



NOAA FISHERIES

Fiscal Year Quarter 1 2019 Fishery Management Council Report

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

October 1, 2018 – December 31, 2018



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

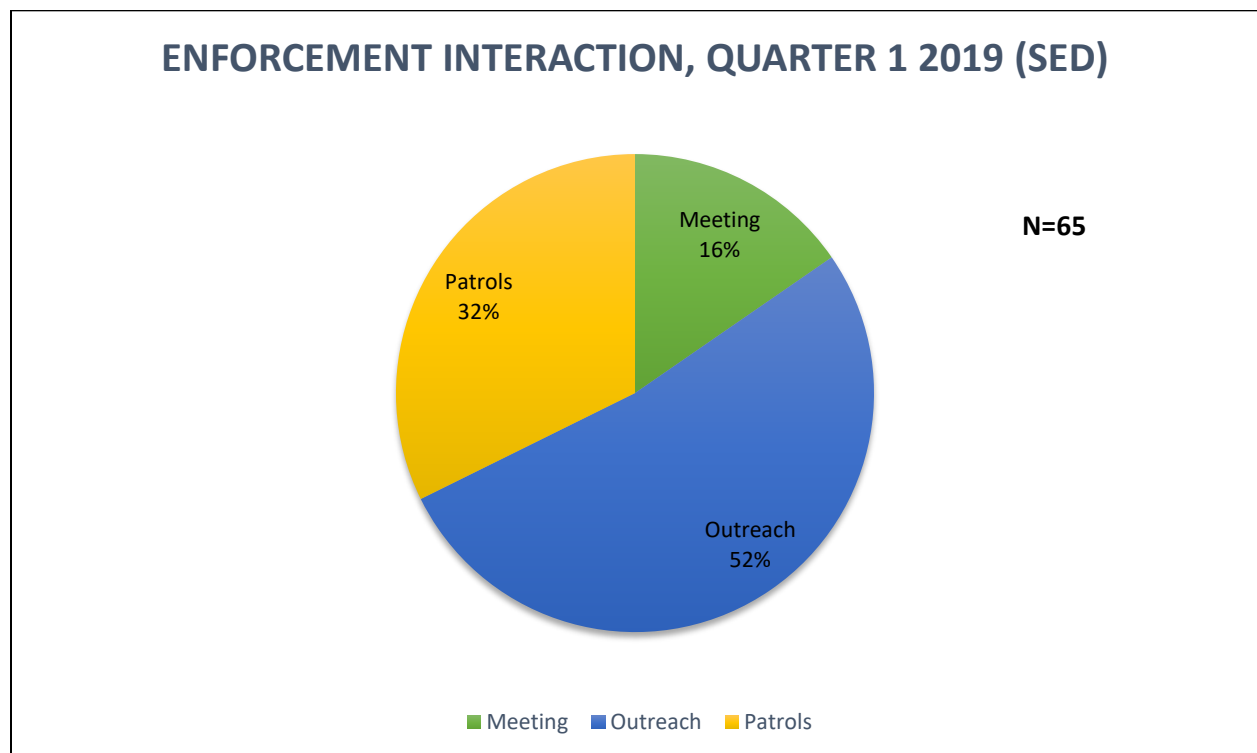
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Enforcement and Compliance

