



NOAA FISHERIES

Fiscal Year Quarter 3 2019 Fishery Management Council Report

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

April 1, 2019 – June 30, 2019



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

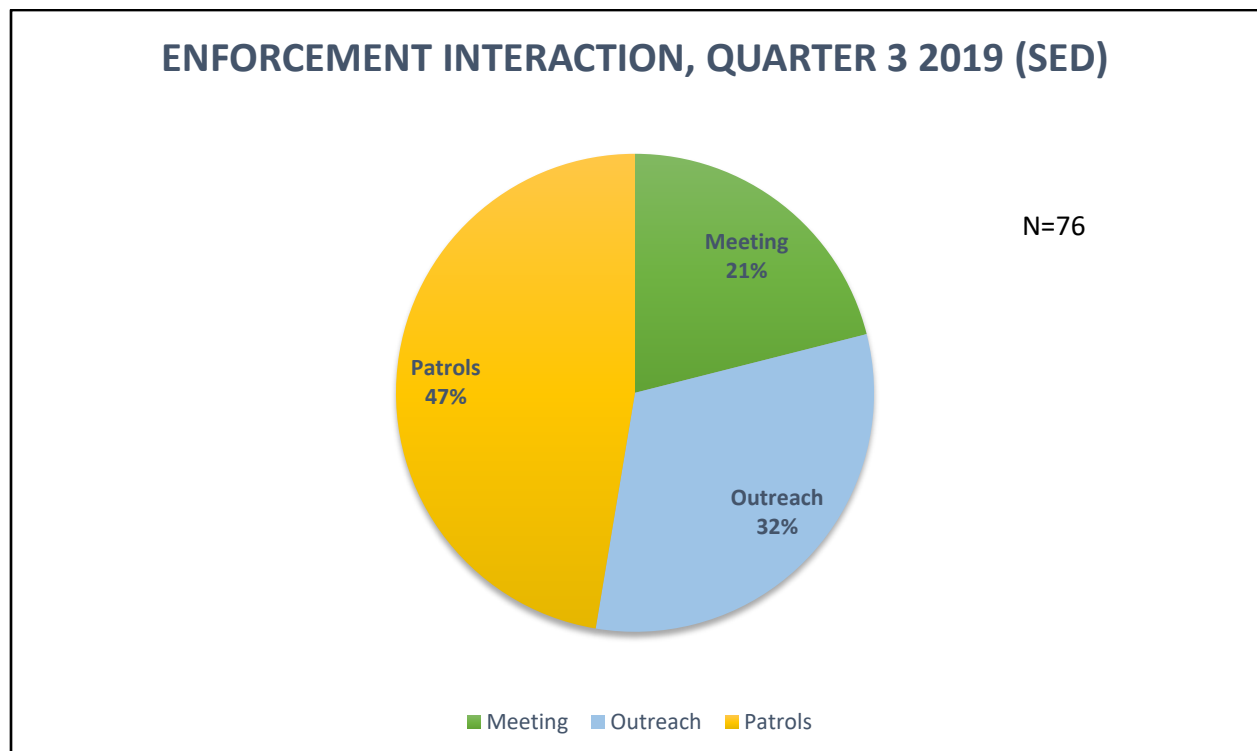
Table of Contents

Enforcement and Compliance	3
Incident Information	4
South Atlantic Fishery Management Council Summary	5
Gulf of Mexico Fishery Management Council Summary	6
Caribbean Fishery Management Council Summary	7
Summary of Incidents By Enforcement Partner	8
Caseload Snapshot	10
Enforcement Highlights	11
Overview of Summary Settlements	15
Investigative Support Program	18
Observer Program Highlights	19
Cases Sent to General Counsel Enforcement Section	20

