

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

FISCAL YEAR 2020, QUARTER 4  
FISHERY MANAGEMENT  
COUNCIL REPORT

JULY 1, 2020- SEPTEMBER 30, 2020



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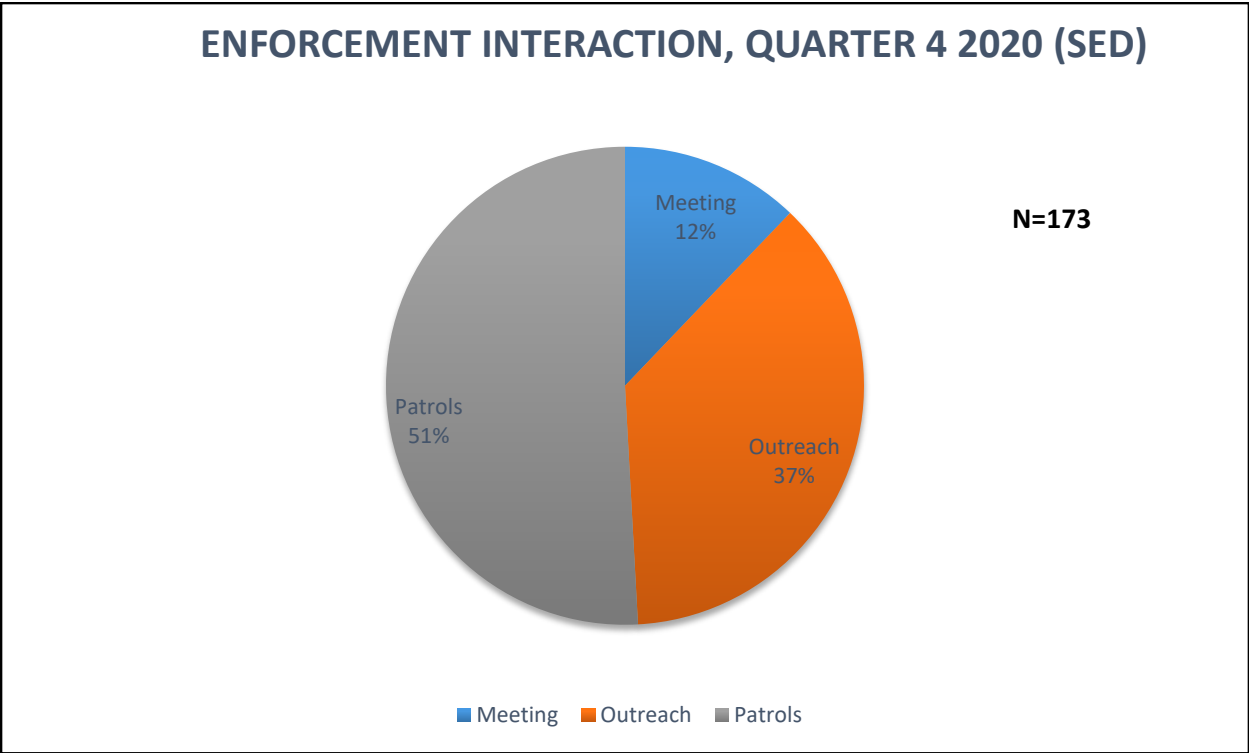
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# Enforcement and Compliance

## Summary

Data represent National Oceanic and Atmospheric Administration Fisheries Office of Law Enforcement (NOAA OLE) Southeast Division’s (SED) enforcement effort conducted throughout FY Quarter 4 2020, **July 1, 2020- September 30, 2020**. When appropriate, information is separated by council, South Atlantic Fishery Management Council (SAFMC), Gulf of Mexico Fishery Management Council (GMFMC) and Caribbean Fishery Management Council (CFMC). There were **88** documented patrols, allowing critical face-to-face interaction between our field staff and the industry; **64** documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and **21** meetings. This list does not include the extensive outreach that the Investigative Support team provides on a daily basis, nor can it fully capture the interaction our agents, officers, and support staff regularly have with industry.

