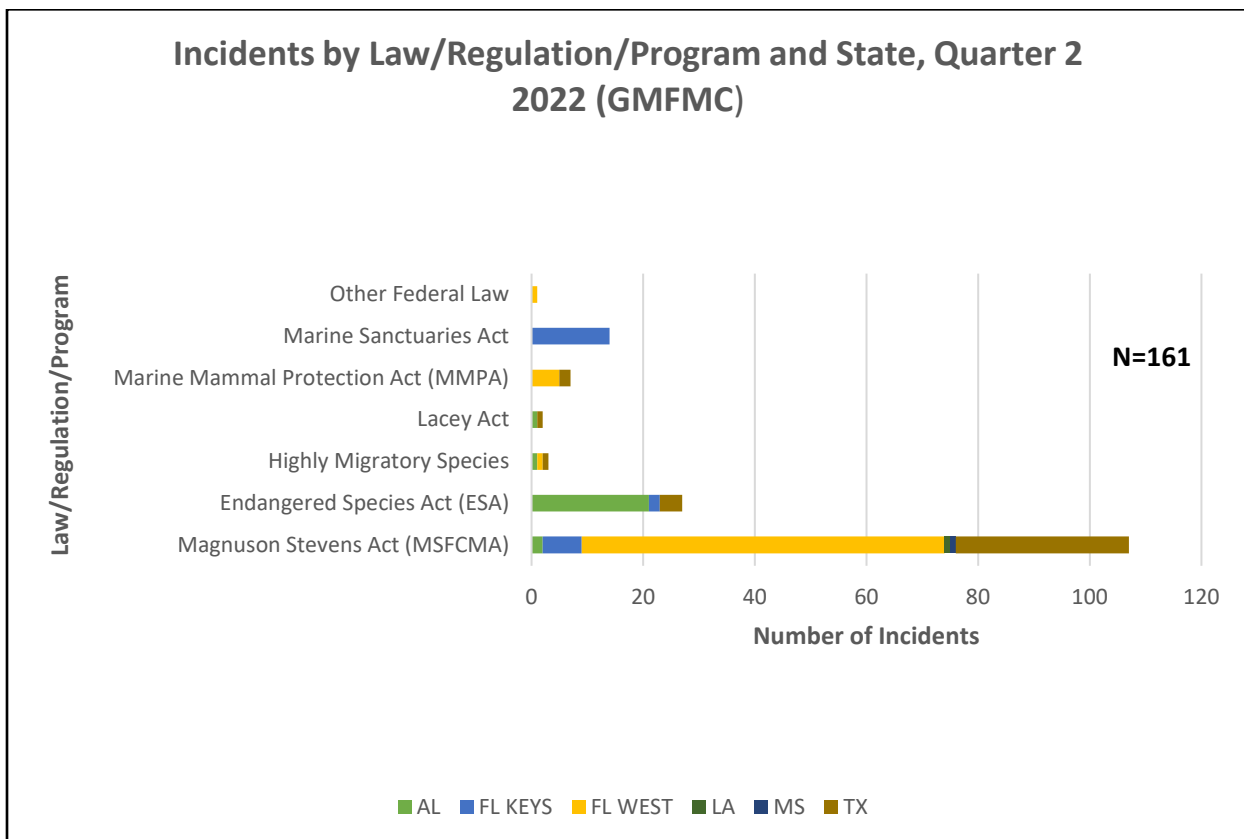


## Gulf of Mexico Fishery Management Council Summary

\*\*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 2 2022 (GMFMC)

Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)	2	7	65	1	1	31	107
Endangered Species Act (ESA)	21	2				4	27
Highly Migratory Species	1		1			1	3
Lacey Act	1					1	2
Marine Mammal Protection Act (MMPA)			5			2	7
Marine Sanctuaries Act		14					14
Other Federal Law			1				1
<b>TOTAL</b>	<b>25</b>	<b>23</b>	<b>72</b>	<b>1</b>	<b>1</b>	<b>39</b>	<b>161</b>

