

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

**FISCAL YEAR 2022, QUARTER 1
FISHERY MANAGEMENT
COUNCIL REPORT**

OCTOBER 1, 2021- DECEMBER 31, 2021



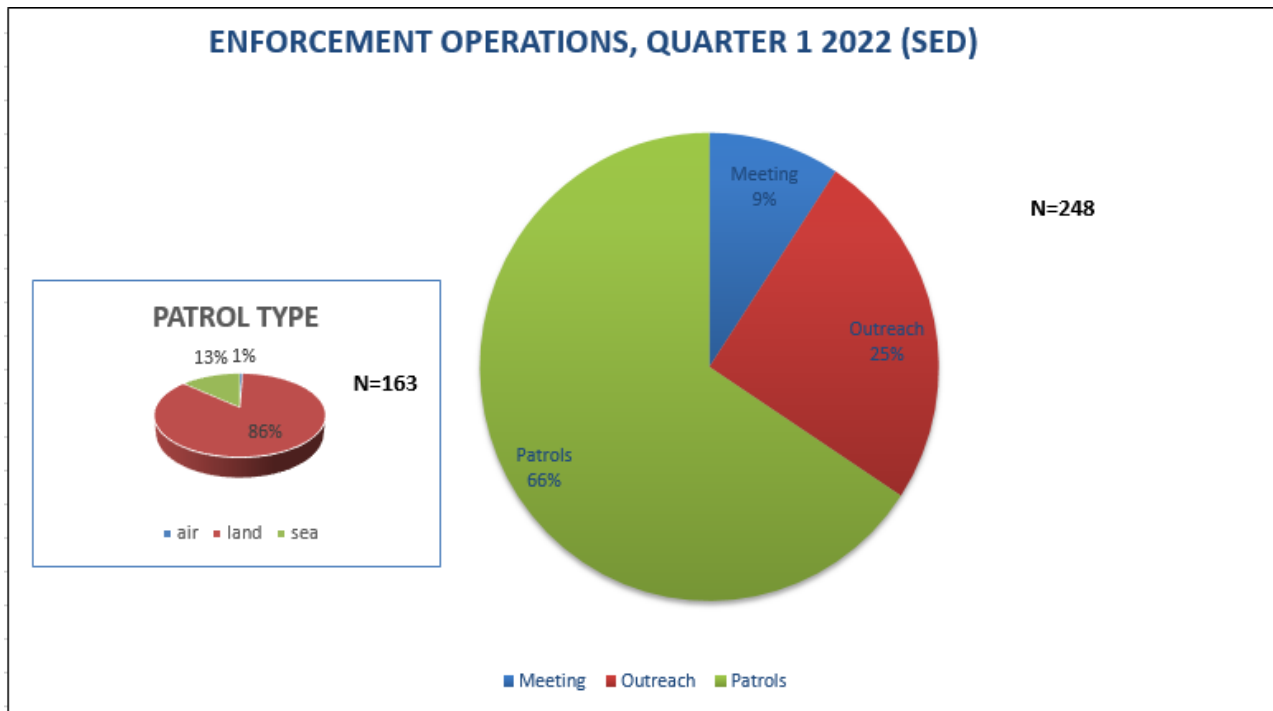
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Enforcement and Compliance

Data represent National Oceanic and Atmospheric Administration, National Marine Fisheries, Office of Law Enforcement, Southeast Division's (OLE-SED) enforcement effort conducted throughout FY Quarter 1 2021, **October 1, 2021- December 31, 2021**. 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).

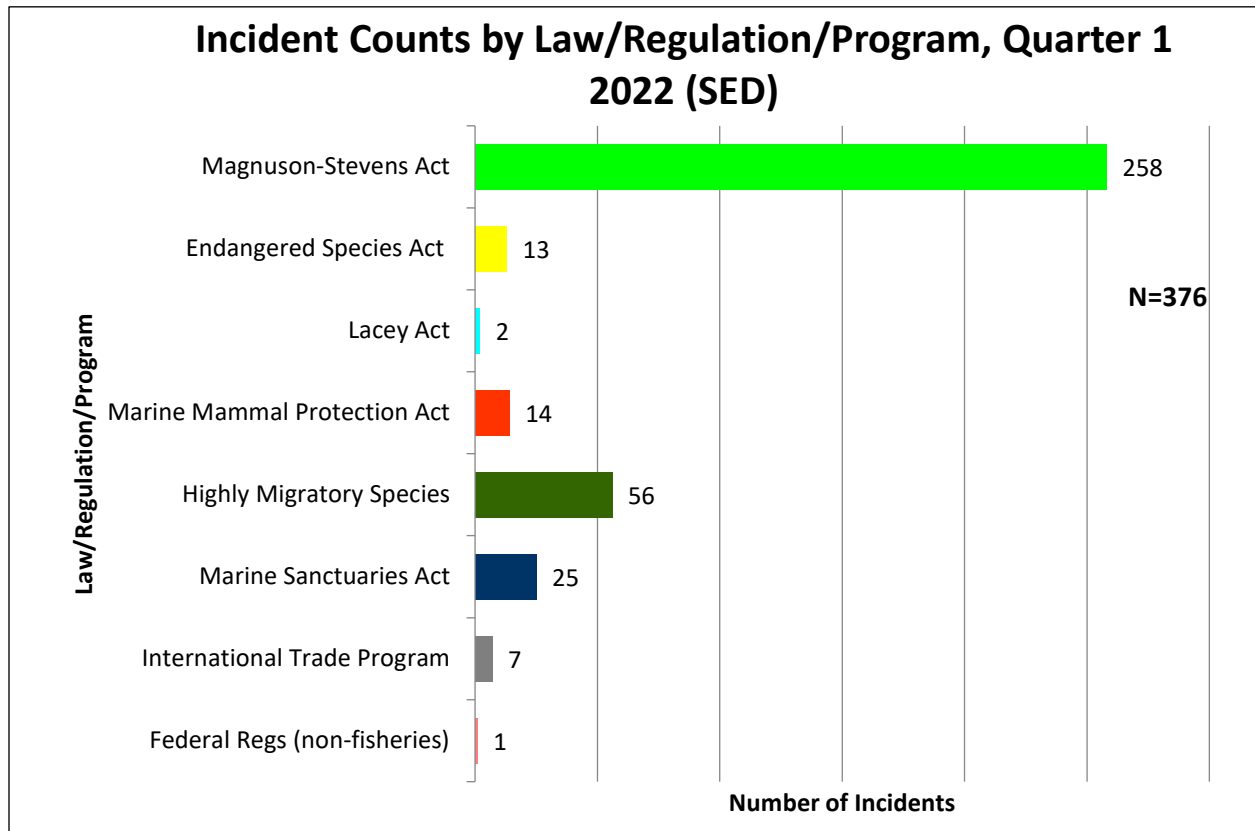
Patrols, outreach and education, compliance assistance, and investigations are the primary activities of OLE's mission to protect marine wildlife and habitat by enforcing domestic laws and supporting international treaty requirements designed to ensure global resources are available for future generations. Overall this quarter, OLE-SED conducted and documented **163** patrols, **62** specific instances of outreach and attended **23** meetings.



