

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

FISCAL YEAR 2023, QUARTER 1  
FISHERY MANAGEMENT  
COUNCIL REPORT

OCTOBER 1, 2022-DECEMBER 31, 2022



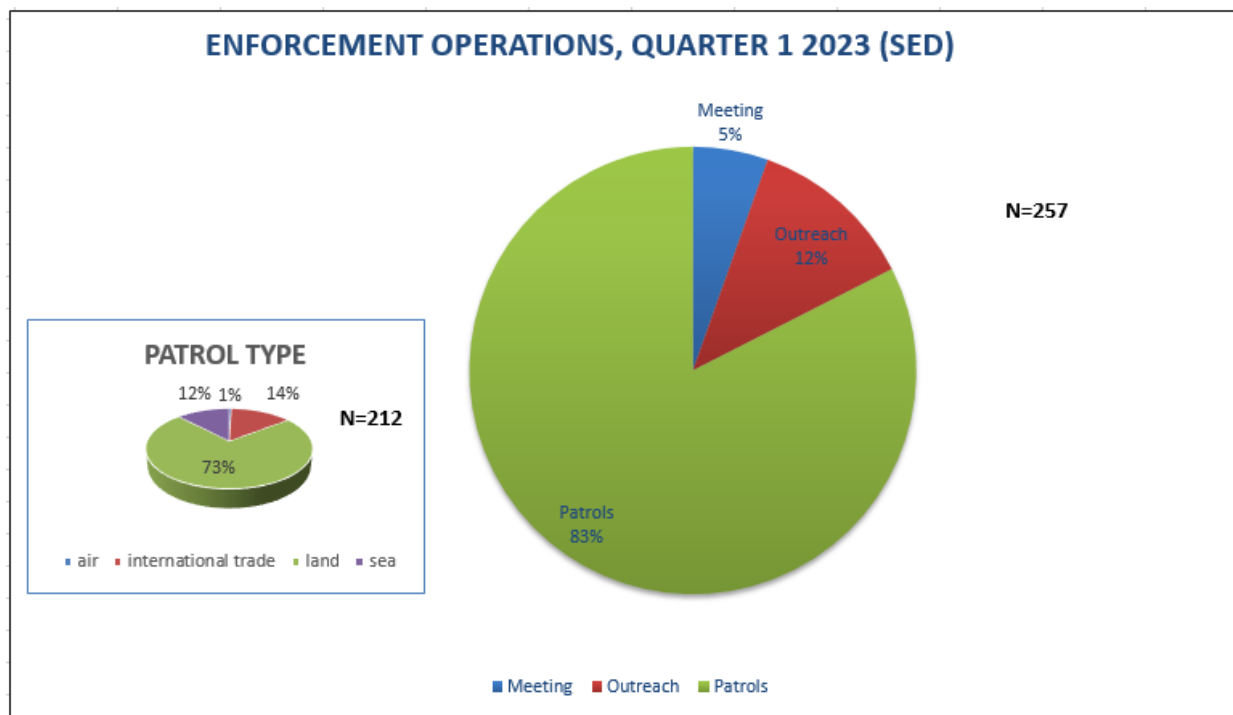
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# Enforcement and Compliance

Data represent National Oceanic and Atmospheric Administration, National Marine Fisheries, Office of Law Enforcement, Southeast Division's (OLE-SED) enforcement efforts conducted throughout FY Quarter 1 2023, **October 1, 2022- December 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).

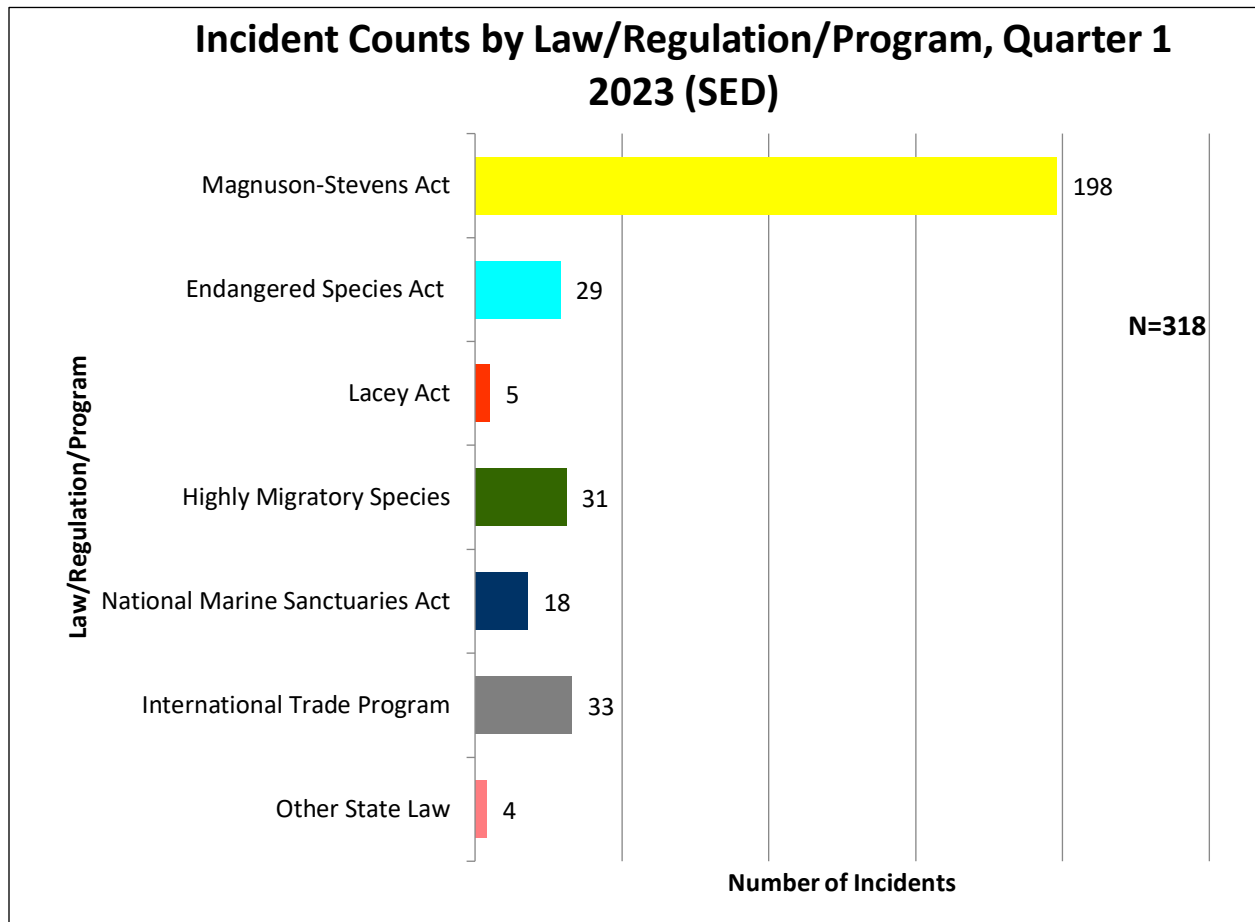
Patrols, outreach and education, compliance assistance, and investigations are the primary activities of OLE's mission to protect marine wildlife and habitat by enforcing domestic laws and supporting international treaty requirements designed to ensure global resources are available for future generations. Specifically, Operation Acorn concentrated on marine protected areas throughout the Florida Keys National Marine Sanctuary by conducting patrols in the lower Keys area targeting sanctuary related violations. Operation Triple Header focused on TED (turtle excluder device) and for-hire sector compliance in the Alabama and Mississippi area by conducting joint patrols with both state partners. Operations Osprey II and Osprey III were 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. This quarter, OLE-SED conducted and documented **212** patrols, **31** specific instances of outreach and attended **14** meetings.



# Incident Information

During the first quarter, OLE-SED opened **318** incidents, which included **167** counts in the SAFMC area, **209** counts in the GMFMC area and **1** count in the CFMC area<sup>1</sup>. These incidents originate from both NOAA personnel and our enforcement partners.