Summary

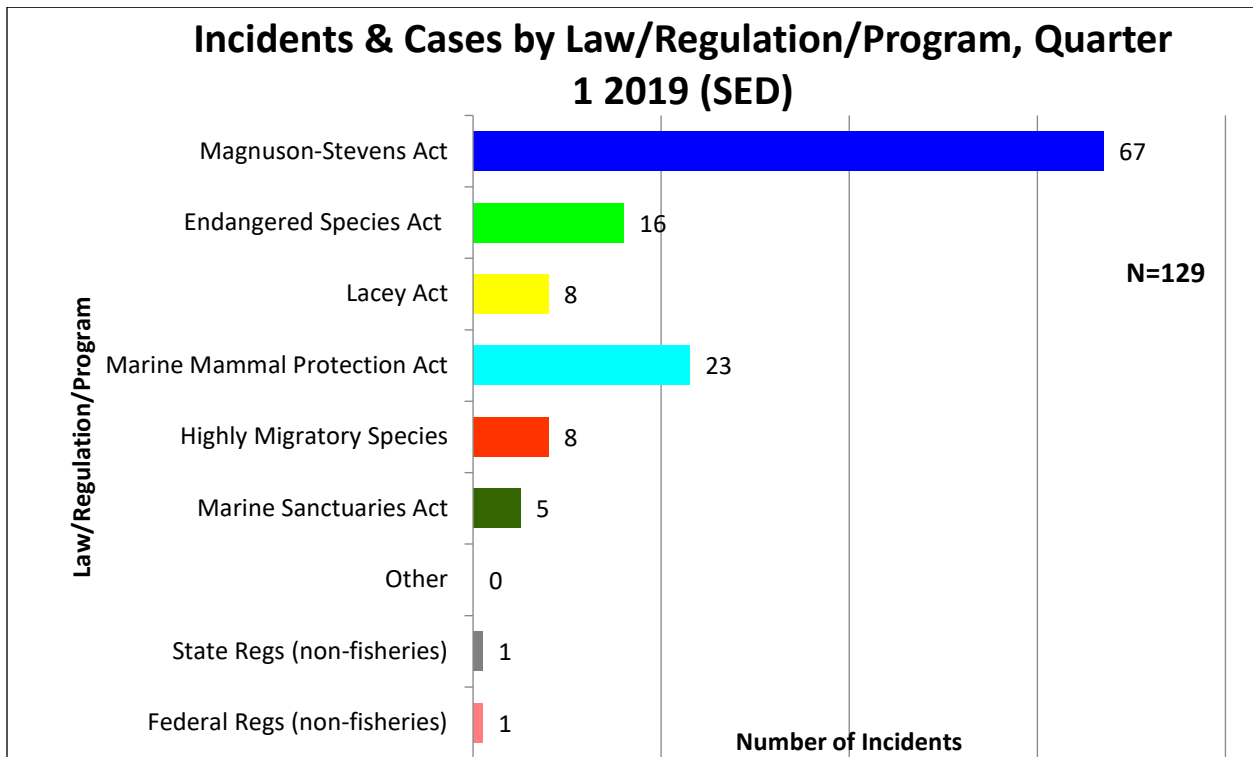
Data represent National Oceanic and Atmospheric Administration Fisheries Office of Law Enforcement (NOAA OLE) Southeast Division's (SED) enforcement effort conducted throughout FY Quarter 1 2019, **October 1, 2018- December 31, 2018**. When appropriate, information is separated by council, South Atlantic Fishery Management Council (SAFMC), Gulf of Mexico Fishery Management Council (GMFMC) and Caribbean Fishery Management Council (CFMC). There were **21** documented patrols, allowing critical face-to-face interaction between our field staff and the industry; **34** documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and **10** 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 **128** incidents in the SED, which included 129 incident violation counts- **48** incident violation counts in the SAFMC area, **90** incident violation counts in the GMFMC area and **2** incident violations counts in the CFMC¹.

