



NOAA FISHERIES

Tab R, No. 2

Fiscal Year Quarter 4 2019 Fishery Management Council Report

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

July 1, 2019 – September 30, 2019



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

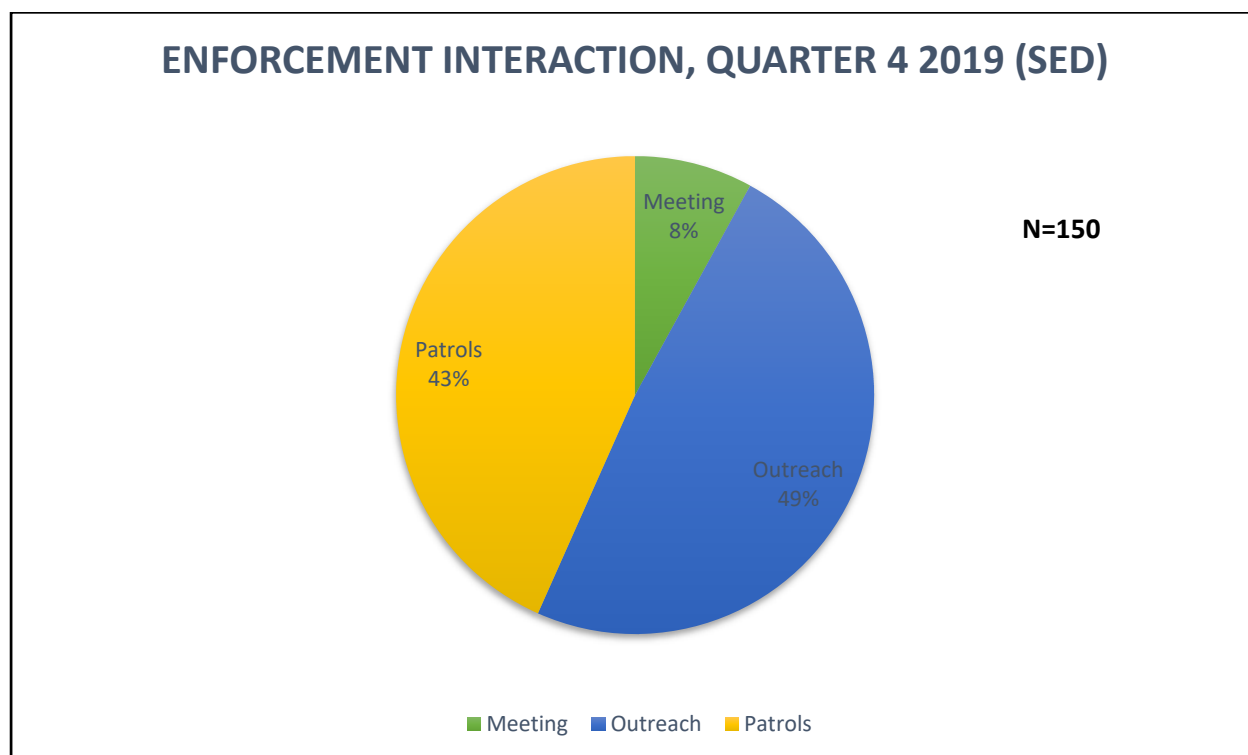
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Enforcement and Compliance

Summary

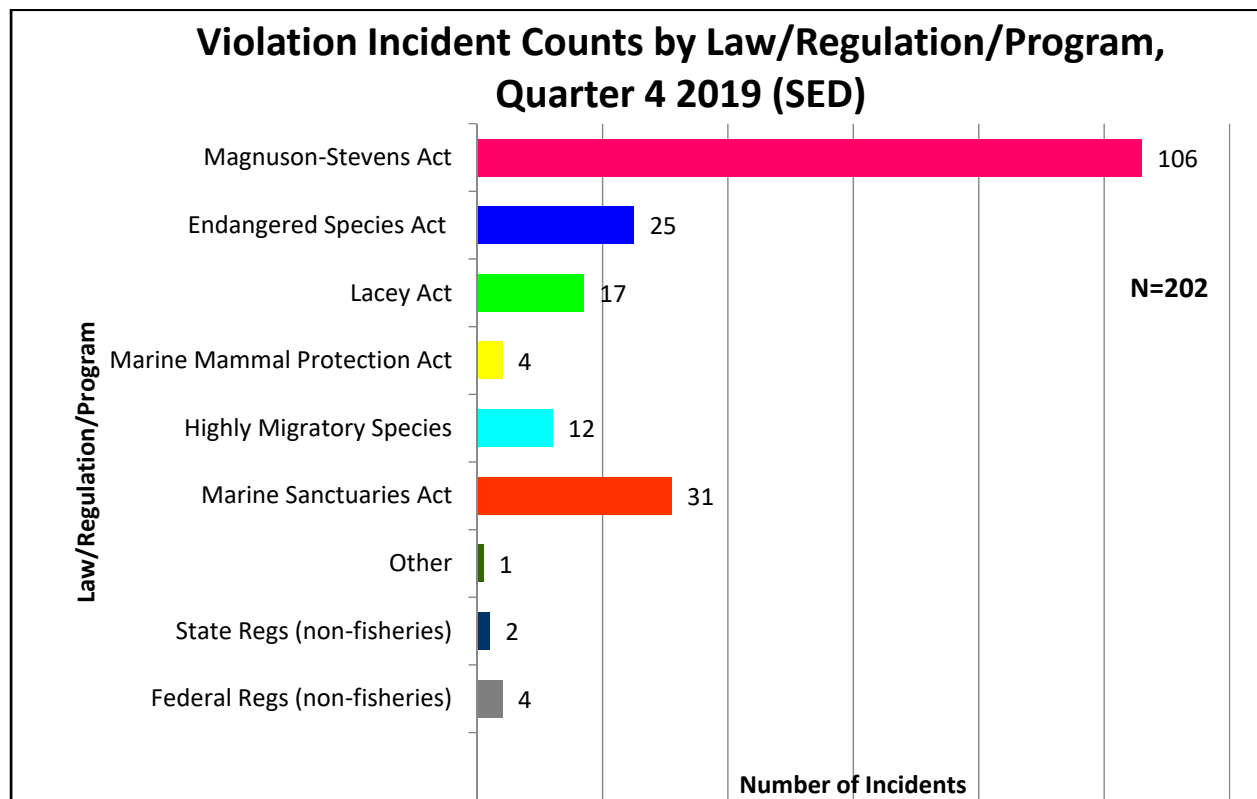
Data represent National Oceanic and Atmospheric Administration Fisheries Office of Law Enforcement (NOAA OLE) Southeast Division's (SED) enforcement effort conducted throughout FY Quarter 4 2019, **July 1, 2019- September 30, 2019**. When appropriate, information is separated by council, South Atlantic Fishery Management Council (SAFMC), Gulf of Mexico Fishery Management Council (GMFMC) and Caribbean Fishery Management Council (CFMC). There were **65** documented patrols, allowing critical face-to-face interaction between our field staff and the industry; **73** documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and **12** 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 fourth quarter, NOAA OLE opened **198** incidents in the SED, which included 202 incident violation counts- **116** incident violation counts in the SAFMC area, **132** 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 4 2019