## Summary of Incidents by Law/Regulation/Program; Quarter 1 2023



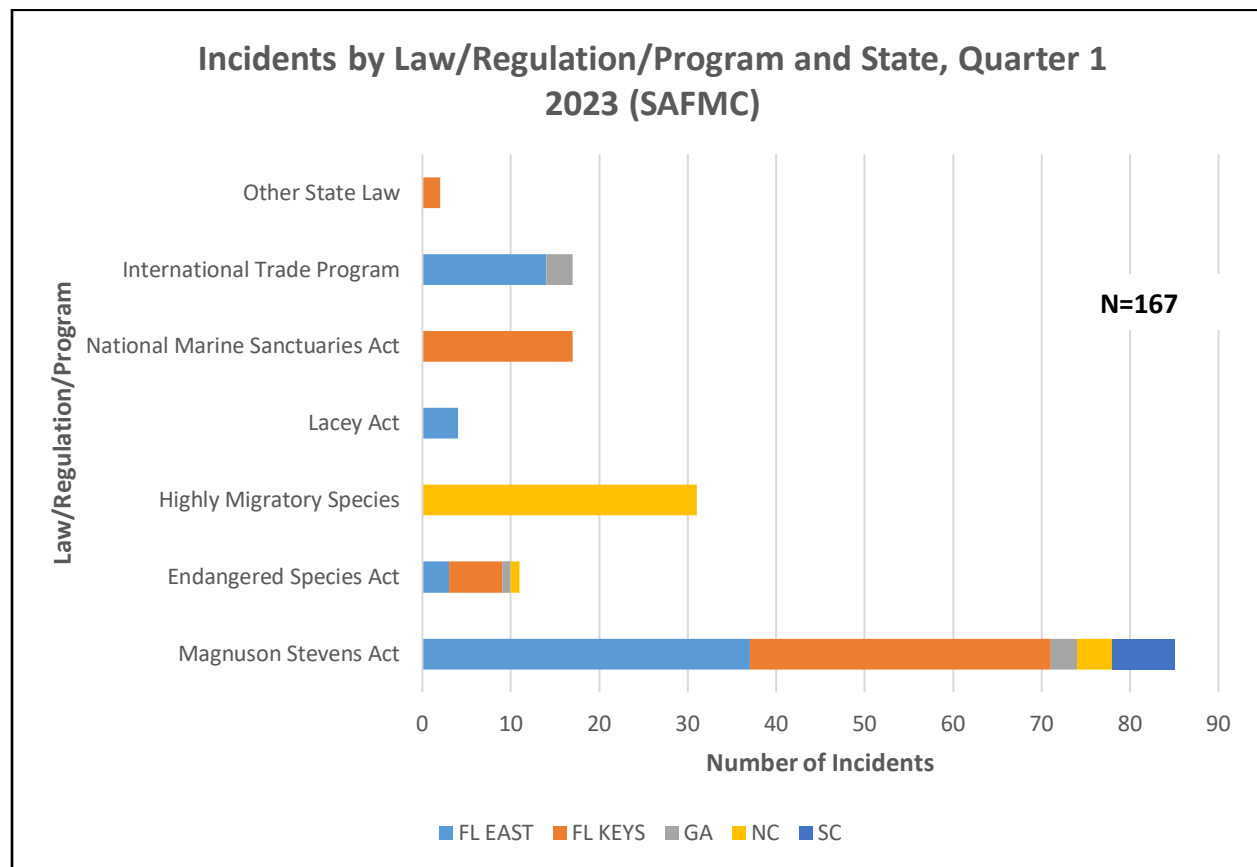
<sup>1</sup> Incidents occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total individual counts are greater than opened incidents due to multiple counts charged for separate incidents

## 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 1 2023 (SAFMC)

Law/Regulation/Program	FL EAST	FL KEYS	GA	NC	SC	Total
Magnuson Stevens Act	37	34	3	4	7	85
Endangered Species Act	3	6	1	1	0	11
Highly Migratory Species	0	0	0	31	0	31
Lacey Act	4	0	0	0	0	4
National Marine Sanctuaries Act	0	17	0	0	0	17
International Trade Program	14	0	3	0	0	17
Other State Law	0	2	0	0	0	2
Marine Mammal Protection Act	0	0	0	0	0	0
<b>TOTALS</b>	<b>58</b>	<b>59</b>	<b>7</b>	<b>36</b>	<b>7</b>	<b>167</b>

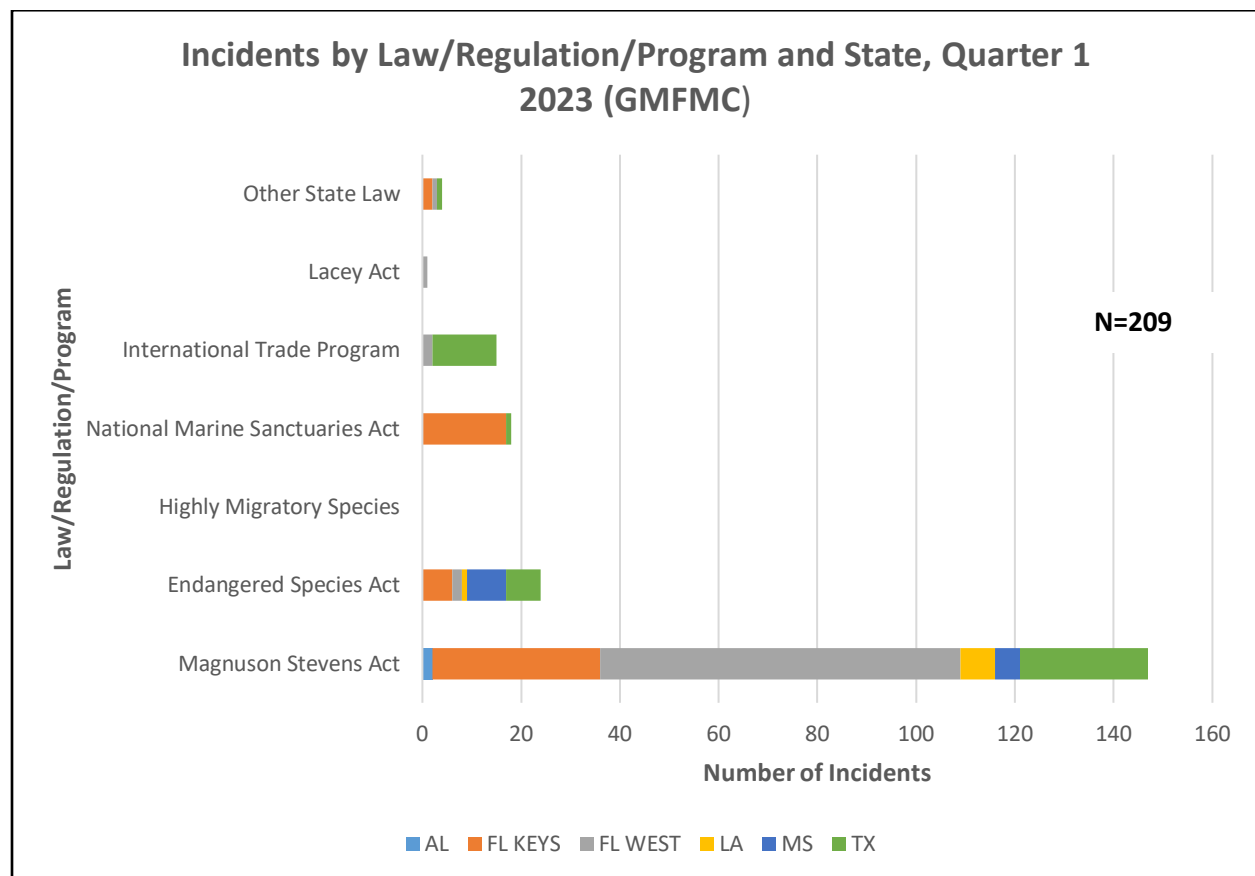


## Gulf of Mexico Fishery Management Council Summary

\*\*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 1 2023 (GMFMC)

Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act	2	34	73	7	5	26	147
Endangered Species Act	0	6	2	1	8	7	24
Highly Migratory Species	0	0	0	0	0		0
National Marine Sanctuaries Act	0	17	0	0	0	1	18
International Trade Program	0	0	2	0	0	13	15
Lacey Act	0	0	1	0	0		1
Other State Law	0	2	1	0	0	1	4
Marine Mammal Protection Act	0	0	0	0	0		0
<b>TOTAL</b>	<b>2</b>	<b>59</b>	<b>79</b>	<b>8</b>	<b>13</b>	<b>48</b>	<b>209</b>

