



# **Fiscal Year Quarter 3 2018 Fishery Management Council Report**

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

**April 1, 2018 – June 30, 2018**



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

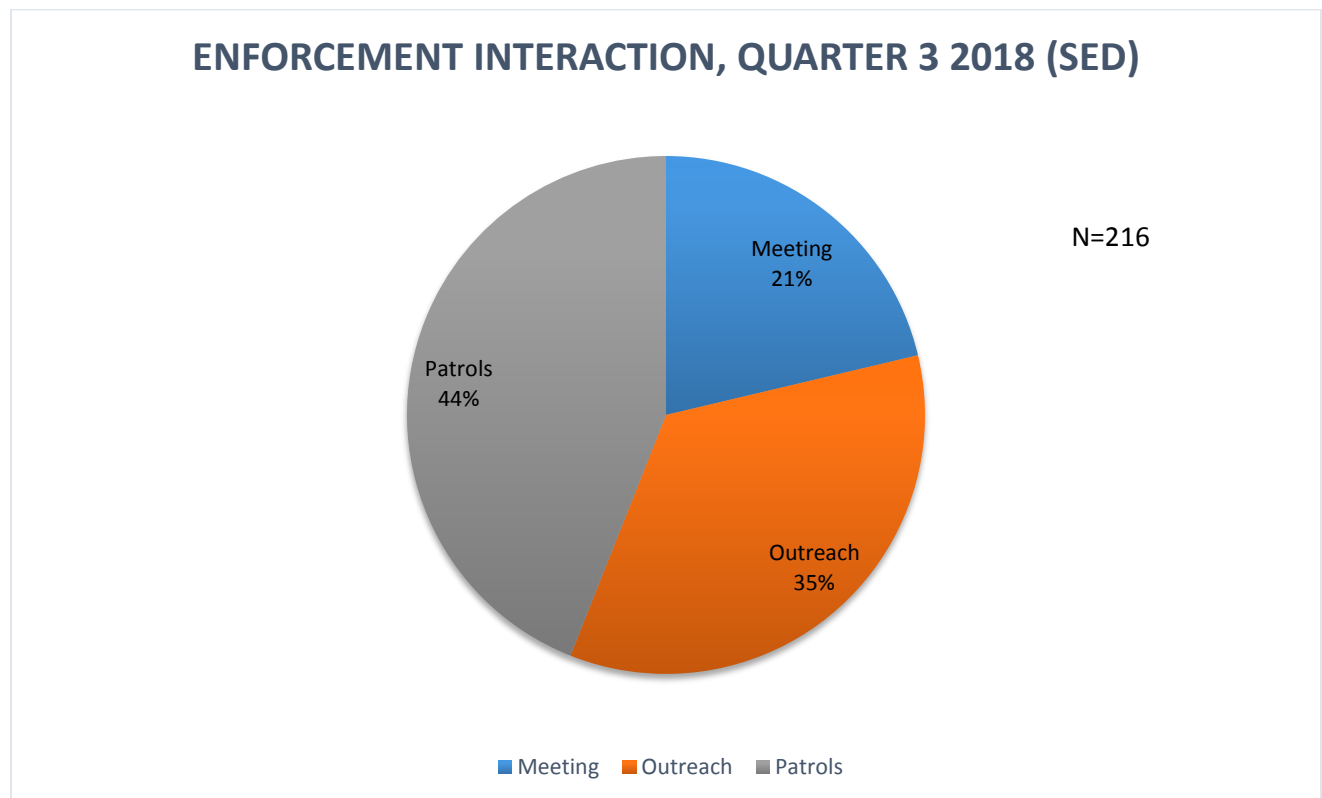
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# Enforcement and Compliance

## Summary

Data represent NOAA Fisheries Office of Law Enforcement Southeast Division's (OLE SED) enforcement effort conducted throughout FY Quarter 3 2018, April 1, 2018- June 30, 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 **95** documented patrols, allowing critical face-to-face interaction between our field staff and the industry; **75** documented instances of outreach (not an exhaustive list; includes phone calls with industry, dock visits, trade shows, presentations, etc.); and **46** 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.

