NOAA Fisheries Office of Law Enforcement
Southeast Division

FISCAL YEAR 2020, QUARTER 2 FISHERY MANAGEMENT COUNCIL REPORT

January 1, 2020- March 31, 2020

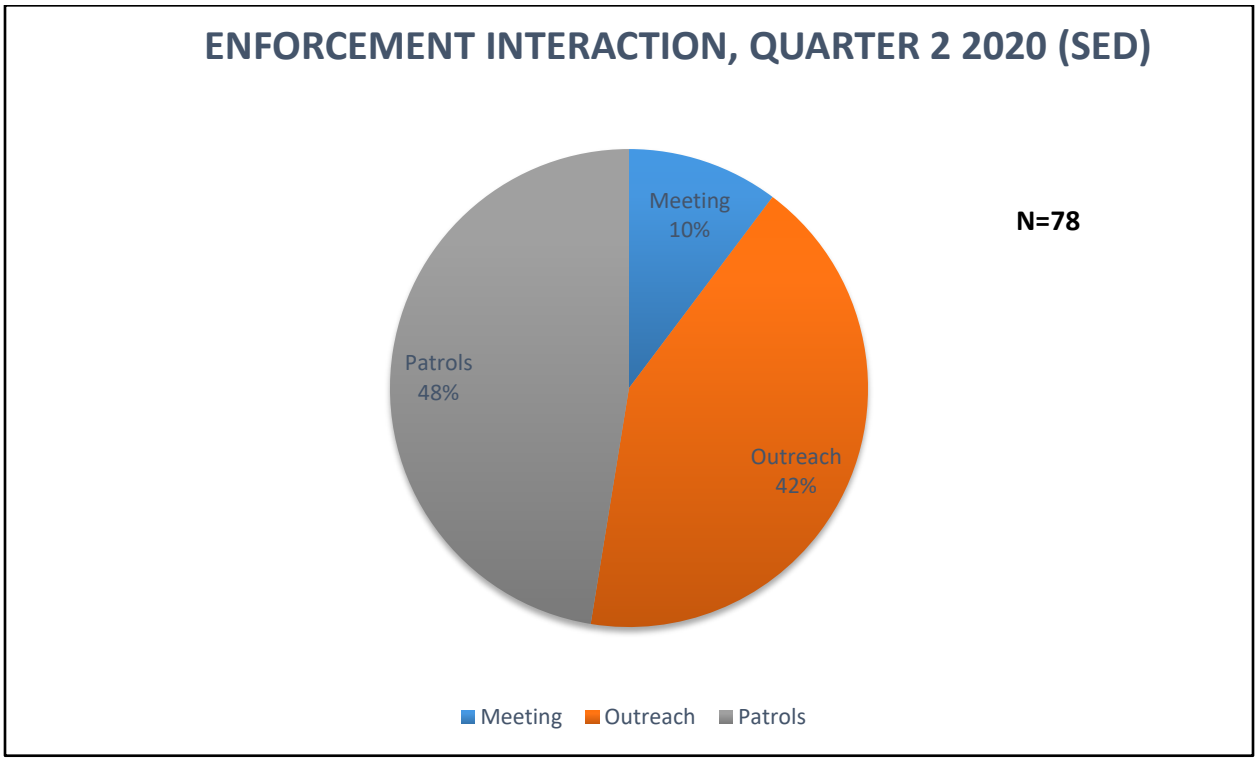
Contents

Enforcement and Compliance 2
Incident Information 3
South Atlantic Fishery Management Council Summary 4
Gulf of Mexico Fishery Management Council Summary 5
Caribbean Fishery Management Council Summary 6
Summary of Incidents By Joint Enforcement Agreement and United States Coast Guard Partners 7
Caseload Snapshot 9
Enforcement Highlights 10
Overview of Summary Settlements 16
Investigative Support Program 20
Observer Program Highlights 21
Cases Referred For Civil and/or Criminal Prosecution 22