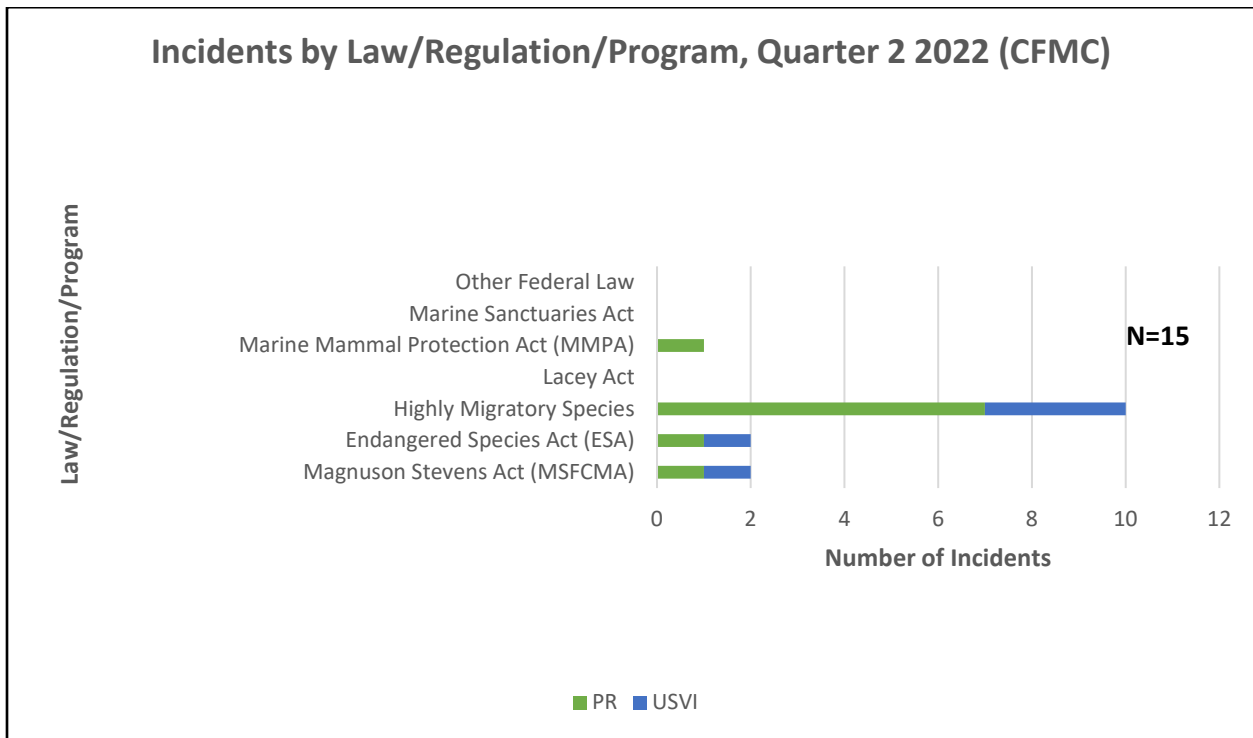


## Caribbean Fishery Management Council Summary

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

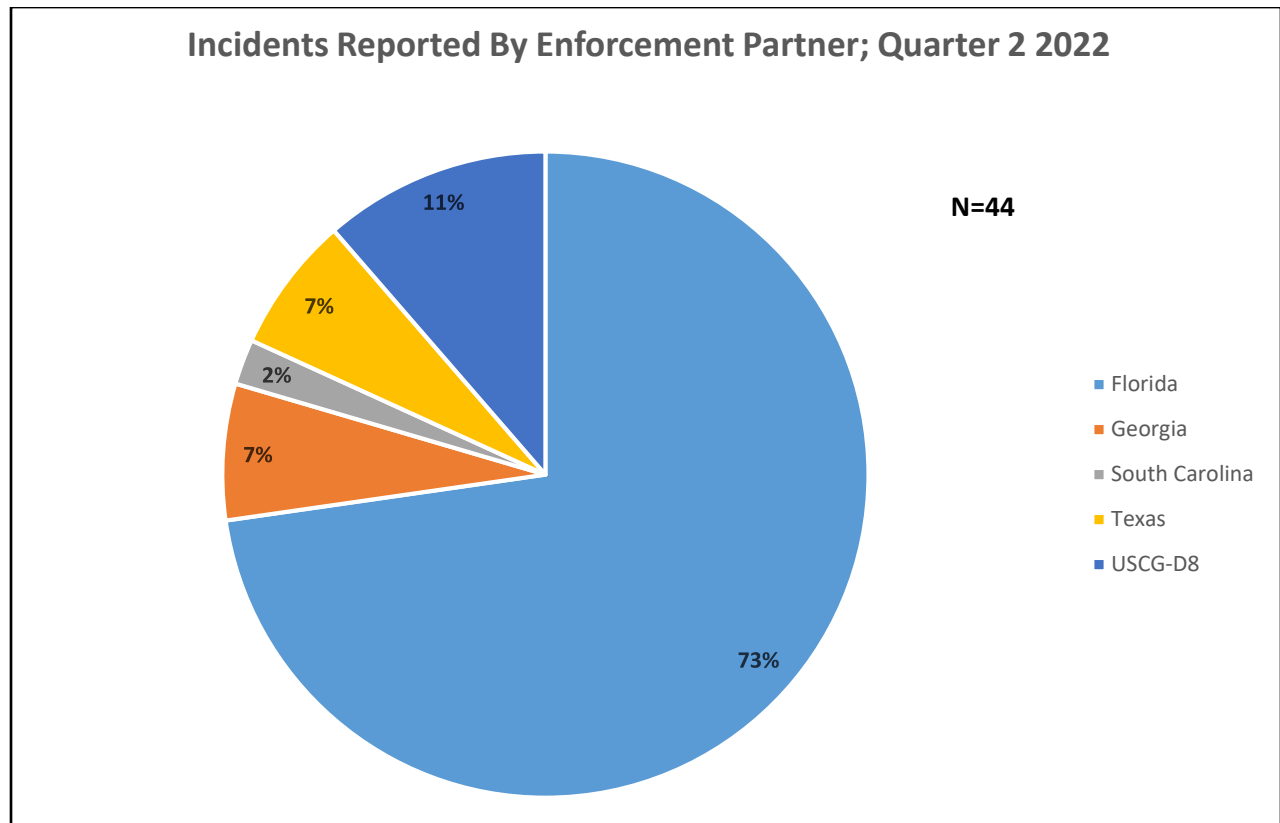
### Number of Incidents by Law/Regulation/Program and Location; Quarter 2 2022 (CFMC)

Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act (MSFCMA)	1	1	2
Endangered Species Act (ESA)	1	1	2
Highly Migratory Species	7	3	10
Lacey Act			0
Marine Mammal Protection Act (MMPA)	1		1
Marine Sanctuaries Act			0
Other Federal Law			0
<b>TOTAL</b>	<b>10</b>	<b>5</b>	<b>15</b>



