

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

**FISCAL YEAR 2020, QUARTER 1
FISHERY MANAGEMENT
COUNCIL REPORT**

October 1, 2019- December 31, 2019



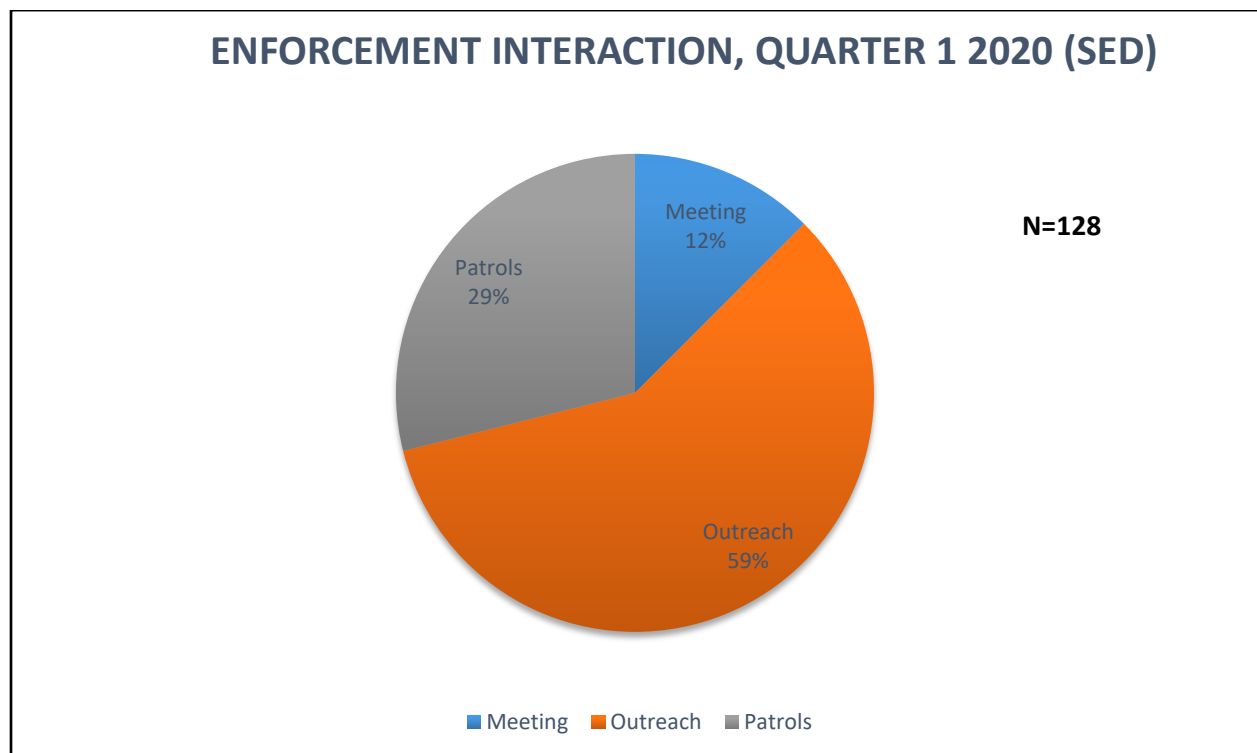
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Enforcement and Compliance

Summary

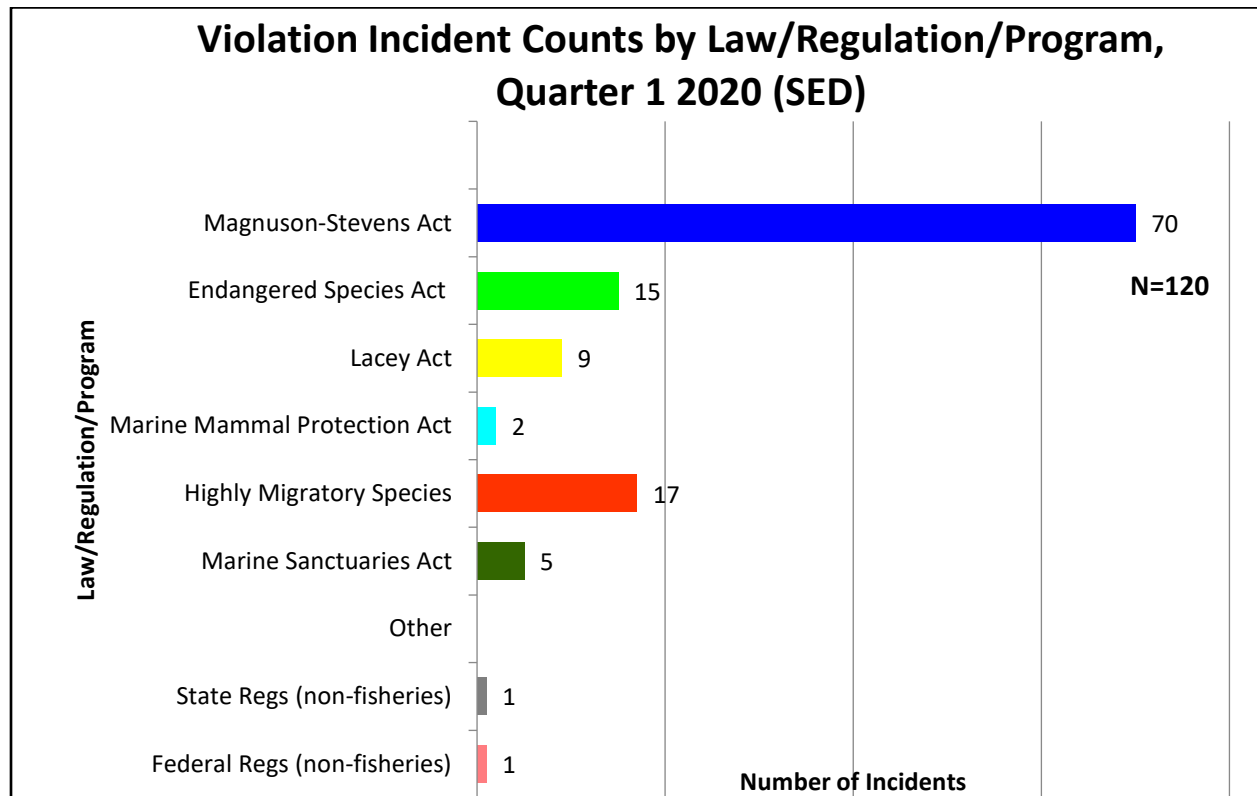
Data represent National Oceanic and Atmospheric Administration Fisheries Office of Law Enforcement (NOAA OLE) Southeast Division's (SED) enforcement effort conducted throughout FY Quarter 1 2020, **October 1, 2019- December 31, 2019**. When appropriate, information is separated by council, South Atlantic Fishery Management Council (SAFMC), Gulf of Mexico Fishery Management Council (GMFMC) and Caribbean Fishery Management Council (CFMC). There were **37** documented patrols, allowing critical face-to-face interaction between our field staff and the industry; **75** documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and **16** 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.