Enforcement and Compliance

Summary

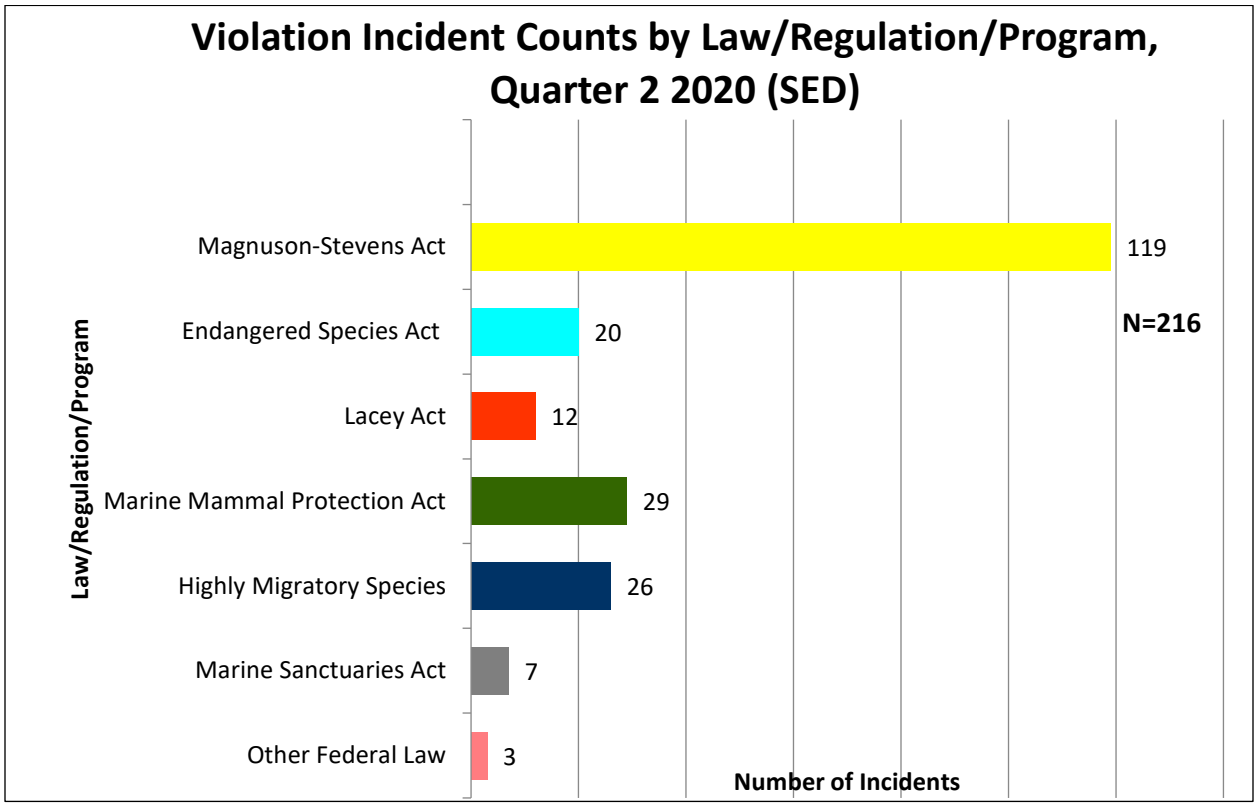
Data represent National Oceanic and Atmospheric Administration Fisheries Office of Law Enforcement (NOAA OLE) Southeast Division's (SED) enforcement effort conducted throughout FY Quarter 2 2020, **January 1, 2020- March 31, 2020**. When appropriate, information is separated by council, South Atlantic Fishery Management Council (SAFMC), Gulf of Mexico Fishery Management Council (GMFMC) and Caribbean Fishery Management Council (CFMC). There were **37** documented patrols, allowing critical face-to-face interaction between our field staff and the industry; **33** documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and **8** 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 **204** incidents in the SED, which included 216 violation counts- **122** incident violation counts in the SAFMC area, **104** incident violation counts in the GMFMC area and **9** incident violation count in the CFMC area[1]. Opened incidents originate from both NOAA personnel and our enforcement partners.

Summary of Incidents by Law/Regulation/Program; Quarter 2 2020

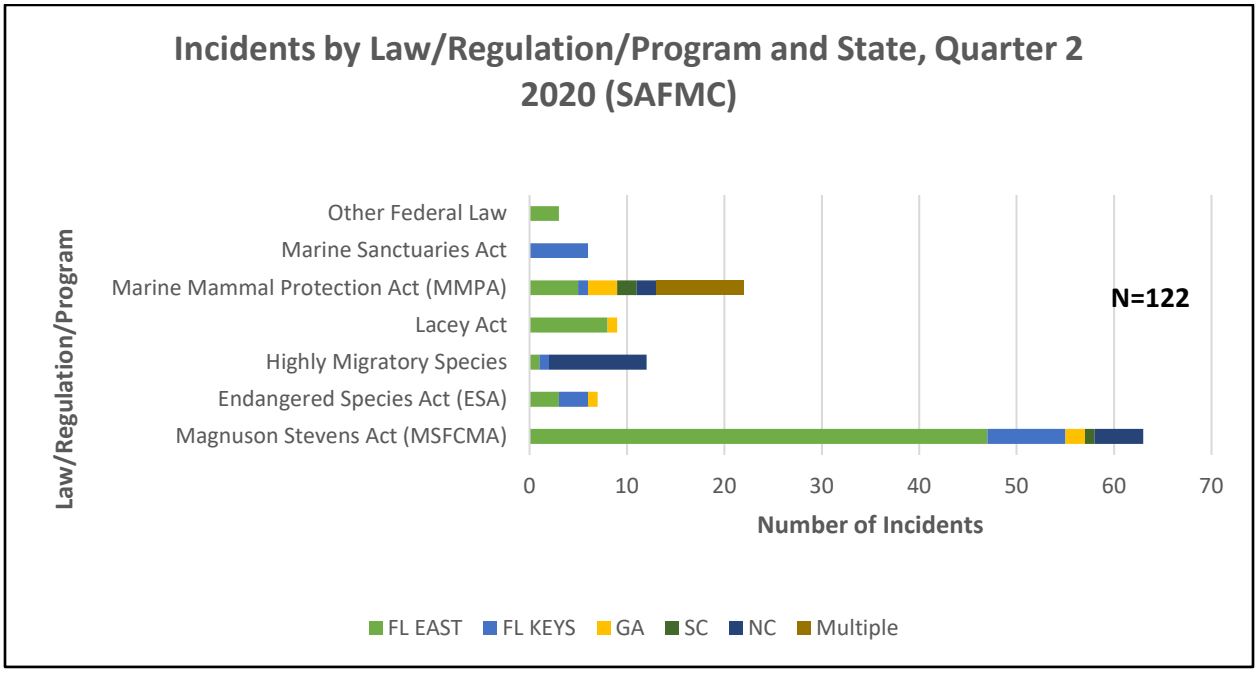


[1] Incident violations occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total incident violation counts greater than incidents due to multiple counts charged for individual incidents

South Atlantic Fishery Management Council Summary

Number of Incidents by Law/Regulation/Program and Location; Quarter 2 2020 (SAFMC)

