



**NOAA FISHERIES**

Tab R, No. 2

# **Fiscal Year Quarter 2 2019 Fishery Management Council Report**

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

**January 1, 2019 – March 31, 2019**



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

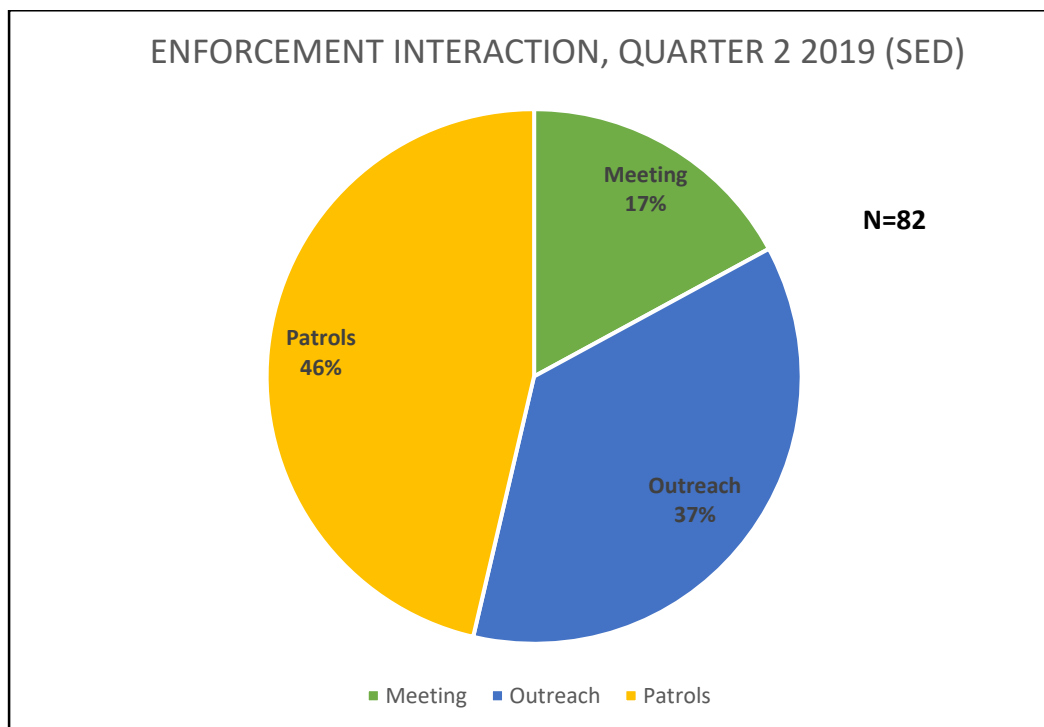
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# Enforcement and Compliance