Incident Information

During the first quarter, OLE-SED opened 375 incidents, which included 376 individual counts- 211 counts in the SAFMC area, 198 counts in the GMFMC area and 9 counts in the CFMC area¹. Opened incidents originate from both NOAA personnel and our enforcement partners.

Summary of Incidents by Law/Regulation/Program; Quarter 1 2022



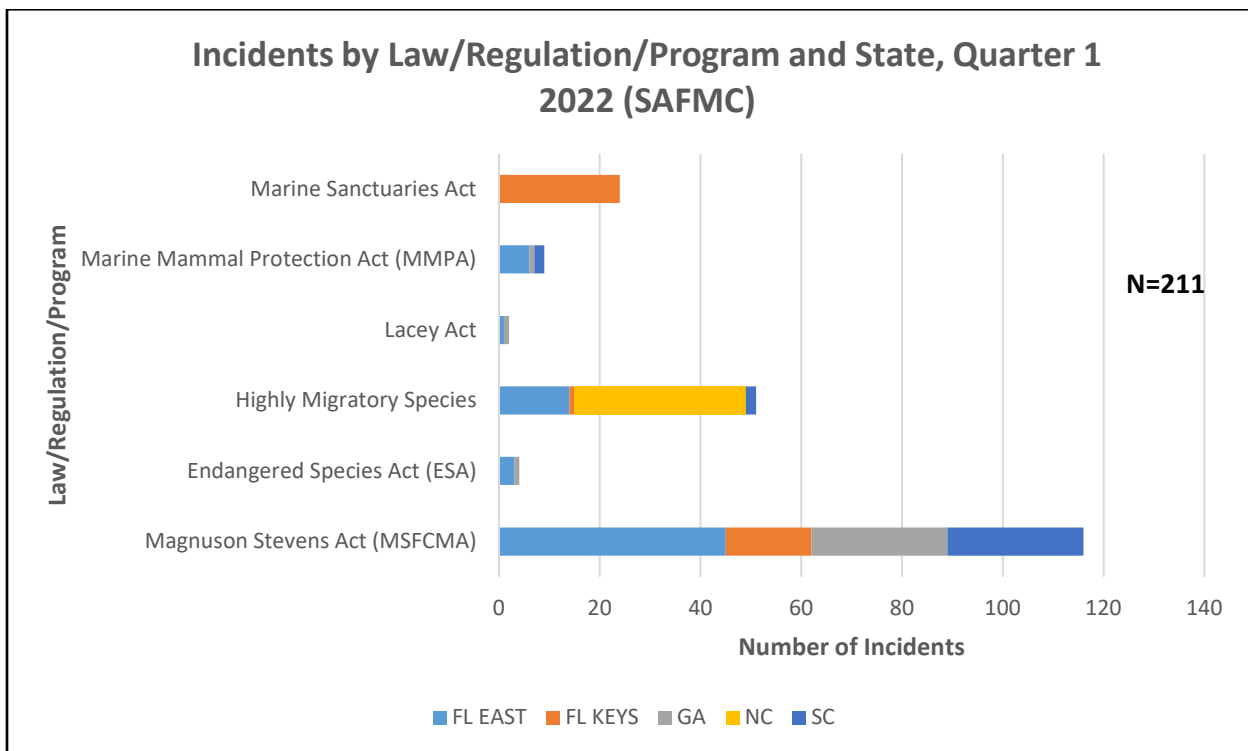
¹ Incidents occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total individual counts are greater than opened incidents due to multiple counts charged for separate incidents

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 2022 (SAFMC)

Law/Regulation/Program	FL					Multiple	Total
	EAST	FL KEYS	GA	NC	SC		
Magnuson Stevens Act (MSFCMA)	45	17	27		27		116
Endangered Species Act (ESA)	3		1			1	5
Highly Migratory Species	14	1		34	2		51
Lacey Act	1		1				2
Marine Mammal Protection Act (MMPA)	6		1		2		9
Marine Sanctuaries Act		24					24
International Trade Program	4						4
TOTAL	73	42	30	34	31	1	211

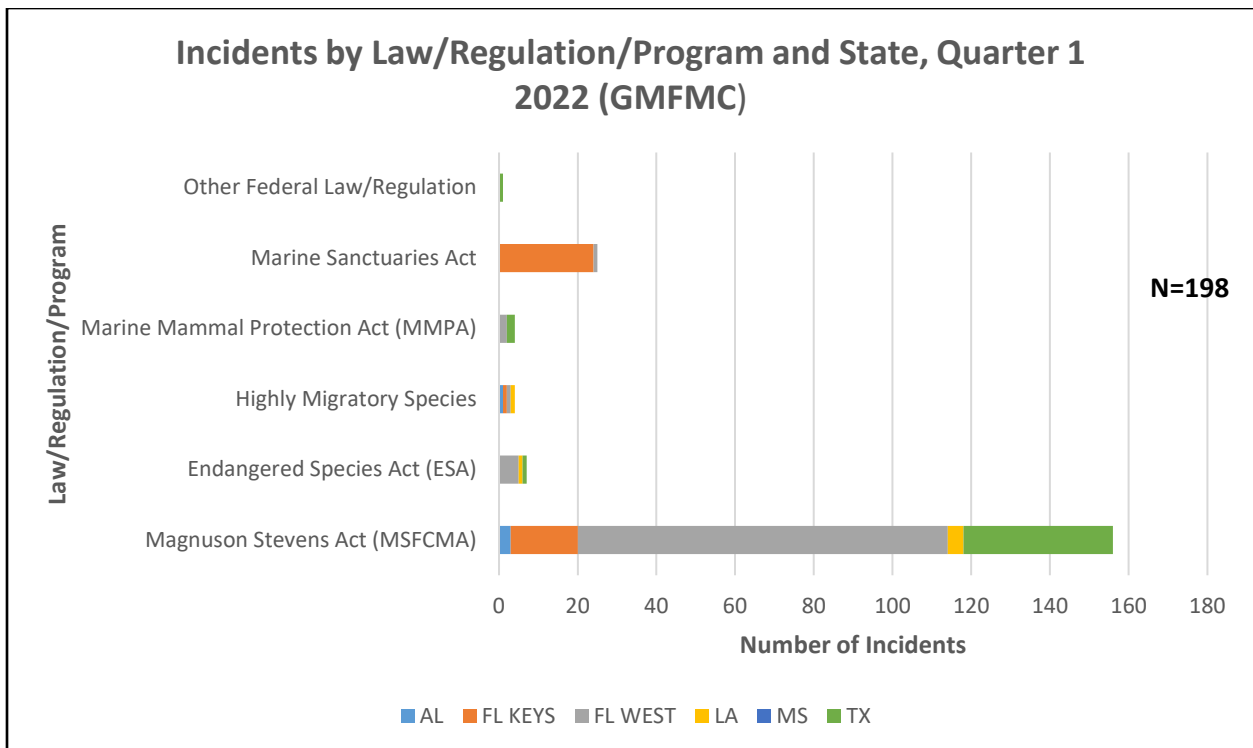


Gulf of Mexico Fishery Management Council Summary

**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 2022 (GMFMC)

Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)	3	17	94	4		38	156
Endangered Species Act (ESA)			5	1		1	7
Highly Migratory Species	1	1	1	1			4
Marine Mammal Protection Act (MMPA)			2			2	4
Marine Sanctuaries Act		24	1				25
Other Federal Law/Regulation						1	1
International Trade Program						1	1
TOTAL	4	42	103	6	0	43	198