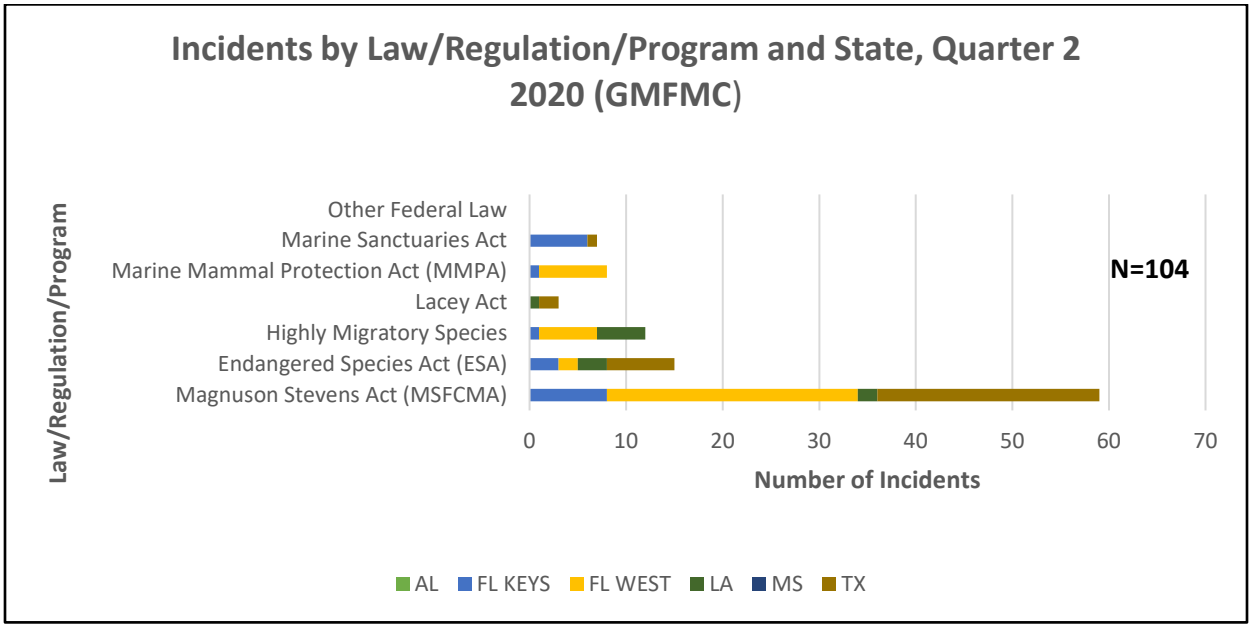
Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Multiple	Total
Magnuson Stevens Act (MSFCMA)	47	8	2	1	5		63
Endangered Species Act (ESA)	3	3	1				7
Highly Migratory Species	1	1			10		12
Lacey Act	8		1				9
Marine Mammal Protection Act (MMPA)	5	1	3	2	2	9	22
Marine Sanctuaries Act		6					6
Other Federal Law	3						3
TOTAL	67	19	7	3	17	9	**122**



Gulf of Mexico Fishery Management Council Summary

Number of Incidents by Law/Regulation/Program and Location; Quarter 2 2020 (GMFMC)

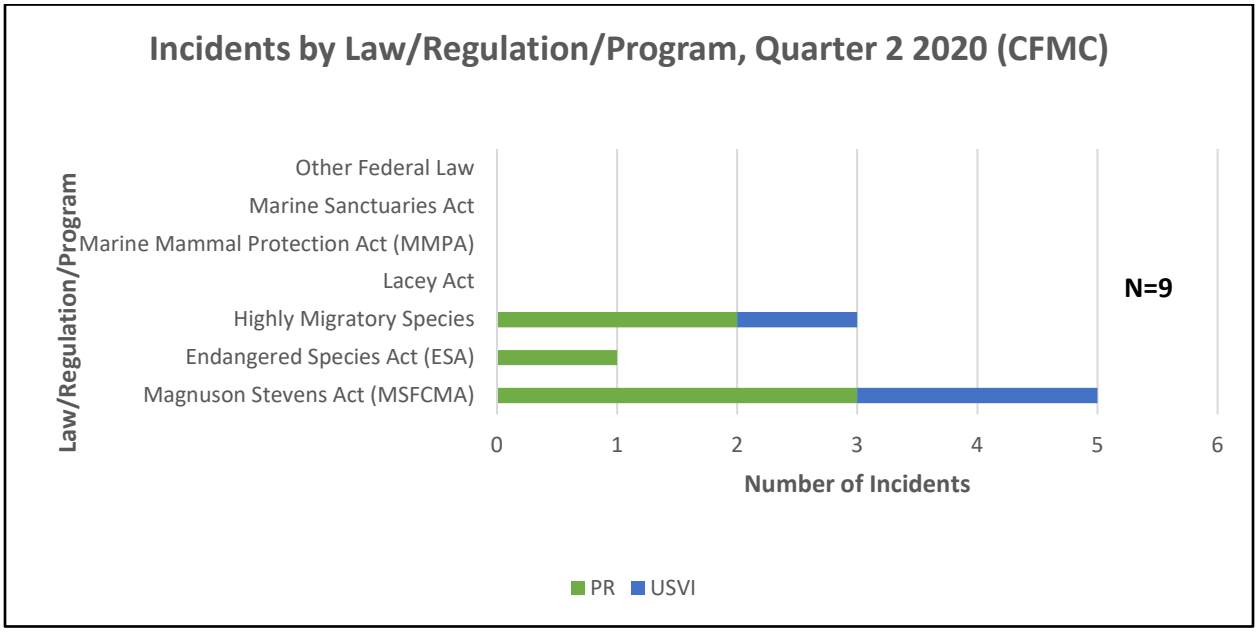
Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)		8	26	2		23	59
Endangered Species Act (ESA)		3	2	3		7	15
Highly Migratory Species		1	6	5			12
Lacey Act				1		2	3
Marine Mammal Protection Act (MMPA)		1	7				8
Marine Sanctuaries Act		6				1	7
Other Federal Law							0
TOTAL	0	19	41	11	0	33	**104**