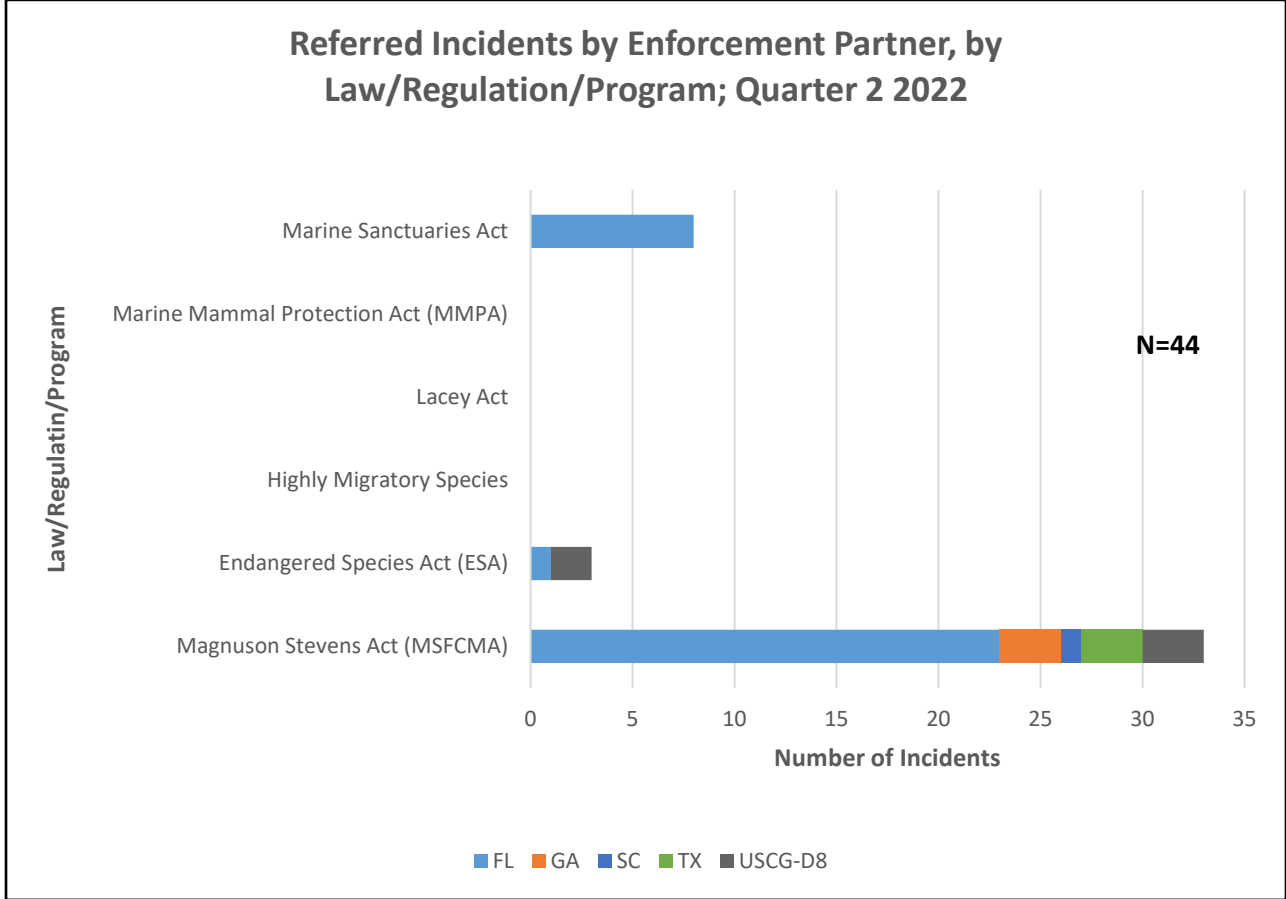
# Summary of Cases by Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 2, 2022, there were **44** 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.





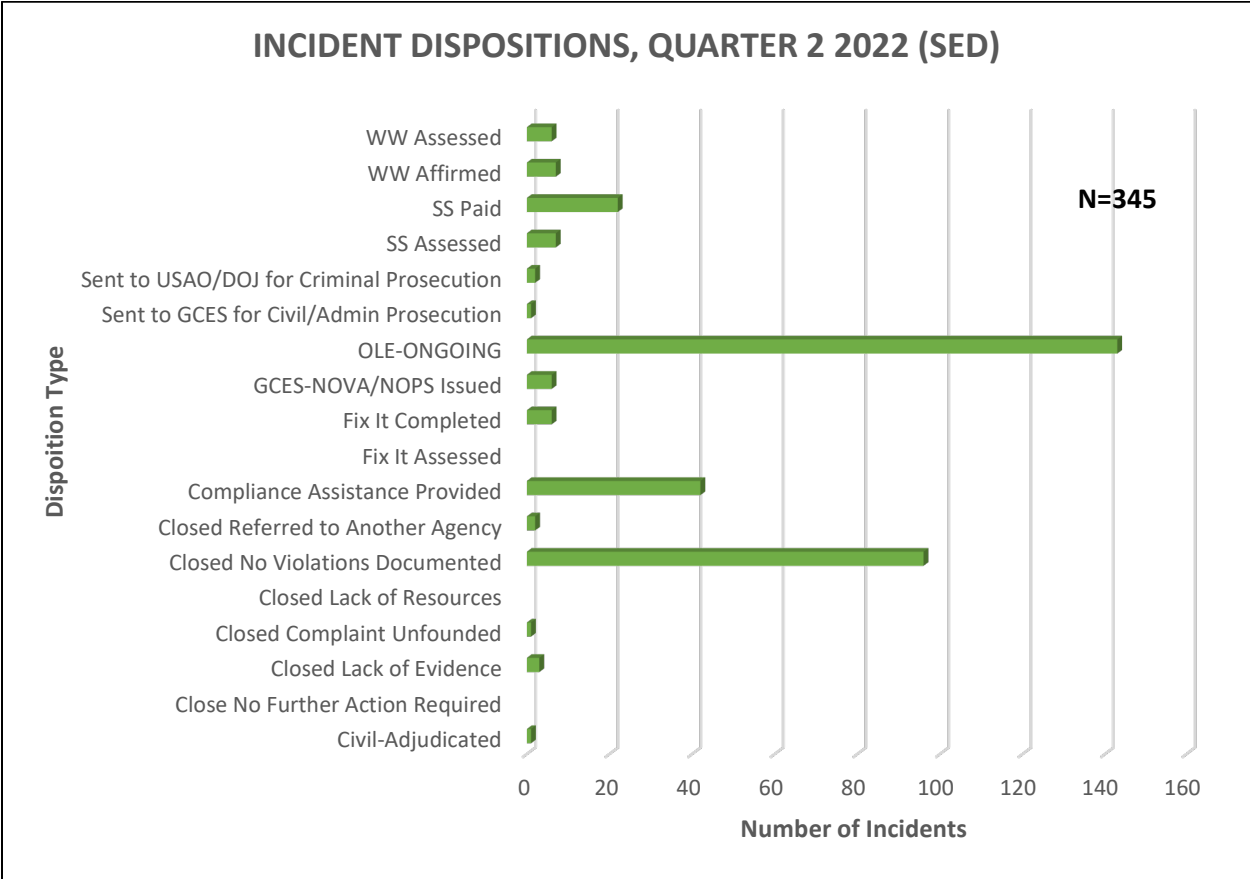
### Referred Incidents by Enforcement Partner, by Law/Regulation/Program; Quarter 2 2022