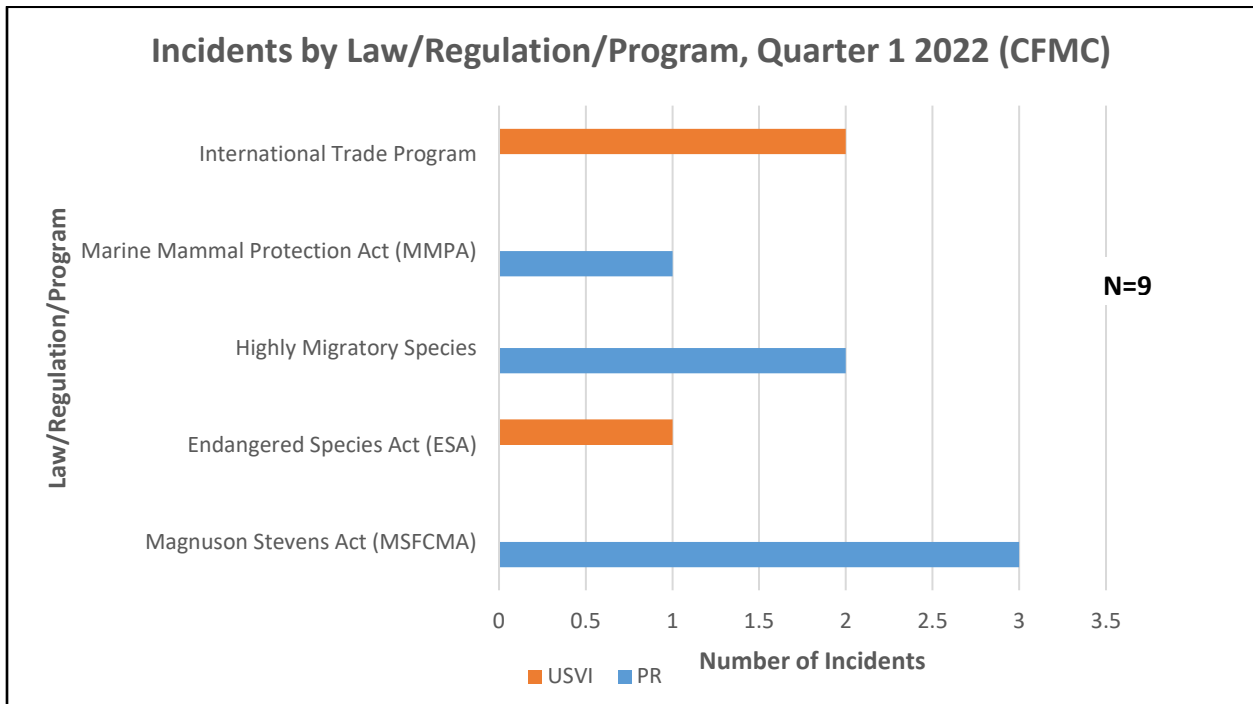


Caribbean Fishery Management Council Summary

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

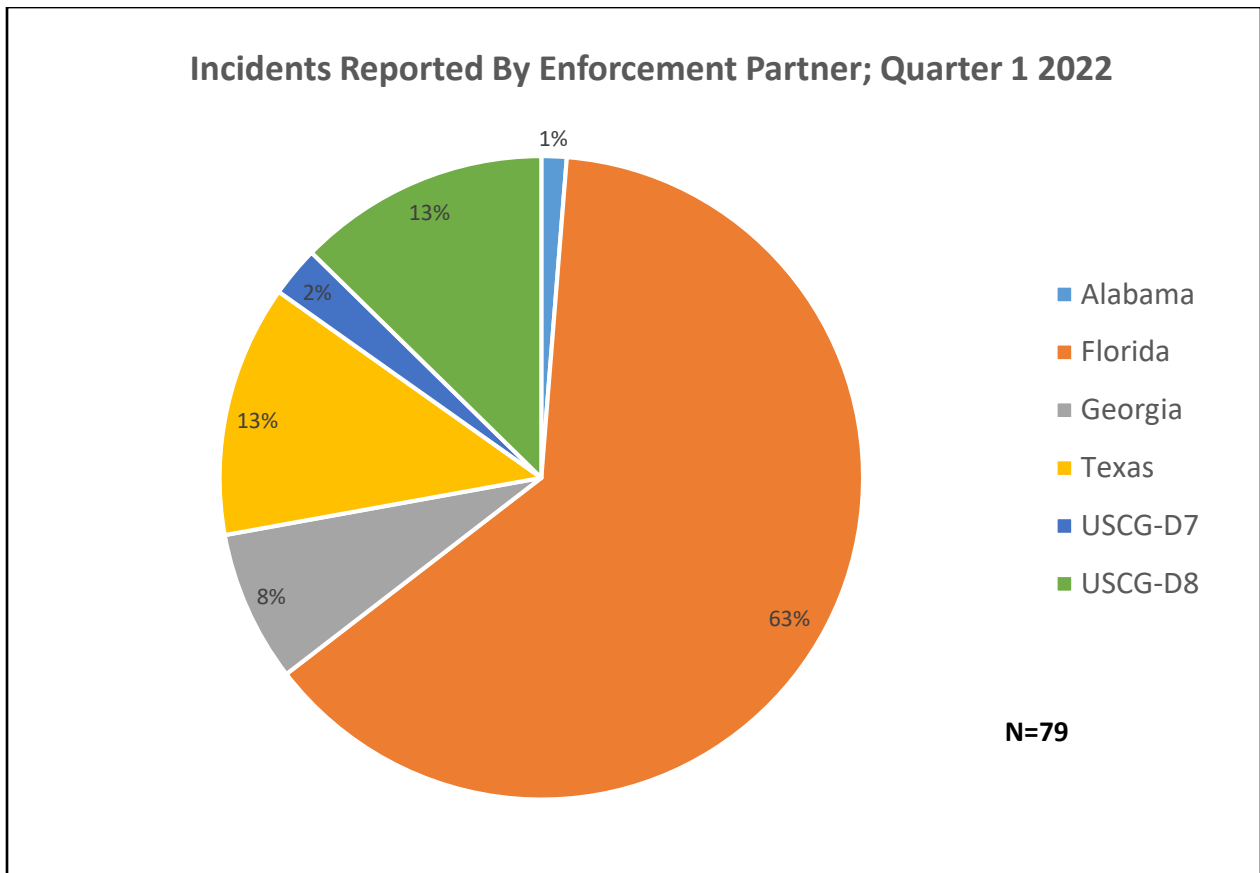
Number of Incidents by Law/Regulation/Program and Location; Quarter 1 2022 (CFMC)

Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act (MSFCMA)	3		3
Endangered Species Act (ESA)		1	1
Highly Migratory Species	2		2
Marine Mammal Protection Act (MMPA)	1		1
International Trade Program		2	2
TOTAL	6	3	9