Caribbean Fishery Management Council Summary

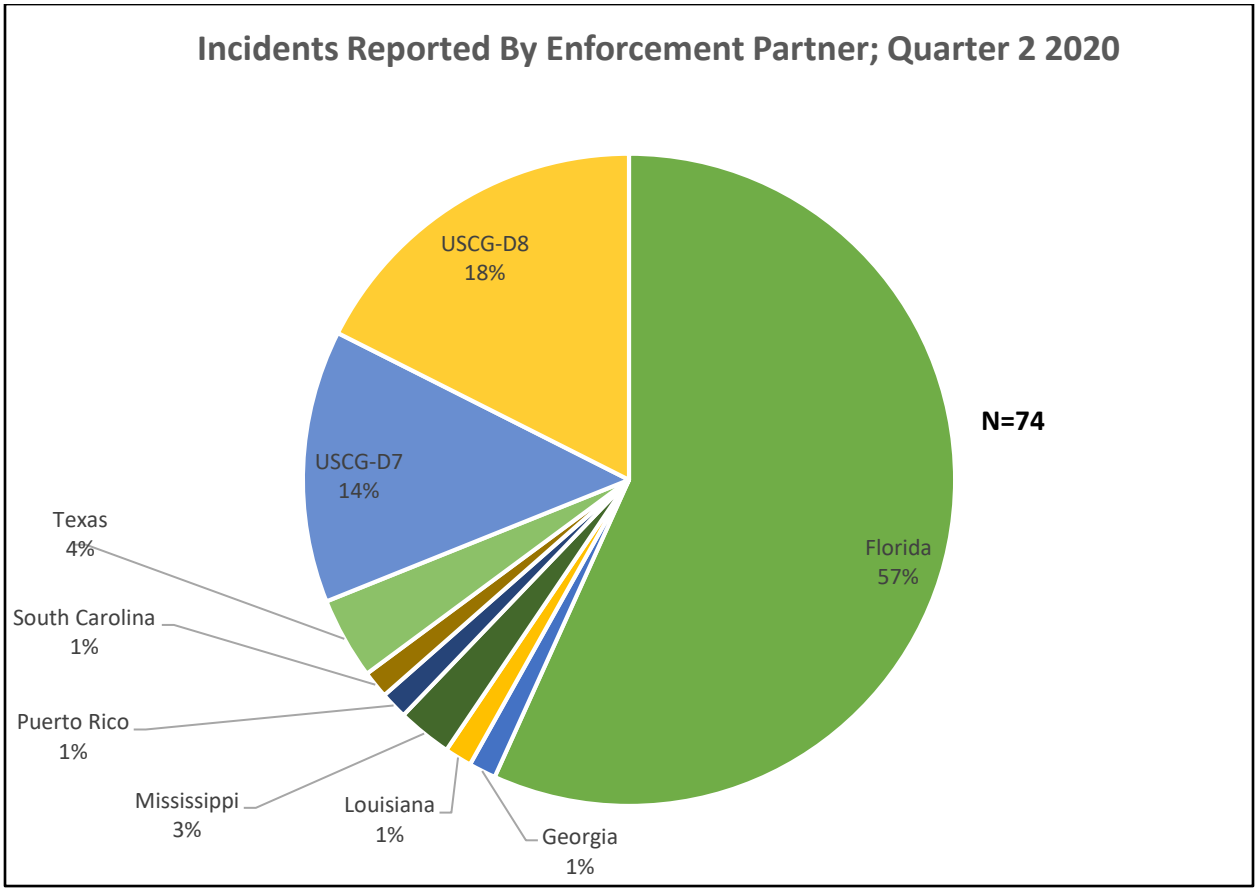
Number of Incidents by Law/Regulation/Program and Location; Quarter 2 2020 (CFMC)

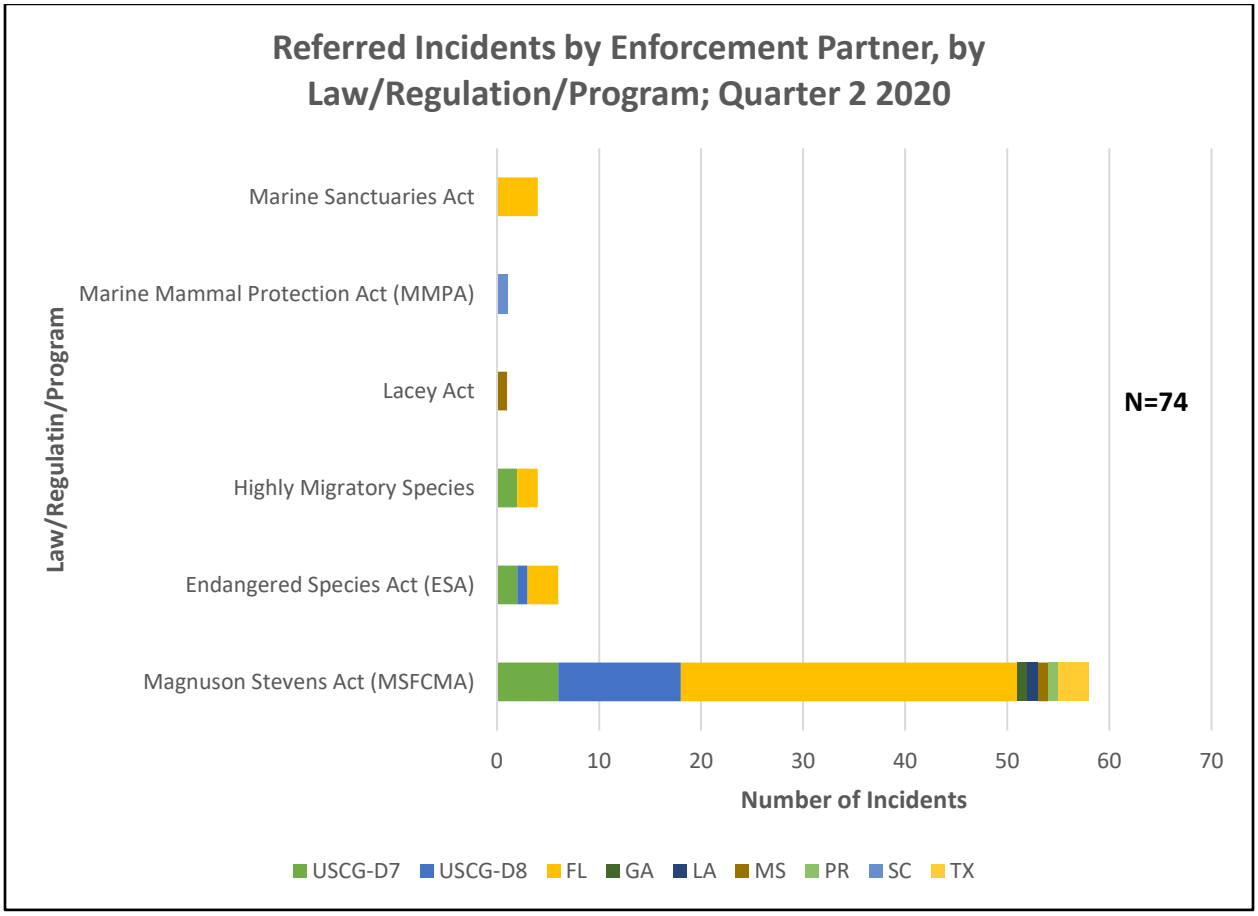
Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act (MSFCMA)	3	2	5
Endangered Species Act (ESA)	1		1
Highly Migratory Species	2	1	3
Lacey Act			0
Marine Mammal Protection Act (MMPA)			0
Marine Sanctuaries Act			0
Other Federal Law			0
TOTAL	6	3	**9**