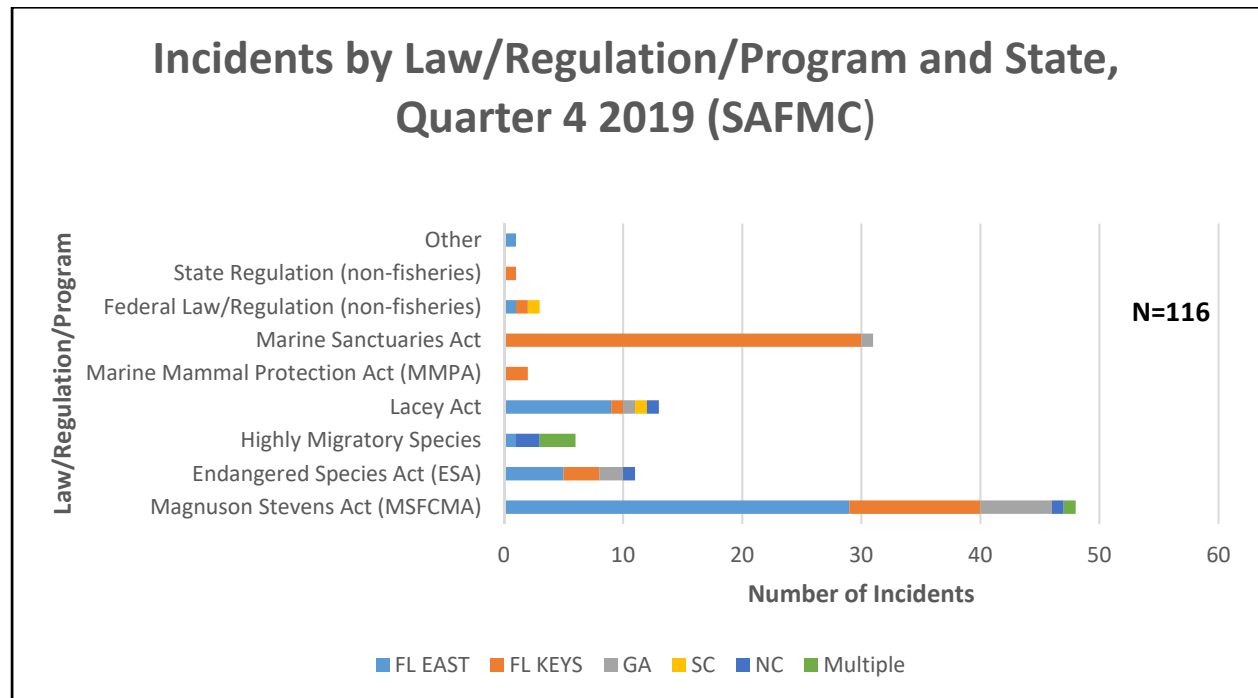


¹ Incident violations occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total incident violation counts greater than incidents due to multiple counts charged for individual

South Atlantic Fishery Management Council Summary

Number of Incidents by Law/Regulation/Program and Location; Quarter 4 2019 (SAFMC)

