

NOAA FISHERIES

1st Quarter 2018 Fishery Management Council Report

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

October 1, 2017 – December 31, 2017



To report fisheries violations,
call our national hotline:
1-800-853-1964

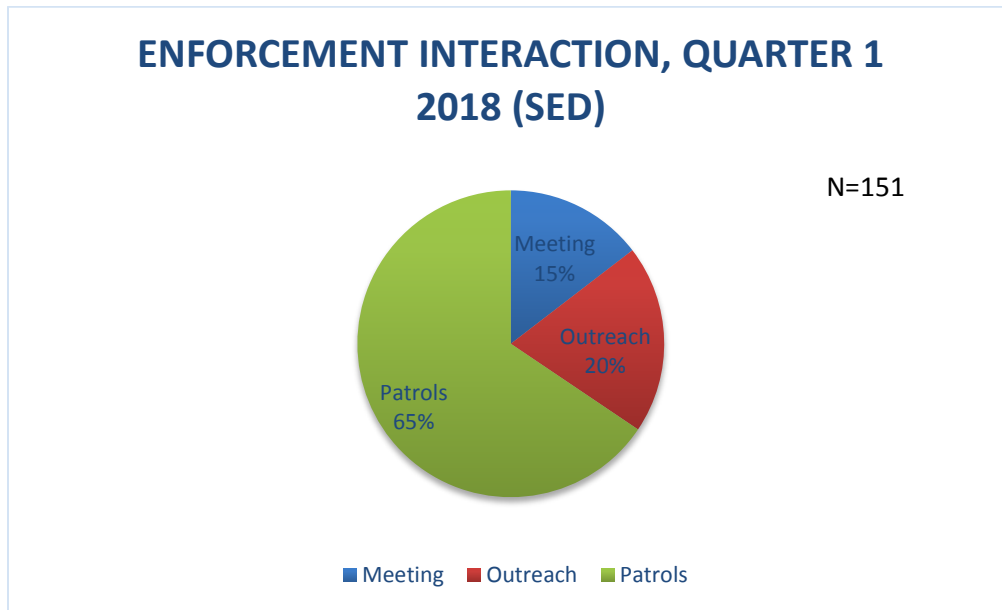
Table of Contents

Enforcement and Compliance	3
Incident Information	4
Enforcement Highlights	7
Overview of Summary Settlements	9
Southeast VMS Program	10
Observer Program Highlights	11
Cases Sent to GCES	12

Enforcement and Compliance

Summary

Data represent NOAA Fisheries Office of Law Enforcement Southeast Division's (OLE SED) enforcement effort conducted throughout Quarter 1 2018, October 1, 2017- December 31, 2017. When appropriate, information is separated by council, South Atlantic Fishery Management Council (SAFMC) and Gulf of Mexico Fishery Management Council (GOMFC). There were **99** documented patrols, allowing critical face-to-face interaction between our field staff and the industry; **30** documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and **22** meetings. This list does not include the extensive outreach that the VMS team provides on a daily basis, nor can it fully capture the interaction our agents, officers, and support staff regularly have with industry.