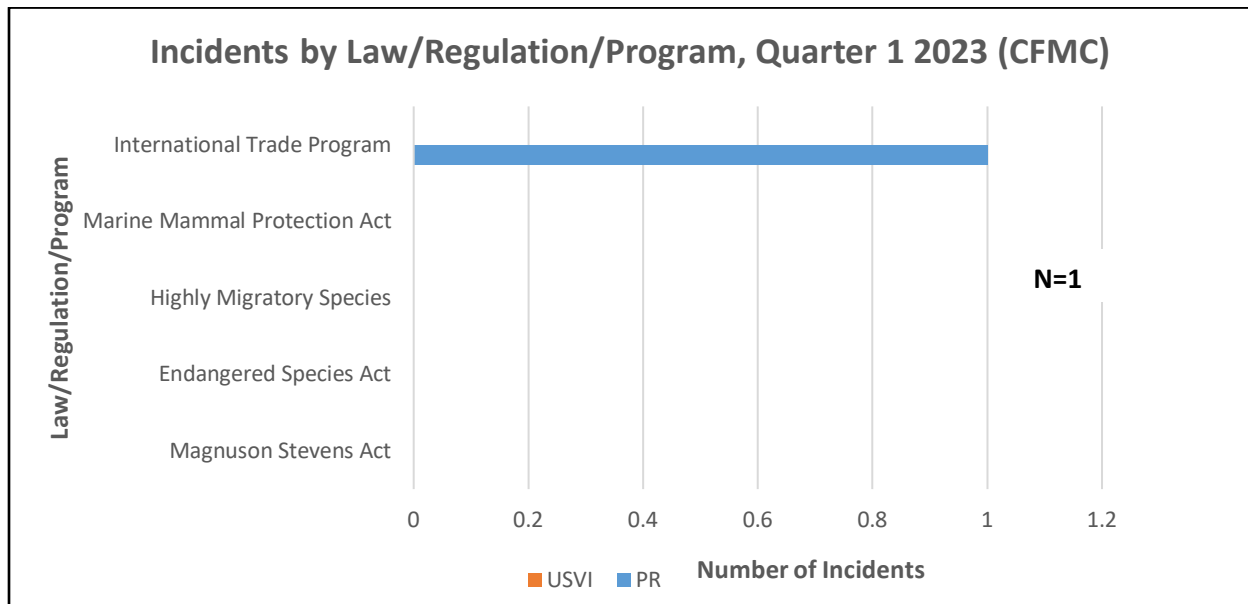


## Caribbean Fishery Management Council Summary

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

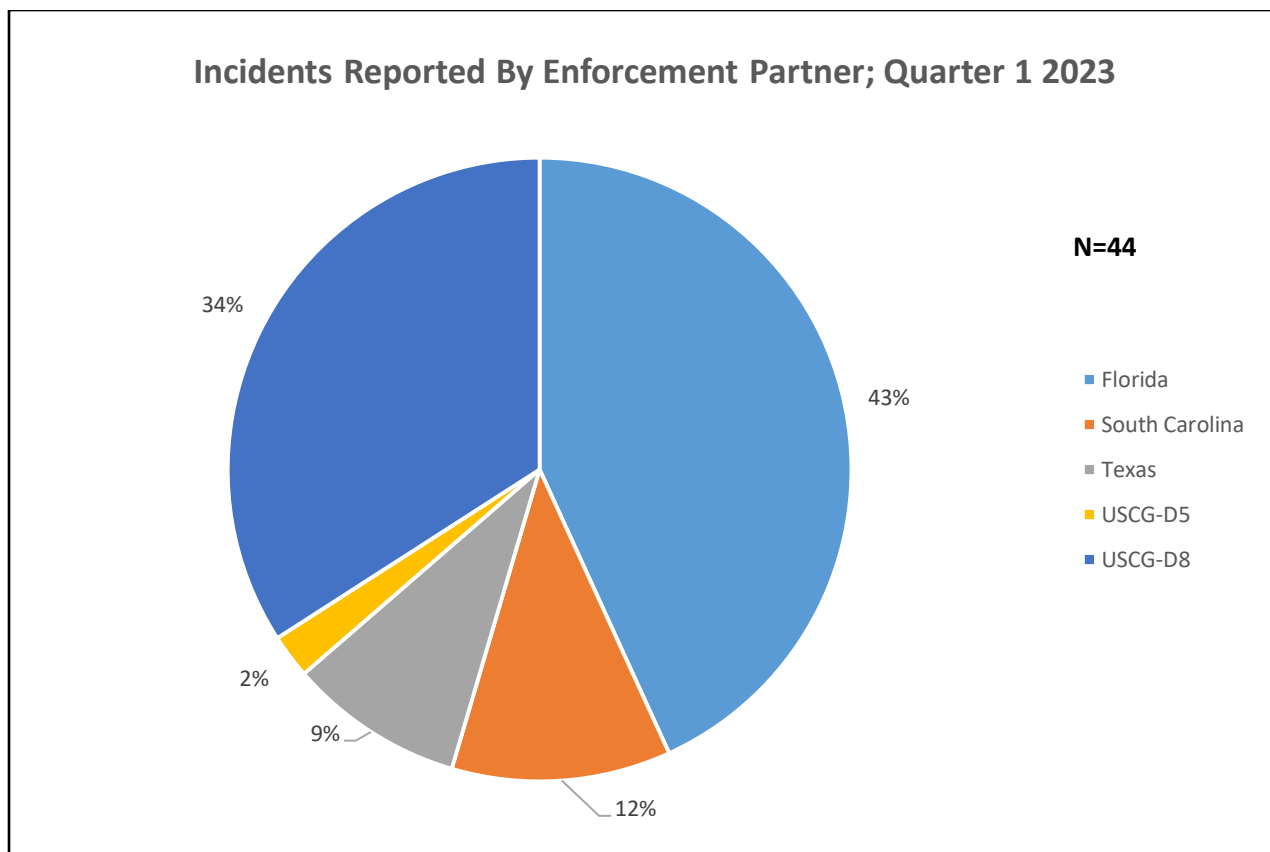
### Number of Incidents by Law/Regulation/Program and Location; Quarter 1 2023 (CFMC)

Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act	0	0	0
Endangered Species Act	0	0	0
Highly Migratory Species	0	0	0
Marine Mammal Protection Act	0	0	0
International Trade Program	1		1
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>1</b>