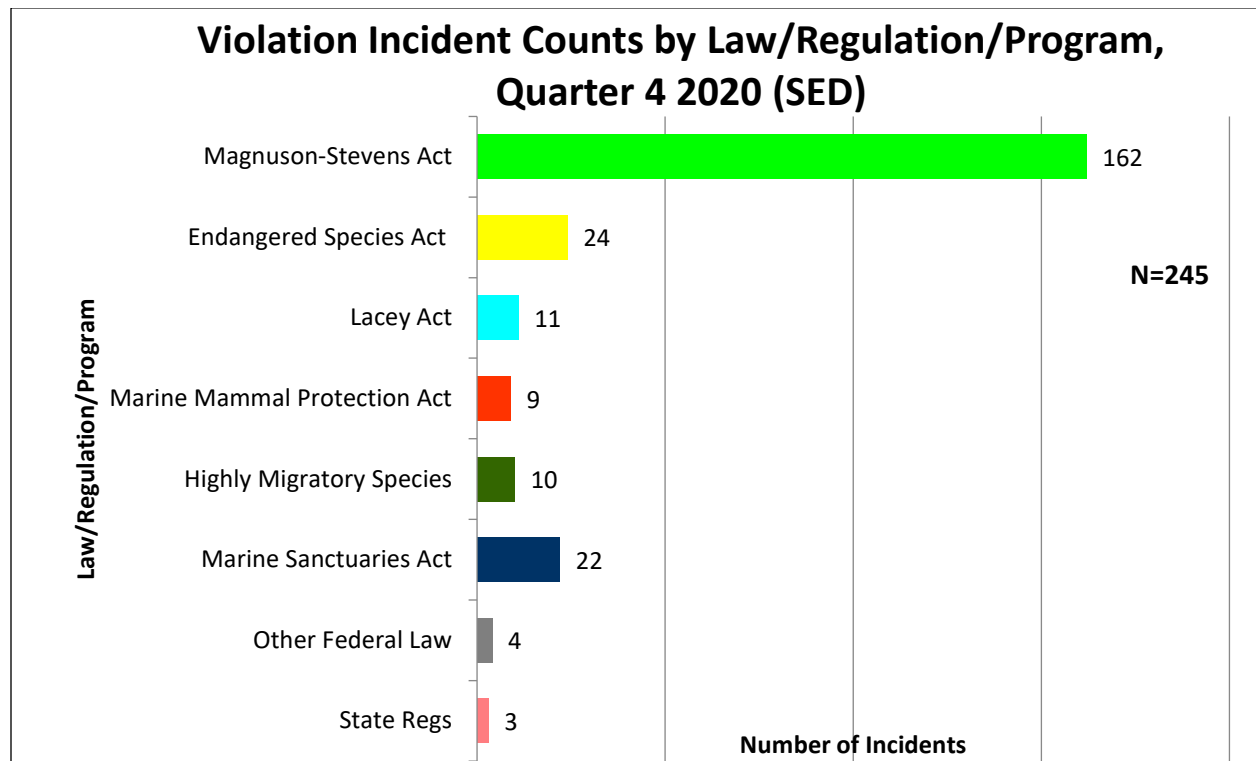
NOAA OLE SED recently created a new position of a Compliance Liaison. This role serves to bridge enforcement, industry constituents and fisheries management groups as it relates to enforcement concerns. The goal of this position is to help address industry concerns, aid owners and operators to fully understand the regulations and ultimately promote compliance within the Agency. Any questions about this report or enforcement related concerns may be directed to the Compliance Liaison, Matthew Walia ([matthew.walia@noaa.gov](mailto:matthew.walia@noaa.gov)).



# Incident Information

During the fourth quarter, NOAA OLE opened **240** incidents in the SED, which included 245 violation counts- **156** incident violation counts in the SAFMC area, **121** incident violation counts in the GMFMC area and **6** incident violation count 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 4 2020



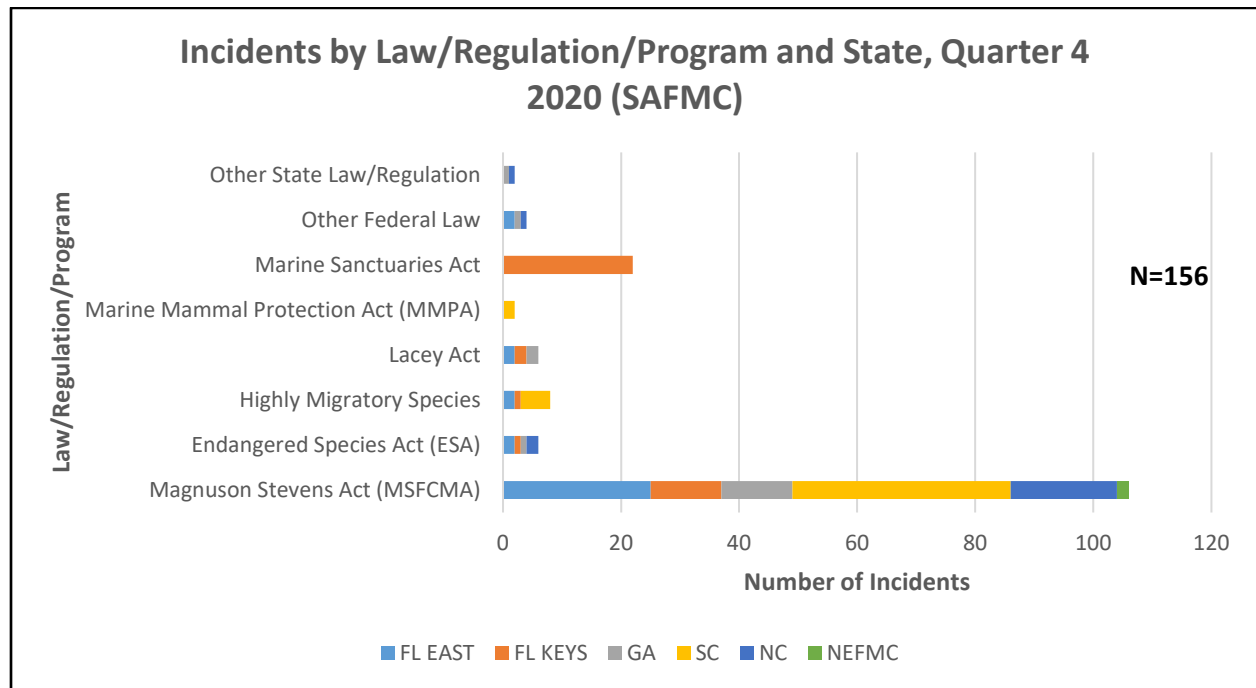
<sup>1</sup> Incident violations occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total incident violation counts greater than incidents due to multiple counts charged for individual incidents

## South Atlantic Fishery Management Council Summary

\*\*Total number of incidents listed below include OLE and enforcement partner initiated cases, by location of violation

### Number of Incidents by Law/Regulation/Program and Location; Quarter 4 2020 (SAFMC)

Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	NEFMC	Total
Magnuson Stevens Act (MSFCMA)	25	12	12	37	18	2	106
Endangered Species Act (ESA)	2	1	1		2		6
Highly Migratory Species	2	1		5			8
Lacey Act	2	2	2				6
Marine Mammal Protection Act (MMPA)				2			2
Marine Sanctuaries Act		22					22
Other Federal Law	2		1		1		4
Other State Law/Regulation			1		1		2
<b>TOTAL</b>	<b>33</b>	<b>38</b>	<b>17</b>	<b>44</b>	<b>22</b>	<b>2</b>	<b>156</b>