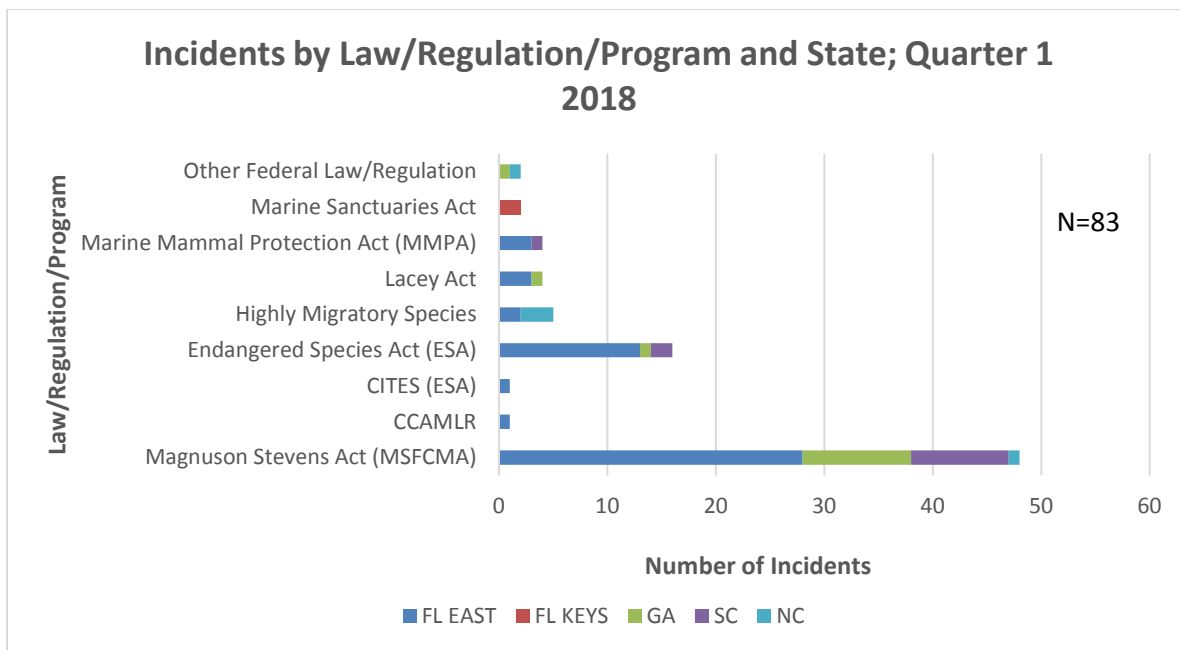


Incident Information

During the first quarter, OLE opened **218** incidents in the SED- **83** incidents in the SAFMC area and **137** incidents in the GOMFC area¹.

Summary of Incidents by Law/Regulation/Program and State; Quarter 1 2018 (SAFMC)

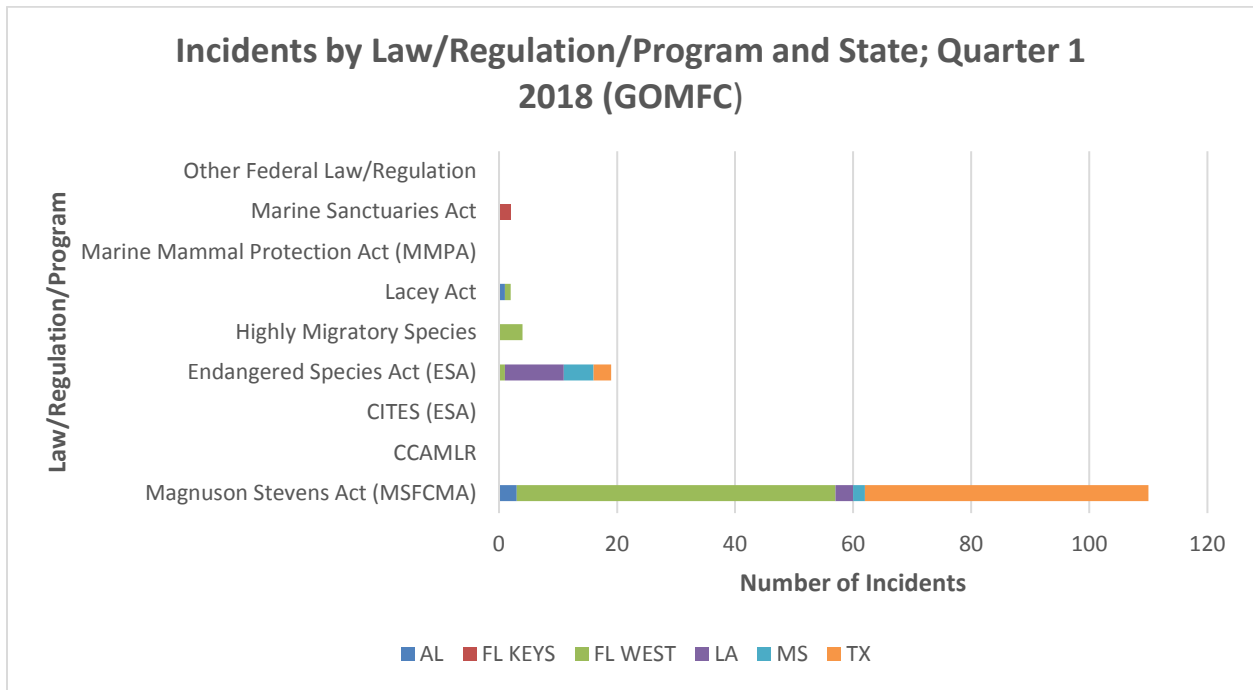
Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Total
Magnuson Stevens Act (MSFCMA)	28		10	9	1	48
CCAMLR	1					1
CITES (ESA)	1					1
Endangered Species Act (ESA)	13		1	2		16
Highly Migratory Species	2				3	5
Lacey Act	3		1			4
Marine Mammal Protection Act (MMPA)	3			1		4
Marine Sanctuaries Act		2				2
Other Federal Law/Regulation			1		1	2
						83