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

Throughout Quarter 2 2020, there were **74** 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 partner[1]. Effort consisted of dockside vessel inspections, offshore vessel boardings and interaction with public and industry members.

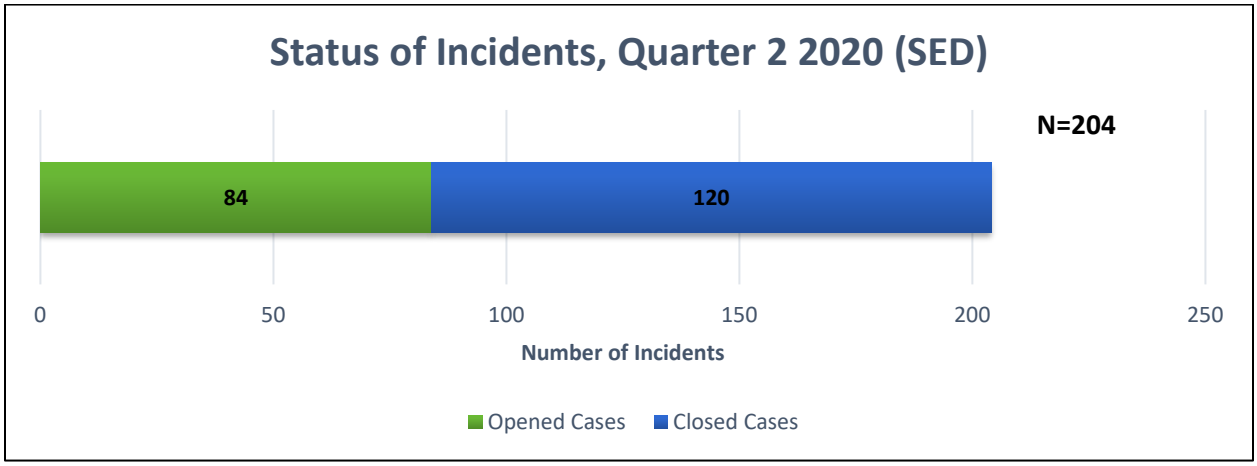


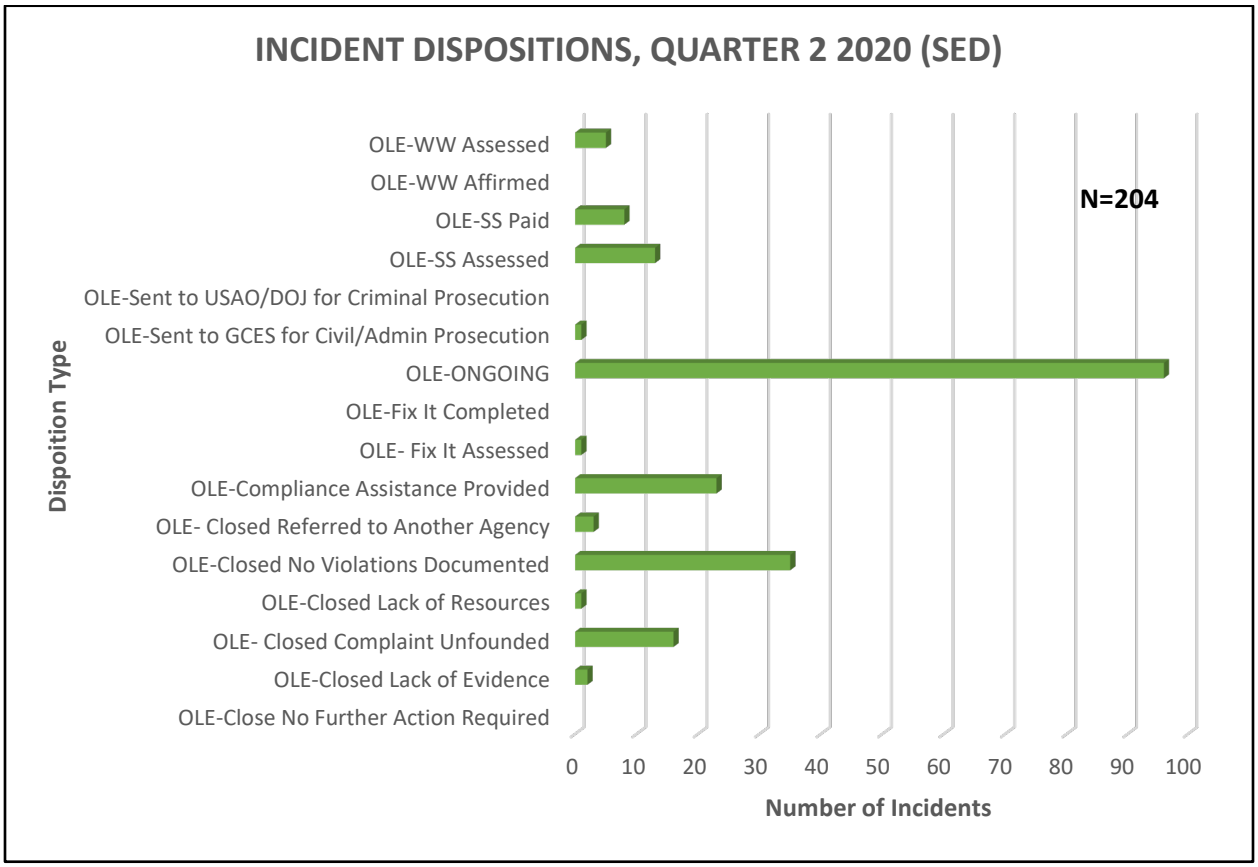


[1] Incident violation counts reported by enforcement partner may be greater than number of incidents due to multiple counts charged for individual incidents

Caseload Snapshot

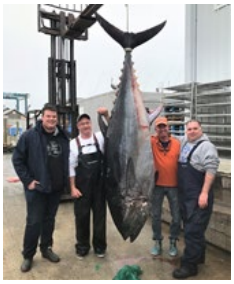
Below is a breakdown of the initiated incidents (**204)** throughout the quarter, by status and disposition. Total includes cases referred to by enforcement partners.





Enforcement Highlights

Highly Migratory Species Act



A NOAA OLE enforcement officer (EO) from New Bern, NC conducted dockside patrols of the Outer Banks to target the offloads of Bluefin tuna due to the pending 2020 Winter Season closure. During the two day patrol, 51 vessels were boarded and examined prior to offloading their catch.

Lacey Act

A NOAA OLE Special Agent (SA) in New Bern, NC field office attended the sentencing hearing of a subject who previously pled guilty to a felony Lacey Act charges involving mislabeled crab meat. The Court sentenced the subject to 366 days confinement, a fine of $250,000.00, and 5 years' probation, with supervision. The Court also fined the business $500,000.00, along with being required the hiring of a compliance officer at the company, and 5 years' probation.

Illegal Unregulated Unreported Seafood Port Operations and Port State Measures

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

An EO from Savannah, GA conducted port operations with CBP and the United States Fish and Wildlife Services (USFWS) at the Port of Savannah, opened 29 shipping containers to check for seafood or Livestock Mandatory Reporting (LMR) importations. A document review was conducted regarding a container of shrimp which was found compliant with SIMP requirements.