Summary of Incidents by Law/Regulation/Program and State; Quarter 1 2019

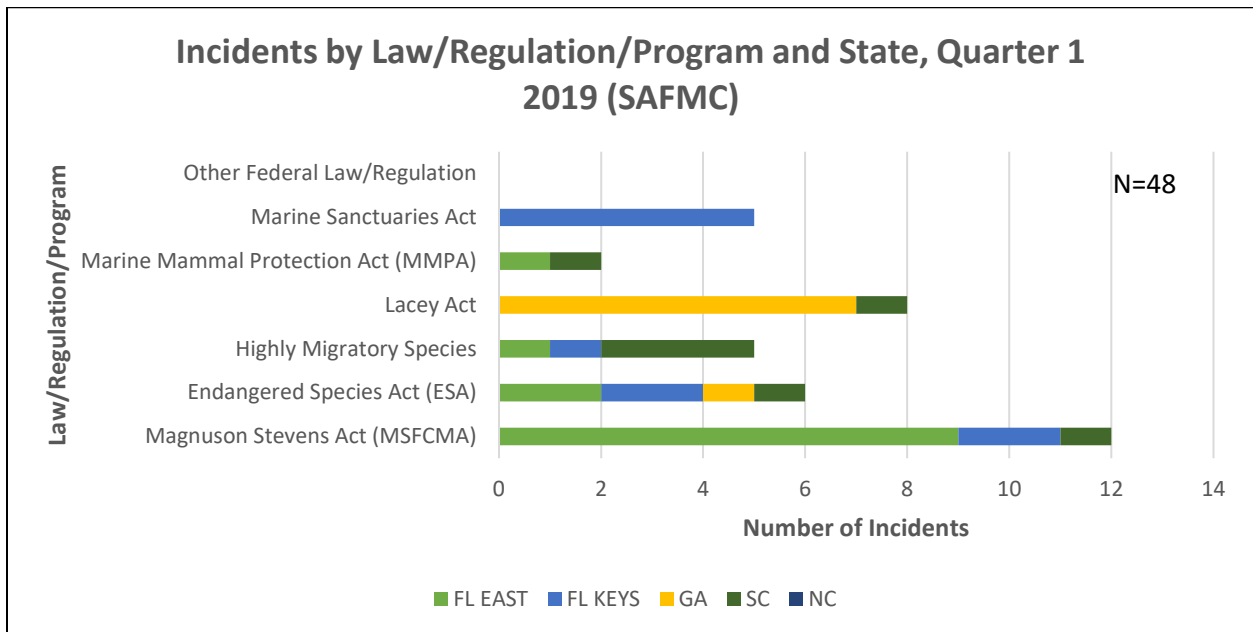


¹ Incident violations occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total incident violation counts greater than incidents due to multiple counts

South Atlantic Fishery Management Council Summary

Number of Incidents by Law/Regulation/Program and State; Quarter 1 2019 (SAFMC)

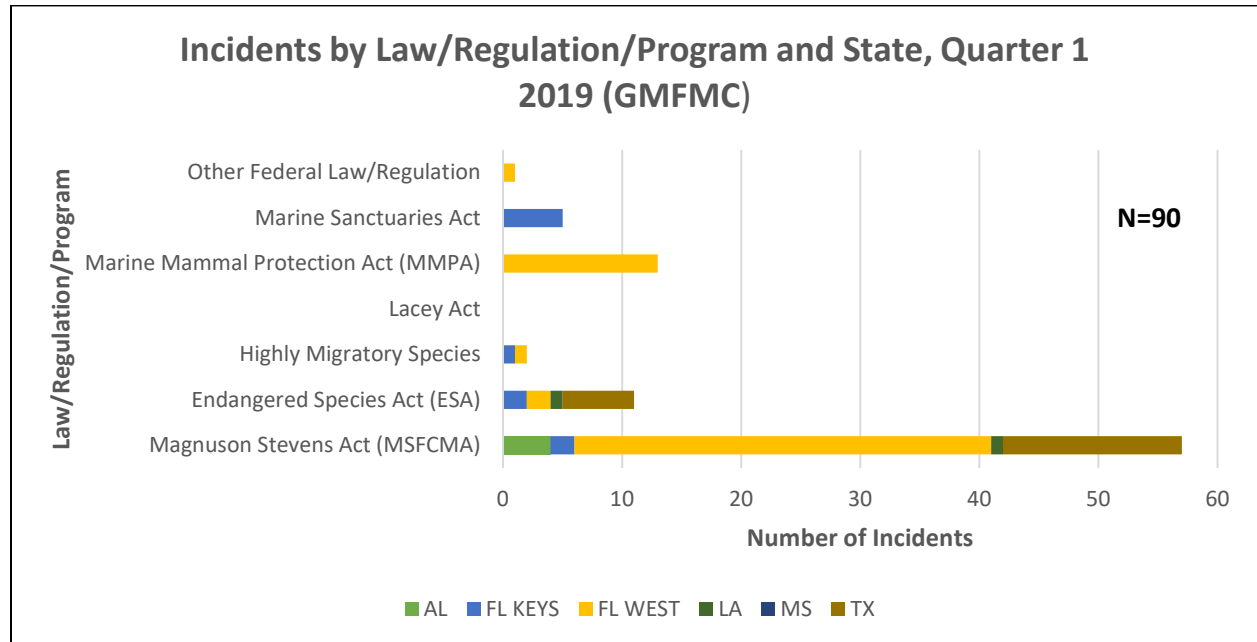
Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Multiple	Total
Magnuson Stevens Act (MSFCMA)	9	2		1			12
Endangered Species Act (ESA)	2	2	1	1			6
Highly Migratory Species	1	1		3		1	6
Lacey Act			7	1			8
Marine Mammal Protection Act	1			1		8	10
Marine Sanctuaries Act		5					5
Other Federal Law/Regulation							0
Other State Law/Regulation		1					1
TOTAL	13	11	8	7	0	9	48