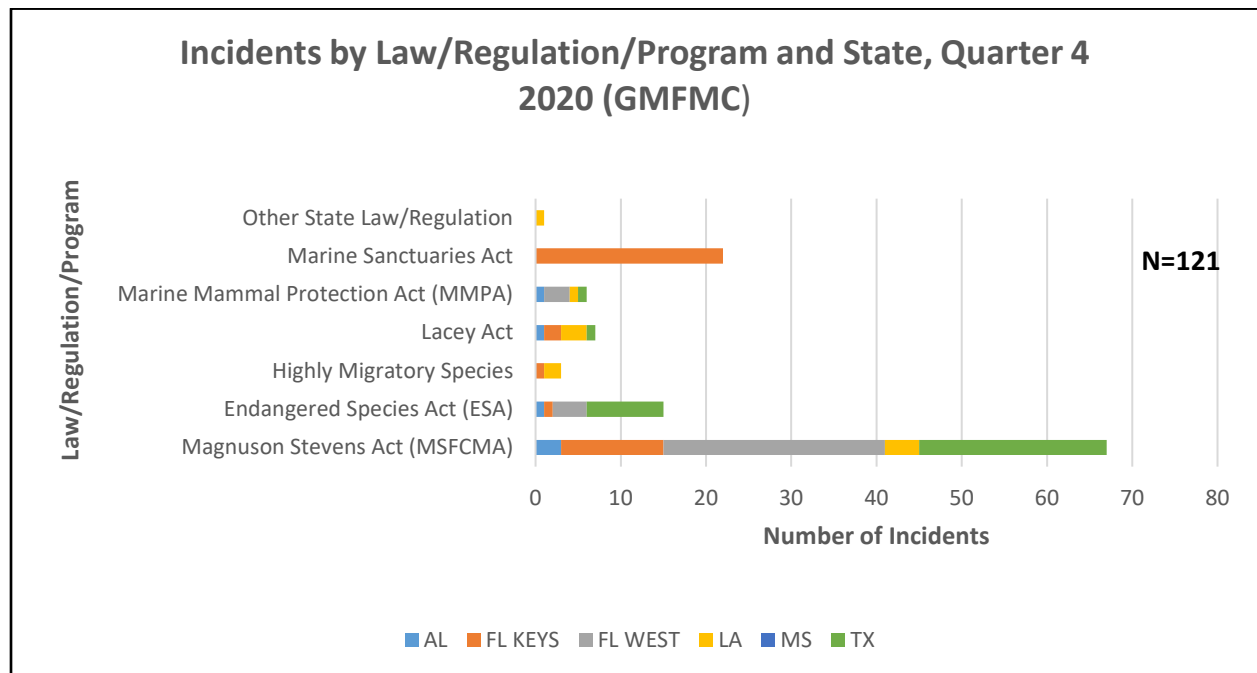


## Gulf of Mexico Fishery Management Council Summary

\*\*Total number of incidents listed below include OLE and enforcement partner initiated cases, by location of violation

### Number of Incidents by Law/Regulation/Program and Location; Quarter 4 2020 (GMFMC)

Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)	3	12	26	4		22	67
Endangered Species Act (ESA)	1	1	4			9	15
Highly Migratory Species		1		2			3
Lacey Act	1	2		3		1	7
Marine Mammal Protection Act (MMPA)	1		3	1		1	6
Marine Sanctuaries Act		22					22
Other State Law/Regulation				1			1
<b>TOTAL</b>	<b>6</b>	<b>38</b>	<b>33</b>	<b>11</b>	<b>0</b>	<b>33</b>	<b>121</b>