A SA from the St Petersburg, FL office, along with CBP and Florida Fish and Wildlife Conservation Commission (FWC) conducted an examination of a container of seafood product at Port of Tampa, Florida; approximately 30 boxes of frozen shrimp were examined. No violations found.

An EO from Savannah, GA, examined a shipment of red snapper and lane snapper making entry at the Port of Savannah. The EO coordinated with NOAA Office of General Counsel (OGC) and the Office of International Affairs and Seafood Inspection (IASI) concerning the shipment. It was determined that southern red snapper did not meet reporting requirements for SIMP.

A SA from the Miami, FL field Office, requested documentation from a local importer regarding a shipment into Port Everglades of frozen red, lane, and yellowtail snapper (Lutjanidae sp.). The documents were reviewed and no violations were found.

NOAA OLE Enforcement personnel conducted joint IUU border operation with Texas Parks and Wildlife (TPWD), CBP, United States Food and Drug Administration (FDA), and USCG Investigative Service, targeting marine species being imported at the Veterans Bridge Brownsville, Texas Port of Entry. Eleven seafood trucks importing crab, snapper, grouper, and tuna were examined. Although no federal violations were found, TPWD made several State seizures for state violations.

A SA from the St Petersburg, FL office, conducted the examination of one container of seafood product at the Port of Tampa. The SA examined approximately 20 boxes of product and found no violations.

Marine Mammal Protection Act

An EO from Savannah, GA conducted multiple Marine Mammal Protection Act (MMPA) patrols geared towards blue crab fishery for compliance with Atlantic Large Whale Take Reduction Plan (ALWTRP) gear requirements. The EO also coordinated with Georgia Department of Natural Resources (GADNR) and South Carolina Department of Natural Resources (SCDNR) to ensure all of the sounds in Georgia and South Carolina are being checked to ensure ALWTRP gear is being used for the protection of Atlantic Right Whales. Joint patrols were also conducted with GADNR in areas where pots were reported by whale survey aircraft.