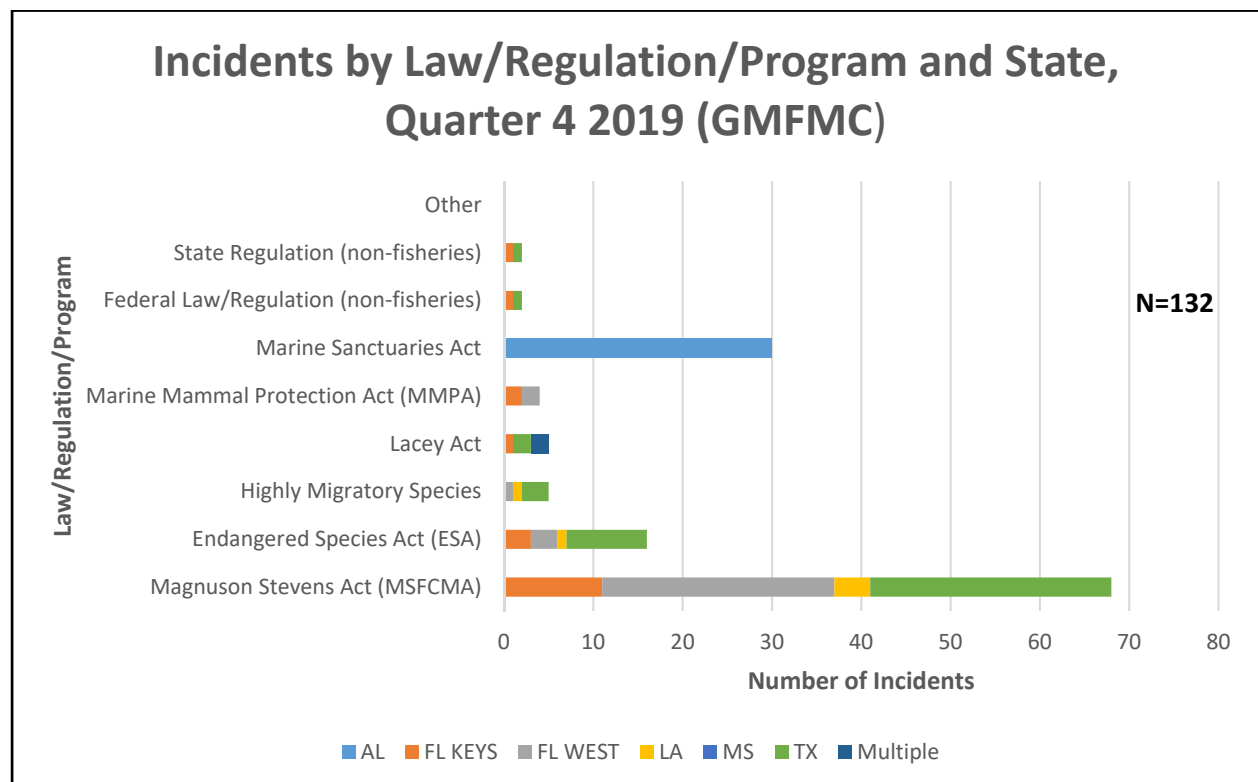
Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Multiple	Total
Magnuson Stevens Act (MSFCMA)	29	11	6		1	1	48
Endangered Species Act (ESA)	5	3	2		1		11
Highly Migratory Species	1				2	3	6
Lacey Act	9	1	1	1	1		13
Marine Mammal Protection Act (MMPA)		2					2
Marine Sanctuaries Act		30	1				31
Federal Law/Regulation (non-fisheries)	1	1		1			3
State Regulation (non-fisheries)		1					1
Other	1						1
TOTAL	46	49	10	2	5	4	116



Gulf of Mexico Fishery Management Council Summary

Number of Incidents by Law/Regulation/Program and Location; Quarter 4 2019 (GMFMC)

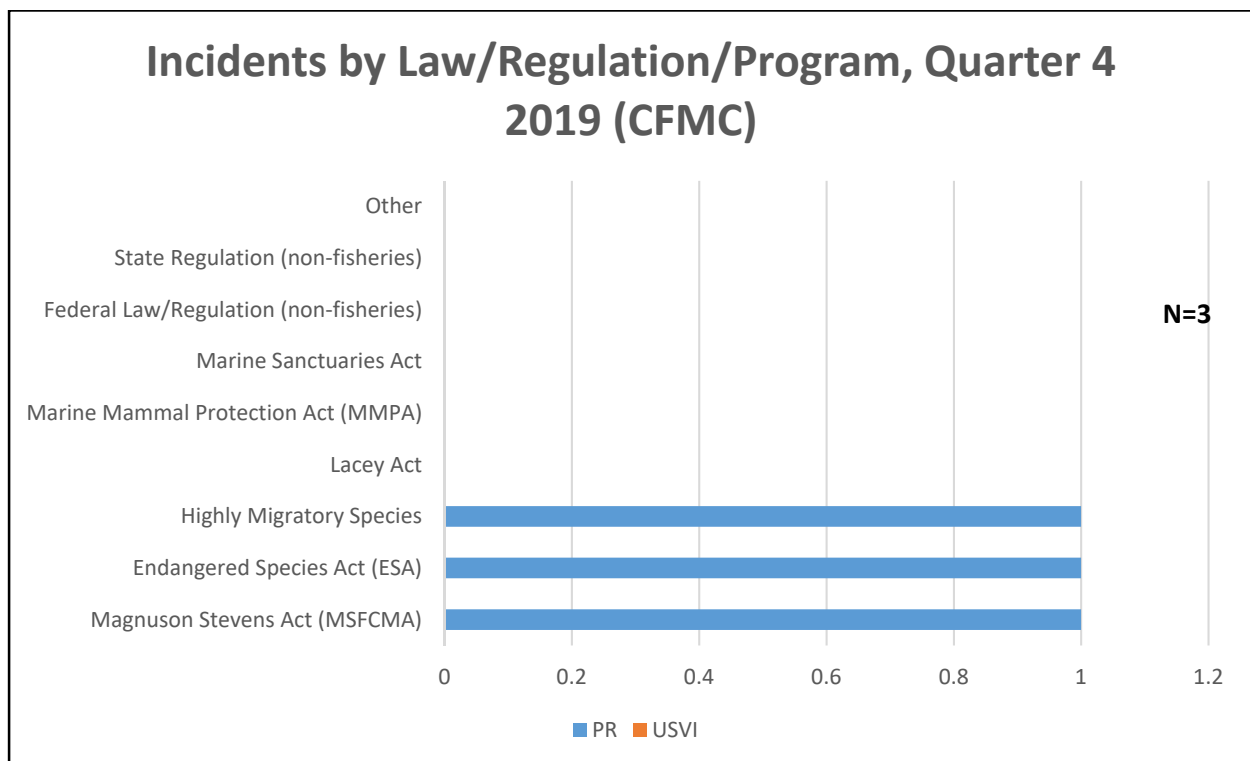
Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Multiple	Total
Magnuson Stevens Act (MSFCMA)		11	26	4		27		68
Endangered Species Act (ESA)		3	3	1		9		16
Highly Migratory Species			1	1		3		5
Lacey Act		1				2	2	5
Marine Mammal Protection Act (MMPA)		2	2					4
Marine Sanctuaries Act	30							30
Federal Law/Regulation (non-fisheries)		1				1		2
State Regulation (non-fisheries)		1				1		2
Other								0
TOTAL	30	19	32	6	0	43	2	132