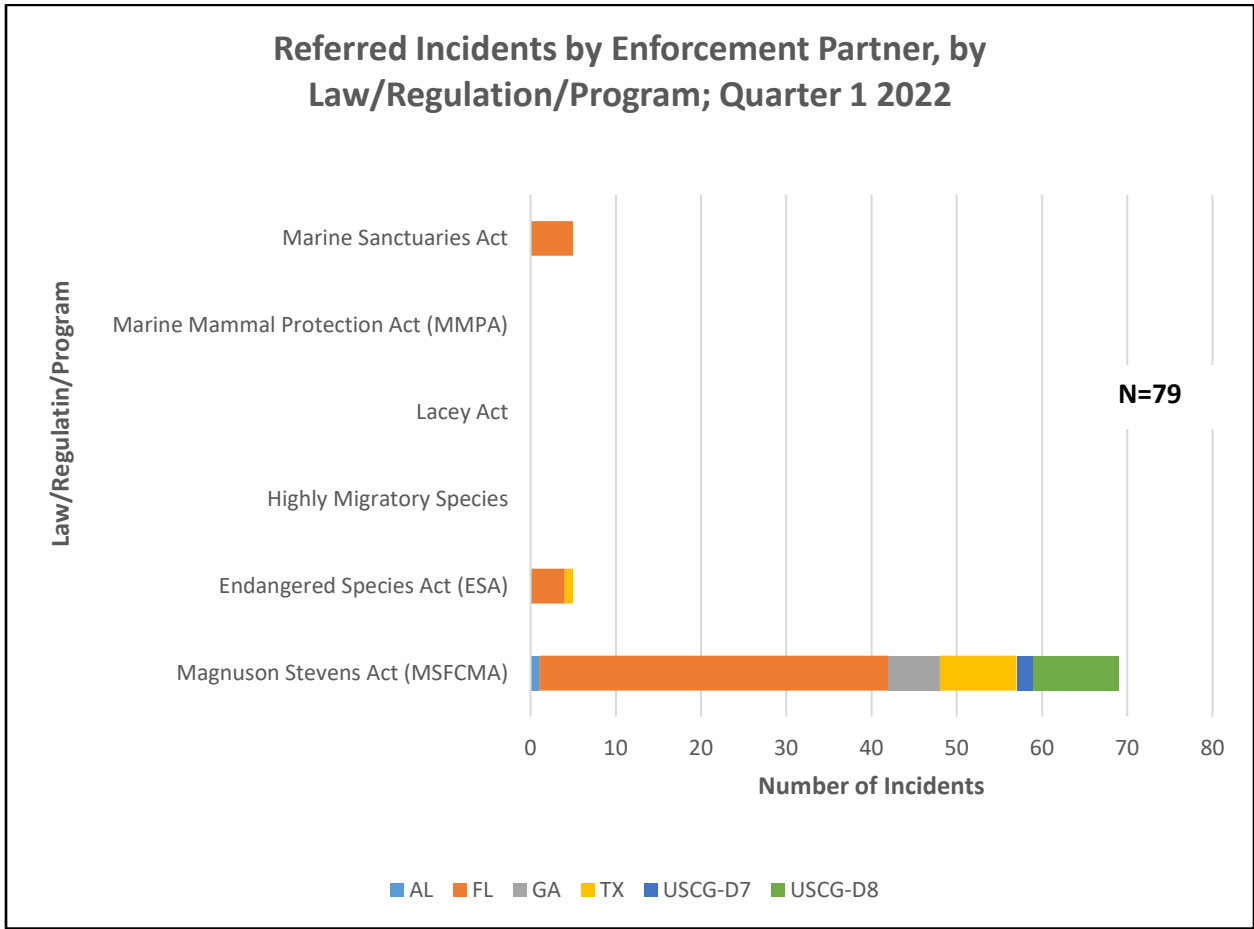


Summary of Cases by Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 1, 2022, there were **79** 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 partner¹. Effort consisted of dockside vessel boardings, offshore vessel boardings and interaction with the general public and industry members.



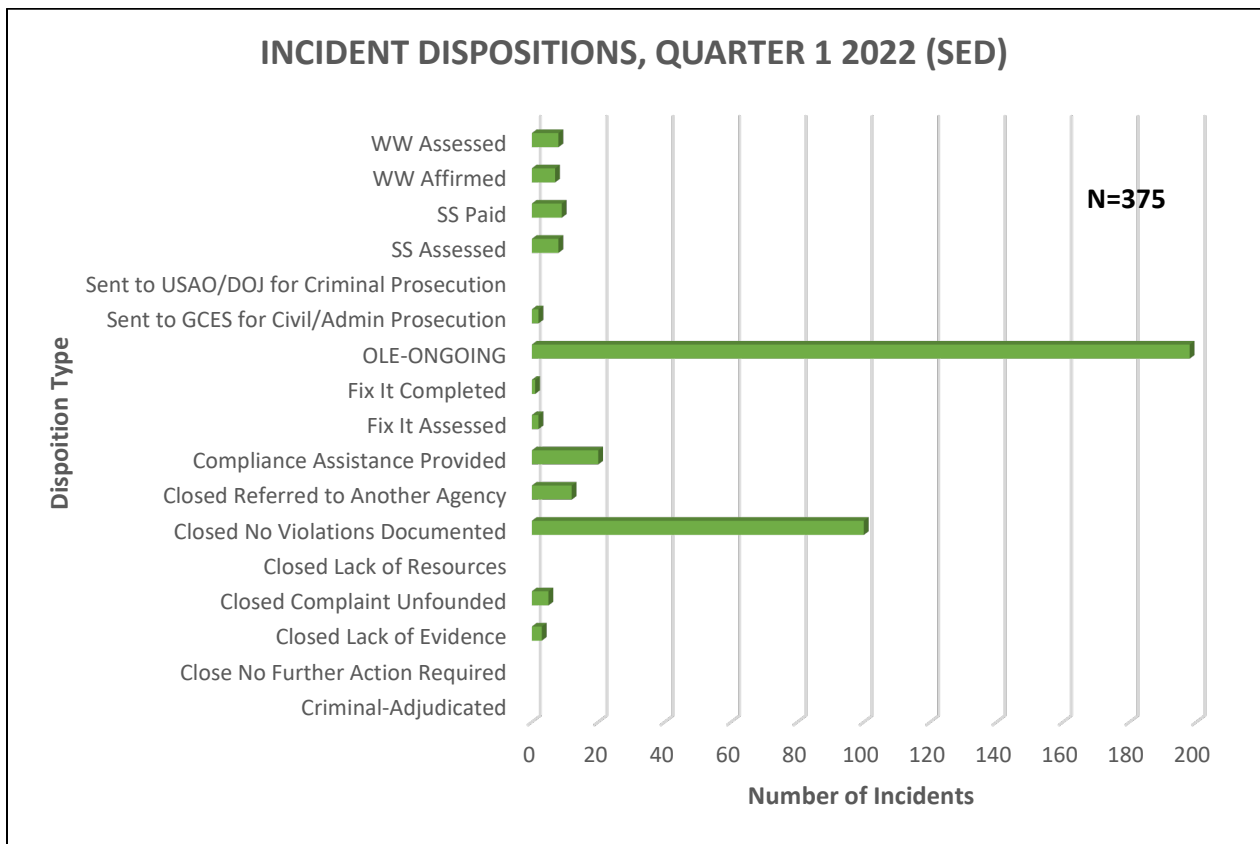
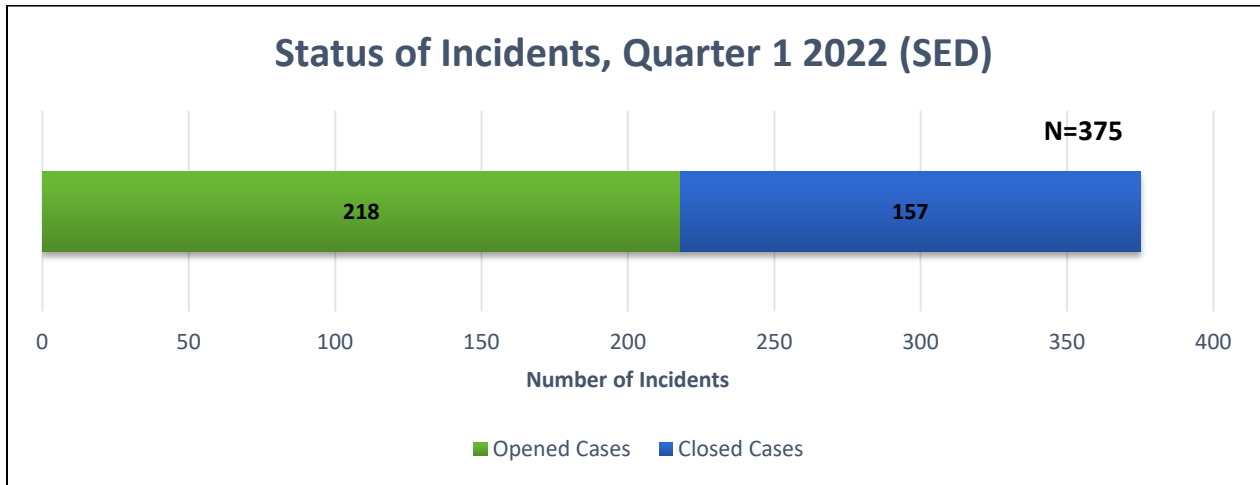
Referred Incidents by Enforcement Partner, by Law/Regulation/Program; Quarter 1 2022