Magnuson-Stevens Fishery Conservation and Management Act

A SA in St. Petersburg, FL attended the sentencing hearing for the defendant in an Individual Fishing Quota (IFQ) fraud case. The defendant was sentenced to 60 days in prison to be followed by three years of supervised release for committing mail fraud in the perpetration of a fraudulent scheme to overharvest more than 50,000 pounds of Gulf reef fish, including IFQ species, from the waters off Southwest Florida. He was also ordered to pay $286,260.74 in forfeiture and $5,623.95 in restitution to NMFS for unpaid cost recovery fees.

https://www.justice.gov/usao-mdfl/pr/cape-coral-man-sentenced-fraudulent-scheme-overharvest-more-50000-pounds-gulf-reef-fish

An EO from New Bern, NC boarded and examined several vessels for commercial Bluefin tuna offloads. All permits were found to be current and valid with no violations observed. A total of nine (9) giant Bluefin were brought in at the same time ranging from 87 inches Curved Fork Length (CFL) to 102 inches CFL.

A SA from San Juan, PR, and an EOs from Savannah, GA and Key West, FL participated in a joint operation with USCG in St. Thomas, USVI. The operation consisted of patrolling several closed areas in the USVI. No violations were detected.

A SA from San Juan, PR conducted an air patrol with CBP Air and Marine Operation (AMO). The patrol was along the north, west and south coast of Puerto Rico. Several fishing vessels were detected along with a small cargo ship which was interdicted by USCG. Additionally, a pelagic long liner was encountered with no violations found.

Endangered Species Act

Two defendants of an on-going criminal ESA investigation by a SA involving killing and mutilating two green sea turtles, plead guilty to criminal charges filed in the U.S. District Court, Southern District of Texas. A judgement was issued for subjects to serve twelve (12) months of supervised probation and issued $500.00 fines by the U.S Magistrate presiding over the case.

https://www.brownsvilleherald.com/news/local/man-gets-probation-in-sea-turtle-deaths/article_1ac30178-3efb-11ea-b6fa-9f64e19e9603.html

An EO from Galveston, TX conducted an offshore patrol of the Flower Gardens National Marine Sanctuary aboard a USCG cutter. While in route, the EO completed TED boardings of commercial shrimp vessels and found violations on all three vessels boarded. The violations on the first vessel consisted of possession of out of season red snapper, possession of a not intact shark, a double-cover TED over-flap sewn closed, and a TED with bar spacing of 4.75-inches which is .75 over the maximum spacing.

The second vessel violations consisted with the possession of an out of season red snapper, a TED with bar spacing of 4.5-inches, two (2) TED's with leading edges less than 60-inches, three TED's with the flap exceeding 24-inches, and all four (4) TED's were sewn down the sides over 6-inches.

The third vessel violation consisted of two (2) TED's with the sides sewn down over 6-inches.

An EO from Houma, LA conducted a two-day patrol onboard the USCG Cutter Skipjack south of Grand Isle, LA. During the patrol, the EO and the USCG boarding team boarded three shrimp vessels in federal waters. The first shrimp vessel was found with Port 1, Port 2, and Starboard 2 TED bar spacing exceeding 4 inches and was found in possession of four shark fins hidden in the vessels inside freezer.

The second shrimp vessel was found with port TED angle exceeding 55 degrees, leading edge was less than 71'', length of the flap exceeded 24'', and the net was sewn down 6" past the TED. The third shrimp vessel was found to have documented exceeding the double cover overlap for the port 2 and Starboard 2 TED's.

COOPERATIVE ENFORCEMENT / PARTNERSHIPS

SAs from the Jacksonville, FL field office provided IUU/SIMP training to JEA partner FL FWC investigators. 32 FWC investigators and leadership attended the training. During the training, they reviewed several programs including SIMP, ALMR, MMPA, HMS, State Dept. Section 609, and the TTVP. They discussed required licenses, forms, and regulations.

A SA from the San Juan, PR and two PR DRNA biologists provided training to JEA officers. The training incorporated an HMS overview and case package preparation.

COMPLIANCE ASSISTANCE / OUTREACH / EDUCATION / PUBLIC AFFAIRS / MEDIA

An EO from Mobile, AL and an EO from Houma, LA provided training to USCG Sector Mobile personnel. The EO's discussed federal permits, VMS, case package preparation, the notification process for seizures, and current fishery trends in the Gulf of Mexico.

An SA and EO from Galveston, TX conducted an MMPA patrol in Sabine, TX. The SA and EO provided TED outreach program to the commercial shrimp fleet Captains. They also provided case package training to the USCGC in Sabine, TX.

An EO from Galveston, TX conducted joint underway patrols with the USCG, Matagorda County Sheriff's Office (MCSO), CGIS, HSI, and USCG Intel during an operation. The EO provided on-the-job training to the USCG and outreach and education to the other agencies during the operation. No violations were documented.

An SED Investigative Support Technician (IST) presented at the Marine Resource Education Program's (MREP) Southeast Fisheries Science Workshop. OLE's mission and division specific issues were presented, along with the VMS Program capabilities. Industry participants had numerous questions regarding upcoming program requirements within the Charter/Headboat fleet, and how OLE plans on addressing the enforcement of the program.

HEADLINES

Seafood Company Charged With Violations of the Lacey Act

https://www.justice.gov/usao-edla/pr/seafood-company-charged-violations-lacey-act-0

Seafood Company Indian Ridge Seafood Charged With Violations of the Lacey Act

https://www.perishablenews.com/seafood/seafood-company-indian-ridge-seafood-charged-with-violations-of-the-lacey-act/

Terrebonne Seafood Company charged with illegal oyster sales

https://www.houmatoday.com/news/20200102/terrebonne-seafood-company-charged-with-illegal-oyster-sales

https://www.dailycomet.com/news/20200102/terrebonne-seafood-company-charged-with-illegal-oyster-sales

ADMINISTRATION/OTHER

An IST represented OLE at two outreach meetings for participants in a voluntary fishing vessel project, the Oceanic Fish Restoration Project, in St Petersburg FL and Gretna, LA. Captains were informed what regulations apply to them during the project and how they are allowed to fish in normally closed areas.