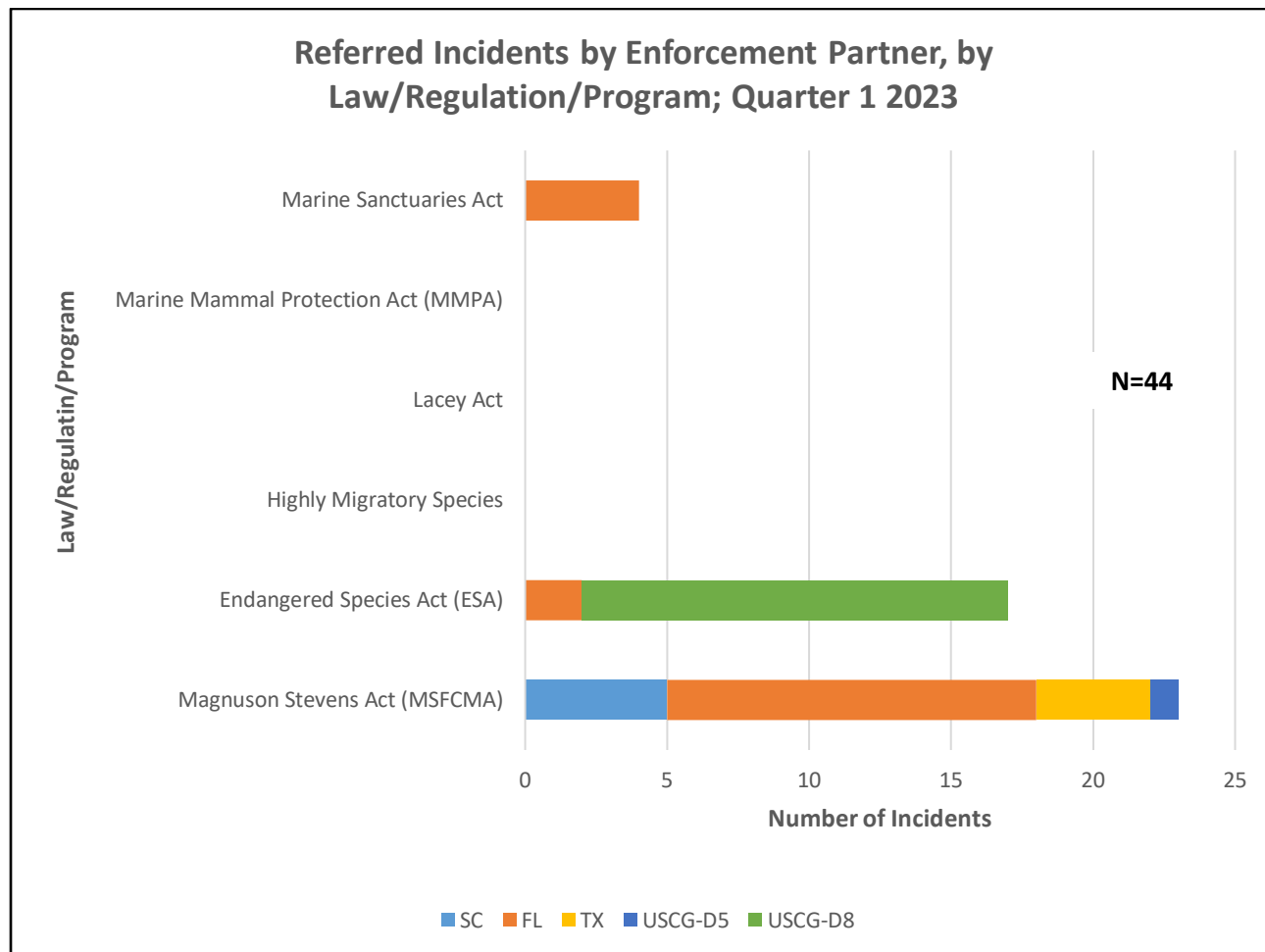


# Summary of Cases by Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 1, 2023, 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.



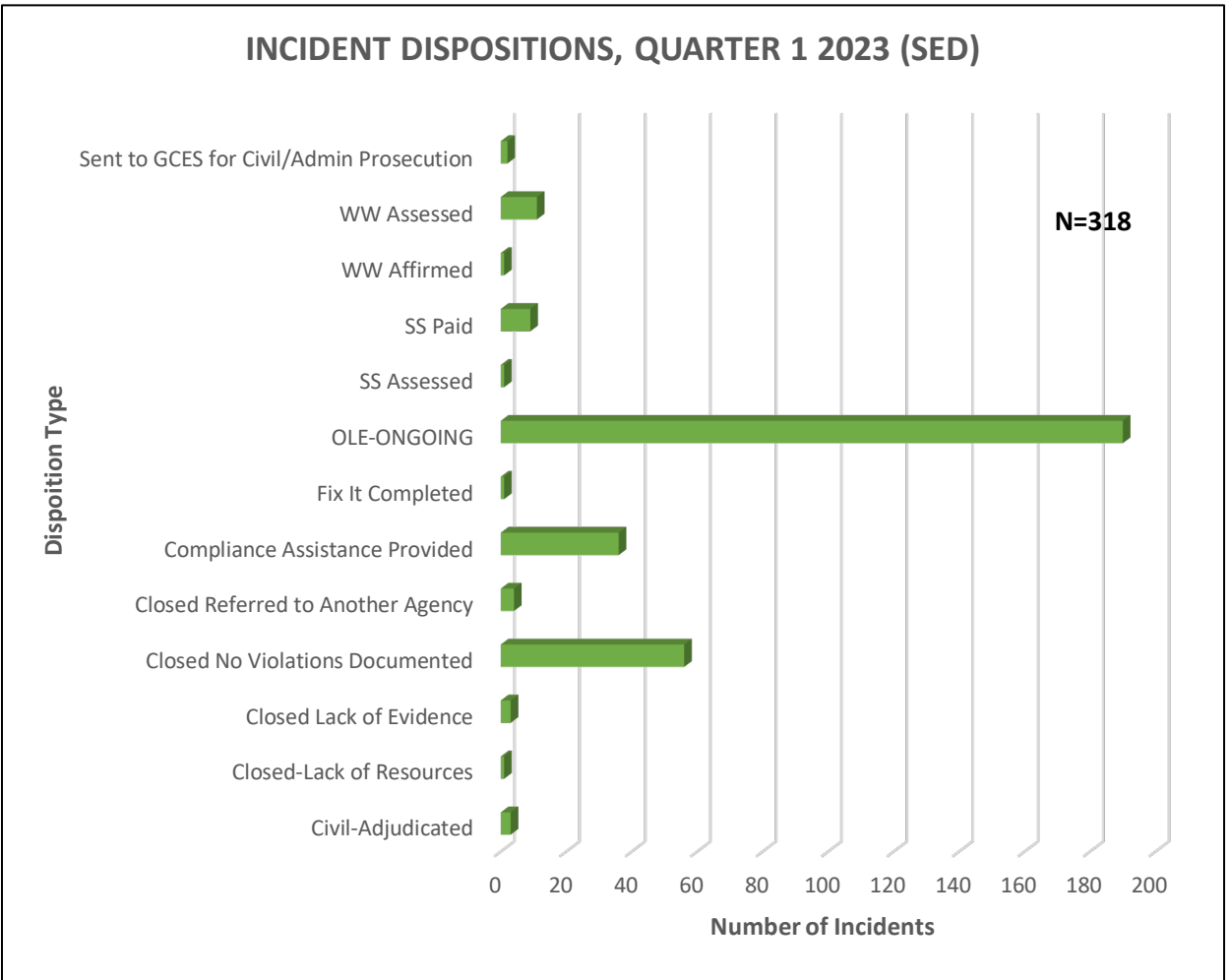
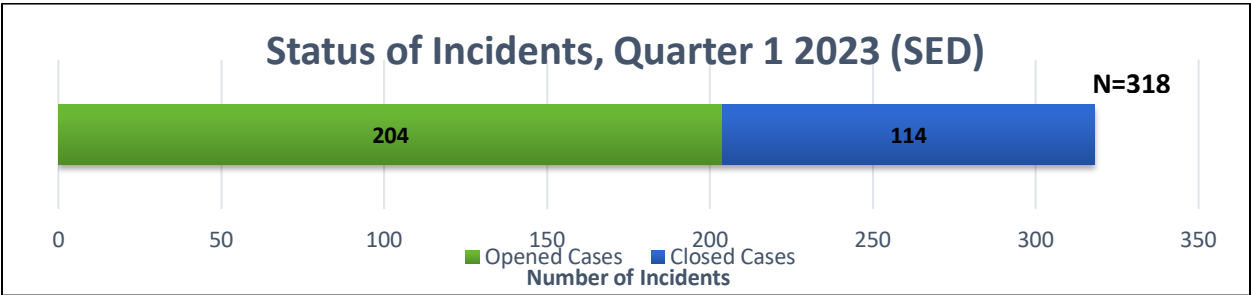




<sup>1</sup> total individual counts may be greater than opened cases due to multiple counts charged for separate cases

# Caseload Snapshot

Below is a breakdown of the initiated incidents (**318**) 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 **56%** of the incoming workload.



# Enforcement Highlights

## Highly Migratory Species

A North Carolina enforcement officer (EO) held the first session of HMS Training for US Coast Guard Units at Sector Field Office Ft. Macon, NC. 34 personnel attended from 5 different units. The EO scheduled two additional sessions for outlying units in preparation for the 2022-2023 winter bluefin tuna season.



A North Carolina EO completed over 25 commercial bluefin tuna landing inspections since December 1. All vessels were 100% compliant.



A North Carolina EO and a Georgia EO conducted offshore patrols targeting the commercial bluefin tuna fleet off NC. The team completed three boardings with bluefin tuna on board and numerous contacts were made.

## Lacey Act

Panama City, FL and Key West, FL special agents (SA) and EOs conducted the arrest, per indictment, of two defendants, transported and processed them with the United States Marshals Service and Federal Bureau of Prisons in Miami, FL. The defendants are the subjects of a Lacey Act False Labelling investigation involving the purchase of large quantities of live spiny lobster from foreign Caribbean countries, importing the live lobster into the United States, then repackaging and relabeling the live lobster as a product of the United States, and exporting the live lobster to Hong Kong, for distribution in China.

## Illegal, Unregulated and Unreported (IUU) Fishing

Sunrise, FL and St. Petersburg, FL SAs escorted a container of Patagonian toothfish from Miami to Tampa. The toothfish was seized upon entry into the United States, as NOAA had denied the pre-approval notice required for toothfish to be imported. The shipment, upon forfeiture, was donated to a company in Tampa to help the victims of Hurricane Ian.