Gulf of Mexico Fishery Management Council Summary

Number of Incidents by Law/Regulation/Program and State; Quarter 1 2019 (GMFMC)

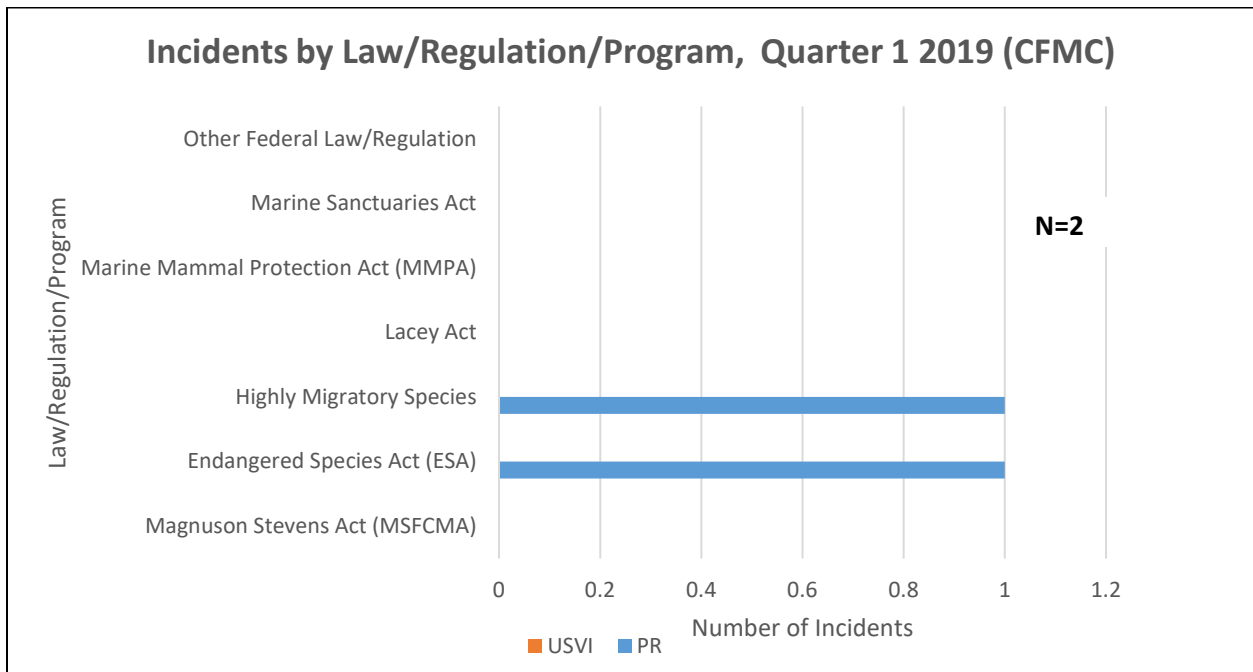
Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)	4	2	35	1		15	57
Endangered Species Act (ESA)		2	2	1		6	11
Highly Migratory Species		1	1				2
Lacey Act							0
Marine Mammal Protection Act (MMPA)			13				13
Marine Sanctuaries Act		5					5
Other Federal Law/Regulation			1				1
Other State Law/Regulation		1					1
TOTAL	4	11	52	2	0	21	90