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

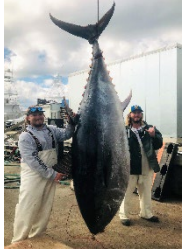
# Caseload Snapshot

Below is a breakdown of the initiated incidents (345) 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 52% of the incoming workload.



# Enforcement Highlights

## Highly Migratory Species



A North Carolina Enforcement Officer (EO) conducted a patrol in Wanchese, NC targeting commercial bluefin tuna offloads. During the patrol the EO boarded and inspected 15 vessels prior to their offload. No violations were found. The EO provided compliance assistance to two vessels for not renewing their HMS permit.

A Saint Thomas EO conducted a multi-day targeted enforcement detail checking HMS charter permits in the Red Hook area. All vessels contacted were in compliance and the EO found no violations indicating earlier outreach activities were successful.

A San Juan Special Agent (SA) and a St. Thomas EO participated in an operation in the west coast of Puerto Rico targeting HMS violations and patrolling a protected area in federal waters located 10nm west of PR. During the operation, the EO and SA conducted ramp checks in the town of Rincon and performed an underway patrol with U.S. Customs and Border Protection (CBP) Air & Marine Operations. They inspected a total of eight vessels, three of which had HMS violations. Additionally, they provided outreach to all the fishermen encountered. As a result of the patrols, two Summary Settlement Offers and a Written Warning were issued.

## Illegal, Unregulated and Unreported (IUU) Fishing, Seafood Import



A Supervisory Enforcement Officer (SEO), EO's and SA's from Texas conducted joint IUU Operation Lone Star with Texas Parks and Wildlife Department (TPWD) and United States Coast Guard (USCG) intelligence personnel at the Veterans Point of Entry in Brownsville, TX. During the three day operation, officers and agents examined over 20,000 pounds of red snapper being imported from Mexico, completed two underway IUU patrols in the Gulf of Mexico EEZ, and completed six Port State Measure Agreement

(PSMA) boardings of Mexican flagged fishing vessels. On one of the underway IUU patrols, TPWD intercepted an illegal Mexican fishing boat known as a "lancha", which had over 350 pounds of red snapper onboard. The lanca and its crew were transported to the USCG for further processing.

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

A Miami EO conducted a SIMP inspection on a container of Indonesian Tuna caught by hand line and pole and line. The importer claimed several small vessel harvests and the Miami EO was able to verify the vessel's size and fishing authority through several sources. A local organization called "Destructive Fishing Watch Indonesia" was very helpful. Training on SIMP and IUU Fishing is planned for the future to continue this working relationship.

## Marine Mammal Protection Act

A Jacksonville Assistant Special Agent In Charge (ASAC) issued a written warning to a kayaker who approached a mother/calf North Atlantic Right Whale pair off of Ponte Vedra Beach, FL and removed a portion of rope that was entangling the whale. The other individual involved was not cited.



138A Sunrise SA and a St. Petersburg EO and SA conducted a dolphin patrol in the waters off of St. Petersburg, FL. The local SA and EO received multiple complaints of dolphin feedings in various areas. One animal was observed during the patrol, but no human interactions were documented.

A Corpus Christi EO received a hotline complaint of a stranded bottlenose dolphin. Investigation determined the stranding was previously reported to the Texas Marine Mammal Stranding Network. Stranding network personnel conducted on-scene examinations and collected samples from the deceased dolphin.

NC, SC, and GA EO's and an SEO conducted a patrol from Charleston to Helena Sound, SC seaward of the COLREGS searching for crab pots to check compliance with Atlantic Large Whale Take Reduction Plan (ALWTRP). The officers found one non-compliant pot. The pot did not have the required weak links nor paint scheme markings. An officer contacted the owner and provided compliance assistance because the owner advised that he set the pot inshore and it drifted through the inlet. The EOs removed the pot from waters where Right whales regularly transit and returned it to an inshore location where the other pots were located.



A St. Petersburg, FL SA opened an investigation after the Florida Fish and Wildlife Conservation Commission (FWCC) found a deceased bottlenose dolphin with a puncture wound to the head. The lactating female dolphin washed ashore on Ft. Myers beach with a wound that appeared to be caused by an impaling object or projectile. The animal was taken for x-rays. A press release and reward for information has been released.

## Magnuson-Stevens Fishery Conservation and Management Act

An observer harassment case for referral to General Counsel Enforcement Section (GCES) was recently charged with a \$36,000 Notice of Violation Assessment (NOVA). The compliance liaison and a now retired SA coordinated the removal of a NMFS Observer deployed on a commercial fishing vessel due to allegations of potential sexual harassment by a crewmember. Mississippi Dept. of Marine Resources (MDMR) officers assisted with the boarding and subsequent removal of the observer. A St. Petersburg SA and a Mobile, AL EO assisted with relocating the subject of the investigation in order to conduct interviews.

A St. Petersburg EO and a League City SEO completed an investigation involving a Gulf reef fish charter captain who did not possess all of the required sea turtle mitigation gear. Officers also determined that the crew aboard the charter fishing vessel did not belong to a drug consortium as mandated by the USCG. The EO issued the captain a written warning notification letter for not having all of the required sea turtle mitigation gear, and referred the drug consortium violation to the USCG.