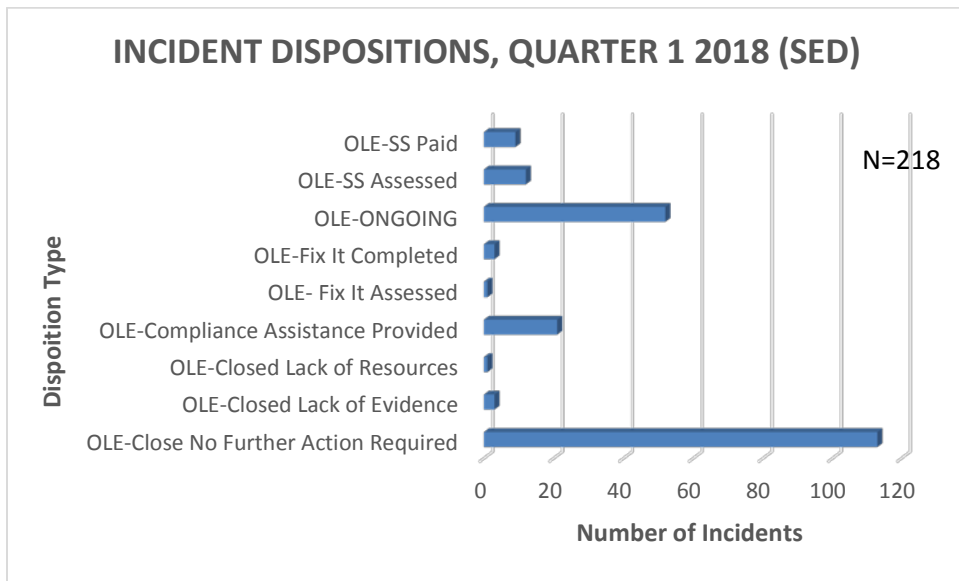
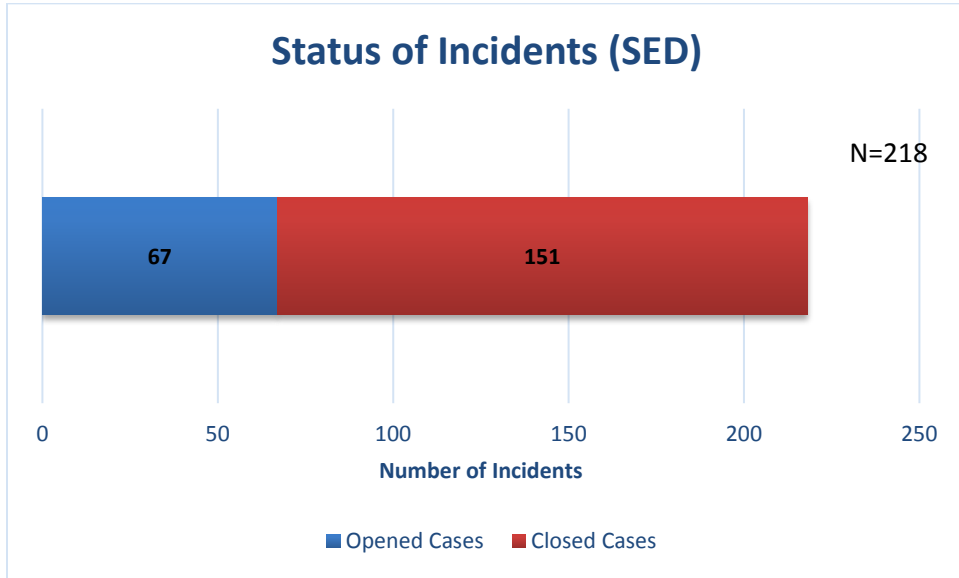
¹ Incidents occurring in the Florida Keys area are included in both SAFMC and GOMFC counts.