Caribbean Fishery Management Council Summary

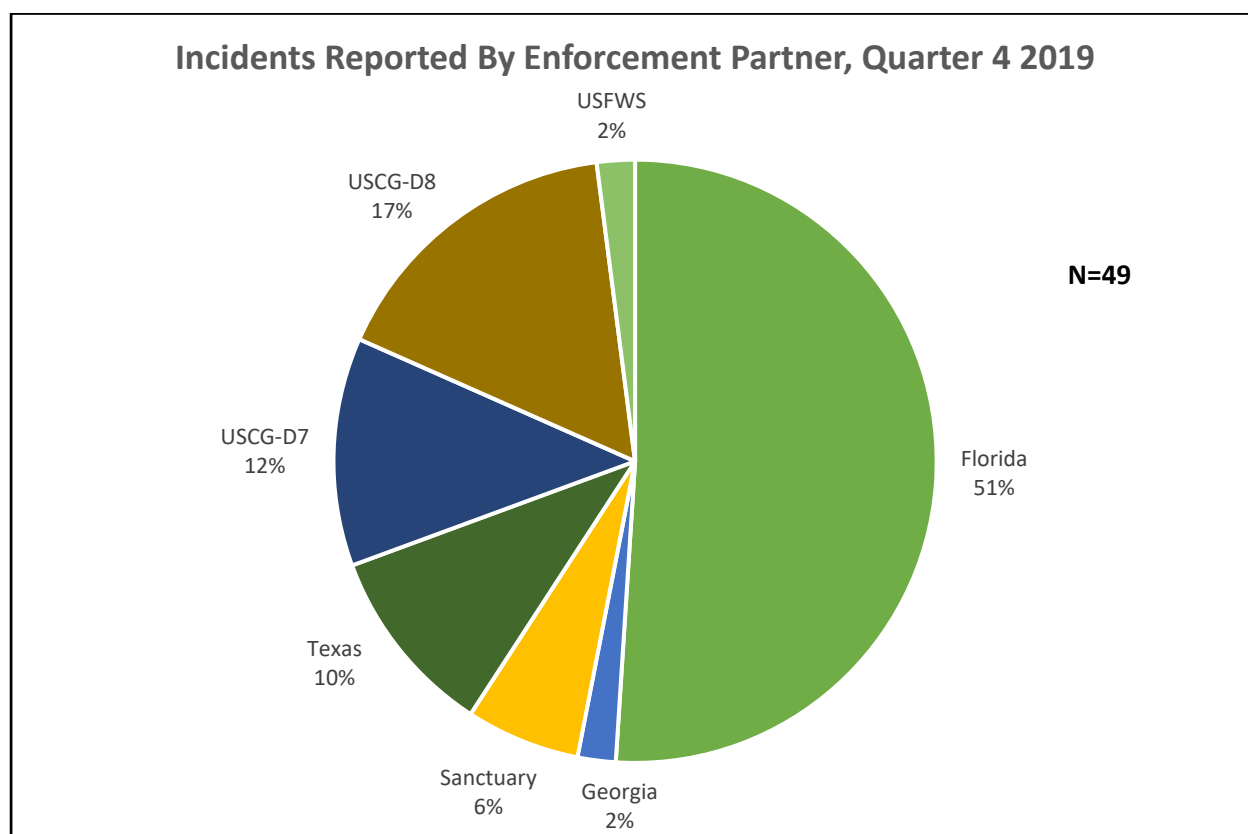
Number of Incidents by Law/Regulation/Program and Location; Quarter 4 2019 (CFMC)

Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act (MSFCMA)	1		1
Endangered Species Act (ESA)	1		1
Highly Migratory Species	1		1
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	3	0	3