A St. Petersburg SEO, EO and a Niceville EO conducted an investigation of a Gulf of Mexico commercial IFQ longline vessel reportedly fishing in The Edges Marine Protected Area. The investigation revealed the vessel made four longline sets either completely in or partially in “The Edges.” The EOs seized and sold 1,175 pounds of fish, which they determined the fishing crew harvested from the closed area. OLE seized 1,175 pounds of reef fish and sold them for \$7,090.00 to a seafood dealer. A D8 USCG aircrew identified the vessel in “The Edges” and vectored in a USCG cutter which conducted the at sea boarding.



A St. Petersburg SEO, EO and a Niceville EO conducted an investigation of a GOM commercial IFQ bandit rig vessel reportedly fishing in The Edges and Steamboat Lumps Marine Protected Areas during a fishing trip. The EOs conducted an investigation once the vessel returned to port in Clearwater, FL. The investigation revealed the vessel illegally entered both areas and harvested fish from one of the areas. OLE seized 50.1 pounds of reef fish and sold them to a seafood dealer. A D8 USCG aircrew identified the vessel in the closed areas and notified OLE.

A North Carolina EO met with several charter captains to discuss delinquent reporting referrals from the SEFHIER Program. Two captains stated that they were just behind and started completing reports in his presence. One needed help building his account due to not owning a computer (all reports were filed after training). One turned in a charter permit due to an error during renewal and should have never had it on his commercial vessel. One has retired and sold his vessel, SE Permits office was contacted. One was actively reporting since fall 2021.

## Endangered Species Act



A St Petersburg, FL ASAC, Niceville EO and a St. Petersburg SA assisted the Florida FWC, Offshore Patrol Vessel Gulf Sentry crew, with offloading approximately 12,000 lbs. of seized shrimp in Tampa. The shrimp was seized from a Texas shrimp trawler for license violations. Additional Turtle Excluder Device violations were also documented.



A St. Thomas EO and 2 Department of Planning and Natural Resources biologists responded to a report of a leatherback sea turtle nesting harassment at Lindquist Beach in Saint Thomas. The sea turtle nest was located and marked to prevent the public from walking on or disturbing it. Along the beach access, signage and surveillance cameras were placed to deter further sea turtle harassment and warned of the potential fines for damaging the nest.

## National Marine Sanctuaries

St. Petersburg EOs and a Florida Keys EO were in Islamorada, FL for a week conducting patrol operation "SPA Hopper." The objective was to enforce regulations in the Florida Keys National Marine Sanctuary marine protected areas, including SEFHIER compliance.

## Cooperative Enforcement/Partnerships

A Cape Canaveral EO met with the executive director and head of outreach for the Marine Resources Council (MRC) HQ. The MRC is a nonprofit that does conservation work on the Indian River Lagoon as well as works with the North Atlantic Right Whale Conservation Program. The EO spoke with them about outreach and education possibilities in regards to MMPA and ESA. They were excited to collaborate in the future during events to promote awareness in these areas.

A Sunrise, FL SA gave a presentation to FWC Majors, Lieutenants and investigators. The presentation focused on why IUU fishing is a NOAA priority and the steps NOAA takes to track seafood that is imported into the United States. The SA explained NOAA's multiple regulatory programs and several cases were discussed. The presentation also focused on how NOAA and FWC can work together to enhance each agencies ability to prevent IUU fishing products from entering into U.S. commerce.



Officers and Agents from Texas traveled to the Texas Parks and Wildlife Department (TPWD) Headquarters in Austin, TX and met with supervisors from various regions throughout Texas. OLE and TPWD discussed training needs, upcoming operations/patrols, JEA case package training and SEFHIER requirements.



A Key Largo EO and Key West SA conducted federal fisheries and Lacey Act training for the eight new FWC officers in the Florida Keys.

A SA from the Slidell, LA Field Office gave a presentation to new recruits at the Louisiana Department of Wildlife and Fisheries (LDWF) academy. The presentation included an overview of NOAA OLE and JEA case preparation and processing.

A San Juan SA gave a virtual presentation on CBP's Trade Week regarding NOAA's mission, authority, regulated products and import programs. The presentation was given to all CBP personnel in Puerto Rico and the US Virgin Islands.

## Patrols/VMS/Catch Shares

A North Carolina EO Conducted patrols in Carolina Beach, NC targeting commercial bluefin tuna offloads. Numerous contacts were made and one vessel was boarded with a 91" CFL bluefin onboard for offload.

A Saint Thomas EO conducted an IUU fishing patrol and federal fisheries training with 8 members the US Coast Guard in preparation for a targeted enforcement patrol. The 2 day patrol was conducted along the international boundary with the British Virgin Islands and targeted fishing vessels in the US EEZ.



A SED SEO and two EOs conducted a weeklong field training patrol operation in Destin, FL. EOs located four fishing charter vessels at a marina which were on a SEFHIER non-compliance list referred by the SEFHIER program. EOs interviewed the captain of one of the vessels who was present and issued an EVR for failure to submit reports of charter fishing activity. EOs conducted two other SEFHIER investigations at that location. One of the charter

vessels who was present and issued an EVR for failure to submit reports of charter fishing activity. EOs conducted two other SEFHIER investigations at that location. One of the charter

vessels was in compliance. An EO issued an EVR for missing sea turtle mitigation gear to the captain of the other, which was otherwise in compliance. They conducted an EEZ patrol aboard a USCG 45' patrol vessel, and area familiarization in the Niceville AOR. While in Niceville, USCG D8 notified the EOs of two commercial Gulf of Mexico IFQ vessels fishing in closed areas (The Edges and Steamboat Lumps). The EOs investigated both case referrals once the vessels returned to port and seized fish harvested from the closed areas.



Enforcement Officers from District 6, along with Alabama Marine Resources Division (AMRD) Officers, conducted a week-long operation focusing on Turtle Exclusion Device (TED) compliance in Mobile and Baldwin County, AL. Officers completed 19 TED boardings and provided compliance assistance to a handful of captains regarding minor TED discrepancies. Several of the captains thanked NOAA OLE and AMRD for ensuring their TEDs were in compliance as most vessels were in the process of fixing or replacing their TEDs.