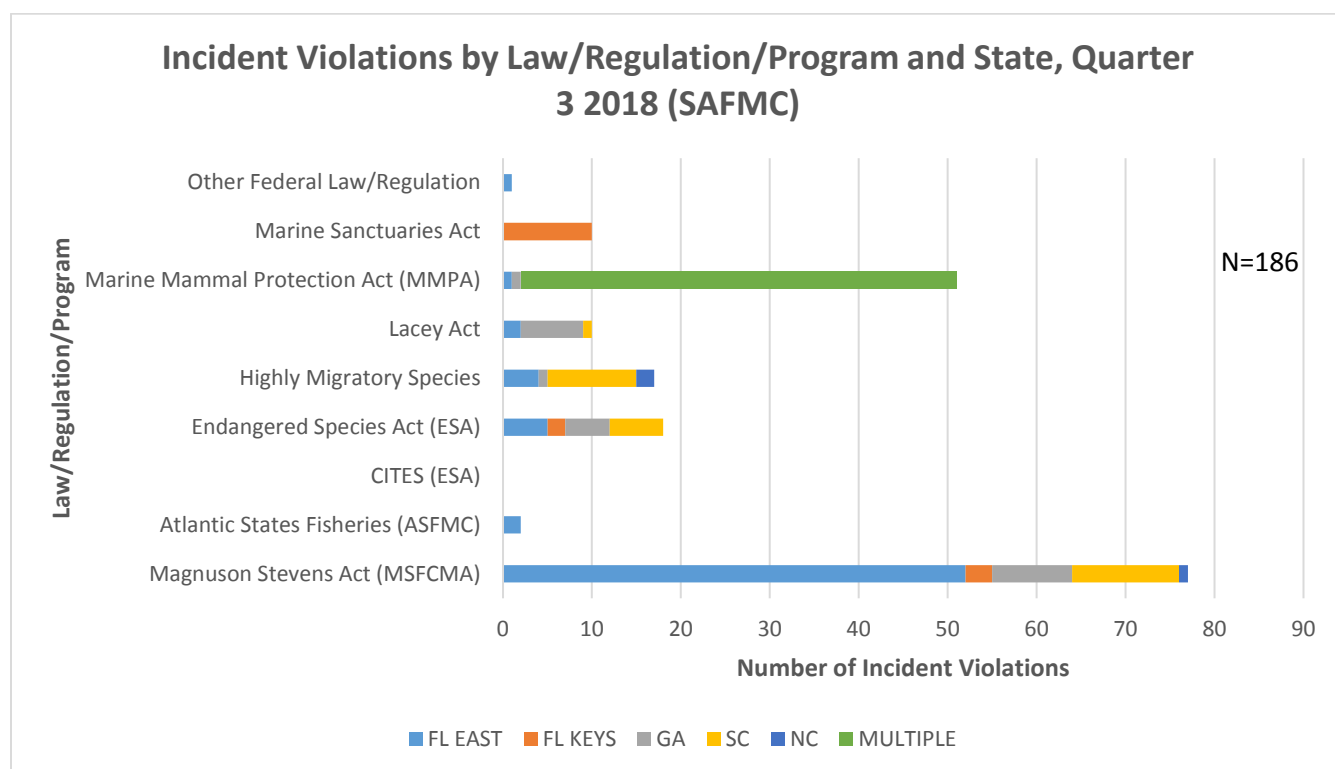


# Incident Information

During the third quarter, OLE opened **333** incidents in the SED, which included 337 incident violation counts- **186** incident violation counts in the SAFMC area and **166** incident violation counts in the GMFMC area<sup>1</sup>.