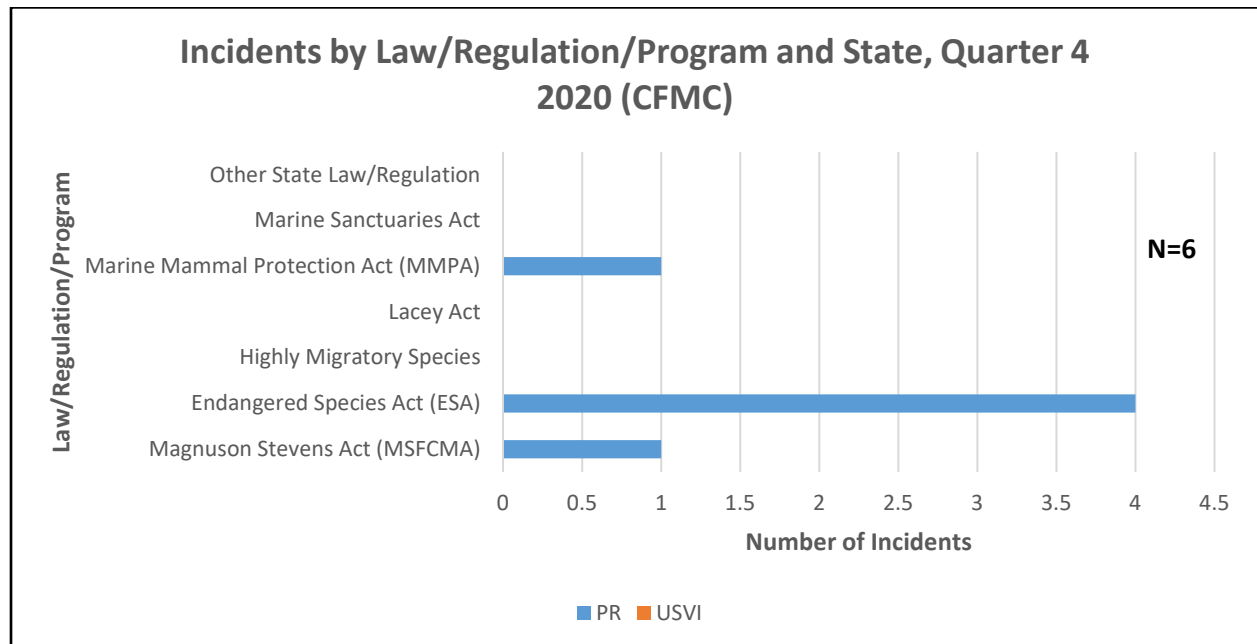


## Caribbean Fishery Management Council Summary

\*\*Total number of incidents listed below include OLE and enforcement partner initiated cases, by location of violation

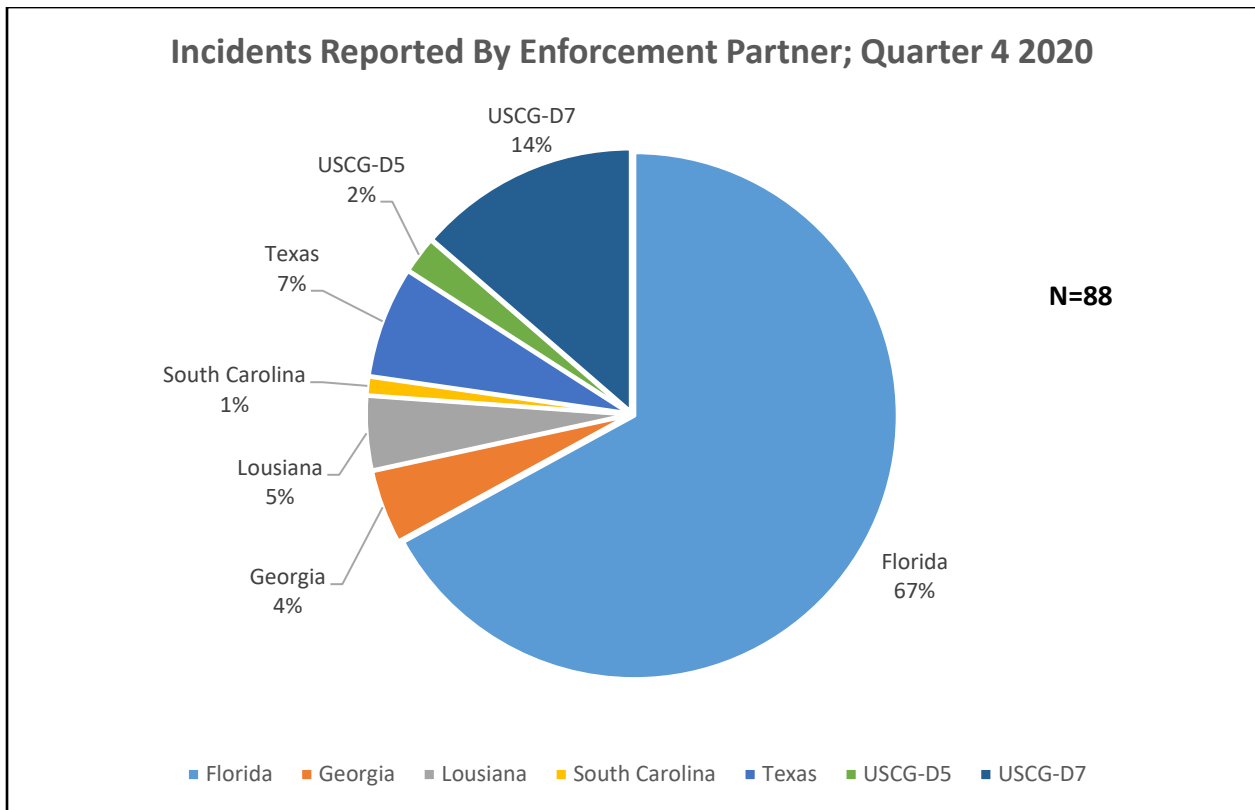
### Number of Incidents by Law/Regulation/Program and Location; Quarter 4 2020 (CFMC)

Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act (MSFCMA)	1		1
Endangered Species Act (ESA)	4		4
Highly Migratory Species			
Lacey Act			
Marine Mammal Protection Act (MMPA)	1		1
Marine Sanctuaries Act			
Other State Law/Regulation			
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>6</b>