Enforcement and Compliance

Summary

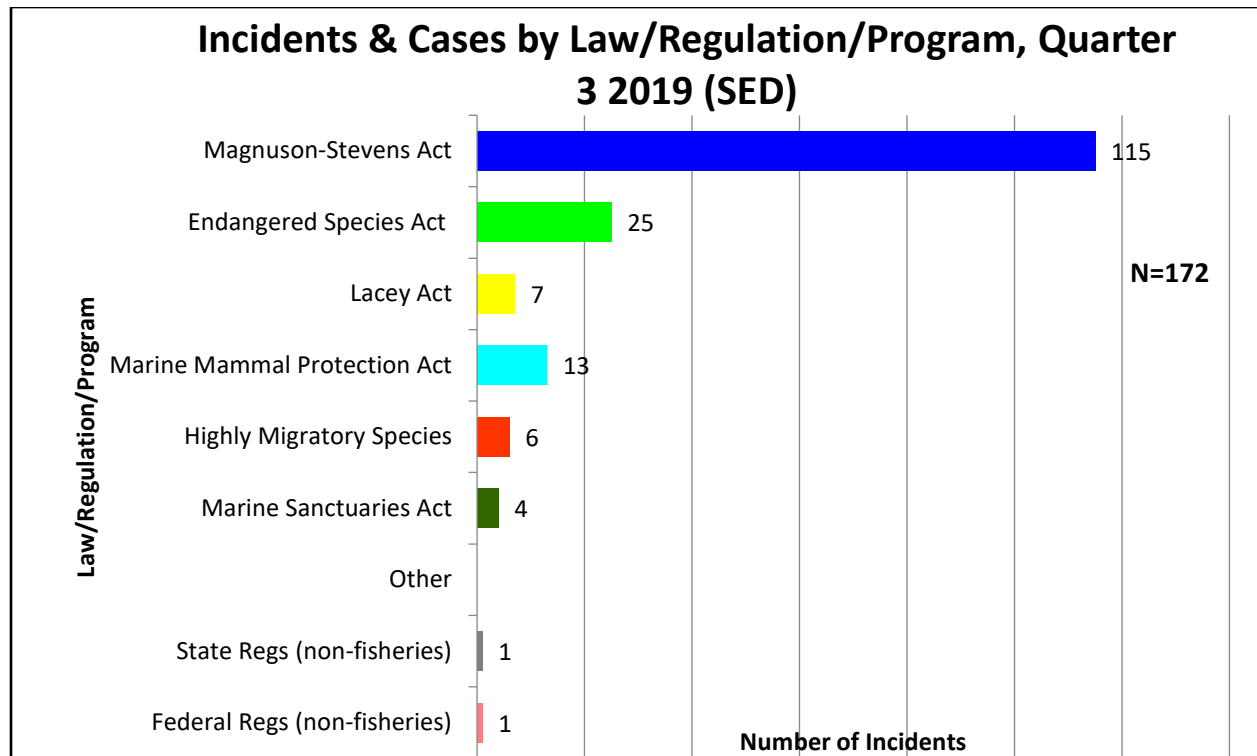
Data represent National Oceanic and Atmospheric Administration Fisheries Office of Law Enforcement (NOAA OLE) Southeast Division's (SED) enforcement effort conducted throughout FY Quarter 3 2019, **April 1, 2019- June 30, 2019**. When appropriate, information is separated by council, South Atlantic Fishery Management Council (SAFMC), Gulf of Mexico Fishery Management Council (GMFMC) and Caribbean Fishery Management Council (CFMC). There were **36** documented patrols, allowing critical face-to-face interaction between our field staff and the industry; **24** 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 third quarter, NOAA OLE opened **168** incidents in the SED, which included 172 incident violation counts- **86** incident violation counts in the SAFMC area, **100** incident violation counts in the GMFMC area and **1** 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 3 2019

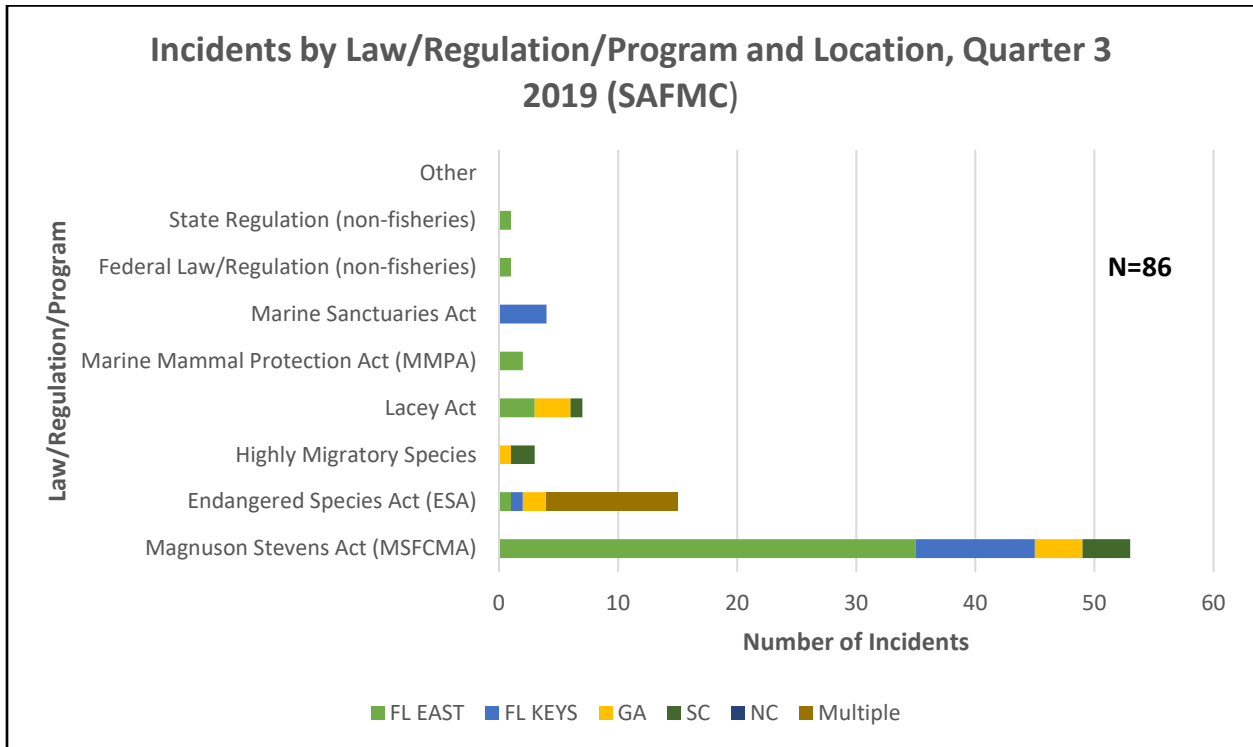


¹ Incident violations occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total incident violation counts greater than incidents due to multiple counts charged for individual