An EO from Houma, LA joined the Gretna, LA meeting and was able to answer questions and remind fishermen of their requirements as well.

Overview of Summary Settlements

Listed below is a summary of the **60** Summary Settlements issued during the quarter.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	$2,300	LA
Endangered Species Act (ESA)	TED/BRD Requirements	$100	TX
Endangered Species Act (ESA)	TED/BRD Requirements	$1,000	LA
Endangered Species Act (ESA)	TED/BRD Requirements	$500	FL WEST
Endangered Species Act (ESA)	TED/BRD Requirements	$500	LA
Endangered Species Act (ESA)	TED/BRD Requirements	$1,550	TX
Endangered Species Act (ESA)	TED/BRD Requirements	$100	TX
Highly Migratory Species	Invalid permit; undersize shark	$500	TX
Highly Migratory Species	Possession of bluefin tuna when closed; Fail to maintain HMS in specified form	$1,250	NC
Highly Migratory Species	Fail to maintain HMS in specified form; Invalid permit	$1,250	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure; Use of prohibited gear	$525	SC
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	$775	FL EAST
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations	$1,500	AL
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Bag limit exceeded	$1,850	LA

Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	$463	SC
Magnuson Stevens Act (MSFCMA)	Fishing in closed area	$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations	$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Bag limit exceeded	$425	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	$300	AL
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations; Fishing without valid commercial permit	$750	FL WEST
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permits	$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure; Fail to maintain fish intact	$750	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	$650	TX
Magnuson Stevens Act (MSFCMA)	Retention and selling of fish without proper dealer permit	$750	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	$300	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure; Fail to maintain fish intact; Invalid permit	$1,500	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	$325	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permits	$3,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations	$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; illegal bait use	$1,850	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	$450	FL EAST

Magnuson Stevens Act (MSFCMA)	Retention during closure	$550	TX
Magnuson Stevens Act (MSFCMA)	Engage in activity without valid permit; Retention during closure	$550	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permits	$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure; Illegal gear use	$700	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	$425	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure; Possess undersize fish	$675	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	$825	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	$1,025	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; illegal bait use	$375	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	$700	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	$1,075	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in activity without valid permit; Retention during closure	$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	$1,150	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	$700	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	$750	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	$375	Yes

Magnuson Stevens Act (MSFCMA)	Possess undersize fish	$325	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	$750	TX
Magnuson Stevens Act (MSFCMA)	BRD requirements	$3,000	TX
Magnuson Stevens Act (MSFCMA)	BRD requirements	$3,000	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	$1,075	TX
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	$1,375	FL KEYS
Marine Mammal Protection Act (MMPA)	Feeding dolphin	$1,000	GA
Marine Mammal Protection Act (MMPA)	Proximity to whales	$100	FL WEST
Marine Sanctuaries Act	Illegal operation in Sanctuary	$350	FL KEYS
Marine Sanctuaries Act	Fishing in closed area	$600	FL KEYS
Marine Sanctuaries Act	Fishing in closed area	$800	FL KEYS
Marine Sanctuaries Act	Fishing in closed area	$600	FL KEYS

Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **1,090**

Population Breakdown by (VMS) Fisheries and VMS Vendor

Fisheries	NETWORK INNOVATIONS	WOODSHOLE	SKYMATE	FARIA	MCMURDO	TOTAL
HMS Pelagic Longline	17	45	15	25		**102**
HMS Shark		5	1	3		**9**
Gulf reef fish	207	341	65	132	151	**896**
Rock shrimp	16	27	8	14	15	**80**
Charter		1		2		**3**
TOTAL	240	419	89	176	166	**1090**

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.

Observer Program Highlights

During FY Quarter 2 2020; the Southeast Division Observer Programs deployed on **45** trips for **434** sea days. Approximately **98%** of all selected trips were completed without an observer related enforcement incident [assault/harassment (sexual and non-sexual), safety]. Observer programs reported **27** 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 16 trips for 241 sea days, and the Gulf of Mexico Reef Fish Program deployed on 4 trips for 21 sea days. Effort for the Panama City Gillnet Program was 5 trips for 12 sea days, and the Panama City Bottom Longline Program (includes Shark Research Fishery) deployed on 2 trips for 18 sea days. The Panama City Reef Fish Vertical Line Program deployed on 6 trips for 8 sea days. The Pelagic Observer Program deployed on 12 trips for 134 sea days. The summary below details the type of observer related complaints received during Quarter 1 (calendar year) of 2020, 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	9	3	3
HANDLING			3
GEAR	1		1
RETENTION	1		2
SPATIAL			
MARPOL-USCG	1	1	2
TOTALS	**12**	**4**	**12**

Cases Referred For Civil and/or Criminal Prosecution

Listed below is a summary of the **11** cases forwarded to NOAA General Counsel Enforcement Section and/or the United States Attorney Office/Department of Justice for this quarter.

LAW/REG/PROGRAM	VIOLATION	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	TX
Endangered Species Act (ESA)	TED/BRD Requirements	TX
Endangered Species Act (ESA)	TED/BRD Requirements	TX
Highly Migratory Species	Fishing in a closed area	FL EAST
Highly Migratory Species	Possession of prohibited shark	LA
Lacey Act*	Invalid permits; Transporting seafood into interstate commerce	MS
Magnuson Stevens Act (MSFCMA)	Retention during closure	TX
Magnuson Stevens Act (MSFCMA)	Failure to keep fish intact	FL EAST

Magnuson Stevens Act (MSFCMA)	Engage in charter operations without required permits	FL WEST
Magnuson Stevens Act (MSFCMA)	Exceed bag limit	FL KEYS
Marine Sanctuaries Act	Fishing in a closed area	FL KEYS

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