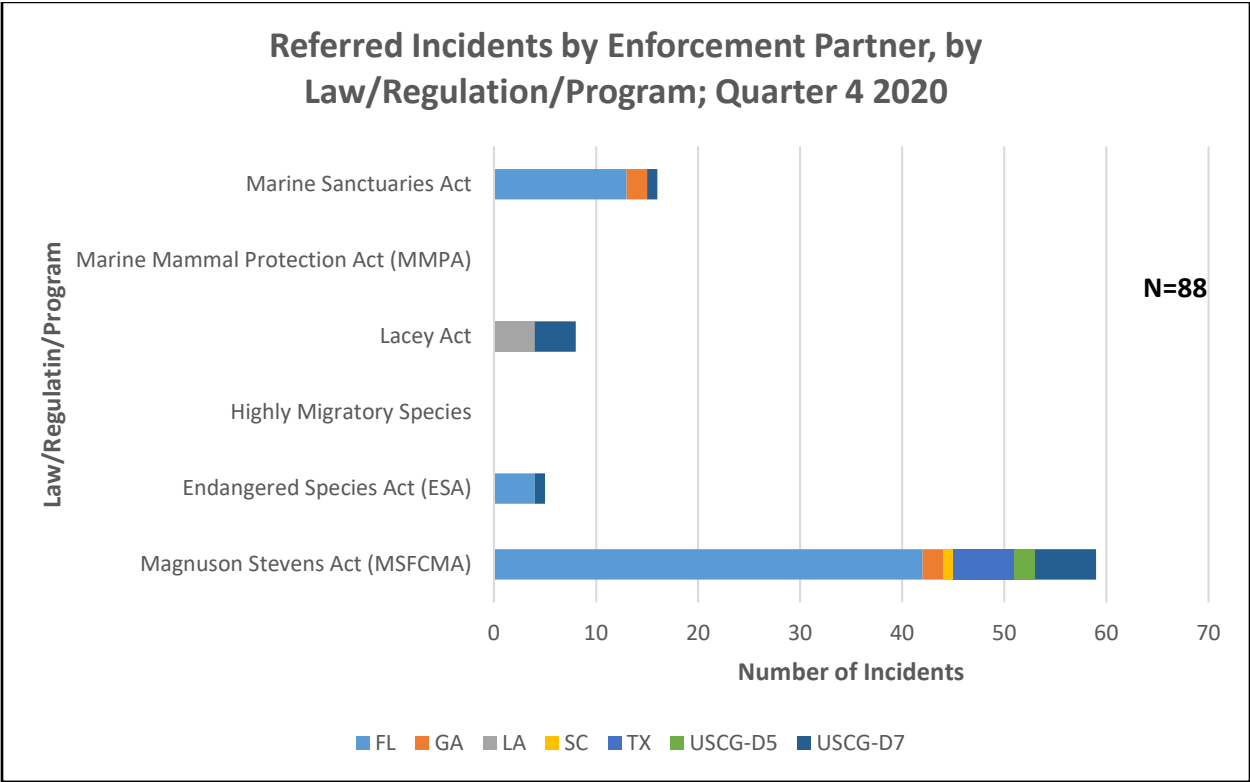


# Summary of Incidents By Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 4 2020, there were **88** incidents referred to NOAA OLE through Joint Enforcement Agreement (JEA) and United States Coast Guard (USCG) partners. Below is a summary showing the overall distribution of incidents initiated by partner, and a breakdown of incident counts by law/regulation/program per enforcement partner<sup>1</sup>. Effort consisted of dockside vessel inspections, offshore vessel boardings and interaction with public and industry members.



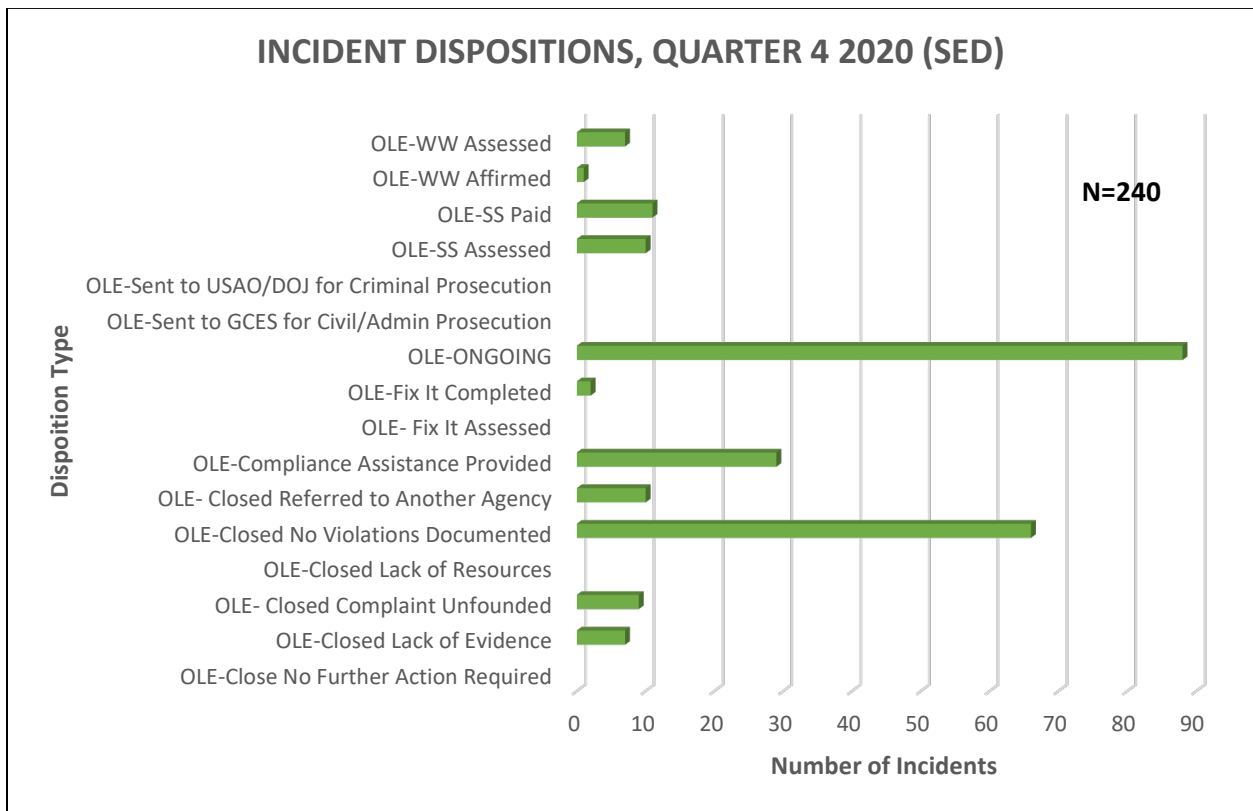
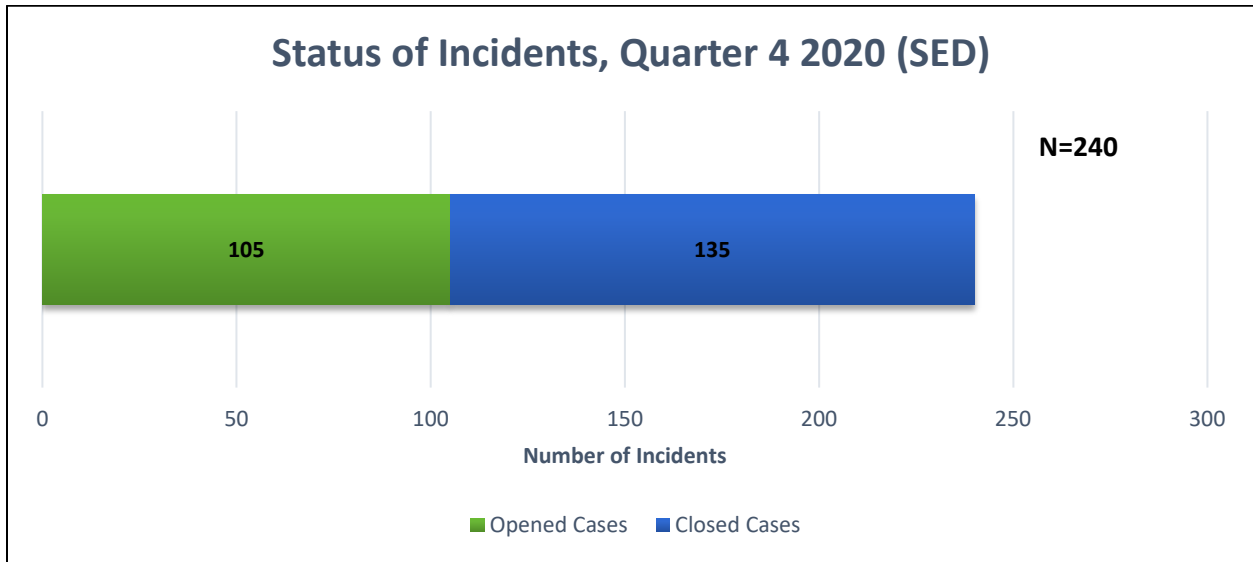