A St. Petersburg, FL SA and U.S. Customs and Border Protection (CBP) officers conducted a joint agency IUU/SIMP examination of two containers of seafood product at Port Tampa; samples from one container were taken for forensic testing.

A St. Petersburg, FL SA conducted an examination of imported shrimp from Ecuador. The product, initially manifested as from Spain, showed product of Ecuador and processed in Guatemala on packaging. The entry was not filed at the time of the examination and there were no documents for the shipment. CBP officers requested entry filing and uploading of

documents. Once the entry was properly filed, it was determined the importer does have a valid IFTP, but chain of custody had yet to be received. Following receipt of additional information, the SA spoke with the Savannah EO, CBP, and State Department contact to ensure all required information was adequately provided. No violations were found and the shipment was released.

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

A Sunrise, FL SA issued 2 summary settlement offers and a written warning to several South Florida importers. The companies all failed to submit SIMP traceability documents. This was a second violation for one of the South Florida importers resulting in a \$2,000 summary settlement offer.

A Houston, TX EO conducted an International Trade Patrol at the Customs Central Examination Station in Houston, TX. Three shipments containing red snapper, yellowfin tuna, and shrimp were examined. After the patrol, the EO followed up with an importer concerning missing entry paperwork.

## **Marine Mammal Protection Act**



EOs from Cape Canaveral and Miami along with Officers from Florida Fish and Wildlife (FWC) responded to a report of a dolphin skull at a pawnshop. The skull was displayed but showed no signs of being for sale by the owner of the pawn shop who stated he had been trying to donate it for education. The skull had been given to him and he voluntarily abandoned it to OLE.

Investigative Support (IS) personnel sent 84 compliance assistance letters to vessel owners related to observed violations that endanger North Atlantic right whales.

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

A Niceville, FL EO and a Panama City, FL EO conducted an ESA/SEFHIER patrol from Moss Point, MS to Bay St. Louis, MS in support of Operation Triple Header. The officers conducted 3 dockside TED inspections and documented minor discrepancies. SEFHIER outreach was conducted in Biloxi, MS and information was obtained regarding federal charter-fishing vessels without VMS units installed.

A Houston, TX EO reviewed a USCG case package where a commercial shrimp trawler was found with all four By-catch Reduction Devices sewn shut. The EO issued the owner/operator a \$3,000.00 summary settlement offer.

A Niceville, FL EO conducted a patrol to Destin, FL to identify federally permitted charter-fishing vessels conducting for-hire fishing trips which fail to submit SEFHIER declarations. The EO conducted outreach with a charter fishing business owner regarding the lease of a charter for

Gulf of Mexico reef fish permit. The EO conducted a boarding of a commercial fishing vessel and provided compliance assistance for failing to have proper vessel identification and a missing sea turtle placard.

A Niceville, FL EO issued a \$500 Summary Settlement Offer to the captain and owner of a federally permitted charter fishing vessel for conducting a South Atlantic for-hire fishing trip with an expired permit.

A Niceville, FL EO issued a Written Warning Notification Letter to the captain of a federally permitted charter fishing vessel for failing to submit electronic logs. The captain contacted the SEFHIER team to submit all missing logs and is now in compliance.

A Fort Myers, FL EO made contact with a for-hire captain pertaining to missing SEFHIER reports and instructed the captain on how and when to submit reports. All missing reports were submitted by the captain, and the case was closed as Compliance Assistance.

A Houston, TX EO and a Houma, LA EO conducted a dockside boarding of a federal for-hire vessel after discovering the vessel conducted a fishing trip without a transmitting VMS. The captain did not realize the VMS battery was dead until after the trip. The EOs provided compliance assistance to the captain.

IS personnel sent targeted education/outreach emails to 50 Gulf of Mexico or South Atlantic For-Hire vessels, informing them of their reporting requirements.

A Houston, TX EO reviewed an FWC case package where recreational anglers were observed discarding fish on approach of law enforcement. Additionally, the anglers were in possession of out of season reef fish and fish not in whole condition. The EO issued \$1,300.00 and \$825.00 summary settlement offers to two of the anglers.

## **Endangered Species Act**

A Houston, TX EO reviewed a USCG case package where a commercial shrimp trawler was found with level I and level II Turtle Exclusion Device violations. The EO issued the captain a \$700.00 summary settlement offer.

A Savannah, GA EO prepared a \$1,500 Summary Settlement regarding a shrimp trawler with three Level II TED violations. The vessel had three single-cover flaps sewn onto nets made for double-covers.

A Houma, LA EO reviewed a USCG case package where a captain of a skimmer trawl vessel over 40 feet in length was actively fishing without Turtle Excluder Devices (TEDs) installed. The EO interviewed the captain who admitted he did not have TEDs installed when boarded by the USCG. The EO prepared a case package and referred it to GCES for civil prosecution.

## National Marine Sanctuaries



A Key West, FL EO, Key Largo, FL EO and a Key West, FL SA conducted patrols in the Lower Florida Keys National Marine Sanctuary. The team conducted multiple boardings and documented violations pertaining to dive flags and active

commercial lobster traps inside Western Sambo Ecological Reserve (ER). The team also conducted a boarding and TED inspection on a Mississippi commercial shrimping vessel.

A Key Largo, FL EO issued a \$1,375 Summary Settlement Offer for fishing in the Coffins Patch Sanctuary Preservation Area (SPA) while in possession of two undersized mutton snapper and acting as a charter vessel with no South Atlantic Snapper-Grouper Charter/Headboat Permit.

A Key West, FL EO and Key Largo, FL EO, conducted a patrol with JEA partners aboard the FWC Offshore Patrol Vessel Trident. The EO's conducted 5 TED inspections aboard commercial shrimp vessels. The EO's issued one FIX-IT Notice and documented one violation for discharging oily bilge water into the Florida National Marine Sanctuary.



A St. Petersburg, FL SEO and two Florida Keys EOs, participated in OPERATION ACORN. The patrol efforts focused on the lower Florida Keys SPAs, ERs and Wildlife Refuges. Officers documented violations pertaining to divers down flags, undersized lobster, spearfishing in a SPA and personal watercrafts in a Wildlife Refuge. The officers also conducted an IFQ inspection on a local Gulf Reef

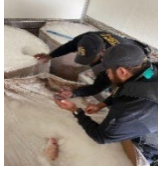
Fish vessel in Key West, FL.

## Cooperative Enforcement/Partnerships



NOAA Enforcement Officers from Texas conducted IUU Fishing Operation Osprey II, a joint operation involving Texas Parks and Wildlife (TPWD) Game Wardens out of South Padre Island, TX. The focus of the operation was to patrol the Exclusive

Economic Zone (EEZ) to deter Mexican fishing vessels (Lanchas) from illegally fishing in the EEZ. During one of the patrols, a Lancha was observed fishing in Texas state waters and on approach of OLE and TPWD, the Lancha quickly navigated across the Maritime Boundary Line back into Mexico. Additionally, officers removed over 2,000 feet of illegal gillnet and conducted a SIMP examination of a shipment containing 1,400 pounds of red snapper from Mexico.



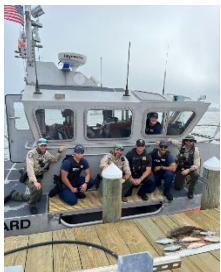
NOAA enforcement officers from Texas and a special agent from Florida conducted IUU Fishing Operation Osprey III, a joint operation involving TPWD Game Wardens out of South Padre Island, TX. During the operation, officers removed over 300 feet of illegal gillnet and two illegal seine nets containing over 400 pounds of shrimp and other various aquatic wildlife from the mouth of the Rio Grande river. Additionally, officers conducted six SIMP examinations at the Veterans Point of Entry. The shipments contained 6,494 pounds of yellowfin tuna, 1,526 pounds of red snapper, 56 pounds of grouper and 324 pounds of processed crabmeat. The team took samples from the processed crab and sent to the NOAA forensic laboratory for DNA analysis.



NOAA Enforcement Officers from Texas, Alabama and Florida conducted Operation Triple Header. This was a three-phase operation consisting of patrols in Alabama and Mississippi as well as classroom training focused on Turtle Exclusion Device (TED) and SEFHIER boardings. 25 JEA officers from Alabama and Mississippi attended the TED inspection training provided by the NMFS Gear Monitoring Team. Training consisted of interactive practical exercises and a knowledge test. During the patrol phase, officers conducted 17 commercial and SEFHIER boardings resulting in 13 violations documented.