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

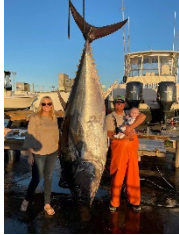
Caseload Snapshot

Below is a breakdown of the initiated incidents (375) 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 42% of the incoming workload.



Enforcement Highlights

Highly Migratory Species



A North Carolina Enforcement Officer (EO) completed 61 commercial offloads targeting BFT. Compliance was found throughout the region with only one violation found. Patrol presence made at local HMS dealers

and docks from Morehead City to Wanchese areas. The EO has also fielded close to 50 calls for information regarding bluefin tuna restricted fishing days, regulations and required permits.

Illegal, Unregulated and Unreported (IUU) Fishing, Seafood Import Monitoring Program (SIMP) and Port State Measures Act (PSMA)

A Houston, TX EO provided SIMP and IUU fishing training to the Import Safety Committee, which involves multiple federal agencies in the Houston area. The EO explained the importance of the SIMP program and how it relates to IUU fishing. Additionally, the committee discussed interagency operations for FY22.

A Savannah, GA EO, Charleston, SC EO and Special Agent (SA), three South Carolina Department of Natural Resource Officers, and one Customs and Border Protection (CBP) Officer examined a container of shrimp at the Port of Charleston Centralized Examination Station. Samples of the shrimp were taken to be sent to the Charleston Lab in an effort to build a data set of shrimp species.

A Sunrise, FL SA inspected a container of various seafood from Venezuela. Seven boxes were found in the shipment that had not been manifested, 1 box contained mislabeled yellowtail snapper and the other 6 boxes were various unidentified ground meat. The importer stated the ground meat was various shark and skate. Samples were sent to the Charleston and Seattle labs. Results from the samples showed silky shark was among the species found in the ground seafood meat, this species is prohibited and cannot be imported. A summary settlement was issued for \$2000.

A Savannah, GA EO conducted port operations with CBP, Georgia Department of Natural Resources, and U.S. Fish and Wildlife Service (USFWS) at the Port of Savannah, GA. Unreported squid was located in a container targeted to locate shipments attempting to evade SIMP. The operation resulted in 5 container exams and 1 violation referred to USFWS.

Magnuson-Stevens Fishery Conservation and Management Act

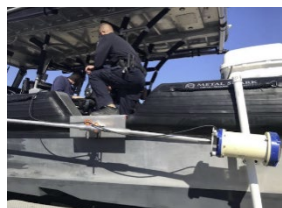
A Jacksonville, FL SA was notified by General Counsel Enforcement Section (GCES) that a \$63,704.93 notice of violation assessment (NOVA) was issued to two subjects for fishing for and/or possessing South Atlantic snapper-grouper within the North Florida Marine Protected

Area (MPA), and exceeding the authorized bag limits for gray triggerfish, vermilion snapper, and red porgy then selling the fish without the proper permit. A \$5,000 NOVA was also issued to a federal dealer for purchasing the gray triggerfish that had been harvested or possessed in the EEZ on board a vessel that did not have a valid commercial permit for South Atlantic snapper-grouper.

EOs from Cape Canaveral, FL and Miami, FL conducted a patrol of the Fort Lauderdale charter row. Education was provided on federal permit requirements, sea turtle release gear, descending devices and SEFHIER reporting. Compliance assistance was provided to the manager of Fishing Headquarters Charters who was offering HMS charters without having a HMS charter permit.

GCES informed a St. Petersburg, FL SA that a \$6,490 NOVA was issued to the owners and operator of an unpermitted charter fishing vessels for violations of the MSFCA. In August 2019, a NOAA SA and Florida Fish and Wildlife Conservation Commission (FWC) investigator completed an undercover trip aboard the vessel and documented evidence that the vessel was fishing in federal waters for federally regulated species, including reef fish.

Marine Mammal Protection Act



A Charleston, SC and Jacksonville, FL SA took part in a meeting regarding compliance assistance for violations of speed rules in seasonal management areas (SMA) designed to protect North Atlantic Right Whales (NARW). The SAs provided input which will be included on over 350 compliance assistance letters that will be sent to owners of vessels which were identified as violating speed rules in the last season. The letters will be used in an effort to encourage compliance and protect NARWs as speed rules in certain SMAs become effective.

A Charleston, SC Supervisory Enforcement Officer (SEO), EO, and SA worked with two National Ocean Service oceanographers to install and conduct underway testing of an Acoustic Doppler Current Profiler (ADCP) on a patrol vessel. The information obtained by the ADCP will be used in future cases to prosecute violations of vessel speed restrictions in the North Atlantic Right Whale Seasonal Management Areas. The Oceanographers conducted extensive training on the ADCP and associated software to enable OLE personnel to complete data gathering on their own during future Atlantic Large Whale Take Reduction Plan (ALWTRP) targeted patrols.