South Atlantic Fishery Management Council Summary

Number of Incidents by Law/Regulation/Program and Location; Quarter 3 2019 (SAFMC)

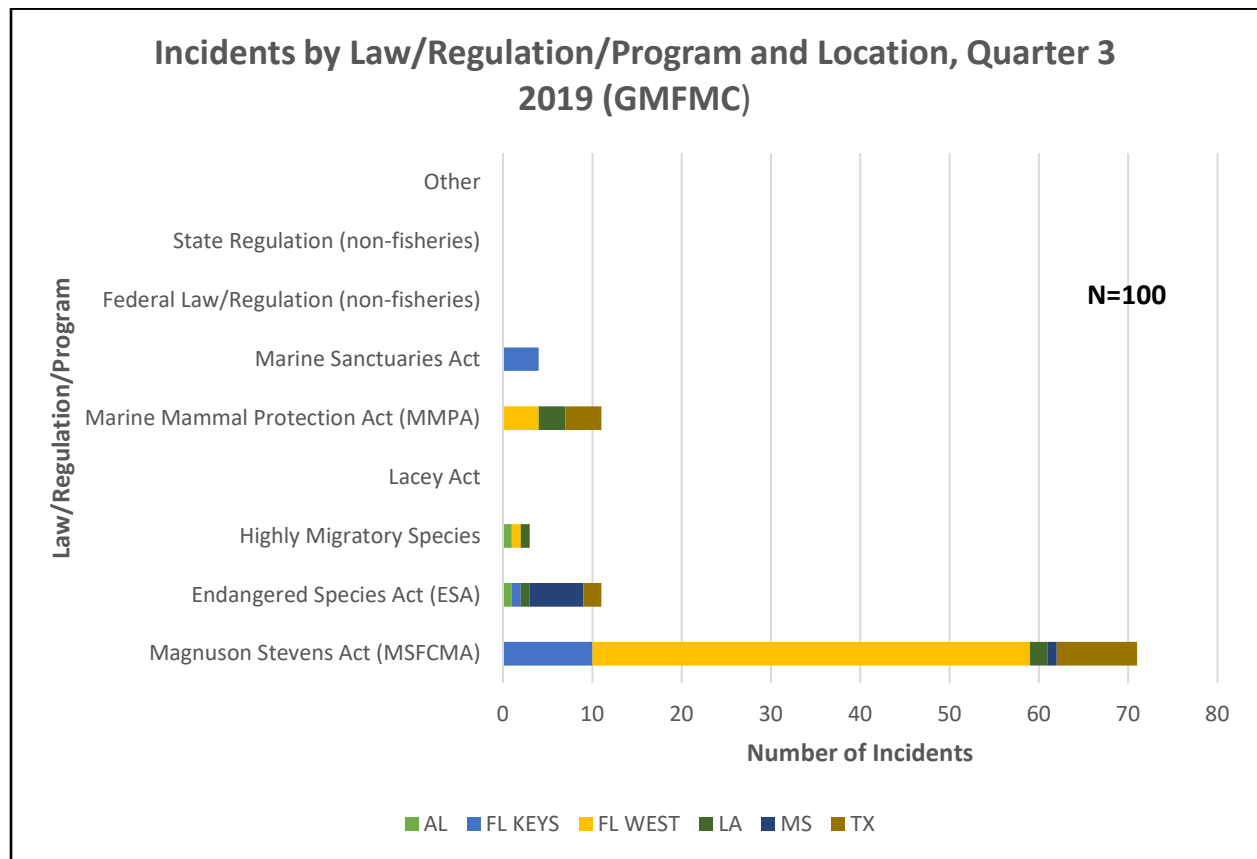
Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Multiple	Total
Magnuson Stevens Act (MSFCMA)	35	10	4	4			53
Endangered Species Act (ESA)	1	1	2			11	15
Highly Migratory Species			1	2			3
Lacey Act	3		3	1			7
Marine Mammal Protection Act (MMPA)	2						2
Marine Sanctuaries Act		4					4
Federal Law/Regulation (non-fisheries)	1						1
State Regulation (non-fisheries)	1						1
Other							0
TOTAL	43	15	10	7	0	11	86



Gulf of Mexico Fishery Management Council Summary

Number of Incidents by Law/Regulation/Program and Location; Quarter 3 2019 (GMFMC)