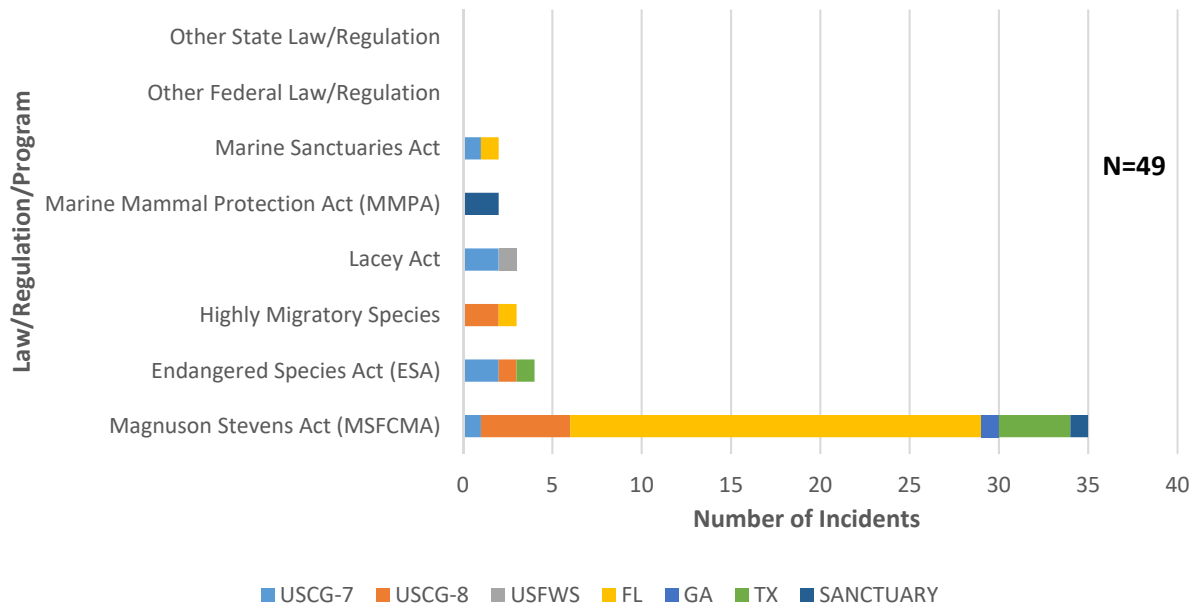


Summary of Incidents By Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 4 2019, there were **49** 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.



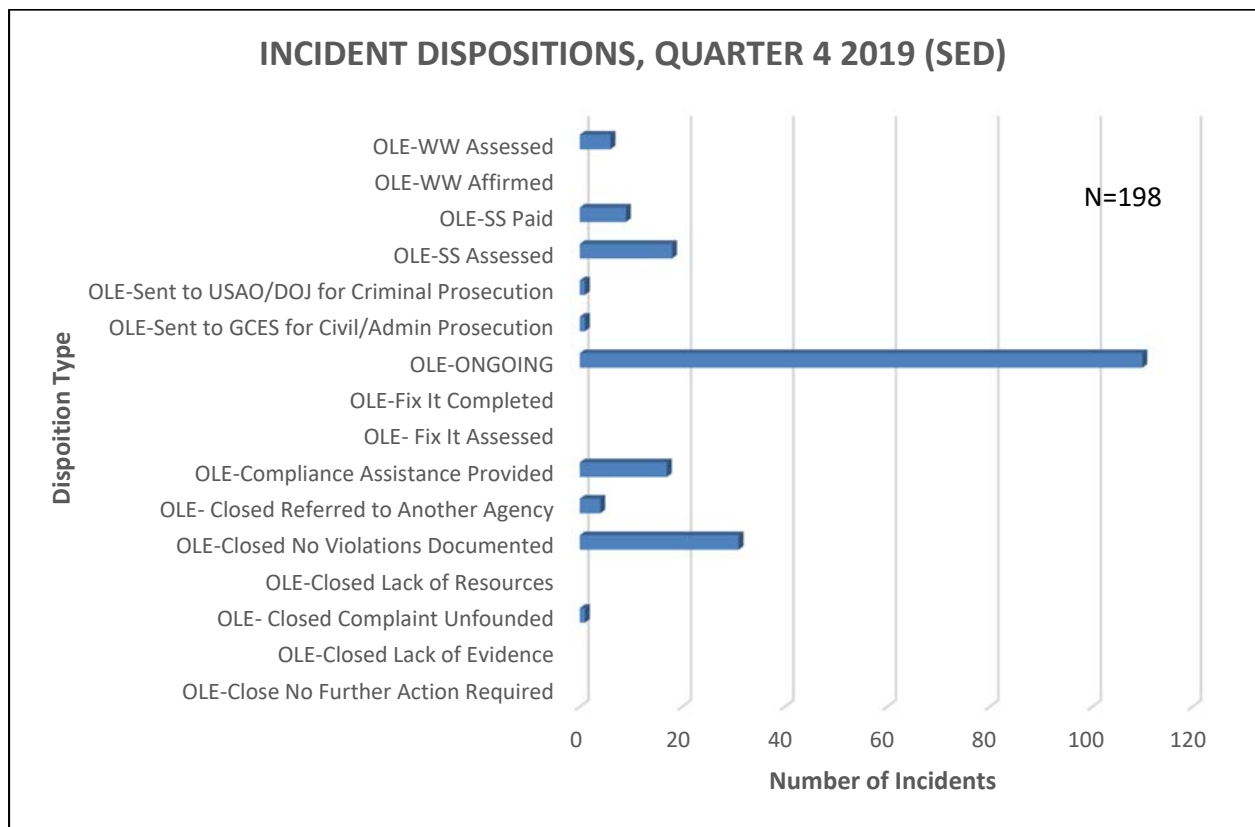
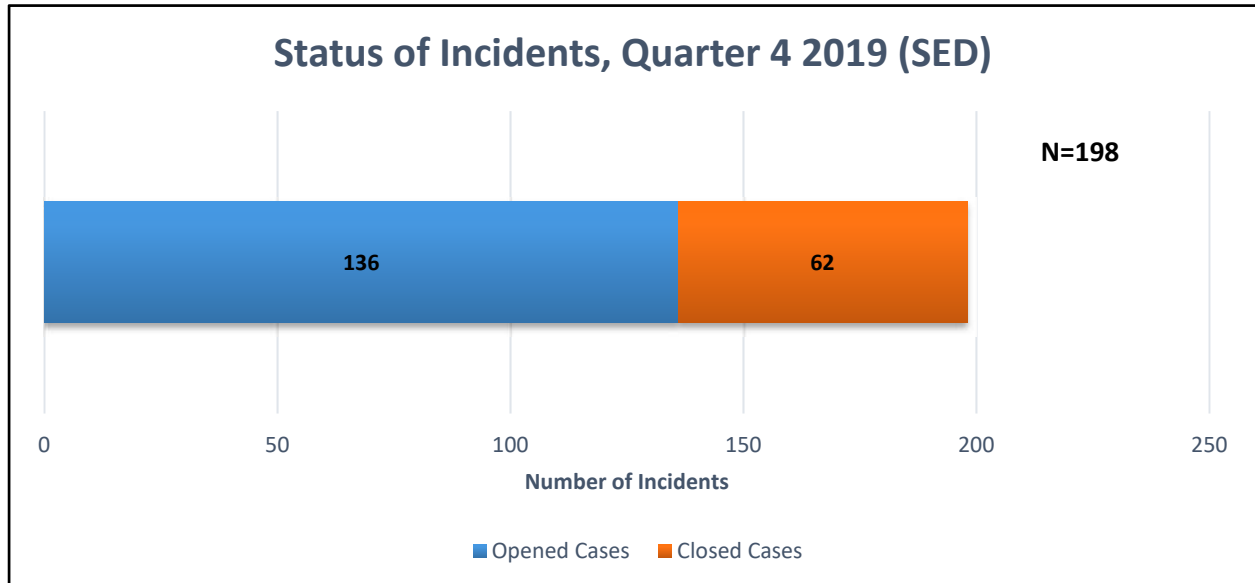
Referred Incidents by Enforcement Partner, by Law/Regulation/Program; Quarter 4 2019