<sup>1</sup> Incident violation counts reported by enforcement partner may be greater than number of incidents due to multiple counts charged for individual incidents

# Caseload Snapshot

Below is a breakdown of the initiated incidents (**240**) throughout the quarter, by status and disposition. Total includes cases referred to by enforcement partners.



# Enforcement Highlights

## Highly Migratory Species

A Sunrise Special Agent (SA) sent out a two count summary settlement to a fisherman who caught a giant Bluefin Tuna during closed season. Photos of the bluefin tuna were reviewed by HMS biologists and determined that the method used to bring the tuna on board the vessel did not comport with methods to ensure least amount of harm to bluefin tuna caught during closed season, and the fisherman failed to report the catch as required by law.

## Lacey Act

A Sunrise, FL SA reported that two defendants were each sentenced to 6 month's imprisonment, one year of supervised release, and a \$7,500 fine in a case involving the smuggling of corals through several South American countries. The two defendants were principals of a Miami freight forwarding company that concealed the identities of wildlife shipments from several unlicensed aquarium trade owners. The case was part of an on-going joint operation with US Fish and Wildlife agents that have developed several spin-offs from "Operation Rock Bottom", which was initiated in 2011.

## Illegal Unregulated Unreported Seafood Port Operations and Port State Measures

A Savannah, GA Enforcement Officer (EO) worked with the Department of State and US Customs and Border Protection (CBP) regarding the importation of wild-caught shrimp from China which had recently been de-certified as not sea turtle safe. The shipment was actually sent prior to the regulations taking affect, however the importer was provided with compliance assistance for not submitting complete and accurate information.

A Mobile, AL EO participated in a joint IUU/seafood fraud task force operation with Mississippi Joint Enforcement Agreement (JEA) partners along the I-10 corridor across the state of Mississippi. Thirteen officers conducted regulatory exams of seafood carriers transporting product. One state citation was issued for a state license violation.

A St. Petersburg, FL EO and SA participated in a joint operation with CBP officers at Port of Tampa this week. The team examined approximately 40 boxes from two containers holding frozen pollack and frozen skin-on portions of salmon. No violations were found. The group also toured the new cold storage facility at the port

## Marine Mammal Protection Act



A Houma, LA EO assisted Audubon Coastal Wildlife Network (Louisiana Marine Mammal Stranding Team), SeaWorld Rescue, and Fenstermaker & Associates

during a multi-day rescue operation of three stranded dolphins in Cameron Parish, Louisiana. Hurricane Laura's storm surge pushed the dolphins approximately 15 miles inland, trapping them in a bayou after the storm surge receded. Multiple agencies used 3 vessels, over 25 personnel, and 3 rescue vehicles to rescue the dolphins. The onsite veterinarian cleared the three dolphins for release back into the Gulf of Mexico at Rutherford Beach in Cameron Parish, Louisiana.

A Charleston, SC EO conducted land based MMPA patrols of Shem Creek and Remley's Point due to dolphins observed in close proximity to vessels, kayaks, and paddle boards. No violations were observed.

## Magnuson-Stevens Fishery Conservation and Management Act

A New Bern, NC SA attended a resentencing hearing in Raleigh of a subject previously convicted for destruction of evidence for disposing of commercial quantities of snowy grouper upon approach of a USCG cutter. He was previously sentenced to 12 months intermittent confinement, but the Bureau of Prisons could not fulfill that based on COVID 19 concerns. He was resentenced to 30 days intermittent confinement in an approved facility, 11 months intermittent home incarceration, and 5 years supervised probation. Home incarceration involves a new technology to monitor the subject based on the subject's smartphone, through GPS and biometric features of the phone.