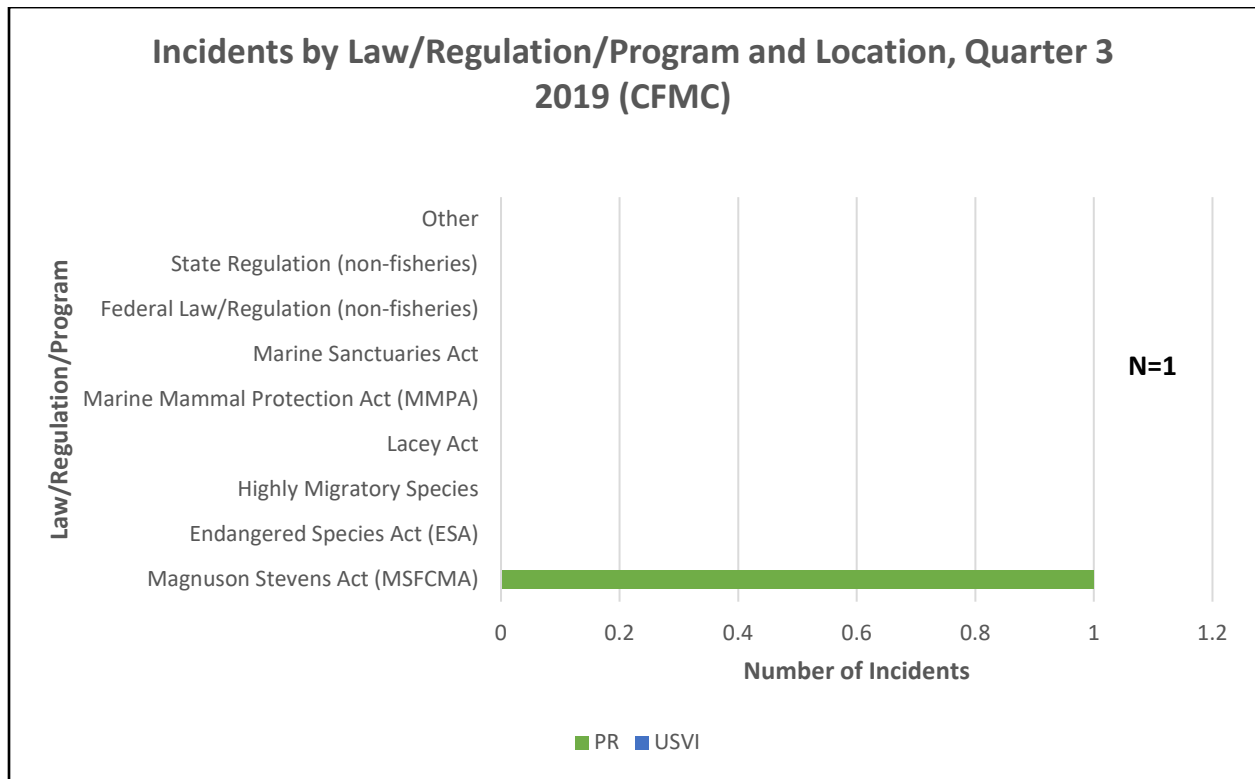
Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)		10	49	2	1	9	71
Endangered Species Act (ESA)	1	1		1	6	2	11
Highly Migratory Species	1		1	1			3
Lacey Act							0
Marine Mammal Protection Act (MMPA)			4	3		4	11
Marine Sanctuaries Act		4					4
Federal Law/Regulation (non-fisheries)							0
State Regulation (non-fisheries)							0
Other							0
TOTAL	2	15	54	7	7	15	100



Caribbean Fishery Management Council Summary

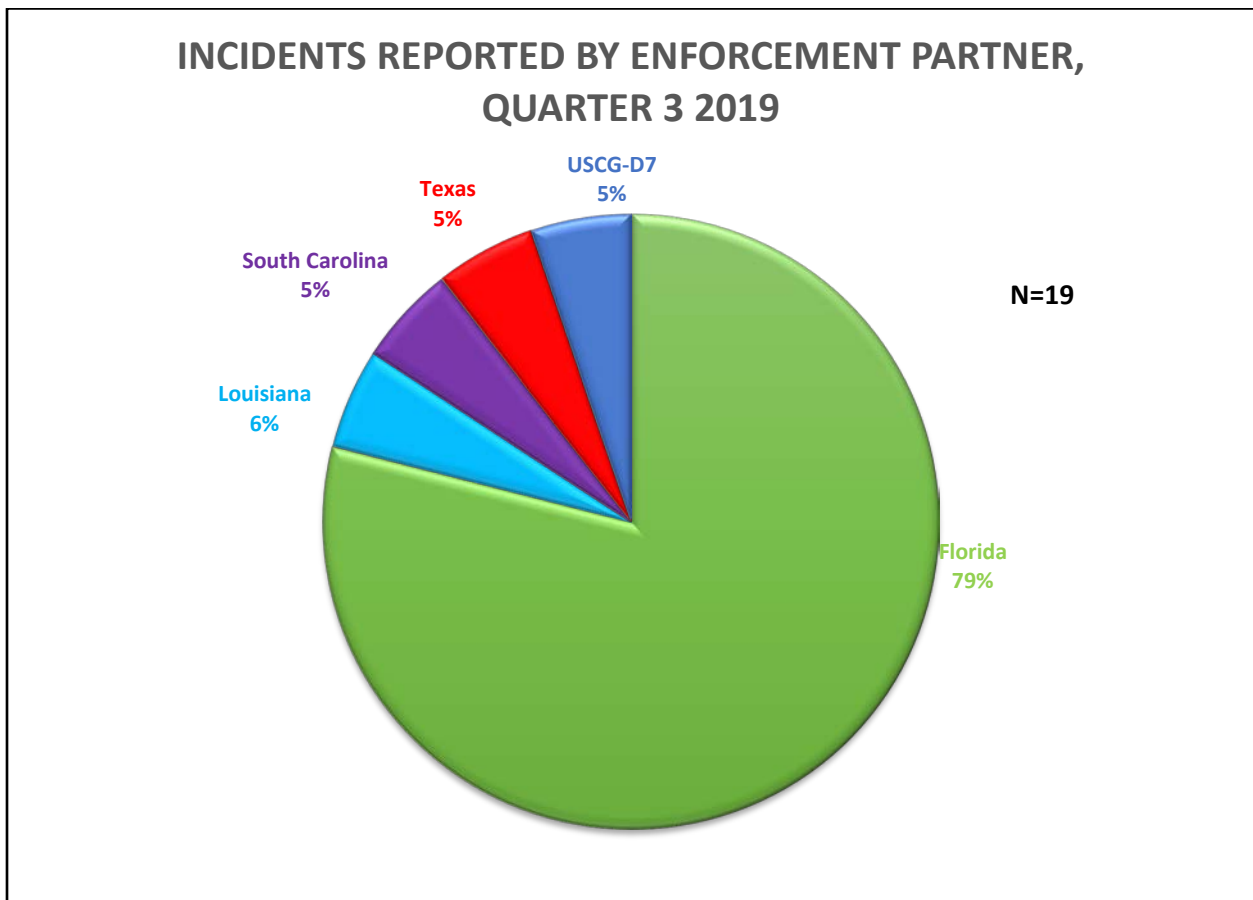
Number of Incidents by Law/Regulation/Program and Location; Quarter 3 2019 (CFMC)