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



Enforcement Highlights

Highly Migratory Species Act

NOAA OLE Special Agents (SAs) from San Juan, PR and Sunrise, FL visited a federally permitted HMS dealer in San Juan, for compliance assistance. The dealer had the wrong address and information on file. The SAs have been monitoring the pelagic longline vessel that fished in the Exclusive Economic Zone (EEZ) off Puerto Rico, made a port of call in the British Virgin Islands, then returned to San Juan.

Illegal Unregulated Unreported Seafood Port Operations and Port State Measures

An SA from Corpus Christi, TX assisted Texas Parks and Wildlife Department (TPWD) wardens with tuna import at the Pharr Point of Entry destined for Chicago. The SA verified international trade permit, tuna tracking, and Seafood Import Monitoring Program requirements.

SAs from Jacksonville, FL delivered three summary settlements and written warnings to a pelagic longline fleet owner for historical violations by the fleet of using longline to harvest fish in the Bahamian EEZ, failure to file bluefin tuna reports, failure to file trip declarations, and failure to file pre-landing notices.

A NOAA OLE Enforcement Officer (EO) from Savannah, GA conducted examinations of 11 shipping containers at the Port of Savannah with Customs and Border Patrol (CBP) and United States Fish and Wildlife Service (USFWS). No fish or wildlife was located in any of the containers.

An SA from Miami, FL participated in a 2 day multi-agency operation at the Cargo Clearance Center at the Miami International Airport with a USFWS Special Agent and CBP's Antiterrorism and Contraband Enforcement Team, targeting inbound seafood from various countries. They examined multiple shipments ranging from tuna, mahi, various snapper and grouper species, as well as various foreign species of fish. The imports originated from Surinam, Guyana, Costa Rica, Panama, Spain and Mexico. No violations were found. This operation helped to foster a close working relationship with those who are out on the tarmac monitoring cargo offloads.

Marine Mammal Protection Act

An SA from Charleston, SC conducted detailed analysis of information which documented alleged violations of speed restrictions along the East Coast of the U.S. As a result of the analysis, the SA opened 11 investigations into the actions of vessel operators, specifically involving over 300 alleged violations.

An SA from Slidell, LA responded to a complaint from Protective Resources Division regarding the feeding of a Dolphin from a vessel. The agent located the subject and provided Compliance Assistance. The subject agreed to remove the video showing the Dolphin feeding from Facebook.

An SA from St. Petersburg, FL conducted an investigation involving an individual who was observed feeding a dolphin in the Boca Grande, FL area. The SA issued a \$1,000 summary settlement offer to the subject.