A North Carolina gillnet captain was formerly charged via criminal information for intimidating and interfering with two separate observers on two trips presented himself for initial appearance in Raleigh, NC. The subject pled guilty to one of two counts charged under MSA. The government dropped one charge and argued the relevant conduct for both offenses. The judge proceeded directly to sentencing and sentenced the subject to one year of probation for the offense.

## Endangered Species Act

A Galveston, TX EO participated in a multi-agency operation with the USCG and Texas Parks & Wildlife Department (TPWD). During the operation, the EO and a TPWD crew conducted four offshore patrols in federal waters. Training was provided to TPWD and several violations were detected on recreational and commercial fishing vessels resulting in a variety of enforcement actions.

Savannah, GA and Charleston, SC EO's conducted a TED patrol with Georgia Department of Natural Resources Division (GADNR). One vessel was provided with compliance assistance regarding holes in the net that were fixed on the spot. A second vessel was found shrimping in state waters without state

permits and approximately 850lbs of shrimp were seized by GADNR with state violations being issued. All TEDS were in compliance.

## **NATIONAL MARINE SANCTUARIES**

A Corpus Christi, TX SA conducted a 4-day joint Flower Garden Banks National Marine Sanctuary patrol with TPWD Wardens aboard their new long range patrol vessel, the Captain Murchison, on its first sanctuary patrol. No violations were found, but it was discovered that over half of the mooring balls were missing and one of the banks had no mooring balls at all. Anchoring in the sanctuary is prohibited and boaters must use the mooring balls. These findings were reported to sanctuary staff.

A Houma, LA EO and Louisiana Department of Wildlife and Fisheries (LDWF) agents conducted an offshore patrol to the Flower Garden Banks National Marine Sanctuary. The EO and LDWF agents travelled 136 nautical miles on LDWF's 42-foot Metal Shark to reach the sanctuary. No violations were observed in the sanctuary. During the patrol, officers boarded multiple commercial and recreational vessels documenting two violations. A recreational vessel discarded reef fish upon approach of law enforcement and a shrimp vessel was found with two red snapper out of season.

## **COOPERATIVE ENFORCEMENT / PARTNERSHIPS**

Corpus Christi, TX agents provided training to TPWD wardens on federal regulations pertaining to the Flower Garden Banks National Marine Sanctuary in preparation for a JEA patrol of this area.

A San Juan, PR SA provided training to the JEA Officers of the Department of Natural and Environmental Resources. The training was conducted for the two field offices in the west coast of Puerto Rico and consisted of case package documentation and GPS verification form preparation. The training is in preparation for patrols to be conducted in the federal closed areas in the upcoming months.

## **PATROL / VMS / CATCH SHARES**

A North Carolina EO made patrols during the opener of Red Snapper Season. Numerous vessels were inspected while only one violation was observed.

A St. Petersburg, FL EO conducted a patrol in federal waters offshore Pinellas County aboard a Florida Fish and Wildlife Conservation Commission (FWC) JEA vessel. The officers conducted eight recreational vessel stops. The captain aboard one vessel was in possession of undersize hogfish, undersize red grouper, and used J-hooks with natural bait. Another captain used J-hooks with natural bait. The EO followed up with compliance assistance.



A St. Petersburg, FL Supervisory Enforcement Officer (SEO) conducted an air patrol with the USCG to the North Florida Marine Protected Areas (MPA) approximately 60 NM east of Fernandina Beach, FL. USCG Air Station Clearwater invited the SEO aboard the Living Marine Resource flight after receiving information that anglers were illegally fishing in the area for snapper and grouper species. The flight departed and returned to Station Clearwater. The flight crew documented two recreational fishing vessels inside the MPA. The flight crew contacted both vessels via VHF radio. Both vessel captains stated they were targeting snapper and grouper. The aircrew sighted a third vessel legally transiting through the MPA with its fishing gear stowed.

A Charleston, SC EO conducted a land based patrol of Murrells Inlet, SC and conducted boardings in conjunction with a USCG Investigating Officer targeting illegal charter vessels. Two vessels were found operating as charters with expired permits.

## **COMPLIANCE ASSISTANCE/OUTREACH/EDUCATION/PUBLIC AFFAIRS/MEDIA**

A St. Petersburg, FL SA and Compliance Liaison conducted virtual training for the newly hired Galveston Observer Program trainees, in July. The two-hour training block included an overview of the NOAA Office of Law Enforcement, fishery plans and regulations, reporting protocols, SASH (sexual assault and sexual harassment) information/guidance, and the civil and criminal case processes.

A Corpus Christi, TX SA Provided training to TPWD Wardens on Marine Sanctuary regulations, regarding the Flower Garden Banks National Marine Sanctuary in support of their upcoming first JEA sanctuary patrol aboard their new long range patrol vessel, Captain Murchison.

## **HEADLINES**

### **Gulf Coast Business Owner Pleads Guilty To Illegal Interstate Seafood Conspiracy:**

<https://www.justice.gov/usao-sdms/pr/gulf-coast-business-owner-pleads-guilty-illegal-interstate-seafood-conspiracy>

### **Seafood executive speaks out on federal charges:**

<https://www.seafoodsource.com/national-fisherman/seafood-executive-speaks-out-on-federal-charges>

**Seafood Processor Pleads Guilty to Selling Foreign Crabmeat Falsely Labeled as Blue Crab from USA:**  
<https://www.justice.gov/opa/pr/seafood-processor-pleads-guilty-selling-foreign-crabmeat-falsely-labeled-blue-crab-usa>

**Miami Business Owners Sentenced in Illegal Wildlife Trafficking Operation:**

<https://www.justice.gov/usao-sdfl/pr/miami-business-owners-sentenced-illegal-wildlife-trafficking-operation>

## **ADMINISTRATION/OTHER**

A St Petersburg, FL SA and Compliance Liaison held quarterly meetings with the three regional observer programs and SED General Counsel Enforcement staff. Current concerns and deployment status were discussed, as well as compliance issues and violations.