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

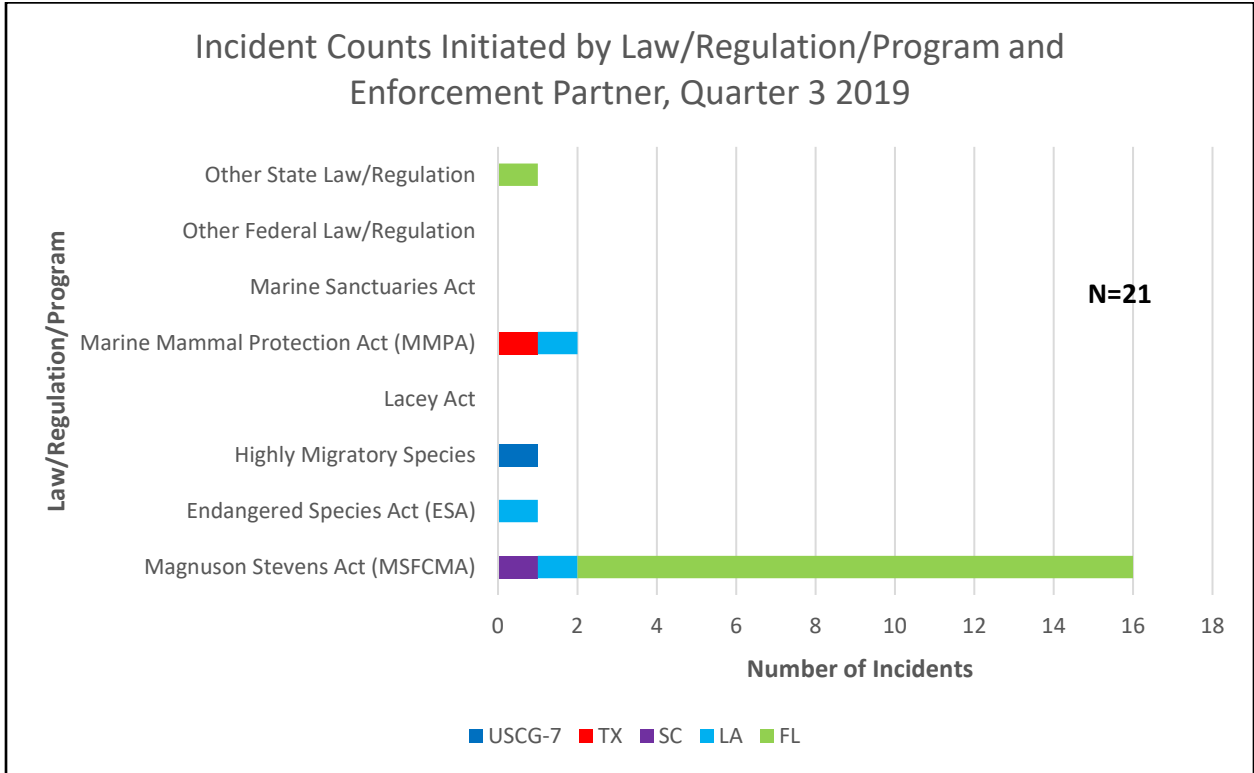


Summary of Incidents By Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 3 2019, there were **19** 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.