A SC SA gave a presentation to students at the USCG Southeast Regional Fisheries Training Center (SRFTC). The SA discussed regulations and fisheries students will encounter in the region as well as case package requirements.

A Panama City, FL SA, A Panama City, FL EO, A Niceville, FL EO, and a Mobile, AL EO participated in the initial meeting of the Gulf Coast Illegal Charter (GCIC) Task Force in Pensacola, FL. The USCG has created the task force comprised of multiple federal, state, and local agencies to combat illegal charters throughout the gulf coast.



A St. Petersburg, FL EO participated in USCG Operation Red Fish, aimed at targeting reef fish vessels with red snapper violations and illegal charter operations. The EO worked with new USCG officers, a FWC officer in field training, and FWC officers with little federal fisheries knowledge. The EO worked with the officers and educated them on the JEA and the differences between federal civil violations and state criminal violations. The operation was a success and officers found five vessels with fishery violations.

A San Juan, PR SA provided training to two groups of Puerto Rico department of Natural and Environmental Resources (DNER) officers. The first group were 30 DNER officers from the west coast of PR. The second training was given to six DNER officers from the east coast of PR. The training was delivered by a marine biologist and the SA. The biologist presented grouper species identification and the SA presented case package preparation, federal regulations, and jurisdiction.





A Niceville, FL EO conducted an at-sea patrol aboard a FWC offshore patrol vessel in the Gulf of Mexico EEZ off Pensacola, FL. During the patrol, boarding's were conducted on one federally permitted charter fishing vessel, one commercial fishing vessel, and two recreational fishing vessels. A FIX-IT Notice was issued for missing sea turtle release gear and missing vessel identification, and a violation was issued for possession of fish and shark not in whole condition, expired permits, possession of a shark without an HMS permit, and possession of an undersized cobia.



A League City, TX SEO and Harlingen, TX EO conducted a joint patrol with TPWD game wardens out of South Padre Island, TX. During the patrol, officers assisted wardens with the removal of over 500 feet of illegal gillnet containing various aquatic wildlife from the mouth of the Rio Grande River.

A St. Thomas, USVI EO led a multi-agency enforcement operation (Operation Blue Runner 2) consisting of EOs from Savannah, GA and Miami, FL, a Puerto Rico SA, and a Food and Drug Administration (FDA) SA from Miami to the STT Airport and Seaport. The operation targeted cargo shipments arriving in the USVI by air and sea from foreign ports. The team provided compliance assistance for importing queen conch without CITES permits, and is further investigating IFTP tuna violations and mislabeling. The FDA referred several shipments of pharmaceutical drugs for denied entry that arrived with the seafood shipments.

A St. Thomas, USVI EO, a Savannah, GA EO, a Miami, FL EO and a Puerto Rico SA aided in the search for several Illegal migrants that landed on Black Point in St. Thomas. The USVI Police Department, US Border Patrol, CBP AMO, USCG and HSI were also involved in this search. A USCG helicopter and USVI PD drone were deployed to aid in the area search. All persons were found.



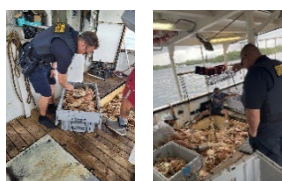
A Miami, FL EO Patrolled the Florida Keys National Marine Sanctuary on the FWC Miami Offshore Patrol Vessel. Eight boardings were completed and several violations were found.

A Charleston, SC SEO and SA attended the initial meeting of the South Carolina Department of Natural Resources (SCDNR) Saltwater Enforcement Team. The Team will focus on saltwater enforcement and support SCDNRs JEA efforts by working offshore. Joint efforts, NOAA OLE support and future patrols with the team were discussed.



## Patrols/VMS/Catch Shares

A St. Petersburg, FL EO and a Key West, FL EO conducted SEFHIER patrols in St. Petersburg, FL and nearby cities throughout the week. The EOs conducted inspections on federally permitted charter fishing vessels and documented violations of missing sea turtle release gear, no SEFHIER declarations, untimely charter-fishing logbook submissions and not landing reef fish in whole condition.



Cape Canaveral, FL and Miami, FL EOs monitored a commercial offload of golden crab in Hollywood, FL. No females or regulated bycatch were observed and all permits were in order.

A Panama City, FL EO conducted a patrol targeting IFQ vessels. The EO monitored an IFQ offload in Apalachicola, FL. No violations were observed. Three more IFQ offloads were monitored dockside in Panama City, FL. Compliance assistance was provided for minor vessel identification violations.

A Niceville, FL EO conducted an IFQ patrol from Destin, FL to Panama City, FL. The EO monitored the offload of IFQ species aboard a Destin, FL commercial fishing vessel and provided compliance assistance for sea turtle release documentation. The EO monitored the offload of IFQ species aboard two vessels in Panama City, FL. A violation was documented for missing sea turtle release gear and missing vessel identification.

A Niceville, FL EO conducted a land IFQ/SEFHIER patrol to Destin, FL. During the patrol, the EO monitored the offload of IFQ species from one commercial fishing vessel with no violations documented. The EO also conducted four dockside boardings of charter fishing vessels. Violations were documented for failure to declare a charter fishing trip, failure to display vessel identification, and failure to comply with the sea turtle conservation measures

## Compliance Assistance/Outreach/Education/Public Affairs

The compliance liaison worked with regional and headquarters staff to create and release a feature story on a case worked by a Niceville, FL SA and JEA partners. The case involved an unlicensed seafood dealer who was recently sentenced to five years of probation, a \$25,000 fine and community service. The subject is also banned from purchasing and selling seafood in quantities over 10 pounds. The story was picked up by national outlets as well as regional news in Georgia, Alabama and Florida.



Cape Canaveral, FL and Miami, FL EOs participated at Sebastian Police Department's National Night Out. A NOAA OLE table was set up with handouts and other items. The EOs were able to interact with local kids and their families and educate the public about Federal fisheries, MMPA, ESA, Fish Rules, and OLE's mission.



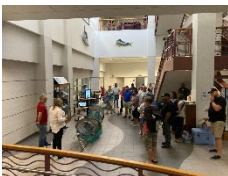
The Compliance Liaison, a St Petersburg EO and SA attended the Florida Guides Association annual meeting in St Petersburg, FL. Federal regulations, in particular for-hire regulations and dolphin viewing tips, were discussed with attendees. Other presenters included a NOAA recreational fishing coordinator, sawfish, dolphin and barotrauma experts, GMFMC outreach staff and FWC officers.

The Compliance Liaison worked with his NED counterpart and HQ public affairs staff to release a feature story on NED and SED regional feeds related to North Atlantic right whales. The story highlights OLE's role in protecting these whales as well as tools at our disposal to enforce the regulations.



Cape Canaveral, FL and Savannah, GA EOs ran a booth at the Right Whale Festival in Fernandina Beach, FL from 11/5 to 11/6. The event drew a large crowd on both days and outreach and education was

conducted on the full spectrum of the OLE mission with a concentration on the 500 yards distance restriction for Right Whales. Extra attention was also given to descending device requirements. The event also presented an opportunity to liaison with the local FWC officers and provide a source of assistance for JEA cases they may conduct in the future.



The Compliance Liaison (CL) participated in the 2022 Marine Resource Education Program-SED Fisheries Science Workshop. Participants represented all sectors, commercial, charter and recreational, as well as fishery council members. The CL presented a talk on VMS and provided assistance with LE matters brought up throughout the workshop.



The St. Petersburg, FL ASAC and EO participated in the Great American Teach-In at Warren Hope Dawson Elementary School in Hillsborough County. The Metal Shark F3402 was used as a display along with various ESA and MMPA items. The ASAC and EO talked with

five classes of approximately 35 students each about OLE's mission and the laws it enforces.



The Compliance Liaison participated in the Great American Teach-In at a local elementary school. The CL talked about the importance of protecting our marine resources and OLE's role to kindergarten and second grade classes.

A San Juan, PR SA and USVI EO attended the Caribbean Fishery Management Council Meeting in San Juan, PR. During the 2-day meeting, the SA provided a presentation requested by the Executive Director of the Council, regarding OLE's international capacity building to combat IUU and Port State Measures initiatives. The SA also presented OLE's update for the quarter. Both the SA and EO received kudos for their respective enforcement efforts in the Caribbean.