## Summary of Incidents by Law/Regulation/Program and State; Quarter 3 2018 (SAFMC)

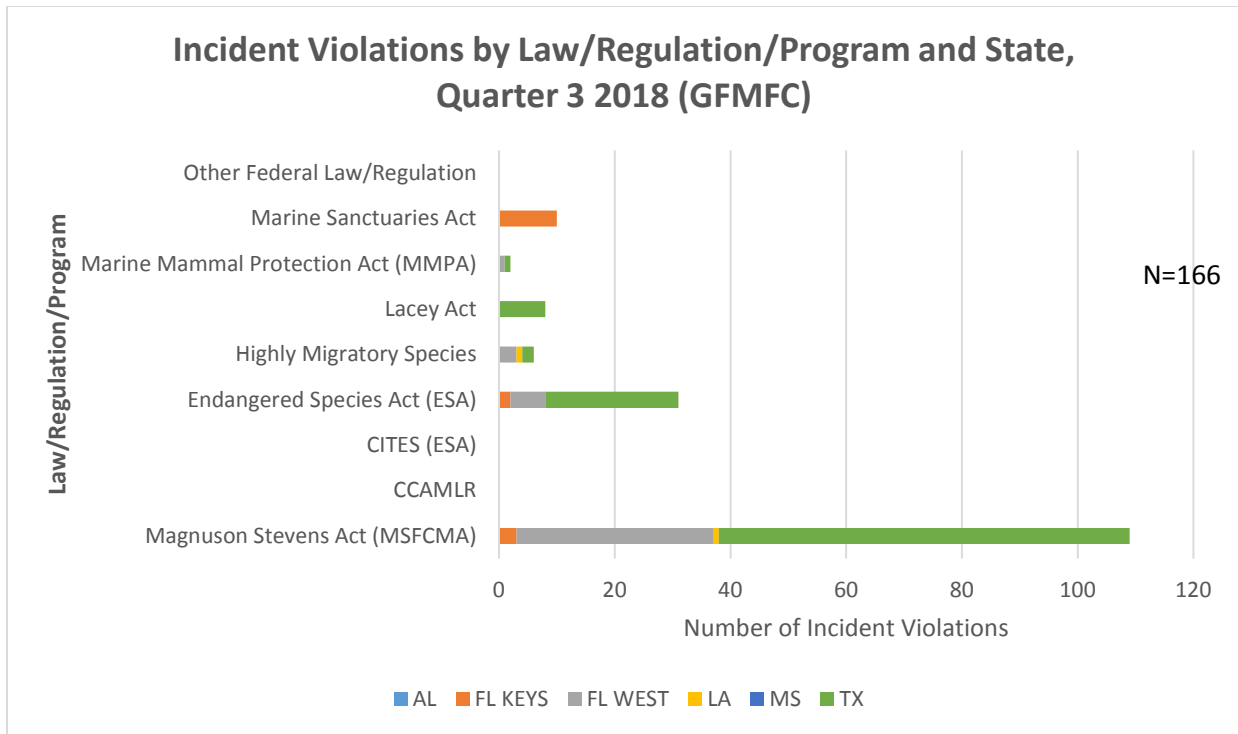
Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	MULTIPLE	Total
Magnuson Stevens Act (MSFCMA)	52	3	9	12	1		<b>77</b>
Atlantic States Fisheries (ASFMC)	2						<b>2</b>
CITES (ESA)							
Endangered Species Act (ESA)	5	2	5	6			<b>18</b>
Highly Migratory Species	4		1	10	2		<b>17</b>
Lacey Act	2		7	1			<b>10</b>
Marine Mammal Protection Act (MMPA)	1		1			49	<b>51</b>
Marine Sanctuaries Act		10					<b>10</b>
Other Federal Law/Regulation	1						<b>1</b>
<b>TOTAL</b>	<b>67</b>	<b>15</b>	<b>23</b>	<b>29</b>	<b>3</b>	<b>49</b>	<b>186</b>