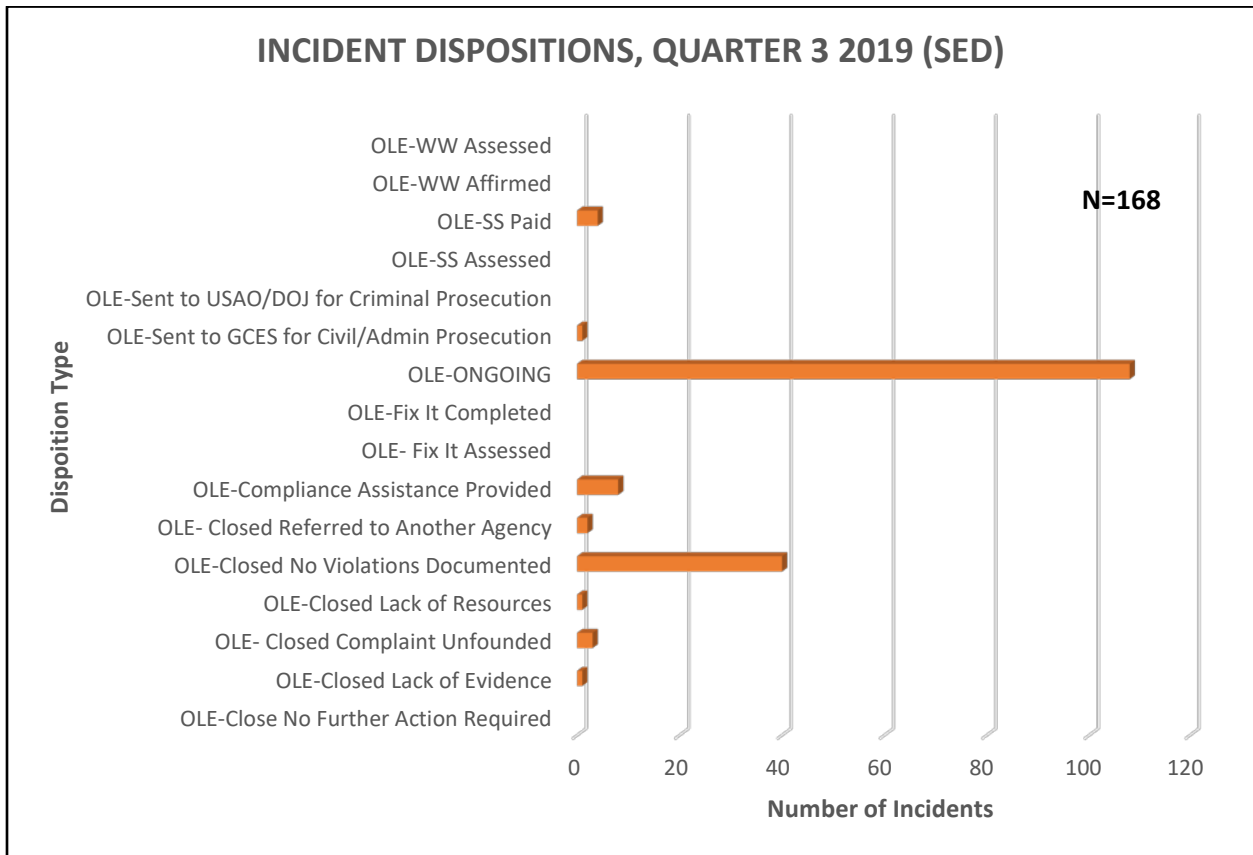
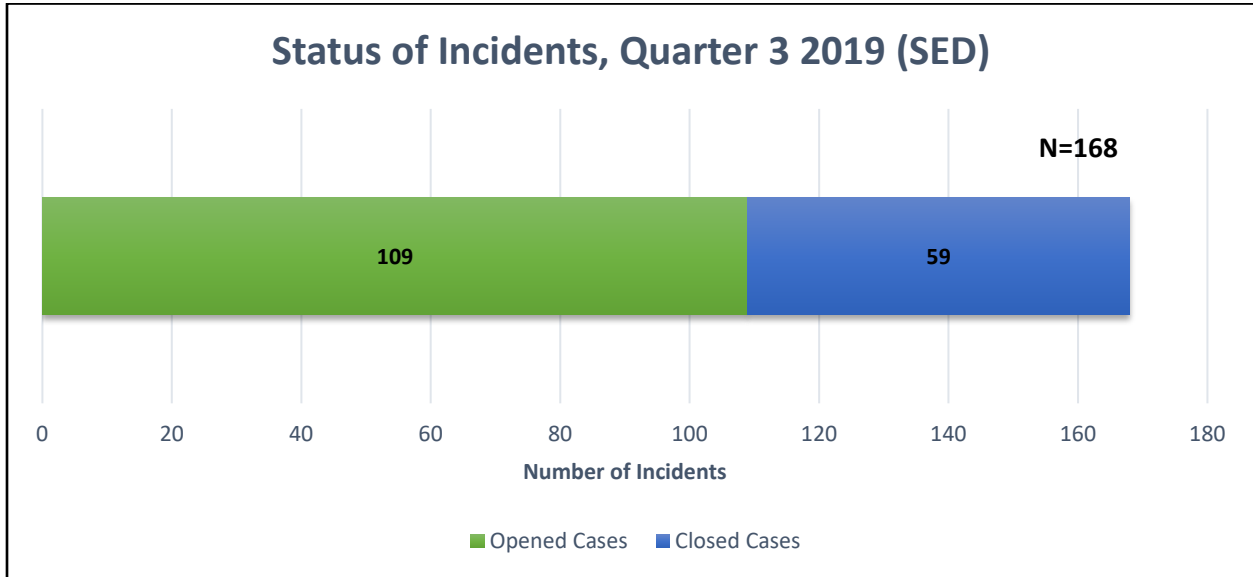
Incident Counts Initiated by Law/Regulation/Program and Enforcement Partner, Quarter 3 2019