A League City, TX SA and the Compliance Liaison conducted the law enforcement section of training for a safety training class, held in Galveston, TX for the three regional observer programs. They also met with the program branch chief to discuss improvements for observer referrals and met with the Workplace Violence Prevention and Response Coordinator for the SE Region regarding future training and program implementation.

## Media

Stolen Fishing Gear: <https://www.justice.gov/usao-sdfl/pr/jupiter-shark-diving-crew-convicted-stealing-fishing-gear-0>

Northern Right Whale Efforts: <https://www.fisheries.noaa.gov/feature-story/noaa-enforcement-helps-protect-north-atlantic-right-whales>

Seafood Fraud: <https://www.fisheries.noaa.gov/feature-story/noaa-enforcement-busts-unlicensed-seafood-dealer> , <https://news.yahoo.com/georgia-alabama-game-wardens-join-211600488.html>

## Overview of Summary Settlements

Listed below is a summary of the **43** Summary Settlement penalties issued during the quarter. The most frequently observed violation types cited involved TED/BRD requirements (8), retention during closure, undersize possession and/or lack of descender or turtle mitigation devices (6), SIMP requirements (6) and fishing within a sanctuary (6). **19** violations were cited throughout the Gulf region and ranged in subject, including 8 citations for TED/BRD requirements and 4 violations involving retention during closure, undersize possession and/or lack of descender or turtle mitigation devices. **14** violations were cited throughout the South Atlantic region, which included 5 citations related to International Trade Program requirements. There were **10** violations in the Keys area and included citations for fishing within sanctuary areas, as well as dive flag and groundings infractions.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act	TED/BRD Requirements	\$100	TX
Endangered Species Act	TED/BRD Requirements	\$500	FL WEST
Endangered Species Act	TED/BRD Requirements	\$3,000	LA
Endangered Species Act	TED/BRD Requirements	\$200	TX
Endangered Species Act	TED/BRD Requirements	\$100	TX
Endangered Species Act	TED/BRD Requirements	\$200	TX
Endangered Species Act	TED/BRD Requirements	\$400	TX
Endangered Species Act	TED/BRD Requirements	\$700	MS
Highly Migratory Species Act	Possession of HMS Species Without Required Permits	\$500	FL EAST
Highly Migratory Species Act	Retention of Prohibited Species	\$500	FL EAST
International Trade Program	Improper Paperwork, Chain of Custody	\$1,000	FL EAST
International Trade Program	Improper Paperwork, Chain of Custody	\$2,000	FL EAST
International Trade Program	Improper Paperwork, Chain of Custody	\$1,000	FL EAST
International Trade Program	Improper Paperwork, Chain of Custody	\$1,000	FL EAST
International Trade Program	Failure to Submit Required Information	\$1,000	FL EAST
International Trade Program	Improper Paperwork, Chain of Custody	\$1,500	FL EAST
Magnuson Stevens Act	Possession Limit Exceeded; Prohibited Gear	\$350	FL WEST
Magnuson Stevens Act	Prohibited Species Retained	\$275	LA

Magnuson Stevens Act	Retention During Closure; Bag Limit Exceeded	\$850	TX
Magnuson Stevens Act	Undersize Possession	\$275	FL WEST
Magnuson Stevens Act	Bag Limit Exceeded	\$750	TX
Magnuson Stevens Act	Fishing Without Required Permits	\$500	FL KEYS
Magnuson Stevens Act	Bag Limit Exceeded	\$700	TX
Magnuson Stevens Act	Fishing In A Closed Area	\$375	FL EAST
Magnuson Stevens Act	Expired Permit	\$750	FL EAST
Magnuson Stevens Act	Undersize Possession; Reef Fish As Bait	\$1,300	FL WEST
Magnuson Stevens Act	Bag Limit Exceeded	\$800	GA
Magnuson Stevens Act	Bag Limit Exceeded	\$650	FL EAST
Magnuson Stevens Act	Expired Permit	\$3,000	FL WEST
Magnuson Stevens Act	IFQ Program Requirements	\$1,000	FL WEST
Magnuson Stevens Act	Undersize Possession	\$500	FL WEST
Magnuson Stevens Act	Undersize Possession	\$300	FL EAST
Magnuson Stevens Act	IFQ Program Requirements	\$1,000	FL WEST
Magnuson Stevens Act	Retention During Closure	\$800	FL KEYS
Magnuson Stevens Act	Unpermitted Charter Activity-Open Access Permit; Sea Turtle Gear Mitigation Requirements	\$1,350	FL EAST
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$875	FL KEYS
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$1,375	FL KEYS
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$2,500	FL KEYS
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
National Marine Sanctuaries Act	Vessel Grounding	\$350	FL KEYS
National Marine Sanctuaries Act	Dive Flag Requirements	\$350	FL KEYS
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
National Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$2,500	FL KEYS

# Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **1313**

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

FISHERY	ADDVALUE	ATLANTICRT	FARIA	METOCEAN	NAUTIC ALERT	NETWORK INNOVATIONS	SKYMATE	WOODS HOLE GROUP	TOTAL
HMS Pelagic Longline			24			4	14	45	<b>87</b>
HMS Shark			3				1	4	<b>8</b>
Gulf Reef Fish	1		111	90	1	77	115	320	<b>715</b>
Rock Shrimp			13	5		4	8	36	<b>66</b>
Southeast For Hire	3	2	7	1	6		128	290	<b>437</b>
<b>TOTAL</b>	<b>4</b>	<b>2</b>	<b>158</b>	<b>96</b>	<b>7</b>	<b>85</b>	<b>266</b>	<b>695</b>	<b>1,313</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 **44** referrals from JEA partners. Case support to the field was provided as well, with work ranging from processing summary settlements, preparing incident reports for GCES, in support of prosecution (**17**), 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. **Ten** investigations were initiated for VMS and/or SEFHIER violations. Additionally, staff conducted **677** calls with the industry related to compliance during the quarter.

The Investigative Support Program continues collaboration with the NOAA Southeast Regional Office personnel to ensure SEFHIER reporting requirements are met. Compliance measures include referrals to enforcement officers (**25**). Another tool used to gain compliance includes the ISP sending **111** compliance assistance emails to federally for-hire permitted owners, reminding them of their reporting requirements.

Another continued area of focus this quarter involves North Atlantic Right Whale protection, as comprehensive investigative work was completed for **10** vessels referred to GCES for violating speed restrictions. During this quarter, **84** compliance assistance letters have been sent to stakeholders regarding right whale speed rule violations. Letters and outreach have been conducted by ISP staff throughout the Southeast and Northeast Divisions.

## Observer Program Highlights

During FY Quarter 1 2023, the Southeast Division Observer Programs deployed on **149** trips for **1,076** sea days. Approximately **98%** of all selected trips were completed without an observer related enforcement incident [assault/harassment (sexual and non-sexual), safety]. Observer programs reported **nine** fishery violations and International Convention for the Prevention of Pollution From Ships (MARPOL) violations and **17** potential fishery violations to OLE-SED. The Gulf of Mexico Shrimp Program deployed on **22** trips for **588** sea days, and the Gulf of Mexico Reef Fish Program deployed on **15** trips for **156** sea days. Effort for the Panama City Deepwater Longline project was **one** trip for **11** sea days, Panama City Gillnet Program deployed on **21** trips for **21** sea days, and the Panama City South Atlantic Reef Fish Program deployed on **75** trips for **166** sea days. The Miami Pelagic Observer Program deployed on **15** trips for **134** sea days. The summary below details the type of observer related complaints received during Quarter 4 (calendar year) of 2022, for all three programs.

COMPLAINT TYPE	Galveston Programs	Panama City Programs	Miami Program	Totals
ASSAULT				0
HARASSMENT/INTIMIDATE/IMPEDEMENT	1	1		2
SAFETY		1		1
NON-COMPLIANT FOR OBSERVER COVERAGE				0
HANDLING	1	1	5	7
GEAR		2	8	10
RETENTION				0
SPATIAL				0
MARPOL-USCG	2	1	6	9
<b>TOTALS</b>	<b>4</b>	<b>6</b>	<b>19</b>	<b>29</b>



## Cases Referred For Prosecution

Listed below is a summary of the **13** 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 seven occurring in the South Atlantic area, four in the Gulf area and two in the Florida Keys area.