Incident Information

During the first quarter, NOAA OLE opened **67** incidents in the SED, which included 120 violation counts- **55** incident violation counts in the SAFMC area, **77** incident violation counts in the GMFMC area and **3** incident violation count in the CFMC area¹. Opened incidents originate from both NOAA personnel and our enforcement partners.

Summary of Incidents by Law/Regulation/Program; Quarter 1 2020

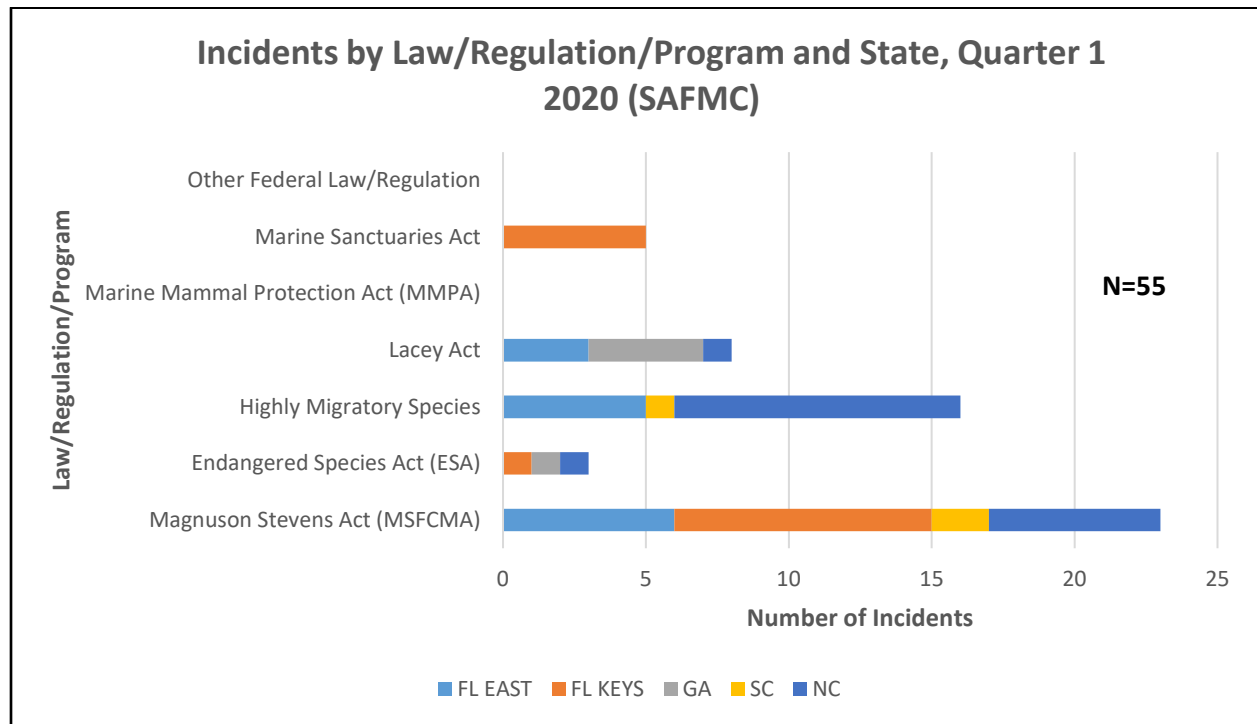


¹ Incident violations occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total incident violation counts greater than incidents due to multiple counts charged for individual incidents

South Atlantic Fishery Management Council Summary

Number of Incidents by Law/Regulation/Program and Location; Quarter 1 2020 (SAFMC)