## Summary

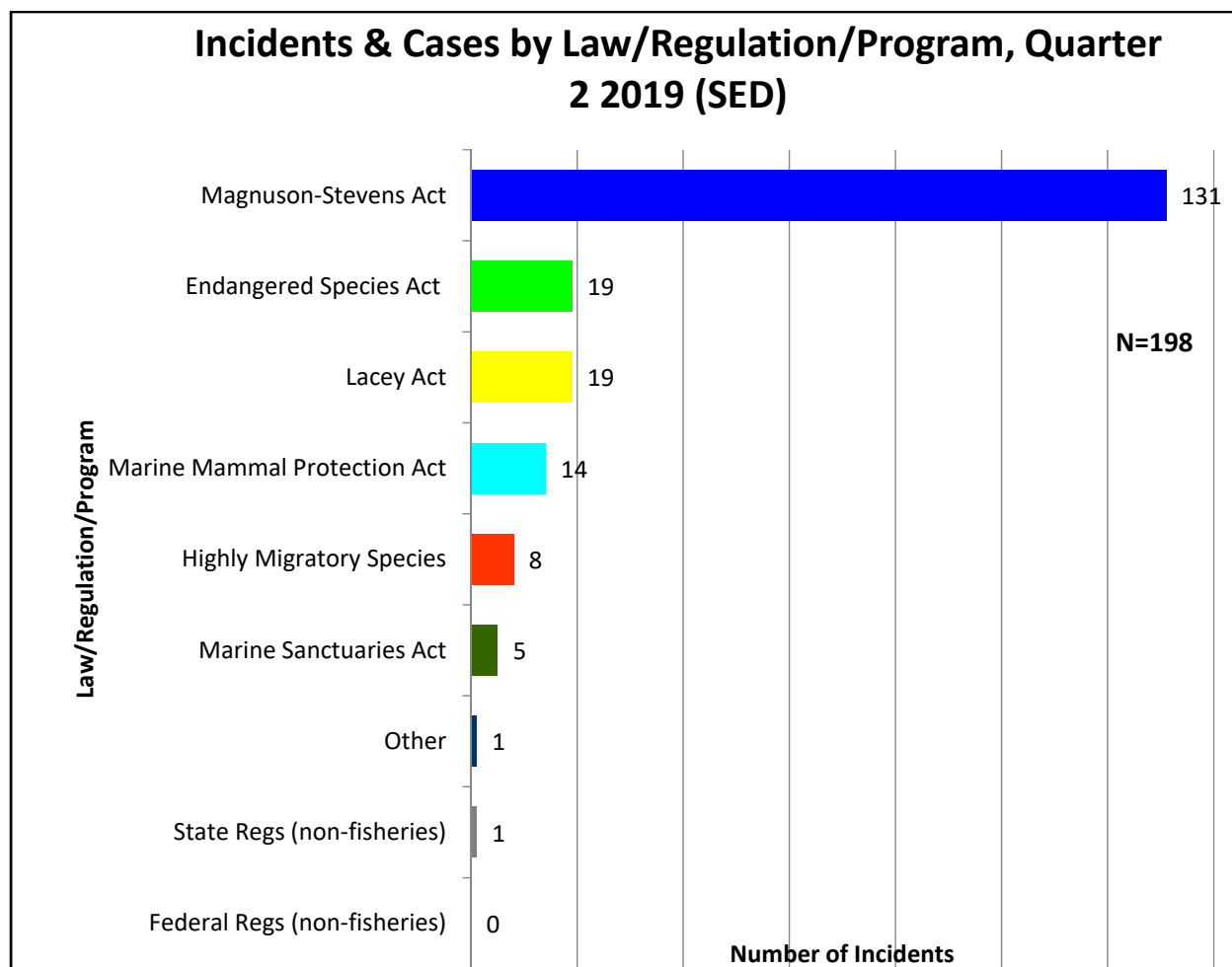
Data represent National Oceanic and Atmospheric Administration Fisheries Office of Law Enforcement (NOAA OLE) Southeast Division's (SED) enforcement effort conducted throughout FY Quarter 2 2019, **January 1, 2019- March 31, 2019**. When appropriate, information is separated by council, South Atlantic Fishery Management Council (SAFMC), Gulf of Mexico Fishery Management Council (GMFMC) and Caribbean Fishery Management Council (CFMC). There were **38** 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 **14** 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 **194** incidents in the SED, which included 198 incident violation counts- **76** incident violation counts in the SAFMC area, **139** incident violation counts in the GMFMC area and **1** incident violation count in the CFMC<sup>1</sup>.

## Summary of Incidents by Law/Regulation/Program and State; Quarter 2 2019

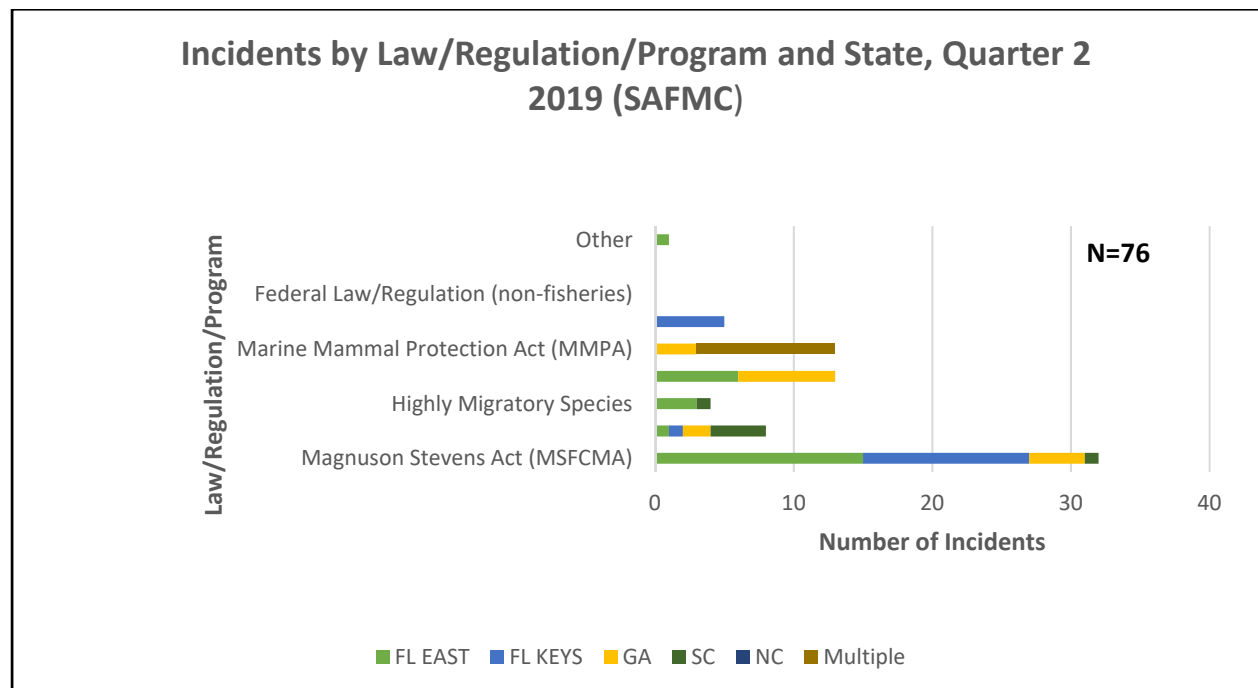


<sup>1</sup> Incident violations occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total incident violation counts greater than incidents due to multiple counts