<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

**Summary of Incidents by Law/Regulation/Program and State; Quarter 3 2018 (GMFMC)**

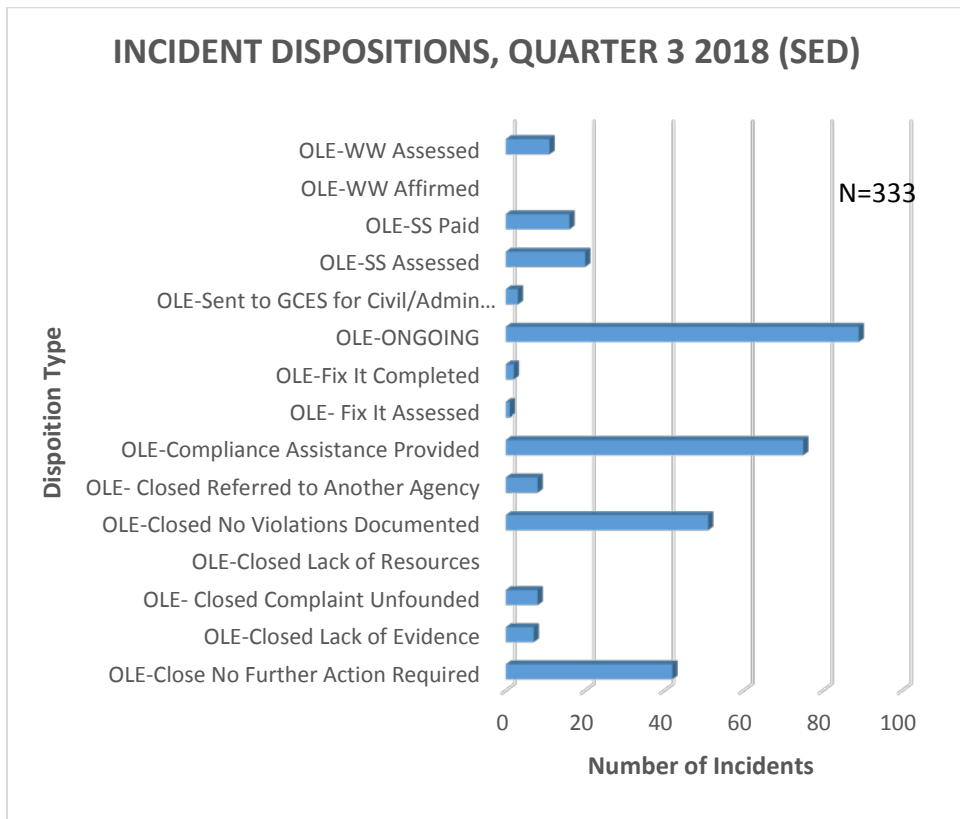
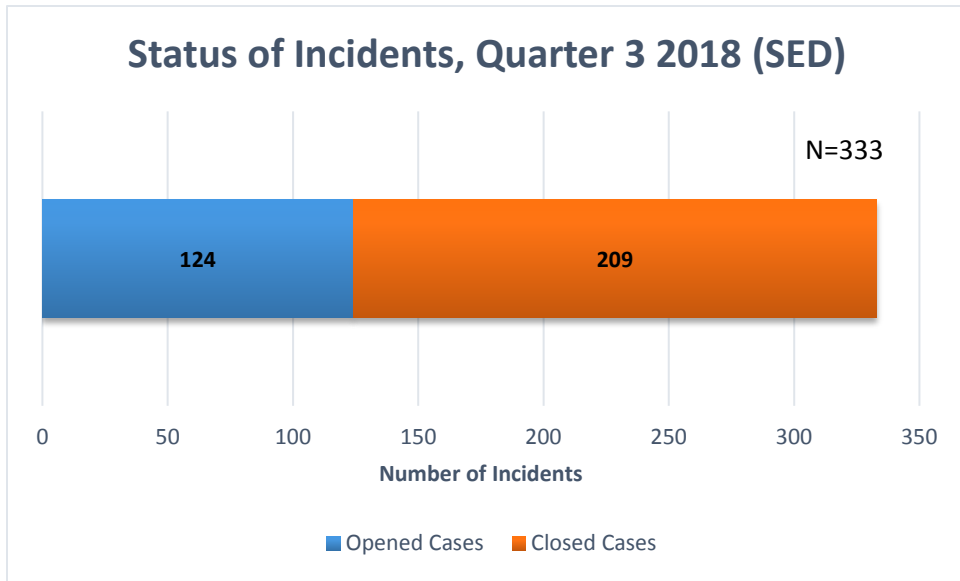
Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)		3	34	1		71	109
CCAMLR							0
CITES (ESA)							0
Endangered Species Act (ESA)		2	6			23	31
Highly Migratory Species			3	1		2	6
Lacey Act						8	8
Marine Mammal Protection Act (MMPA)			1			1	2
Marine Sanctuaries Act		10					10
Other Federal Law/Regulation							0
	0	15	44	2	0	105	166



**Summary of Incidents by Law/Regulation/Program and State; Quarter 3 2018 (CFMC)**

No reported incidents during this quarter. OLE has two vacant Caribbean enforcement positions at this time. OLE intends to hire one special agent and one enforcement officer in Puerto Rico.

# Caseload Snapshot



# Enforcement Highlights

## **Magnuson-Stevens Fishery Conservation and Management Act:**

On March 5, 2018, a NOAA OLE enforcement officer from Panama City, FL initiated an investigation after receiving notice from the NOAA OLE VMS team, that a bottom longline fishing vessel was reporting within a bottom longline restricted area. The officer coordinated an at sea boarding with the Florida FWCC approximately 30 nautical miles offshore. Upon locating the vessel, officers documented longline fishing activity within the restricted area. A NOAA OLE enforcement officer seized the vessel's catch which consisted of approximately 3,010 pounds of reef fish. The case is pending.