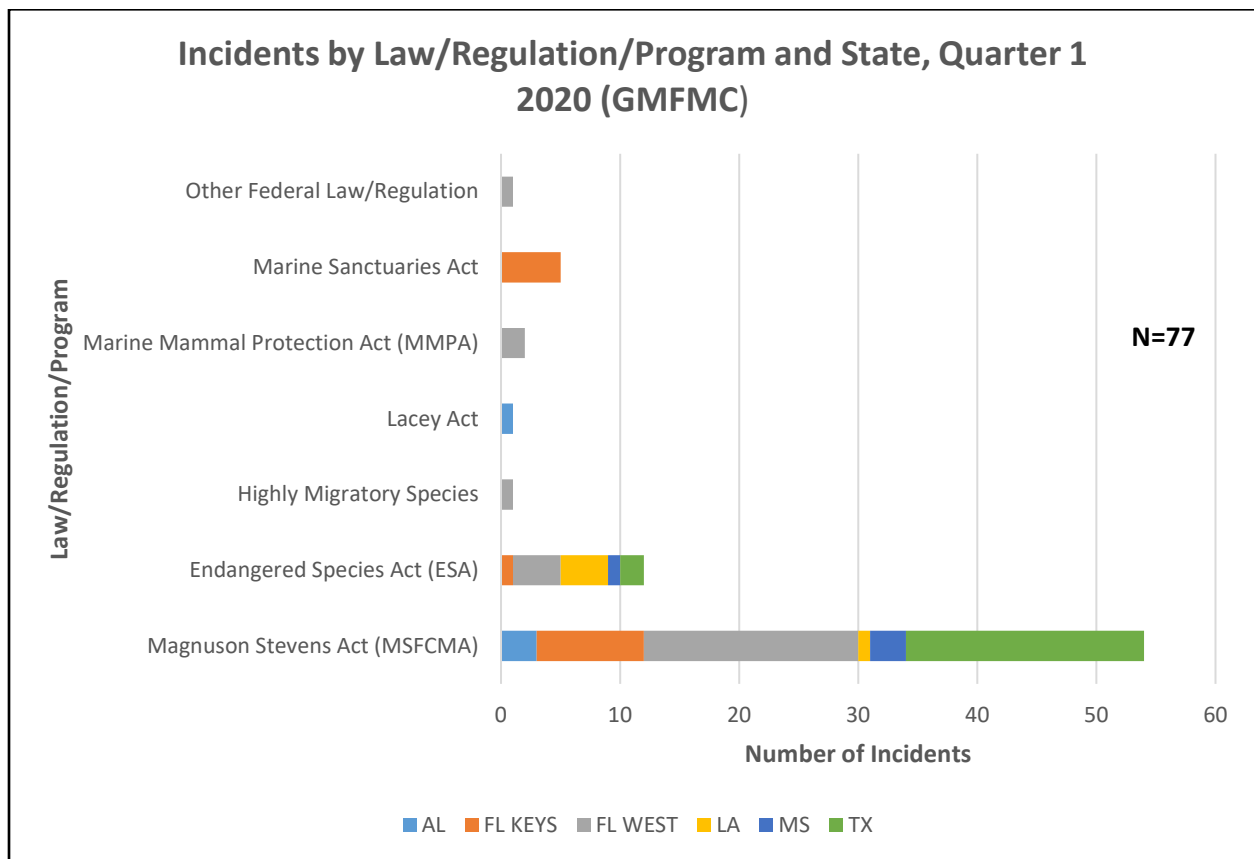
Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Multiple	Total
Magnuson Stevens Act (MSFCMA)	6	9		2	6		23
Endangered Species Act (ESA)		1	1		1		3
Highly Migratory Species	5			1	10		16
Lacey Act	3		4		1		8
Marine Mammal Protection Act (MMPA)							0
Marine Sanctuaries Act		5					5
Other Federal Law/Regulation							0
Other State Law/Regulation							0
TOTAL	14	15	5	3	18	0	55



Gulf of Mexico Fishery Management Council Summary

Number of Incidents by Law/Regulation/Program and Location; Quarter 1 2020 (GMFMC)