## South Atlantic Fishery Management Council Summary

### Number of Incidents by Law/Regulation/Program and State; Quarter 2 2019 (SAFMC)

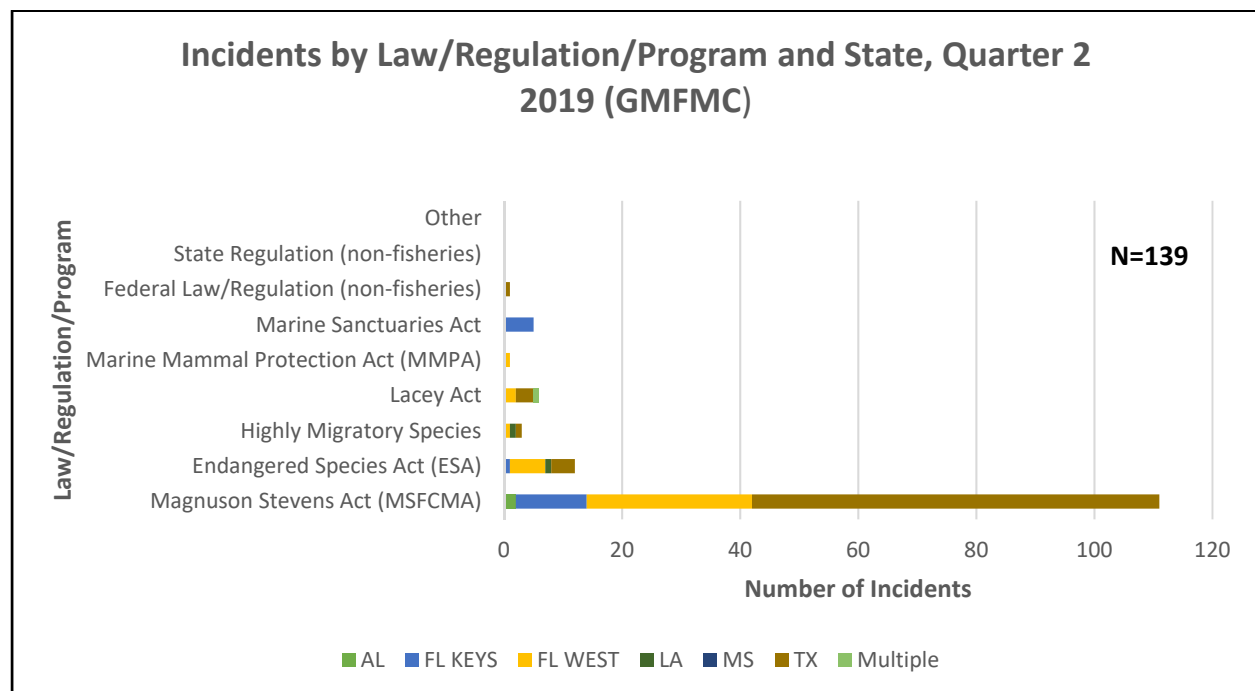
Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Multiple	Total
Magnuson Stevens Act (MSFCMA)	15	12	4	1			32
Endangered Species Act (ESA)	1	1	2	4			8
Highly Migratory Species	3			1			4
Lacey Act	6		7				13
Marine Mammal Protection Act (MMPA)			3			10	13
Marine Sanctuaries Act		5					5
Federal Law/Regulation (non-fisheries)							0
State Regulation (non-fisheries)							0
Other	1						1
<b>TOTAL</b>	<b>26</b>	<b>18</b>	<b>16</b>	<b>6</b>	<b>0</b>	<b>10</b>	<b>76</b>