Summary of Incidents by Law/Regulation/Program and State; Quarter 1 2018 (GOMFC)

Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)	3		54	3	2	48	110
CCAMLR							0
CITES (ESA)							0
Endangered Species Act (ESA)			1	10	5	3	19
Highly Migratory Species			4				4
Lacey Act	1		1				2
Marine Mammal Protection Act (MMPA)							0
Marine Sanctuaries Act		2					2
Other Federal Law/Regulation							0
							137



Caseload Snapshot



Enforcement Highlights

Striped Bass Harvest/Trafficking – Lacey Act

Thirteen NC trawl captains were indicted in 2015 for their harvest of hundreds of thousands of pounds of striped bass from the EEZ in 2009 and 2010. The majority of the fish were reported as being harvested in legal waters of NC in state and federal trip reports. The investigation began from a tip to NOAA OLE and a subsequent USCG at sea boarding of the F/V LADY SAMAIRA. The captain provided false information to officers regarding where fishing had occurred, and NOAA conducted a dockside investigation wherein the vessel's navigation computer was seized. Forensic analysis of the computer determined the captain caught striped bass illegally from the EEZ on that date and on previous trips, and had deleted evidence on the computer to attempt to conceal this. NOAA OLE agents recovered the data and reconstructed the trips using geographic information system (GIS) tools. A broader analysis was then performed on other vessels who landed striped bass on the same fishing days. Over a period of two years, NOAA OLE conducted over 30 search warrants in four states on vessels and businesses in order to gather evidence.

Legal challenges made by defense counsel resulted in the District Court erroneously dismissing the indictments. The U.S. Department of Justice appealed the case to the 4th Circuit Court of Appeals, who ultimately reversed the decision and reinstated the indictments. Twelve defendants ultimately pled guilty to violating the Lacey Act. Some additionally pled to false statements, obstruction of justice, tax evasion, and failure to file tax returns. One of the defendants passed away during the investigation. For the twelve defendants, the U.S. District Court Judge imposed sentences totaling over 38 years of probation, 2.5 years of home confinement, 850 hours of community service, \$3,000 in fines, and over \$1.2 million in restitution.

Red Snapper Take- Magnuson Stevens Act

On March 26, 2016, a recreational vessel was boarded by the USCG in Freeport, TX and found to be in possession of 488 red snapper, 152 vermillion snapper, and two grouper. Recreational red snapper season was closed and the subjects were 92 fish over the daily bag limit for vermillion snapper. NOAA OLE agents responded and interviewed the subjects Jacob Brown and Jamal Marshall. During the interview, the subjects denied they had ever sold red snapper or any other fish to restaurants or seafood dealers. Subsequent investigations by an OLE agent determined this was a false statement and the agent was able to link Marshall to a previous sale involving TPWD at a restaurant in Houston, TX. Additionally, the agent was able to prove Marshall had sold fish to restaurants on more than 98 different occasions and made nearly \$100,000 in illegal sales. Both defendants pled guilty to charges of 18 USC 1001 - False Statements and Obstruction of Justice.

On December 15, 2017, Jamal Marshall was sentenced by a U.S. District Court Judge to the following:
6 months in federal prison.

6 months home confinement w/ electronic monitoring.

3 years probation (no recreational or commercial fishing anywhere in the United States as a condition of probation).

Ordered to pay \$9,500 in restitution to Texas Parks and Wildlife Foundation.