Savannah, GA and Charleston, SC EOs conducted an offshore patrol to inspect blue crab fishing gear for compliance with ALWTRP requirements after seeing social media posts regarding the gear. During the patrol one recreational fishing vessel was boarded and provided with compliance assistance for not having a descending device.

A Sunrise, FL SA followed up with the Miami-Dade Police Marine Patrol regarding a dolphin entanglement in Pelican Harbor. Marine Patrol officers located a juvenile dolphin entangled by a monofilament net. The officers disentangled the dolphin, which swam away. The officers had been advised by the Pelican Harbor Marina manager about the dolphin after it was observed and reported by a local resident. OLE was advised of the incident by the Protected Resources Division.

Endangered Species Act



The USCG Cutter Isaac Mayo intercepted a commercial shrimp vessel trawling inside a closed portion of the Tortugas Shrimp Sanctuary in the

EEZ north of the Marquesas Keys off Key West. A Key Largo, FL EO assisted the crew with the initial on scene investigation. The USCG escorted the vessel to port in Fort Myers, FL for further investigation by OLE. Two EOs and two SEOs completed the investigation and seized the shrimp, which were harvested in the closed area. OLE seized and sold 447 pounds of shrimp.

Cooperative Enforcement/Partnerships

A North Carolina EO held HMS and general fisheries training for US Coast Guard Sector NC, USCGC Steelhead, USCGC Nathan Bruckenthal, and USCGC Richard Snyder for the start of the southern bluefin tuna season. 24 Coast Guard personnel were in attendance.

A Sunrise SA and a Miami EO met with two criminal investigators with SOCSOUTH and USSOCOM, a FWC Lieutenant, CBP Agriculture Specialist Supervisor, and the supervisor for CBP's Terrorist Tactical Response Team at the Port of Miami to discuss illegal natural resources exploitation in foreign countries and how it effects the US. This meeting was to start collaborations between the different agencies to see how all can work together to gain a better understanding about IUU fishing going on in foreign countries.

A League City, TX Assistant Special Agent in Charge (ASAC) and EO, Corpus Christi, TX EO, Mobile, AL EO, and St. Petersburg, FL EO assisted the USCG Sector Houston in locating an overdue IFQ vessel that was found anchored and unoccupied approximately 90 miles offshore of Galveston, TX. Subsequent review of the vessel history showed it had been anchored in the same location for 4 days before the USCG was able to drop a rescue swimmer on the vessel in an attempt to locate the captain. It is believed that the captain went overboard sometime after anchoring. He has not been found. Family and friends of the captain recovered the vessel and returned it to Galveston.



A Key West, FL SA conducted a virtual workshop with members of the Somali Ministry of Fisheries. The workshop was coordinated by HQs and focused on IUU fishing with an emphasis on information sharing and cooperating with other agencies.

A North Carolina EO assisted US Coast Guard Sector North Carolina and CGC Nathan Bruckenthal during a Search & Rescue case involving an overdue commercial tuna fisherman. As information was passed to the EO from the fishing fleet it was forwarded to the USCG along with local firsthand knowledge of the fishing area. The fisherman was located safe after two hours of searching.

Patrols/VMS/Catch Shares

A Charleston, SC SEO and EO, Savannah EO, and three USCG boarding officers conducted a night time underway patrol to the Edisto and Charleston Deep MPAs to target commercial vessels fishing in the MPAs at night and in possession of red snapper before the reopening. Weather conditions deteriorated and no vessels were located in or near the MPAs. During the patrol USCG Sector Charleston called the EOs to inform them of two North Atlantic Right Whale sightings within the Charleston Jetties. The crew remained on scene for approximately one hour, but did not spot any whale activity.

A San Juan, PR SA conducted an air patrol with Puerto Rico Department of Natural and Environmental Resources. The patrol originated in San Juan and was concentrated in the west coast of PR, in the closed area Bajo de Sico. Two vessels were detected in the closed area, which were passed to the marine unit, who interdicted one of the vessels. The vessel was only transiting the area and no violations were reported.



A St. Petersburg, FL and Ft. Myers, FL EO, 2 SEOs and the SED Deputy Special Agent in Charge (DSAC) conducted an at-sea patrol in the EEZ west of Manatee and Pinellas counties. Officers documented violations pertaining to undersize fish, non-compliance with sea turtle mitigation gear aboard charter fishing vessels, and excess crew aboard a commercial/charter dual permitted fishing vessel.

A Cape Canaveral, FL EO took part in a joint JEA patrol in the EEZ East of Sebastian, FL. The patrol resulted in 16 vessel boardings, one SSO for possession of 5 Atlantic red snapper, and 1 state citation for an undersized tripletail.



A Key Largo, FL EO performed a joint agency (OLE/CBP Air and Marine/FWC) at- sea patrol in the Gulf of Mexico EEZ in the Florida Keys. Officers completed 5 at sea vessel boardings. One stop resulted in CBP Air and Marine conducting an investigation for human smuggling. OLE and FWC officers assisted Air and Marine with documenting the vessel information. Air and Marine continued to watch the vessel and a vehicle on land until it left the Florida Keys.



A Miami, FL EO conducted a joint patrol with USCG Station Fort Lauderdale focusing on fishing charters, head boats and HMS permit holders. Three vessels were boarded and compliance assistance was provided on targeting HMS without a HMS permit. Captains also received education on federal permits, reporting requirements, and required gear

Compliance Assistance/Outreach/Education/Public Affairs/Media

A Cape Canaveral, FL EO took part in a meeting reference the “Paddle Project 1” which is a charity event for veterans where a kayaker will be paddling from Port Orange, FL to Miami, FL on the ICW. The EO provided education reference MMPA rules as there will be several vessels following the event where dolphins are frequently encountered.

A League City, TX SA met with USFWS RAC and established liaison contact, met with USCG Sector Houston/Galveston Investigations and Response team, and attended the Texas Law Enforcement Hiring Expo and met with approximately 10 local agencies

A St. Petersburg, FL SA conducted outreach with a local dealer who called with concerns about his IFQ landing location after being approached by a JEA partner. The SA was able to address his concerns and come up with plan for dealing with issues concerning his fleet’s safety, while in port, while also allowing access for potential after-hours law enforcement access.



A Cape Canaveral EO conducted a patrol of the Christenson’s Landing Boat Ramp and boarded two vessels. While on patrol a member of the public approached the EO and advised that while diving in Ft. Pierce near the beach he found what may be unexploded ordnance (UXO). The area he was diving is a well-known area where the Navy conducted UDT demolitions training during WW2. The EO contacted Saint Lucie County Sheriff’s Office (SLCSO) and informed them of the possible UXO. SLCSO later reported they are working with the Navy to get the UXO removed.

Administration/Other

The compliance liaison and a St Petersburg SA presented OLE related observer training to two initial classes at the SEFSC Galveston and Panama City Lab. A refresher class was also provided training at the Galveston lab. Emergency, SASH and fishery violation reporting protocols were discussed as well as conflict resolution scenarios. The class was heavily engaged and asked numerous questions on how to conduct their job safely and effectively. GCES staff were also invited and answered questions.