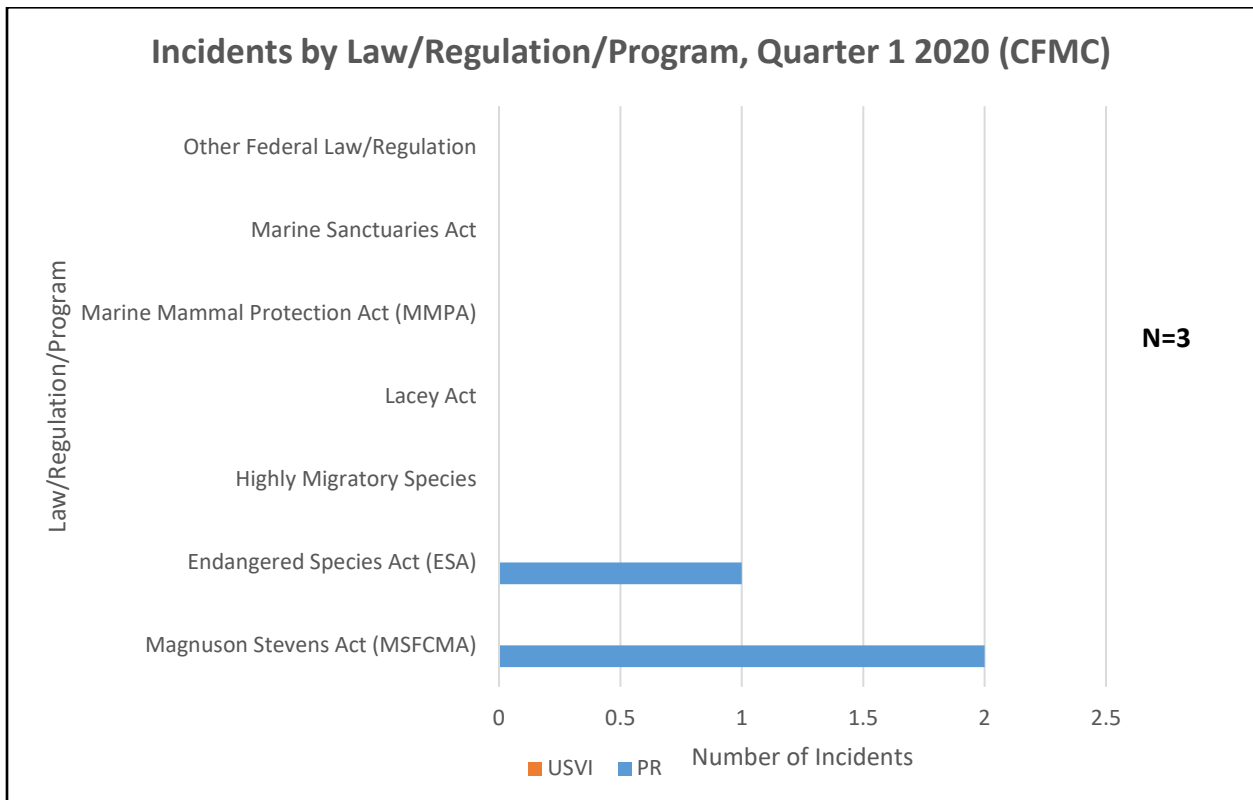
Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)	3	9	18	1	3	20	54
Endangered Species Act (ESA)		1	4	4	1	2	12
Highly Migratory Species			1				1
Lacey Act	1						1
Marine Mammal Protection Act (MMPA)			2				2
Marine Sanctuaries Act		5					5
Other Federal Law/Regulation			1				1
Other State Law/Regulation			1				1
TOTAL	4	15	27	5	4	22	77



Caribbean Fishery Management Council Summary

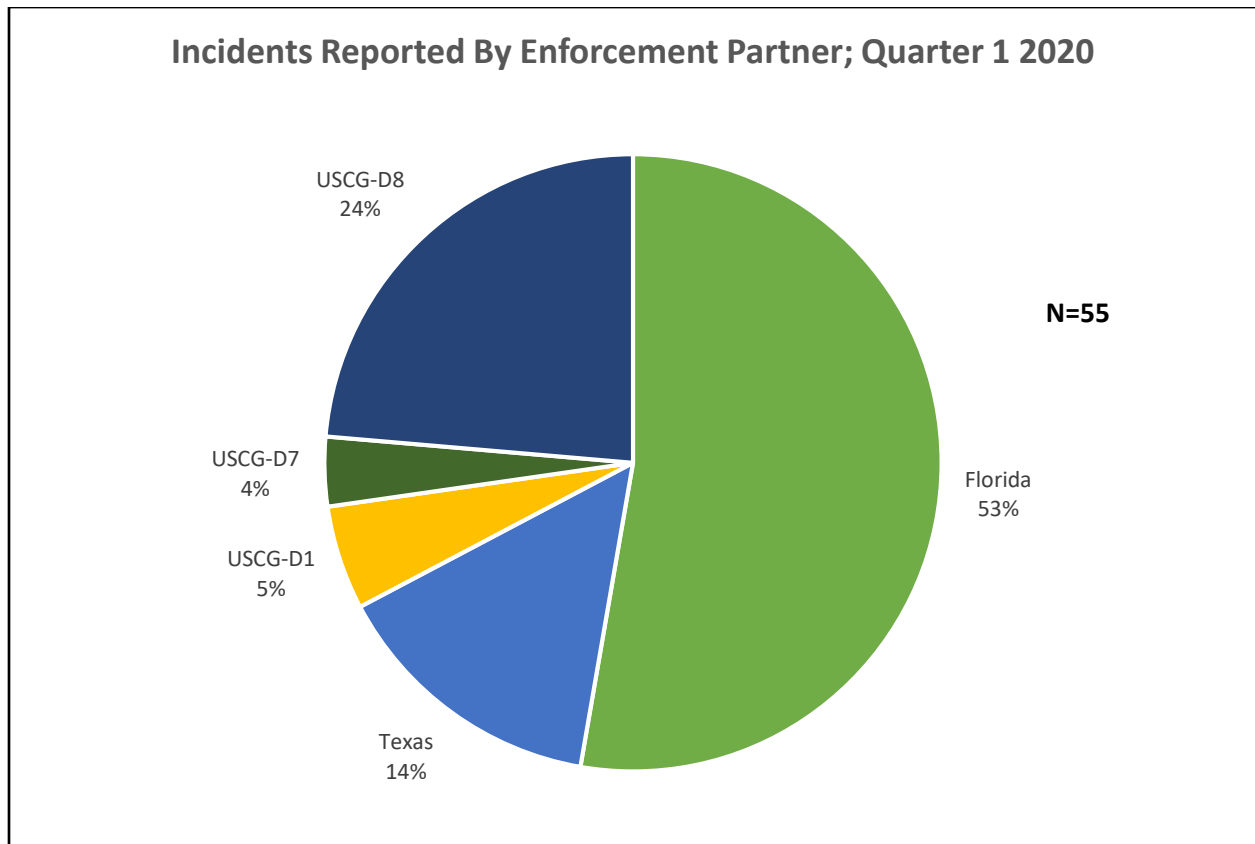
Number of Incidents by Law/Regulation/Program and Location; Quarter 1 2020 (CFMC)