## Gulf of Mexico Fishery Management Council Summary

### Number of Incidents by Law/Regulation/Program and State; Quarter 2 2019 (GMFMC)

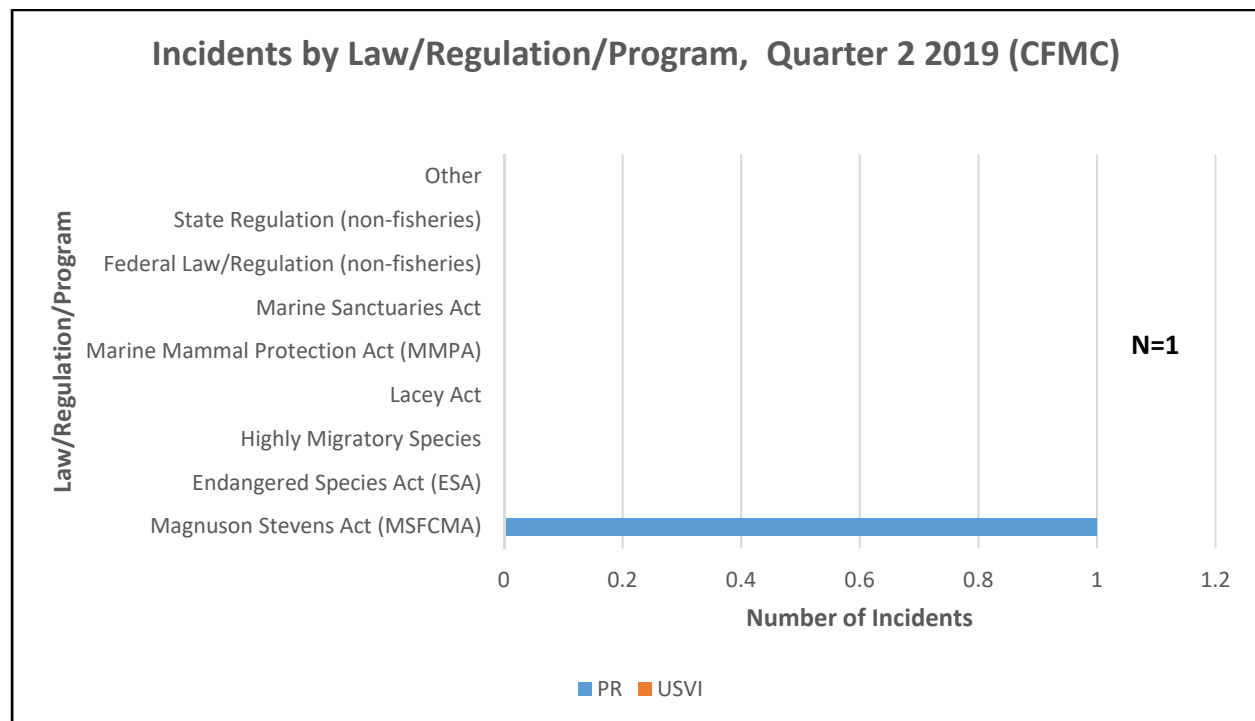
Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Multiple	Total
Magnuson Stevens Act (MSFCMA)	2	12	28			69		111
Endangered Species Act (ESA)		1	6	1		4		12
Highly Migratory Species			1	1		1		3
Lacey Act			2			3	1	6
Marine Mammal Protection Act (MMPA)			1					1
Marine Sanctuaries Act		5						5
Federal Law/Regulation (non-fisheries)						1		1
State Regulation (non-fisheries)								0
Other								0
<b>TOTAL</b>	<b>2</b>	<b>18</b>	<b>38</b>	<b>2</b>	<b>0</b>	<b>78</b>	<b>1</b>	<b>139</b>