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



Enforcement Highlights

Highly Migratory Species Act

Enforcement Officers (EOs) with NOAA OLE and officers with Florida Fish and Wildlife Conservation Commission (FWC) conducted a fisheries patrol off the coast of Destin, Florida. Using both OLE and FWC vessels, the officers enforced OLE national and divisional priorities in federal waters of the Gulf of Mexico. During the patrol, officers documented multiple HMS violations to include shark finning in addition to reef fish violations. The officers were also able to maintain a presence in the area off of Grayton Beach where marine mammal harassment was previously reported.

Illegal Unregulated Unreported Seafood Port Operations and Port State Measures

A NOAA OLE special agent (SA) conducted port state measure foreign fishing vessel examinations on 4 Mexican shrimp boats which made port calls in Brownsville, TX for fuel resupply. No violations were found.

NOAA OLE SAs conducted a multi-agency IUU port of entry examination operation in Brownsville, TX. Import shipments of blue crab, shrimp, and red snapper from Mexico were examined for compliance with import and SIMP regulations. No violations were detected.

A NOAA OLE EO conducted port operations with Customs and Border Protection (CBP) at the Port of Savannah examining over 20 refrigerated containers of shrimp. The containers were all found compliant.

A SA with NOAA OLE participated in the Port of Jacksonville's International Trade Day hosted by CBP. Numerous federal and state agencies took part. The audience included importers, exporters, brokers, freight forwarders and other folks involved in international trade and provided an opportunity to the trade community to meet and greet with various trade, regulation, and law enforcement personnel to discuss pertinent topics.

An OLE SA worked with CBP Charleston and South Carolina Department of Natural Resources (SCDNR) officers to conduct JEA training and an examination of frozen seafood being imported from Argentina via the Port of Charleston. The examination occurred at CBP Charleston's examination station and no violations were documented.



A SA with NOAA OLE participated in a Landed Quantity Verification (LQV) operation at the Port of Miami with several partner agencies. Containers on the ship were offloaded and examined, only one of which contained seafood. No violations were documented.

Marine Mammal Protection Act

OLE EO's conducted an underway MMPA patrol of the Galveston Bay and along Galveston Island, in support of the Turtle Island Stranding Network and Texas Marine Mammal Stranding Network. The EO's received reports of hundreds of deceased animals washing ashore. The EO's did not observe any deceased marine wildlife during the patrol.



OLE EOs conducted underway MMPA patrols in South Padre Island following complaints of dolphin-watching tours harassing dolphins. The EO's boarded two dolphin-watching vessels and provided outreach to the captains and owners of the vessels. The owners agreed to mount signs on the docks and vessels to inform customers not to feed dolphins during tours.



A OLE SA was notified that GCES issued a \$5000 NOVA to a marine contracting company related to the lethal take of a bottlenose dolphin by an unapproved construction buoy used in one of their projects.

Sanctuary

A NOAA OLE EO completed an investigation in which subjects aboard a recreational vessel were fishing inside the Florida Keys National Marine Sanctuary (FKNMS) North Ecological Reserve in the Dry Tortugas and in possession of yellowtail sapper. The case was forwarded NOAA's Office of General Counsel for review.

In response to complaints received, EOs with NOAA OLE and officers with Georgia Department of Natural Resources (GADNR) conducted an offshore patrol to Gray's Reef National Marine Sanctuary (GRNMS). Two vessels were boarded just north of GRNMS with no violations detected.

A Key West EO conducted an investigation of a shrimp vessel which was trawling in the Tortugas North Ecological Reserve within the FKNMS. The case was referred by FWC and has been sent to GCES for prosecutorial consideration.

Observer Program

NOAA OLE enforcement personnel conducted an OLE training for the Panama City Observer Program. New trainees were presented with OLE's mission and support and incident reporting protocols. Material presented allowed observers to understand how they are protected while performing job duties remotely. A productive meeting with program staff was also conducted after the initial training.

Magnuson-Stevens Fishery Conservation and Management Act

An OLE SA received notice that GCES issued a \$24,000 NOVA to a Texas based charter operation for conducting reef fish charter trips in federal waters without a federal permit, fishing during closed season, and circle hook violations. The NOAA led investigation was assisted by agents from the Coast Guard Investigative Service. The team documented the violations utilizing various LE techniques.