Caribbean Fishery Management Council Summary

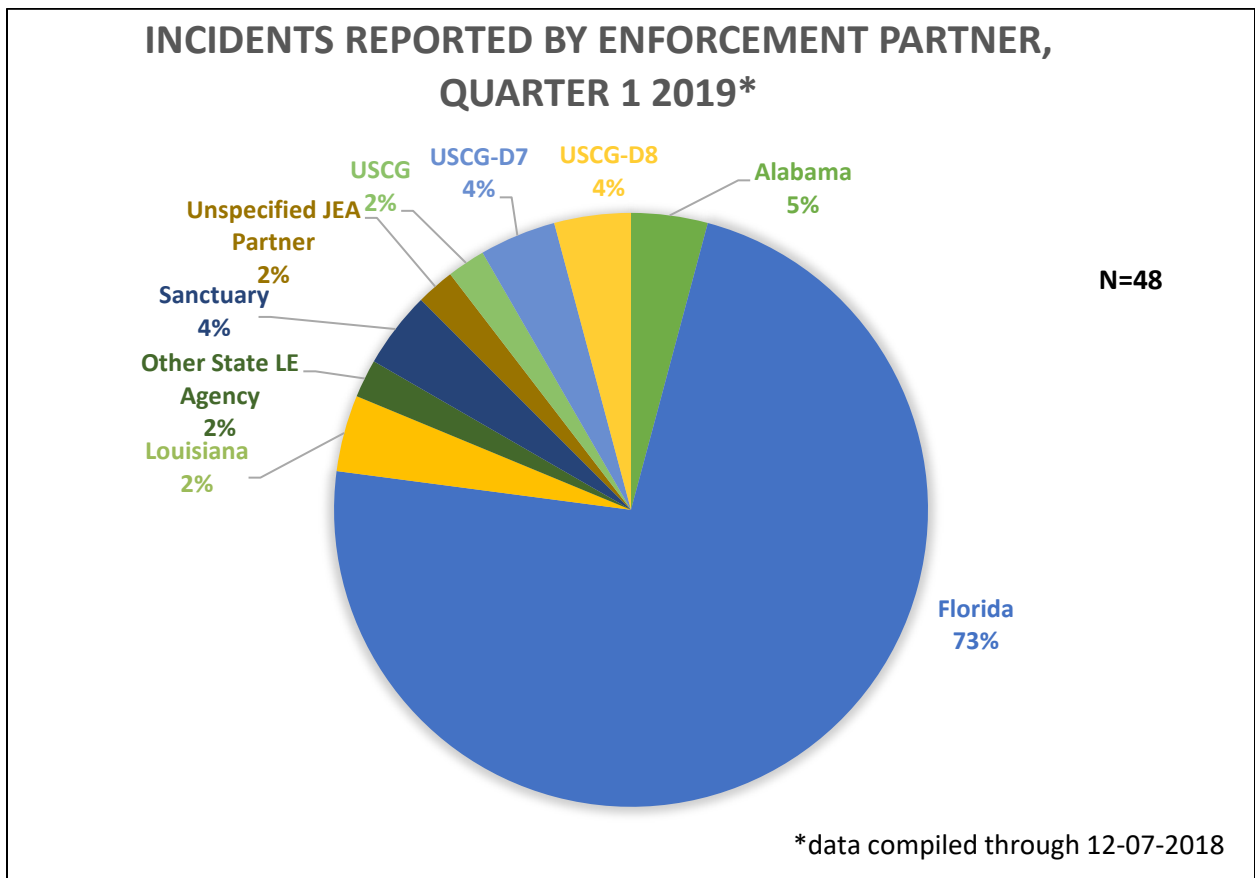
Number of Incidents by Law/Regulation/Program and State; Quarter 1 2019 (CFMC)