## Compliance Assistance/Outreach/Education/Public Affairs

The compliance liaison, League City, TX SA and ASAC presented OLE related observer training to a refresher class at the SEFSC Miami Lab. Emergency, sexual assault, sexual harassment and fishery violation reporting protocols were discussed as well as conflict resolution scenarios.

In advance of the Gulf States announcing their 2022 Gulf of Mexico red snapper for-hire season dates, the compliance liaison worked with regional office personnel and released web stories to address the issue of illegal charter fishing. OLE published a press release focusing on unpermitted charter operations throughout the Southeast and the Southeast Regional Office released a story focusing on tips for a successful charter trip. The stories were published on various social media platforms and sites.

## Media

Dolphin press release: <https://www.fisheries.noaa.gov/feature-story/noaa-seeks-information-about-live-dolphin-impaled-head-fort-myers-beach>

Unpermitted Fishing Charters Rewards: <https://www.fisheries.noaa.gov/feature-story/noaa-office-law-enforcement-offers-rewards-information-unpermitted-fishing-charters>

Charter fishing tips: <https://www.fisheries.noaa.gov/feature-story/hooking-you-important-tips-great-day-water>



# Overview of Summary Settlements

Listed below is a summary of the **75** Summary Settlements issued during the quarter. The most frequently observed violation types cited involved retention during closure, undersize possession and/or lack of descender devices (41), shrimp vessel TED/BRD requirements (7) and observer program requirements (5). **38** violations were cited throughout the Gulf region and ranged in subject, including 19 citations for retention during closure, undersize possession and/or lack of descender devices, 6 citations for shrimp vessel TED/BRD requirements and 3 violations involving SEFHIER program requirements. **26** violations were cited throughout the South Atlantic region, which included 20 citations related to retention during closure, undersize possession and/or lack of descender devices and 3 involving permit requirements. There were **11** violations in the Keys area and included 3 citations for fishing within sanctuary areas and 2 unpermitted charter operations (open access), within the Florida Keys National Marine Sanctuary

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	\$100	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$300	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$100	FL WEST
Endangered Species Act (ESA)	TED/BRD Requirements	\$100	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$100	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$100	FL WEST
Endangered Species Act (ESA)	TED/BRD Requirements	\$300	LA
Highly Migratory Species	Possession of HMS Species Without Required Permits	\$2,000	NC
Highly Migratory Species	Possession of HMS Species Without Required Permits	\$750	FL KEYS
Highly Migratory Species	VMS Program Requirements	\$2,000	SC
Highly Migratory Species	Possession of HMS Species Without Required Permits	\$500	AL
Lacey Act	Possession of Snapper-Grouper Species Without Required Bahamian Permits	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$925	FL WEST
Magnuson Stevens Act (MSFCMA)	Undersize Possession	\$350	FL WEST
Magnuson Stevens Act (MSFCMA)	Observer Program Requirements	\$2,500	FL WEST
Magnuson Stevens Act (MSFCMA)	Observer Program Requirements	\$2,500	FL WEST

Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$400	FL WEST
Magnuson Stevens Act (MSFCMA)	Undersize Possession, Reef Fish as Bait	\$400	FL WEST
Magnuson Stevens Act (MSFCMA)	Fail to Maintain Fish Intact	\$1,025	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Sea Turtle Gear Mitigation Requirements	\$1,975	FL WEST
Magnuson Stevens Act (MSFCMA)	Reef Fish as Bait	\$275	FL KEYS
Magnuson Stevens Act (MSFCMA)	SEFHIER Program Requirements	\$500	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Dispose of fish after approach by law enforcement	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Undersize Possession	\$725	GA
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Dispose of fish after approach by law enforcement	\$1,600	FL WEST
Magnuson Stevens Act (MSFCMA)	Undersize Possession, Sea Turtle Gear Mitigation Requirements	\$400	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$750	FL EAST
Magnuson Stevens Act (MSFCMA)	Commercial Trip Limit Exceeded	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Undersize Possession	\$925	FL KEYS
Magnuson Stevens Act (MSFCMA)	Fishing in a Closed Area	\$700	FL KEYS
Magnuson Stevens Act (MSFCMA)	Undersize Possession	\$325	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$1,150	FL WEST
Magnuson Stevens Act (MSFCMA)	Observer Program Requirements	\$2,500	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$800	TX
Magnuson Stevens Act (MSFCMA)	Reef Fish as Bait	\$550	FL WEST
Magnuson Stevens Act (MSFCMA)	Commercial Trip Limit Exceeded	\$1,250	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$500	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Lack of Descender Device	\$750	FL EAST
Magnuson Stevens Act (MSFCMA)	Observer Program Requirements	\$2,500	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$675	FL EAST
Magnuson Stevens Act (MSFCMA)	Undersize Possession, Lack of Descender Device	\$525	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$325	FL EAST
Magnuson Stevens Act (MSFCMA)	SEFHIER Program Requirements	\$500	FL WEST

Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$1,875	FL WEST
Magnuson Stevens Act (MSFCMA)	Undersize Possession	\$425	GA
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Lack of Descender Device	\$550	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$675	GA
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Lack of Descender Device	\$800	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$1,150	FL WEST
Magnuson Stevens Act (MSFCMA)	Logbook Program Requirements	\$1,500	FL EAST
Magnuson Stevens Act (MSFCMA)	Observer Program Requirements	\$2,500	FL KEYS
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Open Access Permit	\$500	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Failure to Allow Inspection	\$2,375	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Dispose of fish after approach by law enforcement, Lack of Descender Device	\$2,200	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Dispose of fish after approach by law enforcement	\$550	FL EAST
Magnuson Stevens Act (MSFCMA)	Undersize Possession	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Open Access Permit	\$500	SC
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$650	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$950	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Lack of Descender Device	\$700	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Lack of Descender Device	\$900	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Dispose of fish after approach by law enforcement, Lack of Descender Device	\$2,100	FL EAST
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Open Access Permit	\$500	FL KEYS
Magnuson Stevens Act (MSFCMA)	Undersize Possession	\$275	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$1,000	TX
Magnuson Stevens Act (MSFCMA)	SEFHIER Program Requirements	\$500	FL WEST
Magnuson Stevens Act (MSFCMA)	Fishing Without Valid Shrimp Permit	\$3,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Undersize Possession	\$375	GA
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$700	TX

Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$2,700	TX
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Undersize Possession, Lack of Descender Device	\$1,650	FL EAST
Magnuson Stevens Act (MSFCMA)	Undersize Possession, Lack of Descender Device	\$625	FL EAST
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$875	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$1,300	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS

# Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **1222**

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

FISHERY	NETWORK INNOVATIONS	WOODSHOLE	SKYMATE	FARIA	ADDVALUE	NAUTIC ALERT	METOCEAN	TOTAL
HMS Pelagic Longline	6	42	15	25				<b>88</b>
HMS Shark		3	1	3				<b>7</b>
Gulf Reef Fish	92	325	108	115	1	1	94	<b>736</b>
Rock Shrimp	5	36	9	13			5	<b>68</b>
Southeast For Hire		195	101	20	2	5		<b>323</b>
<b>TOTAL</b>	<b>103</b>	<b>601</b>	<b>234</b>	<b>176</b>	<b>3</b>	<b>6</b>	<b>99</b>	<b>1222</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 **45** referrals from JEA partners. Case support to the field was provided as well, with **11** Summary Settlement Offer Expiration Notices sent and **25** case packages completed and sent to GCES for prosecution. During the quarter, over **1,136** commercial and/or 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, pre-landing notices) were detected by Investigative Support staff and referred to enforcement officers or special agents for follow-up. Additionally, staff conducted **480** calls with the industry related to compliance during the quarter. Staff have also performed 38 "priors checks" for fishery related violations, in support of EFP, LOA, or Council requests

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 **138** compliance assistance letters have been sent to stakeholders regarding right whale speed rule violations.

## Observer Program Highlights

During FY Quarter 2 2022, the Southeast Division Observer Programs deployed on **106** trips for **763** sea days. Approximately **99%** 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 **22** observer coverage refusals to OLE-SED. The Gulf of Mexico Shrimp Program deployed on 20 trips for 344 sea days, and the Gulf of Mexico Reef Fish Program deployed on 26 trips for 191 sea days. Effort for the Panama City Gillnet Program were 18 trips for 34 sea days, and the Panama City Reef Fish Vertical Line Program deployed on 29 trips for 63 sea days. The Pelagic Observer Program deployed on 13 trips for 131 sea days. The summary below details the type of observer related complaints received during Quarter 1 (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				0
SAFETY	1			1
NON-COMPLIANT FOR OBSERVER COVERAGE	21		1	22
HANDLING	1	1	3	5
GEAR			1	1
RETENTION				0
SPATIAL				0
MARPOL-USCG	1	2	7	10
<b>TOTALS</b>	<b>24</b>	<b>3</b>	<b>12</b>	<b>39</b>

## Cases Referred For Civil and/or Criminal Prosecution

Listed below is a summary of the **11** 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 4 occurring in the South Atlantic area, 4 in the Gulf area and 3 in the Florida Keys area.

LAW/REG/PROGRAM	VIOLATION	STATE
Lacey Act*	Seafood Fraud	TX
Lacey Act	Seafood Fraud	FL EAST
Magnuson Stevens Act (MSFCMA)	VMS Program Requirements	FL KEYS
Magnuson Stevens Act (MSFCMA)	VMS Program Requirements	FL KEYS
Magnuson Stevens Act (MSFCMA)	Observer Program Requirements	FL EAST
Magnuson Stevens Act (MSFCMA)	Observer Harassment	MS
Magnuson Stevens Act (MSFCMA)	Observer Harassment	GA
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Moratorium Access	FL KEYS
Magnuson Stevens Act (MSFCMA)	Possession Limit Exceeded	SC
Marine Mammal Protection Act (MMPA)	Illegal Take	FL WEST
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	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 January-March 2022 (March 2022 not yet available to include). Nationwide results may also be found at the [enforcement charging information site](#)

1. TX3989BD – Owner/Operator Yunion Morales was charged under the Magnuson-Stevens Act for possessing fish during a closed season. An \$18,000 NOVA was issued.
2. F/V Aquaholic – Owner Carla Meryl Haman and Operator Bradley Allan Clark were charged jointly and severally under the Magnuson-Stevens Act with fishing without a charter fishing permit. A \$6,490 NOVA was issued.
3. F/V Blow III – Owner/Operator James Plouffe was charged under the Magnuson-Stevens Act with discarding objects upon approach of authorized officers. A \$5,000 NOVA was issued.