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

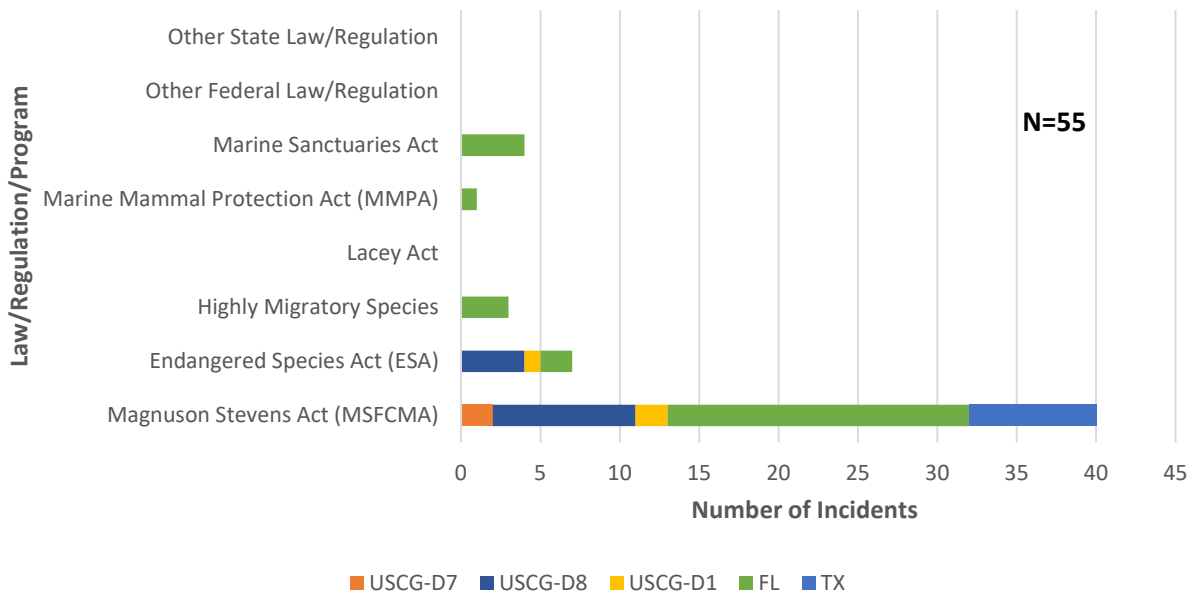


Summary of Incidents By Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 1 2020, there were **55** 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 partner¹. Effort consisted of dockside vessel inspections, offshore vessel boardings and interaction with public and industry members.



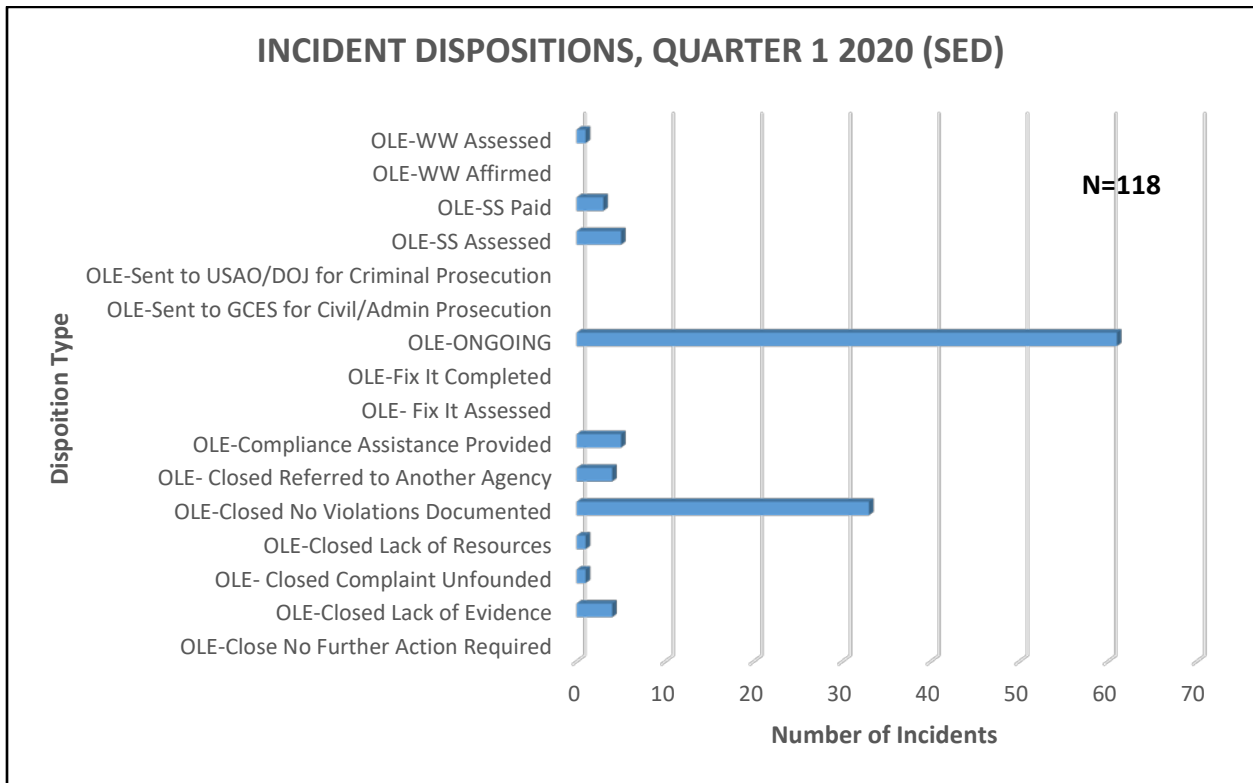
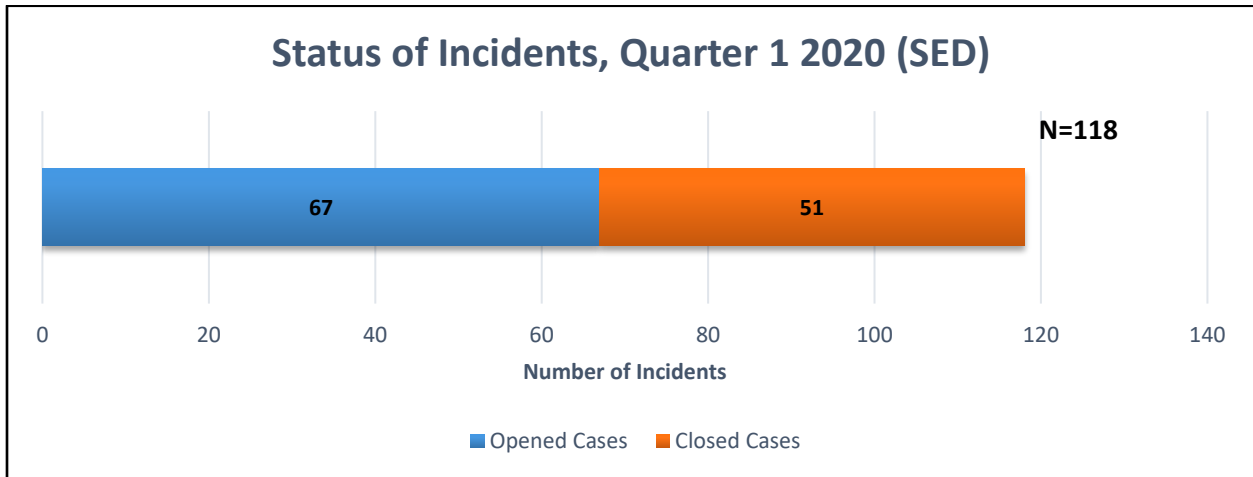
Referred Incidents by Enforcement Partner, by Law/Regulation/Program; Quarter 1 2020