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



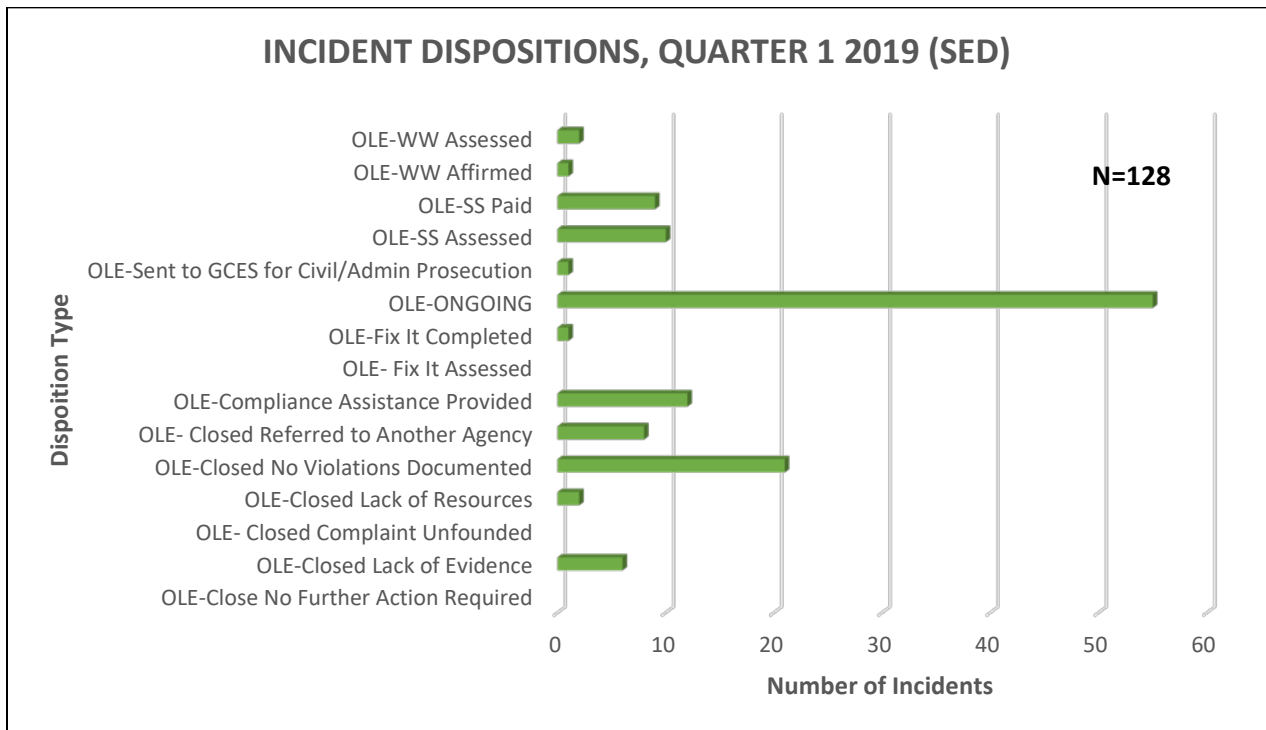
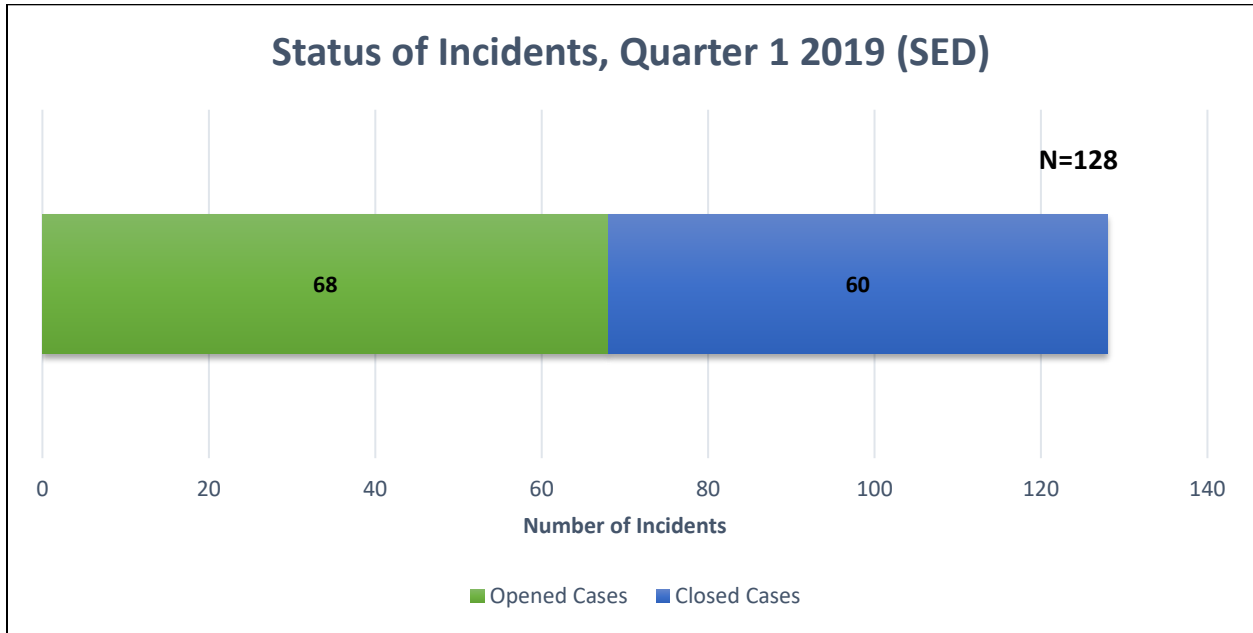
Summary of Incidents by Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 1 2019, there were **48** 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 (**128**) throughout the quarter, by status and disposition. Total includes cases referred to by enforcement partners.