## **Lacey Act:**

On March 1 2018, Shell Beach Seafood was charged in a one count Bill of Information for violation of the Lacey Act. According to the Bill of Information, from on or about May 1, 2012 through March 30, 2013, Shell Beach Seafood, did knowingly sell and transport blue crabs in interstate commerce with a market value in excess of \$350 when, in the exercise of due care, Shell Beach Seafood should have known that said blue crabs were acquired and possessed in violation of and in a manner unlawful under the laws of the State of Louisiana, specifically Louisiana Revised Statutes, R.S. 56:306.4, R.S. 56:306.5, and R.S. 56:306.6.

On May 11, 2018, Shell Beach Seafood appeared before U.S. District Judge Eldon E. Fallon and pled guilty to the one count Bill of Information for the Lacey Act violation. On August 16, 2018, Judge Fallon sentenced Shell Beach Seafood to one year of probation and a \$7,500 fine to the Louisiana Department of Wildlife and Fisheries (LDWF).

The case was investigated by agents of the NOAA Office of Law Enforcement, Slidell Field Office and the LDWF Southern Strike Force.

# Overview of Summary Settlements

- 73 Summary Settlements Issued

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED Requirements	\$1,100	FL WEST
Endangered Species Act (ESA)	TED Requirements	\$1,375	FL WEST
Endangered Species Act (ESA)	TED Requirements	\$0	FL WEST
Endangered Species Act (ESA)	TED Requirements	\$400	TX
Endangered Species Act (ESA)	TED Requirements	\$600	TX
Endangered Species Act (ESA)	TED Requirements	\$0	TX
Endangered Species Act (ESA)	TED Requirements	\$200	TX
Endangered Species Act (ESA)	TED Requirements	\$1,500	TX
Endangered Species Act (ESA)	Fail to possess turtle mitigation gear	\$1,500	TX
Highly Migratory Species	Fish/retain HMS without valid permit; falsify/fail to report species	\$250	AL
Highly Migratory Species	Retention of shark	\$1,000	SC
Highly Migratory Species	Retention of shark	\$1,000	SC
Highly Migratory Species	Fail to release HMS properly	\$500	SC
Highly Migratory Species	Retention of shark; engage in activity without valid permit	\$250	SC
Lacey Act	Smuggling	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize species; engage in activity without valid permit	\$3,300	AL
Magnuson Stevens Act (MSFCMA)	Possess prohibited species	\$275	FL EAST
Magnuson Stevens Act (MSFCMA)	Falsify/fail to report species	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess prohibited species	\$550	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess prohibited species	\$300	FL EAST
Magnuson Stevens Act (MSFCMA)	Tamper/fail to maintain VMS	\$250	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess prohibited species	\$300	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess prohibited species	\$700	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess prohibited species	\$300	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$875	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$825	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$375	FL EAST



Magnuson Stevens Act (MSFCMA)	Falsify/fail to report species	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$325	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess prohibited species; improper gear use	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in activity without valid permit	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize species; prohibited gear, bag limit exceeded	\$550	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize species; prohibited gear	\$850	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in activity without valid permit	\$750	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize species; prohibited gear	\$850	FL EAST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded, fail to maintain VMS	\$2,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize species; prohibited gear	\$850	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in activity without valid permit	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess prohibited species; prohibited gear	\$575	FL EAST
Magnuson Stevens Act (MSFCMA)	Possess undersize species	\$300	FL KEYS
Magnuson Stevens Act (MSFCMA)	Possess undersize species	\$300	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$450	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$900	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$450	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize species	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$4,200	FL WEST
Magnuson Stevens Act (MSFCMA)	Fail to maintain shark	\$750	FL WEST
Magnuson Stevens Act (MSFCMA)	Dispose of fish after communication by enforcement	\$400	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize species; prohibited gear, bag limit exceeded	\$1,950	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize species; engage in activity without valid permit	\$3,275	FL WEST

Magnuson Stevens Act (MSFCMA)	Retention during closure	\$500	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$400	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$375	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize species	\$1,000	GA
Magnuson Stevens Act (MSFCMA)	Possess undersize species	\$900	GA
Magnuson Stevens Act (MSFCMA)	Possess undersize species	\$400	GA
Magnuson Stevens Act (MSFCMA)	Possess undersize species	\$375	GA
Magnuson Stevens Act (MSFCMA)	Engage in activity without valid permit	\$750	LA
Magnuson Stevens Act (MSFCMA)	Possess undersize species	\$275	SC
Magnuson Stevens Act (MSFCMA)	Engage in activity without valid permit	\$500	SC
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,250	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	TX
Magnuson Stevens Act (MSFCMA)	Possess prohibited species	\$550	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$550	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$700	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$550	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$850	TX
Marine Mammal Protection Act (MMPA)	Feeding marine mammal	\$500	FL WEST
Marine Mammal Protection Act (MMPA)	Prohibited gear use	\$500	GA
Marine Mammal Protection Act (MMPA)	Feeding marine mammal	\$500	GA
Marine Sanctuaries Act	Possess prohibited species	\$600	FL KEYS
Marine Sanctuaries Act	Prohibited gear; mooring	\$1,800	FL KEYS
Marine Sanctuaries Act	Possess prohibited species; prohibited gear	\$800	FL KEYS

# Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: 1,055

Population Breakdown by (VMS) Fisheries:

Fisheries	NETWORK INNOVATIONS	CLS	SKYMATE	FARIA	BOATRACS	TOTAL
HMS PELAGIC LL	20	41	14	29	6	110
HMS SHARK	0	5	1	3	0	9
GULF REEF FISH	247	258	33	129	184	851
ROCK SHRIMP	18	17	6	14	30	85
<b>TOTAL</b>	<b>285</b>	<b>321</b>	<b>54</b>	<b>175</b>	<b>220</b>	<b>1055</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 **340** calls with the industry relating to compliance during the quarter.

## Significant Investigative Support Issues:

**36** Compliance Assistance letters were issued to the owners of vessels observed travelling in excess of the 10-knot speed limit inside the Mid-Atlantic U.S. Seasonal Management Area (SMA) and/or the Southeast. Activity violated the Marine Mammal Protection Act and occurred through federal and multiple state waters.

## Observer Program Highlights

During FY Quarter 3 2018; the observer programs deployed on **128** trips for **990** sea days. Approximately **98%** of all selected trips were completed without an observer related enforcement incident (assault/harassment, safety). 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 41 trips for 551 sea days, and the Gulf of Mexico Reef Fish Program deployed on 15 trips for 85 sea days. The Panama City Gillnet Program did not deploy on any trips, and the Panama City Bottom Longline Program (includes Shark Research Fishery) deployed on 36 trips for 55 sea days. The Pelagic Observer Program (POP) deployed on 36 trips for 299 sea days. The summary below details the status of observer related complaints during Quarter 2 (calendar year) of 2018, for all 3 programs.

Complaint Type	Gulf of Mexico	POP
	Q3	Q3
Handling	0	11
Gear	2	6
Retention		3
Spatial		
Assault/Harassment		
Safety	2	1
Non-Compliance for Coverage		
<b>Totals</b>	<b>4</b>	<b>21</b>

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

- 30 cases forwarded to GCES

LAW/REG/PROGRAM	VIOLATION	STATE
CCAMLR	Import shipment without preapproval	FL EAST
Endangered Species Act (ESA)	TED requirements	FL WEST
	TED requirements	FL WEST
	TED requirements	LA
	TED and BRD requirements	TX
	TED and BRD requirements	TX
Highly Migratory Species	Fail to maintain shark; engage in activity without permit	FL WEST
Lacey Act	Conspiracy; engage in activity without permit; fail to comply with IFQ provisions	AL
	False mislabeling	FL EAST
Magnuson Stevens Act (MSFCMA)	Fish in violation of prohibitions	FL EAST
	Fish in closure area	FL KEYS
	Fish in violation of prohibitions	FL KEYS
	Fish in closure area	FL KEYS
	Retention during closure; possess undersize species	FL WEST
	Fail to comply with IFQ provisions	FL WEST
	Bag limit exceeded	FL WEST
	Dispose of fish after communication from enforcement; fail to comply with restrictions of fishery	FL WEST
	Dispose of fish after communication from enforcement; possess undersize fish; prohibited bait	FL WEST
	Bag limit exceeded	FL WEST
Possession limits; prohibited bait	FL WEST	
	Fail to maintain shark; engage in activity without permit	LA

	Fail to register HMS tournament	SC
	Possess prohibited species	SC
	Fish in violation of prohibitions; engage in activity without permit; prohibited gear	TX
	Fail to comply with IFQ provisions	TX
	Fish in closure area	TX
<b>Marine Mammal Protection Act (MMPA)</b>	Feeding marine mammal	FL WEST
<b>Marine Sanctuaries Act</b>	Possess undersize species; anchoring in reserve	FL KEYS
	Prohibited gear	FL KEYS
	Transit through Area to be Avoided	FL KEYS