¹ 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 (**118**) throughout the quarter, by status and disposition. Total includes cases referred to by enforcement partners.



Enforcement Highlights

Illegal Unregulated Unreported Seafood Port Operations and Port State Measures

NOAA OLE Enforcement Officers (EO's) from Galveston, Houston, and a Savannah completed a multi-agency IUU operation at US/Mexico ports of entry with Texas Parks and Wildlife Department (TPWD) Game Wardens, US Fish and Wildlife Service (USFWS), US Customs and Border Protection and the US Food and Drug Administration. Ten entry exams were conducted at ports of entry in Cameron County, TX. Two foreign fishing vessels were boarded. One importer will be issued summary settlement for importing a Seafood Import Monitoring Program (SIMP) species without having an international fisheries trade permit and importing a SIMP species without submitting complete and accurate information. TPWD issued the importer a citation for no wholesale fish dealer's license. Two imports of red snapper were found to have undersize fish and were issued citations by TPWD. TPWD seized multiple shipments of illegal oysters at the port of entry and a local restaurant.

NOAA OLE EO's from Galveston, Houston, and Savannah completed Port State Measures boarding on two Mexican shrimp vessels during an operation in South Texas. The EO's determined both vessels were in violation for failing to stow their fishing gear on deck when in U.S. waters. Both violations were documented.

Marine Mammal Protection Act

A NOAA OLE Special Agent (SA) from the Charleston field office was informed by a NOAA General Counsel Enforcement Section (GCES) attorney that a Notice of Violation and Assessment (NOVA) was settled for \$13,500 with the owner of a vessel for violating regulations enacted to protect critically-endangered North Atlantic right whales. The owner of the vessel admitted he was aware of the restrictions and thought they would not be enforced. The SA documented violations of speed restrictions on multiple occasions, with a cumulative distance of over 350 miles.

Observer Program

An Investigative Support Technician (IST) and a Galveston, TX EO conducted NOAA OLE training for the Galveston Shrimp and Reef Fish Observer Program. Observers were presented with OLE's mission and support and incident reporting protocols, as well as performing role play scenarios covering potential incidents. Material presented allowed observers to understand how they are protected while performing job duties remotely.

Magnuson-Stevens Fishery Conservation and Management Act

A NOAA EO from Galveston, TX responded to assist the USCG during a boarding of a commercial shrimp vessel found in possession of 15 red snapper and one gray triggerfish. The EO boarded the shrimp vessel dockside and initiated an investigation. The EO determined there was a Texas state violation and contacted Game Wardens from the TPWD. A Game Warden responded and seized the fish and assumed the violation.

An EO from Savannah, GA was notified by GCES that a NOVA was settled for \$13,900.00. A recreational angler was boarded by the EO and found with shark fins aboard the vessel. A week later, the EO boarded the same vessel and found them with shark fins and 26 undersized black sea bass hidden on the vessel.