Overview of Summary Settlements

Listed below is a summary of the **35** Summary Settlements issued during the quarter. The most frequently observed violation types cited involved retention during closure and/or undersize possession (12) and shrimp vessel TED/BRD requirements (6). **10** violations were cited throughout the Gulf region and ranged in subject, including 3 citations for shrimp vessel TED/BRD requirements and 3 violations involving fishing in a closed area. **17** violations were cited throughout the South Atlantic region, which included 10 citations related to retention during closure and/or undersize possession. There were **7** violations in the Keys area and included 3 citations for shrimp vessel TED/BRD requirements and 2 unpermitted charter operations (open access), within the Florida Keys National Marine Sanctuary. **1** violation involving HMS permits occurred in the Caribbean region.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	\$100	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$1,200	FL KEYS
Endangered Species Act (ESA)	TED/BRD Requirements	\$500	FL KEYS
Endangered Species Act (ESA)	TED/BRD Requirements	\$500	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$1,000	FL KEYS
Highly Migratory Species	Fishing in a Closed Area; VMS Program Requirements	\$500	FL WEST
Highly Migratory Species	Possession of Prohibited Shark Fins	\$1,000	LA
Highly Migratory Species	Sale of HMS Species Without Required Permits	\$1,500	PR
Magnuson Stevens Act (MSFCMA)	Gear Requirements	\$250	GA
Magnuson Stevens Act (MSFCMA)	Undersize Possession; Fail to Maintain Fish Intact	\$825	SC
Magnuson Stevens Act (MSFCMA)	Undersize Possession	\$275	GA
Magnuson Stevens Act (MSFCMA)	Possession Limit Exceeded	\$600	GA

Magnuson Stevens Act (MSFCMA)	Retention During Closure; Undersize Possession	\$1,050	GA
Magnuson Stevens Act (MSFCMA)	Retention During Closure; Undersize Possession	\$900	FL KEYS
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Open Access Permit	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Fail to Maintain Fish Intact	\$1,450	SC
Magnuson Stevens Act (MSFCMA)	BRD Requirements	\$3,000	LA
Magnuson Stevens Act (MSFCMA)	Fishing in a Closed Area	\$2,500	TX
Magnuson Stevens Act (MSFCMA)	Fail to Maintain Fish Intact	\$275	FL EAST
Magnuson Stevens Act (MSFCMA)	Observer Program Requirements	\$2,500	FL EAST
Magnuson Stevens Act (MSFCMA)	Gear Requirements; Undersize Possession	\$250	GA
Magnuson Stevens Act (MSFCMA)	Retention During Closure; Lack of Descender Device	\$650	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure; Undersize Possession	\$875	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure; Undersize Possession	\$275	SC
Magnuson Stevens Act (MSFCMA)	Undersize Possession	\$400	FL WEST
Magnuson Stevens Act (MSFCMA)	Fishing in a Closed Area	\$575	FL WEST
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Open Access Permit	\$500	FL KEYS
Magnuson Stevens Act (MSFCMA)	Possession Limit Exceeded	\$425	AL
Magnuson Stevens Act (MSFCMA)	Observer Program Requirements	\$2,500	FL WEST
Magnuson Stevens Act (MSFCMA)	Possession Limit Exceeded	\$350	FL KEYS

Magnuson Stevens Act (MSFCMA)	Retention During Closure; Gear Requirements	\$850	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure; Undersize Possession	\$625	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure; Undersize Possession; Gear Requirements	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Open Access Permit	\$500	FL KEYS

Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **924**

Population Breakdown by (VMS) Fisheries and VMS Vendor

FISHERY	NETWORK INNOVATIONS	WOODSHOLE	SKYMATE	FARIA	Nautic Alert	MetOcean	TOTAL
HMS Pelagic Longline	8	40	15	24			87
HMS Shark		3	1	3			7
Gulf reef fish	98	319	91	120	1	96	725
Rock shrimp	4	35	9	13		5	66
Charter		23	14	2			39
TOTAL	110	420	130	162	1	101	924

Investigative Support Program staff play a vital role in ensuring compliance and provide assistance to enforcement officers and special agents. Staff received and processed **78** referrals from JEA partners. Case support to the field was provided as well, with **37** Summary Settlement Offer Expiration Notices sent and **21** case packages completed and sent to GCES for prosecution. During the quarter, over **2,022** commercial and/or 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, pre-landing notices) were detected by Investigative Support staff and referred to enforcement officers or special agents for follow-up. Additionally, staff conducted **544** 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 and other pending actions, such as permits being placed on hold by the Southeast Permits Office until a vessel meets their SEFHIER reporting requirements. Another area of focus this quarter involves North Atlantic Right Whale conservation, as **160** compliance assistance letters have been sent to stakeholders regarding right whale speed rule violations.

Observer Program Highlights

During FY Quarter 1 2021, the Southeast Division Observer Programs deployed on **160** trips for **1103** sea days. Approximately **95%** of all selected trips were completed without an observer related enforcement incident [assault/harassment (sexual and non-sexual), safety]. Observer programs reported **12** fishery violations and International Convention for the Prevention of Pollution From Ships (MARPOL) violations and **3** observer coverage refusals to OLE-SED. The Gulf of Mexico Shrimp Program deployed on 52 trips for 813 sea days, and the Gulf of Mexico Reef Fish Program deployed on 10 trips for 57 sea days. Effort for the Panama City Gillnet Program were 63 trips for 63 sea days, and the Panama City Bottom Longline Program (includes Shark Research Fishery and deep-water project) deployed on 13 trips for 42 sea days. The Panama City Reef Fish Vertical Line Program deployed on 14 trips for 38 sea days. The Pelagic Observer Program deployed on 15 trips for 124 sea days. The summary below details the type of observer related complaints received during Quarter 4 (calendar year) of 2021, for all three programs.

COMPLAINT TYPE	Galveston Reef Fish and Shrimp Programs	Panama City Shark Bottom Longline and Gillnet Programs	Pelagic Observer Program	Totals
ASSAULT				0
HARASSMENT/INTIMIDATE/IMPEDEMENT	2	1		3
SAFETY	5			5
NON-COMPLIANT FOR OBSERVER COVERAGE		2	1	3
HANDLING	1	1	1	3
GEAR			4	4
RETENTION		1		1
SPATIAL				0
MARPOL-USCG	2		2	4
TOTALS	10	5	8	23

Cases Referred For Civil and/or Criminal Prosecution

Listed below is a summary of the 8 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 6 occurring in the South Atlantic area, 1 in the Gulf area and 1 in the Florida Keys area.