Endangered Species Act

An OLE EO and Louisiana Wildlife and Fisheries (LDWF) agents conducted two offshore patrols. The patrols resulted in one shrimp vessel fishing in federal waters without a federal permit and for having BRD's sewn shut, and a commercial HMS longline vessel issued a fix-it ticket for failing to have high flyers and buoys

Overview of Summary Settlements

Listed below is a summary of the **29** Summary Settlements issued during the quarter.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	\$600	MS
Highly Migratory Species	Failure to maintain tuna in proper form; Prohibited gear use; Shark bycatch mitigation measures	\$500	LA
Magnuson Stevens Act (MSFCMA)	Dispose of fish after approach by law enforcement; Retention during closure	\$550	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in activity without valid permit	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Exceed commercial trip limit	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$700	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$800	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Exceed bag limit	\$1,375	FL WEST
Magnuson Stevens Act (MSFCMA)	Exceed bag limit	\$700	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	FL WEST

Magnuson Stevens Act (MSFCMA)	Retention during closure; Possess undersize fish; Fail to maintain fish intact	\$2,900	FL EAST
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	\$350	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$550	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$875	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$700	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Exceed bag limit	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure; Possess undersize fish	\$275	FL WEST

Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Fail to release mako shark in the manner specified	\$500	SC
Magnuson Stevens Act (MSFCMA)	Exceed bag limit	\$700	TX
Marine Sanctuaries Act	Fishing in closed area	\$300	KEYS
Marine Sanctuaries Act	Fishing in closed area	\$300	KEYS
Marine Sanctuaries Act	Fishing in closed area	\$300	KEYS
Marine Sanctuaries Act	Fishing in closed area	\$300	KEYS

Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **1,085**

Population Breakdown by (VMS) Fisheries and VMS Vendor

Fisheries	NETWORK INNOVATIONS	WOODSHOLE	SKYMATE	FARIA	MCMURDO	TOTAL
HMS Pelagic Longline	18	42	13	26	3	102
HMS Shark		5	1	3		9
Gulf reef fish	222	310	60	132	171	895
Rock shrimp	16	14	5	14	27	76
Charter& Gulf reef fish		1				1
Charter South Atlantic		1				1
Charter				1		1
TOTAL	256	373	79	176	201	1085

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.

Observer Program Highlights

During FY Quarter 3 2019; the Southeast Division Observer Programs deployed on **118** trips for **943** sea days. Approximately **99%** of all selected trips were completed without an observer related enforcement incident (assault/harassment, safety). Observer programs reported **32** 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 45 trips for 584 sea days, and the Gulf of Mexico Reef Fish Program deployed on 4 trips for 24 sea days. Effort for the Panama City Gillnet Program was 6 trip for 6 sea days, and the Panama City Bottom Longline Program (includes Shark Research Fishery) deployed on 36 trips for 63 sea days. The Panama City Reef Fish Vertical Line Program deployed on 2 trips for 12 sea days. The Pelagic Observer Program deployed on 27 trips for 254 sea days. The summary below details the type of observer related complaints received during Quarter 2 (calendar year) of 2019, 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	1		
NON-COMPLIANT FOR OBSERVER COVERAGE			
HANDLING			7
GEAR			2
RETENTION			1
SPATIAL			
MARPOL-USCG	4	5	13
TOTALS	5	5	23

Cases Referred to NOAA General Counsel Enforcement Section (GCES)

Listed below is a summary of the **28** cases forwarded to GCES and the United States Attorney Office/Department of Justice for this quarter.

LAW/REG/PROGRAM	VIOLATION	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	FL EAST
Endangered Species Act (ESA)	TED/BRD Requirements; Possess spiny lobsters in excess amounts	GA
Endangered Species Act (ESA)	TED/BRD Requirements	LA
Endangered Species Act (ESA)	Speed restrictions exceeded	MULTIPLE
Endangered Species Act (ESA)	Speed restrictions exceeded	MULTIPLE
Endangered Species Act (ESA)	Speed restrictions exceeded	MULTIPLE
Endangered Species Act (ESA)	Speed restrictions exceeded	MULTIPLE
Endangered Species Act (ESA)	TED/BRD Requirements	SC
Highly Migratory Species	Selling HMS offloaded from individual in excess of retention limits	AL
Highly Migratory Species	Fail to comply with documentation requirements for import/export products	FL EAST
Highly Migratory Species	Possess undersize fish; Prohibited gear use; Remove fins at sea	FL EAST
Lacey Act*	Transport of seafood across interstate boundaries	LA
Lacey Act*	Transport of seafood across interstate boundaries	MS
Lacey Act*	Transport of seafood across interstate boundaries	MS
Magnuson Stevens Act (MSFCMA)	Remove fins at sea; Possess fins; Fail to maintain shark in proper form	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Use of Gulf reef fish as bait	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	FL WEST

Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Exceed bag limit; Fail to maintain fish intact; Use of Gulf reef fish as bait	FL WEST
Magnuson Stevens Act (MSFCMA)	Dispose of fish after approach by law enforcement; Exceed bag limit; Fail to maintain fish intact; Retention during closure	FL WEST
Magnuson Stevens Act (MSFCMA)	Fish in closure area	FL WEST
Magnuson Stevens Act (MSFCMA)	Fish in closure area	FL WEST
Magnuson Stevens Act (MSFCMA)	Exceed seasonal limitations; Exceed commercial trip limits; Operating without an operator permit; Fishing with prohibited gear.	GA
Magnuson Stevens Act (MSFCMA)	Fail to maintain shark in proper form	KEYS
Magnuson Stevens Act (MSFCMA)	Fish in closure area	SC
Magnuson Stevens Act (MSFCMA)	Retention during closure	TX
Magnuson Stevens Act (MSFCMA)	Dispose of fish after approach by law enforcement; Possess undersize fish	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure; Exceed bag limit	TX
Marine Sanctuaries Act	Fish and possession inside a sanctuary	KEYS

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