An SA from Charleston, SC was informed by a NOAA Office of General Counsel (GCES) attorney that a \$15,000 Notice of Violation and Assessment (NOVA) was issued to the owner of a vessel which was used to commit multiple violations of the MMPA and ESA, specifically involving regulations enacted to protect critically-endangered North Atlantic Right Whales.

Sanctuary

Supervisory Enforcement Officers (SEOs), SAs and EOs conducted a Florida Keys National Marine Sanctuary Spiny Lobster “Mini-Season” patrol operation in the FL Keys. The patrol, from July 18 through July 30 focused on enforcing the National Marine Sanctuary Act regulations from Key Largo to the Dry Tortugas. Four boat crews conducted 322 hours of vessel patrol, boarded 246 vessels, contacted 906 people and documented 102 violations.



An EO from Savannah, GA, conducted a patrol with Georgia Department of Natural Resources (GADNR) and a NOAA Corps Officer, to assist for a vessel that capsized inside Gray's Reef National Marine Sanctuary (GRNMS). Four anglers

were rescued by USCG helicopter after they climbed onto the GRNMS weather buoy as their vessel took on water and later capsized. The patrol and investigation was due to possible damage to the buoy and the vessel potentially sinking inside the sanctuary. The vessel could not be located.

An EO from Galveston TX, assisted USCG on a patrol out of Freeport, TX. The joint patrol boarded three recreational vessels, which all had violations. As a result of the assistance given by the EO, two incidences involving possession of out of season red snapper were documented.

Observer Program

An SA from St. Petersburg, FL completed two investigations and issued two written warning to two vessel that failed to take an observer when required.

An EO from New Bern, NC conducted landside patrols of Wanchese, Atlantic Beach, Radio Island, Ocean Isle and Beaufort, NC. The EO conducted outreach and investigated an observer complaint. Planning for a FY20 snapper/grouper operation was coordinated with USCG Station Oak Island. An outreach TED compliance assistance was conducted with shrimpers in the Pamlico Sound area during the patrol.

Magnuson-Stevens Fishery Conservation and Management Act

An EO from Houma, LA along with a Louisiana Department of Wildlife and Fish (LDWF) agent, and CBP agriculture specialists boarded the vessels and located 34 red snapper on the first vessel and 5 red snapper on the second vessel. The captains of each vessel received state citations for failing to possess an LA fishing license, possession of red snapper out of season,

and over the limit of red snapper. All 39 red snapper was seized by LDWF and donated to the New Orleans Mission.

An SA from Charleston, SC participated in a joint operation which encompassed over 450 personnel representing 104 agencies, 80 vessels, four fixed-wing aircraft and five helicopters. During the operation, which ranged from Carteret County, NC to Brevard County, FL. A total of 568 vessel boardings were conducted and radiation sweeps were conducted on four marinas, 2,939 watercraft and 64 bridges. The cumulative violations detected were very widespread, including but not limited to: boating under the influence, possession of narcotics, retention of prohibited species, fishing without required VMS and many safety violations.

An SA from Charleston, SC was informed by GCES that a \$52,500 NOVA was issued to the owner of a vessel, which was used to commit multiple violations of the MMPA and ESA. After receiving information from OLE regarding the alleged violations and legal restrictions, operators used the vessel to commit additional violations.

An EO from Panama City issued a \$3,000 summary settlement offer to the captain of a for-hire charter vessel for conducting a charter in the EEZ without the required federal charter permit. The EO also issued a \$275 summary settlement offer to the captain of a second vessel who was in possession of federally prohibited red drum.

Endangered Species Act

An EO from Houma, LA and LDWF agents boarded a shrimp vessel fishing in federal waters. The vessel did not have a federal permit and had a BRD sewn shut. They also boarded a commercial HMS longline vessel and issued a fix-it ticket for failing to have high flyers and buoys.

An EO from Galveston, TX conducted joint TED patrol with the USCG in Galveston and Freeport, TX. Two TED boardings were completed with all TEDs found in compliance. The EO also provided guidance to the USCG throughout the entire operation where the USCG detected 5 violations for possession of red snapper out of season by recreational anglers.



An EO from Galveston, TX conducted a joint underway TED patrol with TPWD and the USCG in Port O'Connor. Four TED boardings were completed on commercial shrimp vessels. One shrimp vessel was found with a TED bar

exceeding the four-inch maximum. Another shrimp vessel was actively trawling in Texas state waters and found in possession of six prohibited king mackerel and one prohibited cobia. TPWD assumed the violation and seized the prohibited fish.

An SA from Corpus Christi, TX completed multi-day patrol of the Packery Channel area including the north and south jetty, Whitecap beach, and the Bob Hall Pier area targeting public interactions with sea turtles due to high rates of live small green turtles coming ashore that may be related to oceanographic conditions and biological factors. The SA conducted outreach and assistance with recreational fisherman on entanglement procedures with sea turtles and their fishing gear. The SA coordinated and assisted with the collection of stranded sea turtles and transfer to rehabilitation personnel.

An EO from New Bern, NC conducted a patrol of Cedar Island, Marshallberg, Harkers Island, and Beaufort, NC to complete courtesy dockside TED examinations and to provide outreach for the upcoming Fall White Shrimp season in NC.

ADMINISTRATION/OTHER



An SEO from Charleston, SC attended the South Atlantic Fisheries Management Council meeting where the Council presented the Law Enforcement Officer of the Year Award to the crew of the Coast Guard Cutter CORMORANT for their outstanding fisheries efforts over the past year. LTJG Patrick O'Shaughnessy and a portion of his crew were present to receive the Council's award.