## Overview of Summary Settlements

Listed below is a summary of the **86** Summary Settlements issued during the quarter. Violations cited throughout the Gulf region ranged in subject and included 6 citations involving charter or other fishery activity without required permits and 26 violations involving retention during closure or bag limits exceeded. Violations throughout the South Atlantic region included 7 citations involving charter or other fishery activity without required permits and 10 violations involving retention during closure or bag limits exceeded. The majority of violations in the Keys area consisted of activity within the Florida Keys National Marine Sanctuary areas.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	\$200	TX
Highly Migratory Species	Fail to maintain HMS in specified form; Invalid permits	\$1,000	FL WEST
Highly Migratory Species	Seafood import requirements	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations; Fail to maintain fish intact	\$1,800	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$425	FL WEST



Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure; Possess undersize fish	\$875	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$700	FL WEST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$450	FL KEYS
Magnuson Stevens Act (MSFCMA)	Spatial incursion; Gear restrictions	\$600	FL KEYS
Magnuson Stevens Act (MSFCMA)	Reef fish as bait; Retention during closure; Fail to maintain HMS in specified form	\$2,050	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,300	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Spatial incursion	\$375	SC
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permits	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Spatial incursion	\$275	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permits	\$3,325	FL WEST

Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	FL EAST
Magnuson Stevens Act (MSFCMA)	Invalid permits	\$1,500	FL EAST
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$925	FL WEST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$762	FL EAST
Magnuson Stevens Act (MSFCMA)	Reef fish as bait	\$550	FL EAST
Magnuson Stevens Act (MSFCMA)	Spatial incursion; Gear restrictions	\$350	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$750	GA
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Gear restrictions	\$375	GA
Marine Sanctuaries Act	Spatial incursion	\$600	FL KEYS
Marine Sanctuaries Act	Spatial incursion	\$600	FL KEYS
Marine Sanctuaries Act	Spatial incursion	\$600	FL KEYS

Marine Sanctuaries Act	Spatial incursion; Gear restrictions	\$600	FL KEYS
Marine Sanctuaries Act	Operation of vessel causing damage to habitat	\$350	FL KEYS
Marine Sanctuaries Act	Gear restrictions	\$600	FL KEYS

# Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **1,038**

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

Fisheries	NETWORK INNOVATIONS	WOODSHOLE	SKYMATE	FARIA	MCMURDO	TOTAL
HMS Pelagic Longline	14	42	15	25		<b>96</b>
HMS Shark		4	1	3		<b>8</b>
Gulf reef fish	185	335	71	130	132	<b>853</b>
Rock shrimp	13	35	9	14	7	<b>78</b>
Charter		1		2		<b>3</b>
<b>TOTAL</b>	212	417	96	174	139	<b>1038</b>

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

The Investigative Support Program continues to work closely with NOAA Southeast Regional Office staff regarding the Gulf of Mexico For-Hire Reporting Amendment. Required hardware and software specifics to meet reporting requirements are in development.

## Observer Program Highlights

During FY Quarter 4 2020; the Southeast Division Observer Programs deployed on **69** trips for **349** sea days. Coverage was previously reduced due to COVID-19 related concerns, but safety protocol have been enacted and coverage has resumed. Approximately **100%** 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 to NOAA OLE. The Gulf of Mexico Shrimp Program deployed on 15 trips for 102 sea days, and the Gulf of Mexico Reef Fish Program deployed on 7 trips for 15 sea days. Effort for the Panama City Gillnet Program was 3 trips for 3 sea days, and the Panama City Bottom Longline Program (includes Shark Research Fishery) deployed on 24 trips for 64 sea days. The Panama City Reef Fish Vertical Line Program deployed on 4 trips for 12 sea days. The Pelagic Observer Program deployed on 16 trips for 153 sea days. The summary below details the type of observer related complaints received during Quarter 3 (calendar year) of 2020, for all 3 programs.

COMPLAINT TYPE	Galveston Reef Fish and Shrimp Programs	Panama City Shark Bottom Longline and Gillnet Programs	Pelagic Observer Program
ASSAULT			
HARASSMENT/INTIMIDATE			
SAFETY			
NON-COMPLIANT FOR OBSERVER COVERAGE	9	58	1
HANDLING		1	3
GEAR			3
RETENTION		2	
SPATIAL			
MARPOL-USCG		5	2
<b>TOTALS</b>	<b>9</b>	<b>66</b>	<b>9</b>

## Cases Referred For Civil and/or Criminal Prosecution

Listed below is a summary of the 5 cases forwarded to NOAA General Counsel Enforcement Section and/or the United States Attorney Office/Department of Justice for this quarter. Cases varied in violation type, with 2 occurring in the South Atlantic area and 3 in the Gulf area.

LAW/REG/PROGRAM	VIOLATION	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	TX
Highly Migratory Species	Spatial Incursion; Electronic Monitoring requirements; ICCAT regulations	FL EAST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded, Invalid/lacking permits	GA
Magnuson Stevens Act (MSFCMA)	Invalid/lacking permits	FL WEST
Magnuson Stevens Act (MSFCMA)	Possession of undersize fish	FL WEST

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