Brown had been sentenced earlier in November to the following:

2 months in federal prison

4 months home confinement

3 years supervised release (no recreational or commercial fishing for 3 years)

\$9,500 restitution to Texas Parks and Wildlife

Overview of Summary Settlements

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Magnuson Stevens Act (MSFCMA)	Possess/sell in excess; Engage in activity without permit	\$1,250	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$500	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$400	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$375	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$700	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Retention during closure	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize species	\$275	GA
Magnuson Stevens Act (MSFCMA)	Possess undersize species	\$275	GA
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Use of prohibited gear	\$750	LA
Magnuson Stevens Act (MSFCMA)	Possess undersize species	\$900	SC
Magnuson Stevens Act (MSFCMA)	Fail to comply with the protected species conservation measure	Pending	TX
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Retention during closure	\$900	TX
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Retention during closure	\$975	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$350	TX

Vessel Monitoring System (VMS) Program

Southeast Division Active VMS Vessel Population: 1,095

Population Breakdown by (VMS) Fisheries:

Fisheries	Network Innovations	CLS	Skymate	Faria	McMurdo/Boatracs	Total
HMS Pelagic Longline	21	43	14	30	5	113
HMS Shark	0	5	1	3	0	9
Gulf Reef Fish	260	262	35	129	202	888
Rock Shrimp	18	16	6	14	31	85
Total	299	326	56	176	238	1095

Violations ranging from fishing in closed area, improper gear use and required forms submissions (trip declarations, daily reports, pre-landing notices) were detected by VMS staff and referred to appropriate officers/agents. Additionally, the VMS staff conducted 216 calls with the industry relating to compliance during the quarter.

Significant VMS Issues:

SED "Investigative Support" Program. OLE developed a new program on October 1, 2017 as part of a nation-wide initiative. The Investigative Support program merges existing VMS Program staff with enforcement technicians, bringing in additional personnel resources, increased GIS, analytical and case development/processing capabilities, and placing greater emphasis on fishery data analysis in order to support a focused enforcement/compliance effort.

VMS Failover Test. OLE and the Office of the Chief Information Officer coordinated the successful shift of the national VMS data center back to the primary site in Silver Spring, MD, on November 4, 2017. The data center was relocated to the failover site in Seattle, WA, on October 21 as part of a Continuity of Operations test.

Observer Program Highlights

During quarter 1 2018; the observer programs deployed on **111** trips for **828** sea days. Approximately **98%** of all selected trips were completed without a reported enforcement incident. There were **2** reported violation reports received and acted upon this quarter. The Gulf of Mexico Shrimp Program deployed on 29 trips for 449 sea days, and the Gulf of Mexico Reef Fish Program deployed on 12 trips for 67 sea days. The Panama City Gillnet Program deployed on 21 trips for 21 sea days, and the Panama City Bottom Longline Program (includes Shark Research Fishery) deployed on 26 trips for 51 sea days. The Pelagic Program deployed on 23 trips for 240 sea days. The summary below details the status of observer related complaints during the 1st Quarter of 2018; for all three programs.

Complaint Type	Number of Complaints and Status
Refusal	None
Assault	None
Harassment/Intimidation	None
Interference	None
Vessel Safety	None
Observer Safety	1 safety complaint: 1 ongoing
Failure to provide reasonable assistance	None
Observer gear/sample tampering	None
Observer program notification	1 notification complaint: 1 ongoing
Miscellaneous	1 observer training conducted

Cases sent to NOAA General Counsel Enforcement Section (GCES)

- 16 cases forwarded to GCES

LAW/REG/PROGRAM	VIOLATION	STATE
Marine Sanctuaries Act	Prohibited activity (spearfish)	FL KEYS
Magnuson Stevens Act (MSFCMA)	Possess/Harvest prohibited coral; No federal permit	FL KEYS
	Possess prohibited species; Possess undersize species	FL EAST
	Possess prohibited species	FL EAST
	Engage in activity without permit	LA
	Engage in activity without permit	LA
	Fail to comply with any provision related to the IFQ program; Requirement for transaction approval code	LA
	Observer Harassment	LA
	Fail to comply with any provision related to the IFQ program; VMS Requirements	MS
	TED Requirements; Incidental take	MS
	Fish in closure area	TX
Endangered Species Act (ESA)	Engage in activity without permit; TED Requirements	LA
	TED Requirements; BRD Requirements	TX
	Speed restrictions to protect North Atlantic Right Whales.	MULTIPLE
	Speed restrictions to protect North Atlantic Right Whales.	MULTIPLE
	Speed restrictions to protect North Atlantic Right Whales.	MULTIPLE