NOAA OLE EOs and SEOs recovered four persons in the water while patrolling near Dry Rocks Sanctuary Preservation Area. A mother and her teenage son had attempted to snorkel the reef without fins and were pulled off the reef by the current. Two other snorkelers from another boat attempted to swim and assist them but were also swept away. All four personnel were safely recovered and returned to their respective vessels.

Overview of Summary Settlements

Listed below is a summary of the **58** 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	\$100	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$750	TX
Highly Migratory Species	Acquiring/Selling fish in foreign commerce	\$2,000	FL EAST
Highly Migratory Species	Acquiring/Selling fish in foreign commerce	\$2,000	FL EAST
Highly Migratory Species	Acquiring/Selling fish in foreign commerce	\$2,000	FL EAST
Highly Migratory Species	Possess undersize fish, Retention during closure	\$1,250	FL KEYS
Highly Migratory Species	Fail to maintain HMS species	\$500	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; illegal gear use	\$425	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$275	FL EAST

Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$325	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$425	FL EAST
Magnuson Stevens Act (MSFCMA)	Fishing in closed area	\$275	FL EAST
Magnuson Stevens Act (MSFCMA)	Dispose of fish after approach by law enforcement; Retention during closure	\$550	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; illegal gear use	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; illegal gear use	\$850	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$750	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Bag limit exceeded	\$300	FL KEYS
Magnuson Stevens Act (MSFCMA)	Use of Gulf reef fish as bait	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$375	FL WEST

Magnuson Stevens Act (MSFCMA)	Use of Gulf reef fish as bait	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess fish without required permit	\$250	FL WEST
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permit	\$3,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permit	\$3,000	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	\$550	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$400	GA
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$1,175	GA

Magnuson Stevens Act (MSFCMA)	Retention during closure	\$325	LA
Magnuson Stevens Act (MSFCMA)	Retention during closure; Possess undersize fish	\$2,050	LA
Magnuson Stevens Act (MSFCMA)	Retention during closure; Possess undersize fish	\$1,150	LA
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$100	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$750	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$650	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$250	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,050	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$850	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,300	TX
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$500	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
Marine Mammal Protection Act (MMPA)	Dolphin feeding/interaction violation	\$1,000	FL WEST
Marine Sanctuaries Act	Fishing in closed area	\$600	FL KEYS
Marine Sanctuaries Act	Conduct diving/snorkeling without flag	\$150	FL KEYS
Marine Sanctuaries Act	Illegal gear use; Possess undersize fish	\$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	Illegal gear use	\$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: **1,120**

Population Breakdown by (VMS) Fisheries and VMS Vendor

Fisheries	NETWORK INNOVATIONS	WOODSHOLE	SKYMATE	FARIA	MCMURDO	TOTAL
HMS Pelagic Longline	18	43	13	26	3	103
HMS Shark		5	1	3		9
Gulf reef fish	217	335	69	134	169	924
Rock shrimp	16	17	5	14	29	81
Charter& Gulf reef fish		1				1
Charter South Atlantic		1				1
Charter				1		1
TOTAL	251	402	88	178	201	1120

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 4 2019; the Southeast Division Observer Programs deployed on **97** trips for **658** sea days. Approximately **97%** of all selected trips were completed without an observer related enforcement incident (assault/harassment, safety). Observer programs reported **31** 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 35 trips for 283 sea days, and the Gulf of Mexico Reef Fish Program deployed on 15 trips for 93 sea days. Effort for the Panama City Gillnet Program was 5 trip for 5 sea days, and the Panama City Bottom Longline Program (includes Shark Research Fishery) deployed on 12 trips for 49 sea days. The Panama City Reef Fish Vertical Line Program deployed on 6 trips for 6 sea days. The Pelagic Observer Program deployed on 24 trips for 222 sea days. The summary below details the type of observer related complaints received during Quarter 3 (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	1	1
NON-COMPLIANT FOR OBSERVER COVERAGE			1
HANDLING			7
GEAR	1	3	2
RETENTION			1
SPATIAL			
MARPOL-USCG	6	3	7
TOTALS	8	7	19

Cases Referred For Civil and/or Criminal Prosecution

Listed below is a summary of the **10** cases forwarded to NOAA General Counsel Enforcement Section and the United States Attorney Office/Department of Justice for this quarter.

LAW/REG/PROGRAM	VIOLATION	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	TX
Endangered Species Act (ESA)*	Take of Species Protected Under The Endangered Species Act	TX
Lacey Act*	Transport of illegally marked seafood across interstate boundaries	LA
Magnuson Stevens Act (MSFCMA)	Exceed bag limit; Fail to maintain fish intact; Possession of prohibited species	FL EAST
Magnuson Stevens Act (MSFCMA)	Fail to maintain fish intact; Possession of prohibited species	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in activity without valid permit; Fail to comply with VMS requirements; Fail to have a permitted operator	FL EAST
Magnuson Stevens Act (MSFCMA)	Fishing in Closed Area; Fail to maintain HMS species	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure; Dispose of fish after approach by law enforcement	FL WEST
Magnuson Stevens Act (MSFCMA)	Fail to maintain fish intact; Fail to maintain HMS species; Use of Gulf reef fish as bait; Possess undersize fish	FL WEST
Magnuson Stevens Act (MSFCMA)	Engage in charter operations without required permits	TX

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