## Caribbean Fishery Management Council Summary

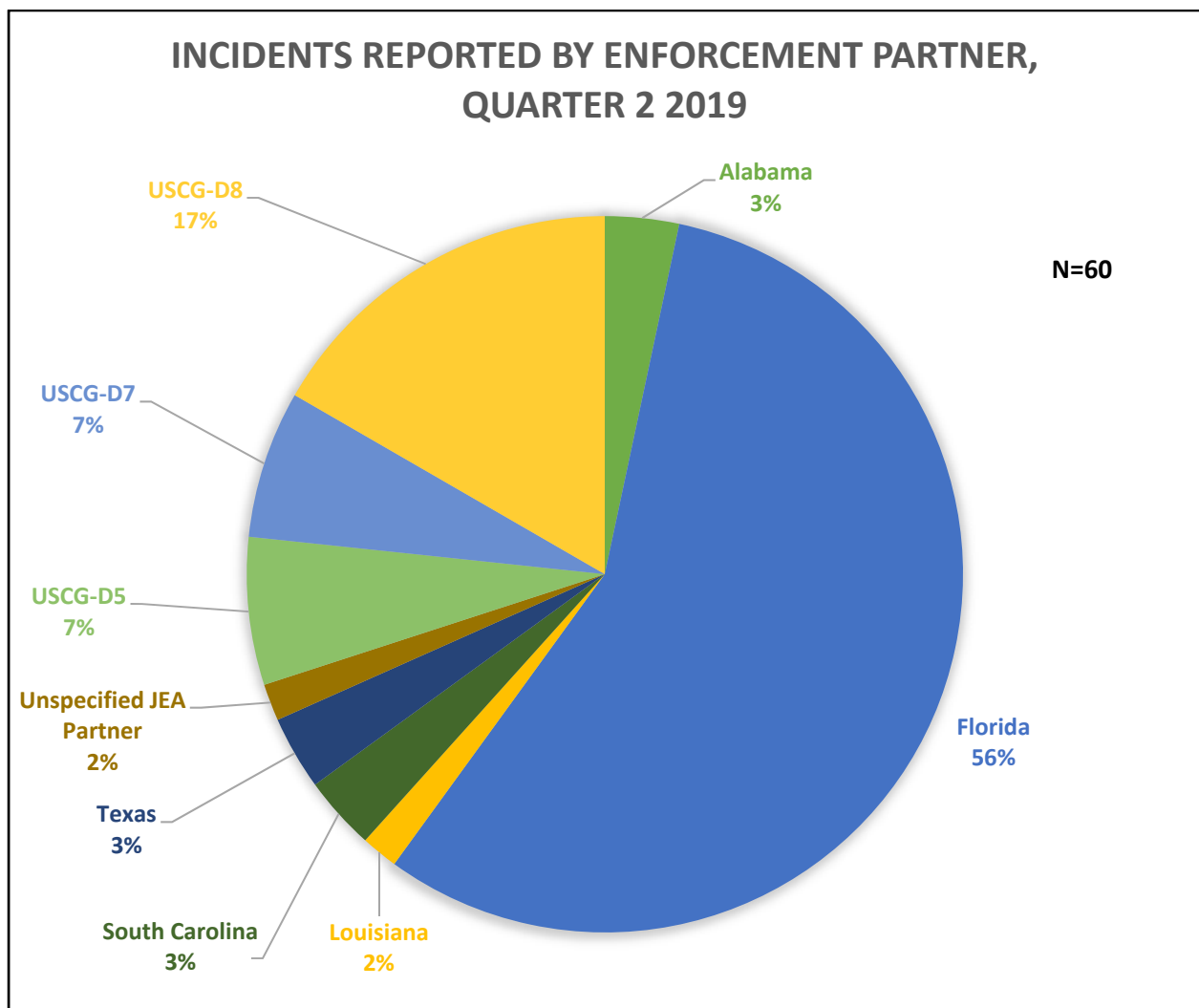
### Number of Incidents by Law/Regulation/Program and State; Quarter 2 2019 (CFMC)

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
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>1</b>