Enforcement Highlights

Natural Disaster Support

Several OLE personnel from the Southeast Division, Northeast Division and West Coast Division deployed in support of ESF-13 operations working Hurricane Florence flood relief efforts in areas around Myrtle Beach, SC. Each team member was appointed as a Special Deputy U.S. Marshals and provided law enforcement escort to a deployed Unified Search & Rescue team from VA conducting damage assessments in areas which remained flooded. The team worked alongside similar law enforcement teams provided by the FBI and NPS.



Sanctuary



A NOAA EO and NOAA SA responded to a vessel grounding inside the FKNMS. A sixty-eight foot shrimping vessel with four crew aboard ran aground on the Norwest Channel jetty off off Key West. No injuries to sea floor life occurred, so the NOAA crew assisted as needed. The vessel contained approximately 3,000 gallons of diesel fuel aboard which the USCG arranged to have off loaded. The FL FWC conducted a boating accident investigation and handled the removal of the vessel.



An EO and an SA were notified by FWC about a possible historical anchor taken from the FKNMS without a permit. The EO and SA located the anchor on Stock Island. The agent and officer interviewed the captain of a commercial fishing vessel who brought the anchor to shore. They determined that the anchor was tangled in fishing gear and retrieved aboard the vessel. A FKNMS archaeologist confirmed the anchor was historical. The fisherman voluntarily abandoned the anchor which is now submerged in seawater on FKNMS

property while waiting for further examination.

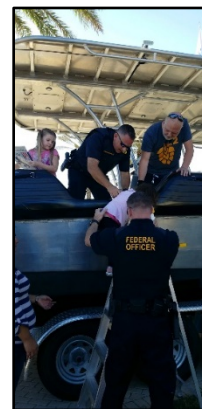
IUU and International

NOAA SAs attended a Port State Measures conference in Trinidad and Tobago titled “Formulation of a National Strategy and Action Plan for Compliance with the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing”

as part of a larger OLE group. The OLE team worked with FAO experts and Trinidad and Tobago participants to identify their legal, operational, and institutional gaps/needs in order to strengthen existing capacities and assist Trinidad and Tobago in fulfilling their responsibilities as a port, flag, coastal, and market state as they move forward with signing onto the agreement.

Outreach

A Charleston SEO and Cape Canaveral EO attended the Right Whale Festival at Jacksonville Beach, FL. The Festival is to educate the public on Right Whales and other marine mammals before the start of the Right Whale migration season. The OLE marked vessel and vehicles were on display and several hundred people in attendance took tours of the OLE vessel.



Endangered Species Act



Several NOAA EOs from around the Gulf of Mexico completed a week long TED operation in Texas. This was the first operational patrol of the Division’s St. Petersburg 36’ Metal Shark patrol vessel. The SEO and an EO trailered the vessel from St. Petersburg to Galveston, TX. The TED patrols were conducted between Galveston and Palacios. A TPWD game warden accompanied the OLE offices on one day of the patrol. Due to the high winds, heavy seas and few shrimp boats in the area, four boardings were conducted resulting in one TED violation.