An EO from Houma, LA assisted in a multi-agency dockside investigations with Port Fourchon Harbor, LA Police, U.S. Coast Guard Station Grand Isle, Coast Guard Investigative Service (CGIS), U.S. Customs, Lafourche Parish, LA Sheriff's office, and Louisiana Department of Wildlife and Fisheries (LDWF). The agencies boarded three shrimp boats and revealed one of the shrimp boat had 35 whole red snapper and 17 gallon sized Zip-Lock bags of fish fillets hidden in between the shrimp sacks located in the vessels fish hold. The case was turned over to LDWF for prosecution.

A SA from New Bern, NC attended the sentencing hearing of a subject who previously pled guilty to a felony dumping charge for disposing of closed season groupers upon approach of a law enforcement vessel. This was the second documented case within 3 years of the subject disposing of commercial quantities of closed season groupers upon approach of Law Enforcement. The SA helped the Assistant United States Attorney prepare for sentencing by arranging for the appearance of state officers, coordinating with sustainable fisheries to explain

overfishing of the stock, and preparing retail price determinations. The state officers were witnesses in the previous case, and addressed the Court regarding the need for general deterrence, based on recent statements made commercial fishermen closely following the case. Captains stated that if the Court imposed a soft sentence, they would violate as a cost of doing business. The Court sentenced the subject to 12 months intermittent confinement, a fine of \$1,200.00, and 5 years' probation, with supervision.

Endangered Species Act

An EO from Houma, LA and USCG boarding team conducted five at-sea Turtle Excluder Device (TED) boarding's. One vessel was given compliance assistance for having a leading edge of 65 inches on their 71 inch TED. Another vessel was given compliance assistance for exceeding the overlap on their double cover TED by four inches. All violations were fixed on scene.

Four EO's from SED D4 conducted a multi-day TED operation off the coast of Grand Isle, LA. Inclement weather and high seas limited activity however, the officers boarded 5 shrimp boats. Officers provided compliance assistance to one (1) shrimp boat captain for having an overlap greater than 15 inches on a TED. The TED compliance rate for the operation was 80%.

COMPLIANCE ASSISTANCE / OUTREACH / EDUCATION / PUBLIC AFFAIRS / MEDIA

An EO from Savannah, GA conducted a joint outreach event with a U.S. Fish and Wildlife Inspector at the Richmond Hill Middle School regarding ESA and IUU Fishing. The event was attended by 100 6th graders who observed the presentation in person and 500 6th graders watched the presentation via video streamed to class rooms.



Two SA's from the Jacksonville, FL field office provided classroom and hands-on training to offshore boat crews at the Florida Fish and Wildlife Commission (FWCC) Lake City office. The training was attended by eight FWCC officers. The training was on TED's regulatory requirements and proper examination techniques.

A SA from San Juan, PR and an EO from Galveston, TX attended and participated with the USCG Southeast Regional Fisheries Training Team in San Juan with a Living Marine Resource Caribbean training. OLE provided training, outreach, and educated students on recent trends and regulation changes in the Caribbean.

A SA from the Slidell, LA Field Office and EOs from Houma, LA and Mobile, AL participated in sea turtle training at the NOAA Southeast Fisheries Science Center's lab in Pascagoula, MS. The training gave the SA and EO's further education on Turtle recovery and causes of death do to unknown situations.

A SA from Sunrise, FL met with FWC officers, investigators, one of their majors and the commissioner as well as USFWS Resident Agent in Charge, agents and inspectors. The meeting was to educate the new commissioner on the working relationship between NOAA, USFWS and FWCC in the ports of entry in Southeast Florida. The meeting included a tour of the warehouses at Miami International Airport



An EO from New Bern, NC assisted the owners of Tatum's Seafood in Southport, NC with the reporting requirements of Bluefin Tuna following the first landing in that area in several years.

A SA from St. Petersburg, coordinated with NOAA Southeast Regional Office's Protected Resources Division (PRD), with assistance from the FWCC, placed signage at the locations of dolphin feeding complaints along the Intracoastal Waterway. The signage will hopefully educate the community about the importance of not feeding dolphins therefore reducing the amount of interactions between boaters and dolphins in the area.

A SA from Niceville, FL provided IUU Fishing enforcement training to staff members at the Alabama Department of Conservation and Natural Resources. The training will assist the officers on how to combat IUU incidents in Alabama.

Overview of Summary Settlements

Listed below is a summary of the **64** Summary Settlements issued during the quarter.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	\$600	FL KEYS
Endangered Species Act (ESA)	TED/BRD Requirements	\$200	FL WEST
Highly Migratory Species	Shark handling; Catch Shares allocation	\$500	LA
Highly Migratory Species	Shark handling	\$500	LA
Highly Migratory Species	Fail to maintain HMS species; undersize fish; invalid permit	\$500	TX
Highly Migratory Species	Undersize fish; invalid permit	\$500	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,800	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permits	\$4,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$750	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$550	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$325	FL KEYS
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$300	FL KEYS
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$850	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,000	TX

Magnuson Stevens Act (MSFCMA)	Retention during closure	\$375	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	FL West
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$400	FL WEST
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permits	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permits	\$3,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permits	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$650	FL EAST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$1,350	FL KEYS
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$300	FL KEYS
Magnuson Stevens Act (MSFCMA)	Fishing in closed area	\$600	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention during closure; Dispose of fish after approach by law enforcement	\$600	FL WEST
Magnuson Stevens Act (MSFCMA)	Fishing in closed area	\$2,500	TX
Magnuson Stevens Act (MSFCMA)	IFQ Program	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure; Dispose of fish after approach by law enforcement	\$2,075	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,050	TX