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

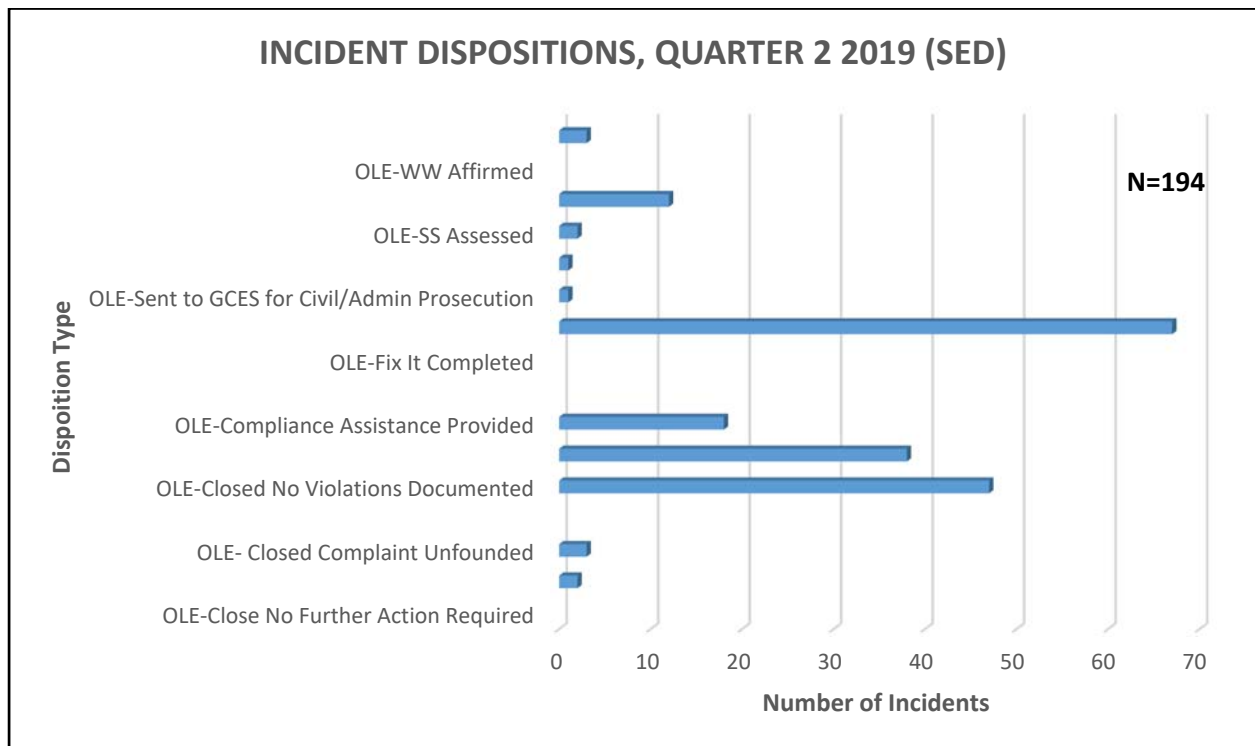
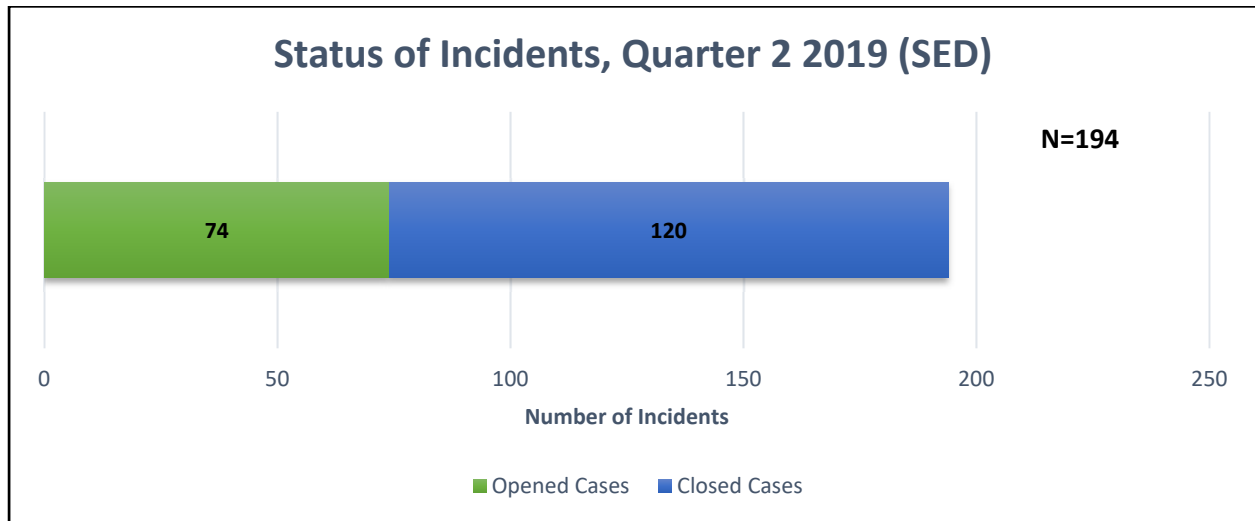
Throughout Quarter 2 2019, there were **60** incidents referred to NOAA OLE through Joint Enforcement Agreement (JEA) and United States Coast Guard (USCG) partners. Below is a summary showing the distribution of incidents initiated by partner.





# Caseload Snapshot

Below is a breakdown of the initiated incidents (**194**) throughout the quarter, by status and disposition. Total includes cases referred to by enforcement partners.



# Enforcement Highlights

## **Lacey Act**

An Enforcement Officer (EO) with NOAA OLE and a Louisiana Department of Wildlife and Fisheries agent investigated allegations that several oyster dealers and an oyster harvester were illegally harvesting oysters in Louisiana state waters and transported them across the state line into Mississippi. Based on the evidence the team collected and interviews conducted it was determined the case was better prosecuted by the individual states. The Louisiana oyster harvester received four Louisiana state citations and the Mississippi resident received six Mississippi citations all in regards to illegal take of oysters, illegal transporting, and illegal sale of oysters.

## **Highly Migratory Species Act**

A NOAA OLE Special Agent (SA) investigated a complaint provided by the Florida Fish and Wildlife Commission (FWCC) Division of Law Enforcement regarding a charter vessel bringing aboard a large scalloped hammerhead shark prior to its release. It is a violation of the Highly Migratory Species (HMS) regulations which states that any HMS that is not intended to be landed, must be released without being removed from the water. Upon further investigation, it was revealed the charter vessel did not possess a current HMS Charter permit during the harvest and subsequently renewed it online six days after the harvest. The event was posted on social media by one of the passengers, who happened to be a professional athlete, which prompted media attention to the allegation. Ultimately, the investigation by NOAA OLE and FWCC resulted in federal civil charges against the captain of the vessel under the Magnuson-Stevens Act for fishing for sharks without the proper permit and for failure to release a shark in the manner that will ensure maximum probability of survival. A \$2,000 Notice of Violation and Assessment was issued.