LAW/REG/PROGRAM	VIOLATION	STATE
Endangered Species Act (ESA)	Illegal Take of Species	FL WEST
Endangered Species Act (ESA)	Atlantic Large Whale Take Reduction Plan (ALWTRP) Requirements	SC
Endangered Species Act (ESA)	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE
Magnuson Stevens Act (MSFCMA)	VMS Program Requirements	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention During Closed Season; Undersize Possession	FL EAST
Magnuson Stevens Act (MSFCMA)	Fishing in Closed Area	FL EAST
Magnuson Stevens Act (MSFCMA)*	Retention of HMS species Without Valid Permits	FL EAST
Marine Mammal Protection Act (MMPA)	Atlantic Large Whale Take Reduction Plan (ALWTRP) Requirements	SC

*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 October-December 2021. Nationwide results may also be found at the [enforcement charging information site](#)

1. F/V Lady Maritza – Owner Fish Mafia LLC and Operator Mike Irwin were charged jointly and severally under the Magnuson-Stevens Act with exceeding the possession limits for Gulf reef fish. A \$20,000 NOVA was issued, and the case settled for \$18,000.
2. F/V Sweet Lips – Owner Amos A. Gainey and Operator Christopher M. Hazlett were charged jointly and severally under the Magnuson-Stevens Act with possessing fish in excess of what is allowed, where the overage exceeds the catch limit by 100% or more; and fishing for and/or possessing fish inside the North Florida Marine Protected Area. A \$63,704.93 NOVA was issued.
3. Mayport C & C Fisheries, Inc. – Dealer Mayport C & C Fisheries, Inc. was charged under the Magnuson-Stevens Act with failing to comply with the restrictions on sale/purchase of South Atlantic snapper-grouper. A \$5,000.00 NOVA was issued.
4. F/V Jimmy & Andy Jr. – Owner Hong & Men VI LLC and Operator Dinh Van Vo were charged jointly and severally under the Endangered Species Act with fishing for shrimp in the Atlantic Ocean with a non-compliant Turtle Excluder Device. A \$6,250 NOVA was issued.
5. Yacht Rock It – Owner LDG Yachts Ltd. and Operator Hendrik Jacobus Geyer Jacobs were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750.
6. F/V LA5419FY– Owner/Operator Freddy J. Desmolle Sr. was charged under the Magnuson-Stevens Act with fishing for, retaining, and possessing 95 Gulf of Mexico blacktip sharks without a valid Federal Commercial shark permit. The proceeds (\$1,360) of the violation were forfeited by abandonment. An \$11,000.00 NOVA was issued.
7. F/V Pancake – Owner/Operator David Alan Stiller was charged under the Magnuson-Stevens Act with exceeding the large coastal shark trip limit, possessing separated fins at sea, possessing sandbar sharks, and possessing red drum in the EEZ. The proceeds (\$1,046) of the violation were forfeited by abandonment. A \$130,000 NOVA and a Notice of Permit Sanction for 80 days were issued.
8. F/V Cami – Owner/Operator Jorge Luis Fernandez was charged under the National Marine Sanctuaries Act with fishing for and/or possessing fish inside the Tortugas North Ecological Reserve and anchoring inside the reserve. A \$5,000 NOVA was issued, and the case settled for \$4,500.

9. M/V Summer Wind – Owner Hornblower Metro Fleet, LLC and Operator James Arnpriester 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 \$12,500.00 NOVA was issued.

10. F/V FL5832RL– Owner/Operator Andrew S. Zierk was charged under the Magnuson-Stevens Act with fishing in federal waters on a charter trip without a Gulf Migratory Pelagic Fish Federal charter/headboat permit and fishing without an Atlantic HMS Federal charter/headboat permit. A \$5,750 NOVA and a Written Warning was issued.

11. F/V Amy Marie – Owner Mark Andrew Marhefka and Operator Kody Alexander King were charged jointly and severally under the Magnuson-Stevens Act with fishing inside the Georgia Marine Protected Area. A \$6,398 NOVA was issued.

Resolved Cases Charged Before October 1, 2021 to December 31, 2021ⁱ

1. F/V Hatterascal – Owner Hatteras Yachts, Inc. and Operator Jeffrey Donahue were charged jointly and severally under the Magnuson-Stevens Act with possessing Atlantic highly migratory species in improper form and without a permit. A \$2,500 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 9, from September 2021 report.]

2. F/V Capt Scott II – Owner J&N Marine LLC and Operator Kevin Nguyen were charged jointly and severally under the Endangered Species Act for failing to comply with the Turtle Excluder Device requirements. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 29, from May–August 2021 report].

3. F/V Grouper Therapy – Owner Wholesail Ventures Inc., Permit Holder Palmer Charters Inc., and Operator Christopher H. Gercken were charged jointly and severally under the Magnuson-Stevens Act with fishing without observer coverage when the vessel was required to carry an observer. A \$5,750 NOVA was issued, and the case settled for \$3,000. [See Charged Cases, Item 36, from May–August 2021 report].

4. JDL Distribution Group – Seafood importer was charged under the Marine Mammal Protection Act with importing fish from Mexico with an unsigned Certification of Admissibility. A \$1,500 NOVA was issued, and the case settled for \$1,000. [See Charged Cases, Item 42, from May–August 2021 report].

5. F/V Longway – Owner/Operator Christopher Long was charged under the Magnuson-Stevens Act with possessing fish during a closed season, possessing undersized fish, possessing fish over the bag limit, fishing with prohibited gear, and failing to have required gear on board. A \$49,900 NOVA was issued and the case settled for \$45,050. [See Charged Cases, Item 43, from May–August 2021 report].

6. F/V Southern Drawl – Owner Michael Quain Pittman and Operator James Allen Coker were charged jointly and severally under the Magnuson-Stevens Act with landing and/or selling a 630 lb overage of Gulf greater amberjack. A \$3,697 NOVA was issued. The NOVA became a final administrative decision due to default.

7. F/V Sweet Lips – Owner Amos A. Gainey and Operator Christopher M. Hazlett were charged jointly and severally under the Magnuson-Stevens Act with possessing fish in excess of what is allowed, where the overage exceeds the catch limit by 100% or more; and fishing for and/or possessing fish inside the North Florida Marine Protected Area. A \$63,704.93 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 6, from October 2021 report.]

8. Mayport C & C Fisheries, Inc. – Dealer Mayport C & C Fisheries, Inc. was charged under the Magnuson-Stevens Act with failing to comply with the restrictions on sale/purchase of South Atlantic snapper-grouper. A \$5,000.00 NOVA was issued, and the case settled for \$4,500. [See Charged Cases, Item 7, from October 2021 report.]

9. F/V Jimmy & Andy Jr. – Owner Hong & Men VI LLC and Operator Dinh Van Vo were charged jointly and severally under the Endangered Species Act with fishing for shrimp in the Atlantic Ocean with a non-compliant Turtle Excluder Device. A \$6,250 NOVA was issued. The case against the Operator settled for \$4,687.50. The remainder of the assessed penalty (\$1,562.50) became a final administrative decision against the owner due to default. [See Charged Cases, Item 8, from October 2021 report.]

10. C/V Salamina 1 – Owner Baupres Shipping, LDA was charged under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 11, from September 2021 report.]

11. F/V Martha – Owner/Operator Enmanuel Rodriguez-Vento was charged under the National Marine Sanctuaries Act with fishing and anchoring in the Tortugas Ecological Reserve in the Florida Keys National Marine Sanctuary. The proceeds (\$2,672.50) of the violation were forfeited by abandonment. A \$5,000 NOVA was issued, and the case settled for \$4,500.

ⁱAll cases in this portion of the report were previously charged.