Magnuson Stevens Act (MSFCMA)	Retention during closure	\$650	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$900	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,050	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,050	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,300	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$850	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$650	TX
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$350	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Retention during closure	\$600	FL WEST
Magnuson Stevens Act (MSFCMA)	Engage in shrimping without valid permits	\$3,000	LA
Magnuson Stevens Act (MSFCMA)	Possession of HMS species without valid permits; Illegal gear use	\$1,075	GA
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$850	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure; Reef fish as bait	\$1,550	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	TX
Magnuson Stevens Act (MSFCMA)	Possess undersize fish, Reef fish as bait	\$375	FL KEYS
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Bag limit exceeded	\$1,275	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$950	TX

Magnuson Stevens Act (MSFCMA)	Retention during closure	\$800	TX
Magnuson Stevens Act (MSFCMA)	Fishing in closed area	\$700	FL WEST
Magnuson Stevens Act (MSFCMA)	Fishing in closed area; Retention during closure	\$1,800	FL WEST
Magnuson Stevens Act (MSFCMA)	Reef fish as bait; Failure to maintain fish intact; Failure to possess required sea turtle gear	\$1,750	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$950	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$700	TX
Magnuson Stevens Act (MSFCMA)	Reef fish as bait; Failure to maintain fish intact; Failure to possess required sea turtle gear	\$675	FL WEST
Magnuson Stevens Act (MSFCMA)	IFQ Program	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Fishing in closed area	\$1,125	FL WEST
Magnuson Stevens Act (MSFCMA)	Fishing in closed area	\$325	FL WEST
Marine Sanctuaries Act	Fishing in closed area	\$600	FL KEYS
Marine Sanctuaries Act	Fishing in closed area	\$600	FL KEYS
Marine Sanctuaries Act	Fishing in closed area	\$600	FL KEYS
Marine Sanctuaries Act	Fishing in closed area	\$600	FL KEYS
Marine Sanctuaries Act	Fishing in closed area	\$600	FL KEYS
Marine Sanctuaries Act	Fishing in closed area	\$600	FL KEYS

Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **1,093**

Population Breakdown by (VMS) Fisheries and VMS Vendor

Fisheries	NETWORK INNOVATIONS	WOODSHOLE	SKYMATE	FARIA	MCMURDO	TOTAL
HMS Pelagic Longline	16	43	13	26	3	101
HMS Shark		5	1	3		9
Gulf reef fish	210	332	68	134	155	899
Rock shrimp	16	19	5	14	27	81
Charter & Gulf reef fish						0
Charter South Atlantic		1				1
Charter				2		2
TOTAL	242	400	87	179	185	1093

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 has been working closely with NOAA Southeast Regional Office staff regarding the Gulf of Mexico For-Hire Reporting Amendment. Required hardware and software is in development to meet reporting requirements, as well as final language for federal rules publishing. The program recently hired staff specifically for compliance and monitoring of the For-Hire Reporting Amendment and will be assisting the program as it develops. Also of note, the SED Investigative Support Program hosted a nationwide training for all OLE Investigative Support Programs, regarding the use of our VMS tracking program and its developer based in Denmark.

Observer Program Highlights

During FY Quarter 1 2020; the Southeast Division Observer Programs deployed on **82** trips for **550** 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 **18** 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 237 sea days, and the Gulf of Mexico Reef Fish Program deployed on 11 trips for 46 sea days. Effort for the Panama City Gillnet Program was 13 trips for 13 sea days, and the Panama City Bottom Longline Program (includes Shark Research Fishery) deployed on 21 trips for 42 sea days. The Panama City Reef Fish Vertical Line Program deployed on 3 trips for 3 sea days. The Pelagic Observer Program deployed on 19 trips for 209 sea days. The summary below details the type of observer related complaints received during Quarter 4 (calendar year) of 2019, for all 3 programs.

NOAA OLE staff provided observer training to the Galveston Reef Fish and Shrimp Program. Observers were presented with OLE's mission and support and incident reporting protocols, as well as performing role play scenarios covering potential incidents. Material presented allowed observers to understand how they are protected while performing job duties remotely.

COMPLAINT TYPE	Galveston Reef Fish and Shrimp Programs	Panama City Shark Bottom Longline and Gillnet Programs	Pelagic Observer Program
ASSAULT			
HARASSMENT/INTIMIDATE			
SAFETY	1		
NON-COMPLIANT FOR OBSERVER COVERAGE			
HANDLING			6
GEAR			4
RETENTION			1
SPATIAL			
MARPOL-USCG	2	1	4
TOTALS	3	1	15

Cases Referred For Civil and/or Criminal Prosecution

Listed below is a summary of the 8 cases forwarded to NOAA General Counsel Enforcement Section and/or the United States Attorney Office/Department of Justice for this quarter.

LAW/REG/PROGRAM	VIOLATION	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	LA
Endangered Species Act (ESA)	TED/BRD Requirements	MS
Magnuson Stevens Act (MSFCMA)	TED/BRD Requirements	AL
Magnuson Stevens Act (MSFCMA)	Failure to keep fish intact; Exceed bag limit; Retention during closure	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in charter operations without required permits	FL WEST
Marine Sanctuaries Act	Harvest or possession of marine life species; Fishing in closed area	FL KEYS
Marine Sanctuaries Act	Fishing in closed area	FL KEYS
Marine Sanctuaries Act	Fishing in closed area; Exceed bag limit	FL KEYS

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