## **Illegal Unregulated Unreported Seafood Port Operations**

NOAA OLE enforcement personnel conducted several Illegal Unregulated Unreported (IUU) port operations during the quarter in conjunction with federal and state partners. For example, NOAA SAs participated in a multi-agency operation targeting imported seafood through Port Everglades, FL. The agencies included Customs and Border Protection (CBP), Food and Drug Administration (FDA), United States Fish and Wildlife Service (USFWS), FWCC, United States Department of Agriculture and Alcohol and Tobacco Tax and Trade Bureau. The team detained multiple cargo ships from Central and South American Countries for examination.



A NOAA EO conducted an operations at the port of Savannah with CBP, USFWS, and Georgia Department of Natural Resources (GADNR) during which a GADNR K-9 was used to search a shipment of antiques from a container that was set aside for examination. An animal skin chair was located by the GADNR K-9, Chase. Two antiques that contained mother of pearl were located in the pallet on which the K-9 had alerted. USFWS is holding the container until the importer gets a permit and files a declaration concerning the mother of pearl.



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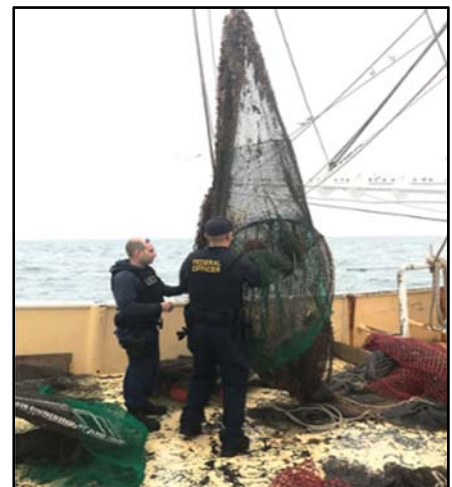
NOAA SA, USFWS SA and Wildlife Inspector, and FWCC Officers visited various import/export facilities in the Jacksonville area. No violations under NOAA jurisdiction were identified. The team also visited the CBP and met with the Port Director to discuss an upcoming USFWS operation at various ports of entry.

NOAA OLE enforcement personnel conducted an IUU Operation in Galveston with Texas Parks & Wildlife Department (TPWD), CBP, USFWS, and FDA to target imports of marine species and

products presented for entry into the United States from Mexico. NOAA OLE and TPWD examined eight seafood trucks and one truck full of live frogs (TPWD inspection) over the 3 day operation. No federal seafood violations were found. However, TPWD issued one citation to a truck with eight undersized red snapper. There were several minor violations of not having the proper required paperwork onboard as required by TPWD that were rectified either on site or shortly thereafter.

### **Magnuson-Stevens/Endangered Species Acts**

NOAA OLE took advantage of the capabilities of one of the SED's new 36' Metal Shark to conduct joint agency turtle excluder device and reef fish patrols.



# Overview of Summary Settlements

Listed below is a summary of the **48** Summary Settlements issued during the quarter.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD requirements	\$500	GA
Endangered Species Act (ESA)	Atlantic Large Whale Take Reduction Plan violations	\$500	GA
Endangered Species Act (ESA)	TED/BRD requirements	\$100	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$300	AL
Magnuson Stevens Act (MSFCMA)	Fail to maintain fish intact; Retention during closure	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Fail to maintain fish intact; Retention during closure; Prohibited gear use	\$850	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$275	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$625	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$650	FL EAST
Magnuson Stevens Act (MSFCMA)	Charter vessel/headboat activity without valid permit	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$950	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$900	FL EAST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$275	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$300	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)	Fail to maintain fish intact; Retention during closure	\$800	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$825	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$325	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$400	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$350	FL WEST
Magnuson Stevens Act (MSFCMA)	Fail to maintain fish intact; Possess undersize fish; Bag limit exceeded	\$275	GA
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$550	LA
Magnuson Stevens Act (MSFCMA)	TED/BRD requirements; Retention during closure	\$650	LA
Magnuson Stevens Act (MSFCMA)	Fail to maintain fish intact	\$350	SC
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$325	SC
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,000	TX
Magnuson Stevens Act (MSFCMA)	Engage in activity without valid permit	\$750	TX
Magnuson Stevens Act (MSFCMA)	TED/BRD requirements; Retention during closure; Fail to maintain fish intact	\$700	TX
Magnuson Stevens Act (MSFCMA)	TED/BRD requirements	\$100	TX
Magnuson Stevens Act (MSFCMA)	TED/BRD requirements; Retention during closure	\$600	TX
Magnuson Stevens Act (MSFCMA)	Charter vessel/headboat activity without valid permit	\$500	KEYS
Magnuson Stevens Act (MSFCMA)	Fail to maintain fish intact; Retention during closure	\$900	KEYS
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Activity within a sanctuary	\$300	KEYS



Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$275	KEYS
Marine Mammal Protection Act (MMPA)	Atlantic Large Whale Take Reduction Plan violations	\$500	GA
Marine Sanctuaries Act	Anchoring in sanctuary; Possess undersize fish	\$325	KEYS
Marine Sanctuaries Act	Anchoring and fishing activity within a reserve	\$1,500	KEYS
Marine Sanctuaries Act	Fishing activity within reserve	\$600	KEYS
Marine Sanctuaries Act	Possess undersize fish; Activity within a sanctuary	\$300	KEYS
Marine Sanctuaries Act	Activity within a sanctuary	\$300	KEYS

# Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **1,089**

Population Breakdown by (VMS) Fisheries and VMS Vendor:

Fisheries	NETWORK INNOVATIONS	WOODSHOLE	SKYMATE	FARIA	MCMURDO	TOTAL
HMS Pelagic Longline	18	42	13	27	4	<b>104</b>
HMS Shark		5	1	3		<b>9</b>
Gulf reef fish	227	312	56	132	170	<b>897</b>
Rock shrimp	16	14	5	14	27	<b>76</b>
Charter& Gulf reef fish		1				<b>1</b>
Charter South Atlantic		1				<b>1</b>
Charter				1		<b>1</b>
<b>TOTAL</b>	<b>261</b>	<b>375</b>	<b>75</b>	<b>177</b>	<b>201</b>	<b>1089</b>

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 **56** calls with the industry relating to compliance during the quarter.

## Significant Investigative Support Updates

Multiple Investigative Support staff attended various trainings and meetings throughout the quarter, in order to aid in OLE's mission. Yearly Divisional training was held in St Petersburg, FL and staff presented information to sworn staff. Staff also attended public council meetings and conducted observer trainings, providing VMS and enforcement related questions to industry and public constituents. Changes in handling incoming cases were developed as well, to aid in a more robust accountability and tracking of cases submitted by Joint Enforcement Agreement Partners.



## Observer Program Highlights

During FY Quarter 2 2019; the observer programs deployed on **41** trips for **418** sea days. Approximately **98%** of all selected trips were completed without an observer related enforcement incident (assault/harassment, safety). Observer programs reported **15** 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 12 trips for 200 sea days, and the Gulf of Mexico Reef Fish Program deployed on 10 trips for 49 sea days. Effort for the Panama City Gillnet Program was 1 trip for 2 sea days, and the Panama City Bottom Longline Program (includes Shark Research Fishery) deployed on 2 trips for 4 sea days. The Panama City Reef Fish Vertical Line Program deployed on 2 trips for 7 sea days. The Pelagic Observer Program deployed on 14 trips for 156 sea days. The summary below details the type of observer related complaints received during Quarter 1 (calendar year) of 2019, for all 3 programs.

COMPLAINT TYPE	Galveston Reef Fish and Shrimp Programs	Panama City Shark Bottom Longline, Vertical Line and Gillnet Programs	Pelagic Observer Program
ASSAULT			
HARASSMENT/INTIMIDATE	1		
SAFETY			
NON-COMPLIANT FOR OBSERVER COVERAGE			1
HANDLING	1		7
GEAR			
RETENTION			
SPATIAL			2
MARPOL-USCG	2		2
<b>TOTALS</b>	<b>4</b>	<b>0</b>	<b>12</b>

# Cases Referred to NOAA General Counsel Enforcement Section (GCES)

Listed below is a summary of the **13** cases forwarded to GCES for this quarter.

LAW/REG/PROGRAM	VIOLATION	STATE
Endangered Species Act (ESA)	TED/BRD requirements	FL EAST
Endangered Species Act (ESA)	TED/BRD requirements	FL WEST
Endangered Species Act (ESA)	TED/BRD requirements; Retention during closure; Fail to maintain shark in proper form	MS
Endangered Species Act (ESA)	Speed restrictions exceeded	MULTIPLE
Endangered Species Act (ESA)	Speed restrictions exceeded	MULTIPLE
Highly Migratory Species	Exceed commercial retention for shark	GA
Highly Migratory Species	Fail to maintain naturally attached shark fins	GA
Magnuson Stevens Act (MSFCMA)	Engage in Activity without valid permit	KEYS
Magnuson Stevens Act (MSFCMA)	Observer Harassment/Assault	NC
Magnuson Stevens Act (MSFCMA)	Fail to comply with limitations on traps/pots; Fail to maintain vessel and gear identification	SC
Magnuson Stevens Act (MSFCMA)	Possess HMS species without valid permit; Bag limit exceeded; Retention during closure	SC
Magnuson Stevens Act (MSFCMA)	Fail to maintain fish intact; Use of Gulf reef fish as bait; Fish/possess HMS species without valid permit	TX
Marine Mammal Protection Act (MMPA)	Feeding marine mammals	FL WEST