Incident Number	LAW/REG/PROGRAM	VIOLATION	STATE
2205243	Endangered Species Act	TED/BRD Requirements	TX
2203060	Magnuson Stevens Act	Unpermitted Charter Activity-Moratorium Access	FL WEST
2205167	Magnuson Stevens Act	Fishing in a Closed Area	FL WEST
2204941	Magnuson Stevens Act	SEFHIER non-reporting	FL KEYS
2200982	Magnuson Stevens Act	Fishing in a Closed Area	FL WEST
2103726	Magnuson Stevens Act	Fishing in closed area Oculina Bank	FL EAST
2204965	Magnuson Stevens Act	SEFHIER Program Requirements	FL KEYS
2203379	Marine Mammal Protection Act	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE
2205416	Marine Mammal Protection Act	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE
2205596	Marine Mammal Protection Act	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE
2205593	Marine Mammal Protection Act	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE
2205446	Marine Mammal Protection Act	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE
2205620	Marine Mammal Protection Act	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE

\*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 **September-November 2022** (December 2022 not yet available to include). Nationwide results may also be found at the [enforcement charging information site](#)

1. F/V Amy Michelle – Owner Headley Inc. and Operator David Eugene Smith were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with exceeding the commercial trip limit for greater amberjack and possessing undersized gray triggerfish. The proceeds of the



violation (\$834) were forfeited by abandonment. A \$13,500 NOVA was issued. A written warning was also issued for failure to possess on board all required sea turtle mitigation gear.

2. F/V Double E – Owner E&E LLC and Operator Chazz Michael Alario were charged jointly and severally under the Magnuson-Stevens Act with fishing for shrimp inside the Tortugas Shrimp Sanctuary. The proceeds (\$876) of the violation were forfeited by abandonment. A \$5,750 NOVA was issued.
3. F/V Cattywampus – Owner/Operator Daniel O. Espinosa and Anglers David Anthony Montoya, Jorge Hernandez Perez, and Kenneth Araya Murillo were charged jointly and severally under the Magnuson-Stevens Act with fishing for, catching, possessing, or retaining Atlantic highly migratory species without the appropriate valid vessel permit and possessing a greater amberjack and a red snapper during the recreational sector seasonal closure for both species. A \$6,575 NOVA was issued.
4. M/V Lady Frances – Owner Morris Glover and Operator Christopher Parlin 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 \$27,500 NOVA was issued, and the case settled for \$24,750.
5. M/V Hatt-A-Tude – Owner JTM Enterprises LLC and Operator Gilbert Thomas Madonna were charged under the Endangered Species Act and the Marine Mammal Protection Act with violations of the North Atlantic Right Whale speed restriction regulation. A \$15,000 NOVA was issued.
6. F/V Easy Money – Owner Mary H. Maniscalco and Operator Charles G. Maniscalco were charged jointly and severally under the Magnuson-Stevens Act with possessing finfish from the U.S. Exclusive Economic Zone in the Gulf of Mexico that was not maintained in whole condition, as required. An \$8,500 NOVA was issued.
7. F/V FL7039JY – Owner Billy Henderson, Operator Douglas Freeman, and Angler Charles Clark were charged jointly and severally under the Magnuson-Stevens Act with possessing red snapper out of season, possessing undersized fish, failing to maintain fish intact, and failing to have a descending device on board. An \$8,500 NOVA was issued.
8. F/V FL6228LB – Owner/Operator Charles Giarrizzo 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 \$5,750 NOVA was issued.

9. M/V All That – Owner BGIN Holdings LLC and Operator Robert L. Farley 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.
10. MH Green – Owner Narooma Shipping Pte. Ltd, Operator Gold Star Line Ltd., and Technical Manager Eastaway Ship Management Pte. 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 \$21,306.00 NOVA was issued, and the case settled for \$19,175.40.

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

1. F/V Evening Tide – Crewmember Armando Sui Gomez was charged under the Magnuson-Stevens Act for sexually harassing an observer. A \$36,000 NOVA was issued, and the case settled for \$12,000. [See Charged Cases, Item 7, from May 2022 report.]
2. F/V Ileana y Lili – Owner The Lobster Connection Corp. and Operator Juan Antonio Paan, Jr. were charged jointly and severally under the Magnuson-Stevens Act with failing to comply with VMS requirements, landing and selling King Mackerel in excess of the commercial trip limit, and using explosives to fish in the Gulf of Mexico Exclusive Economic Zone. A \$21,456 NOVA was issued, and the case settled for \$19,310.40. [See Charged Cases, Item 4, from July 2022 report.]
3. F/V Fish Inc – Owner Fish Inc and Operator Anthony Allen Potts were 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 \$9,500 NOVA was issued, and the case settled for \$5,750. [See Charged Cases, Item 13, from June 2022 report.]
4. F/V Reef Raider II – Owner Victor Shearin Lloyd III and Operator Brian Franklin Lloyd were charged jointly and severally under the Magnuson-Stevens Act with possessing red snapper during a closed season and exceeding the vermilion snapper commercial trip limit. The proceeds (\$4,931) of the violation were forfeited by abandonment. A \$26,500 NOVA was issued, and the case settled for \$16,800. [See Charged Cases, Item 17, from June 2022 report.]
5. F/V Sea Hawk – Owner Nite Hawk Offshore, Inc., Operator Don Michael Rynn, and Lessee KLM Bluewater Inc. were charged jointly and severally under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with failing to comply with requirements for at-sea observer coverage, failing to operate and maintain a vessel

monitoring system, failing to operate and maintain an electronic monitoring system, and failing to record accurate information in the vessel's logbooks. A \$28,000 NOVA was issued, and the case settled for \$9,000. [See Charged Cases, Item 14, from June 2022 report.]

6. F/V Amy Michelle – Owner Headley Inc. and Operator David Eugene Smith were charged jointly and severally under the Magnuson-Stevens Act with exceeding the commercial trip limit for greater amberjack and possessing undersized gray triggerfish. The proceeds of the violation (\$834) were forfeited by abandonment. A \$13,500 NOVA was issued. A Written Warning was also issued for failure to possess on board all required sea turtle mitigation gear. The case settled for \$12,150. [See Charged Cases, Item 3, from September 2022 report.]
7. M/V Desperado – Owner Lunatic Charters LC was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$12,500 NOVA was issued, and the case settled for \$11,250. [See Charged Cases, Item 7, from August 2022 report.]
8. M/V Camp Merkel II – Owners Thomas Merkel and Susan Merkel and Operator Brian Horan were charged under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$20,000 NOVA was issued and the case settled for \$15,000.
9. M/V Hatt-A-Tude – Owner JTM Enterprises LLC and Operator Gilbert Thomas Madonna were charged under the Endangered Species Act and the Marine Mammal Protection Act with violations of the North Atlantic Right Whale speed restriction regulation. A \$15,000 NOVA was issued, and the case settled for \$10,000. [See Charged Cases, Item 7, from September 2022 report.]
10. F/V Sea Explorer – Operator Jerry Vanrompaey and Crewman Tommy Yeatts were charged jointly and severally under the Endangered Species Act with taking an endangered smalltooth sawfish. A \$30,000 NOVA was issued. The case against the Operator settled for \$7,500. The remainder of the assessed penalty (\$22,500) became a final administrative decision against the crewman due to default. [See Charged Cases, Item 5, from August 2022 report.]
11. F/V FL7039JY – Owner Billy Henderson, Operator Douglas Freeman, and Angler Charles Clark were charged jointly and severally under the Magnuson-Stevens Act with possessing red snapper out of season, possessing undersized fish, failing to maintain fish intact, and failing to have a descending device on board. An \$8,500 NOVA was issued, and the case settled for \$7,650. [See Charged Cases, Item 8, from October 2022 report.]

12. F/V Double E – Owner E&E LLC and Operator Chazz Michael Alario were charged jointly and severally under the Magnuson-Stevens Act with fishing for shrimp inside the Tortugas Shrimp Sanctuary. The proceeds (\$876) of the violation were forfeited by abandonment. A \$5,750 NOVA was issued, and the case settled for \$2,500. [See Charged Cases, Item 4, from September 2022 report.]
13. F/V Cattywampus – Owner/Operator Daniel O. Espinosa and Anglers David Anthony Montoya, Jorge Hernandez Perez, and Kenneth Araya Murillo were charged jointly and severally under the Magnuson-Stevens Act with fishing for, catching, possessing, or retaining Atlantic highly migratory species without the appropriate valid vessel permit and possessing a greater amberjack and a red snapper during the recreational sector seasonal closure for both species. A \$6,575 NOVA was issued, and the case settled for \$5,917.50. [See Charged Cases, Item 5, from September 2022 report.]

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