Overview of Summary Settlements

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

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD requirements	\$200	LA
Endangered Species Act (ESA)	TED/BRD requirements	\$100	LA
Highly Migratory Species	Possess shark without HMS permit	\$250	LA
Highly Migratory Species	Possess shark without HMS permit	\$250	LA
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in activity without valid permit	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Fish for, harvest, or possess prohibited species; Fail to maintain fish intact	\$650	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$800	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$450	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$325	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$325	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure; Possess undersize fish	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure; Possess undersize fish	\$400	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$325	FL WEST

Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$550	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$800	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$550	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$550	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure; fail to maintain fish intact	\$550	LA
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	LA
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$275	SC
Magnuson Stevens Act (MSFCMA)	Retention during closure; TED/BRD requirements	\$800	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure; TED/BRD requirements	\$1,200	TX
Marine Sanctuaries Act	Prohibited activity within sanctuary	\$350	KEYS
Marine Sanctuaries Act	Prohibited gear use; Possess undersize fish	\$650	KEYS

Investigative Support Program

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

Population Breakdown by (VMS) Fisheries and VMS Vendor:

Fisheries	NETWORK	WOODSHOLE	SKYMATE	FARIA	MCMURDO	TOTAL
HMS Pelagic	20	41	12	27	4	104
HMS Shark	0	5	1	3	0	9
Gulf reef fish	228	313	50	131	174	896
Rock shrimp	16	14	4	14	30	78
Charter & Gulf reef	0	1	0	0	0	1
Charter South	0	1	0	0	0	1
Charter	0	0	0	1	0	1
TOTAL	264	375	67	176	208	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 **106** calls with the industry relating to compliance during the quarter.

Significant Investigative Support Issues:

Multiple Investigative Support staff attended various trainings and meetings throughout the quarter, in order to aid in OLE's mission. Staff also attended public council meetings and a Marine Resource Education Program, providing VMS and enforcement related questions to industry and public constituents.

Observer Program Highlights

During FY Quarter 1 2019; the observer programs deployed on **103** trips for **854** sea days. Approximately **100%** 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. Effort conducted in the Gulf of Mexico consisted of observer coverage from the Galveston and Panama City Programs. The Gulf of Mexico Shrimp Program deployed on 44 trips for 563 sea days, and the Gulf of Mexico Reef Fish Program deployed on 4 trips for 22 sea days. Effort for the Panama City Gillnet Program were 9 trips for 9 sea days, and the Panama City Bottom Longline Program (includes Shark Research Fishery) deployed on 27 trips for 51 sea days. The Panama City Reef Fish Vertical Line Program deployed on 0 trips for the quarter. The Pelagic Observer Program (POP) deployed on 19 trips for 209 sea days. The summary below details the type of observer related complaints received during Quarter 4 (calendar year) of 2018, for all 3 programs.

COMPLAINT TYPE	GULF OF MEXICO	POP	Totals
HANDLING	2	11	13
GEAR	1	1	2
RETENTION	0	4	4
SPATIAL	0	2	2
ASSAULT/HARASSMENT	0	0	0
SAFETY	0	0	0
NON-COMPLIANT FOR OBSERVER COVERAGE	0	0	0
MARPOL-USCG	4	6	10
TOTALS	7	24	31

Cases referred to NOAA General Counsel Enforcement Section (GCES)

Listed below is a summary of the 7 cases forwarded to GCES for this quarter.

LAW/REG/PROGRAM	VIOLATION	State
Endangered Species Act (ESA)	Speed restrictions exceeded	MULTIPLE
Endangered Species Act (ESA)	Speed restrictions exceeded	MULTIPLE
Magnuson Stevens Act (MSFCMA)	Activity in closed area	FL WEST
Magnuson Stevens Act (MSFCMA)	Improper fishing in gear restricted area	FL WEST
Magnuson Stevens Act (MSFCMA)	Possession of lobster during closure	KEYS
Magnuson Stevens Act (MSFCMA)	Fail to comply with provisions of IFQ program	MS
Magnuson Stevens Act (MSFCMA)	Fail to comply with provisions of IFQ program	TX