4. F/V Blow III – Crewmember Sean O’Berry was charged under the Magnuson-Stevens Act with discarding objects upon approach of authorized officers. A \$2,000 NOVA was issued.
5. GA9058VD – Owner/Operator/Seafood dealer (dba South Harrington Seafood) David P. Blackshear II was charged under the Magnuson-Stevens Act with possessing fish in excess of the daily bag limit, selling fish without the required permits, and purchasing fish from an unpermitted vessel or without the required dealer permit. The proceeds (\$1,962.25) of the violation were forfeited by abandonment. A \$51,250 NOVA was issued.
6. F/V Little Joey – Owner Christopher Shawn Harvey and Operator Alex Sumner Beville were charged jointly and severally under the Magnuson-Stevens Act with fishing for shrimp without the required permit. A \$5,750 NOVA was issued.
7. F/V Day Boat Too – Owner Palm Beach Fisheries Too LLC was charged under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ. A Written Warning was issued as part of a multi-case settlement involving related parties.
8. F/V Miss Debbie – Owner Deborah Gharst, Owner/Operator James K. Gharst, and Crewmember James E. Gharst were charged jointly and severally under the Magnuson Stevens Act with disposing fish or other matter upon the approach of law enforcement and with using Gulf reef fish as bait. A \$51,500 NOVA was issued.
9. F/V Master Stars Johnny – Owner USA Shrimps Stars Inc. and Operator Hoa Van Huynh were charged jointly and severally under the Endangered Species Act with fishing for shrimp in the Gulf of Mexico with a non-compliant Turtle Excluder Device. An \$8,250 NOVA was issued, and the case settled for \$7,425.
10. Destiny (926439) – Owner Brian McInerney and Operator Derek Nelson 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. An \$8,500 NOVA was issued, and the case settled for \$7,650.
11. Dirk C (563814) – Owner Salt Water Services and Products and Operators Gulf Oceanic Marine and Tommy Neil were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters in an Area To Be Avoided in the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued.
12. F/V Miss Debbie – Operators/Co-owners James K. Gharst and Deborah Gharst and Crewmember James E. Gharst were charged jointly and severally under the Magnuson-



Stevens Act with disposing of fish or other matter upon the approach of law enforcement and with using Gulf reef fish as bait. A \$51,500 NOVA was issued.

13. F/V TX4501JD – Operator Michael Brame was charged under the Magnuson-Stevens Act with fishing during a closed season. A \$2,000 NOVA was issued.
14. 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.
15. F/V FL5414SZ – Owner/Operator Steven P. Sharpe and Anglers Steven H. Sharpe, Jeffrie Jacobs, Christopher Lacey, and Brian Giera were charged jointly and severally under the Lacey Act with possessing within the Special Maritime and Territorial Jurisdiction of the United States, fish or wildlife taken, possessed or transported in violation of Bahamian law. A \$4,000 NOVA was issued.
16. Sharon Lee (1246576) – Owner Sharon Lee LLC and Operator John Benjamin Deck II 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. An \$8,500 NOVA was issued, and the case settled for \$7,650.

### **Resolved Cases Charged Before January 1, 2022 to March 31, 2022<sup>i</sup>**

1. F/V Big B – Owner Bube Baby Fisheries LLC and Operator Daniel Jenkins were charged jointly and severally under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ and with falsifying or failing to record required information in the vessel’s logbooks submitted to NOAA. A \$75,000 NOVA was issued. Charges were dismissed against Operator Daniel Jenkins, and the case settled for \$30,000. [See Charged Cases, Item 21, from May–August 2021 report.]
2. F/V Joshua Nicole – Owner H and S Fisheries LLC was charged jointly and severally under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ. A \$60,000 NOVA was issued, and the case settled for \$15,000. [See Charged Cases, Item 23, from May–August 2021 report.]
3. F/V Day Boat One – Owner Palm Beach Fisheries LLC and Operator Arthur Owen were charged jointly and severally under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ. A \$60,000 NOVA was issued,

and the case settled for \$15,000. [See Charged Cases, Item 24, from May–August 2021 report.]

4. F/V Joshua Nicole – Owner H and S Fisheries LLC was charged under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ, fishing in the East Florida Coast closed area, and failing to continuously operate the vessel’s Electronic Monitoring System for the duration of the vessel’s fishing trip. An \$82,500 NOVA was issued, and the case settled for \$37,500. [See Charged Cases, Item 26, from May–August 2021 report.]
5. F/V FL5832R – Owner/Operator Andrew S. Zierk was charged under the Magnuson-Stevens Act with fishing in federal waters on a charter trip without a Gulf Migratory Pelagic Fish Federal charter/headboat permit and fishing without an Atlantic Highly Migratory Species Federal charter/headboat permit. A \$5,750 NOVA and a Written Warning were issued. The case settled for \$5,175. [See Charged Cases, Item 3, from December 2021 report.]
6. F/V Miss Rita – After reviewing additional evidence produced by the respondents, Owner, Captain Dave Offshore Inc., and Operator, Joshua A. Kemp, were issued a Written Warning under the Magnuson-Stevens Act for the use of more hooks than allowed under the vessel’s research fishery permit and for improperly landing a blacknose shark. An \$11,506.75 NOVA was issued but has been withdrawn. Charges were dismissed against Glenn E. Davis. [See Charged Cases, Item 24, from January - April 2021 report.]
7. F/V Amy Marie – Owner Mark Andrew Marhefka and Operator Kody Alexander King were charged jointly and severally under the Magnuson-Stevens Act with fishing inside the Georgia Marine Protected Area. A \$6,398 NOVA was issued, and the case settled for \$5,758.20. [See Charged Cases, Item 4, from December 2021 report.]
8. F/V Miss Ann – Owner/Operator Tim McGrath was charged under the Magnuson-Stevens Act with unlawful possession and sale of blacknose sharks harvested from the Gulf of Mexico while the commercial quota for Gulf of Mexico blacknose sharks was zero. A \$11,144 NOVA was issued, and the case settled for \$10,030. (Elizabeth) [See Charged Cases, Item 8, from September 2021 report.]
9. F/V Blow III – Owner/Operator James Plouffe was charged under the Magnuson-Stevens Act with discarding objects upon approach of authorized officers. A \$5,000 NOVA was issued, and the case settled for \$4,500. [See Charged Cases, Item 12, from January 2022 report.] 5All cases in this portion of the report were charged before February 1, 2022.

10. Dirk C (563814) – Owner Salt Water Services and Products and Operators Gulf Oceanic Marine and Tommy Neil were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters in an Area To Be Avoided in the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 20, from January 2022 report.]
  
11. F/V Gypsea — Owner/Operator, Eliu Gonzalez, was charged under the Magnuson-Stevens Act with failing to have an operating VMS onboard for one year and for failing to have the required sea turtle release gear on board. A \$38,500 NOVA was issued, and the case settled for \$5,000. [See Charged Cases, Item 26, from January–April 2021 report.]

<sup>1</sup>All cases in this portion of the report were previously charged.