

Tab R, No. 3

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

FISCAL YEAR 2020, QUARTER 3
FISHERY MANAGEMENT
COUNCIL REPORT

April 1, 2020- June 30, 2020



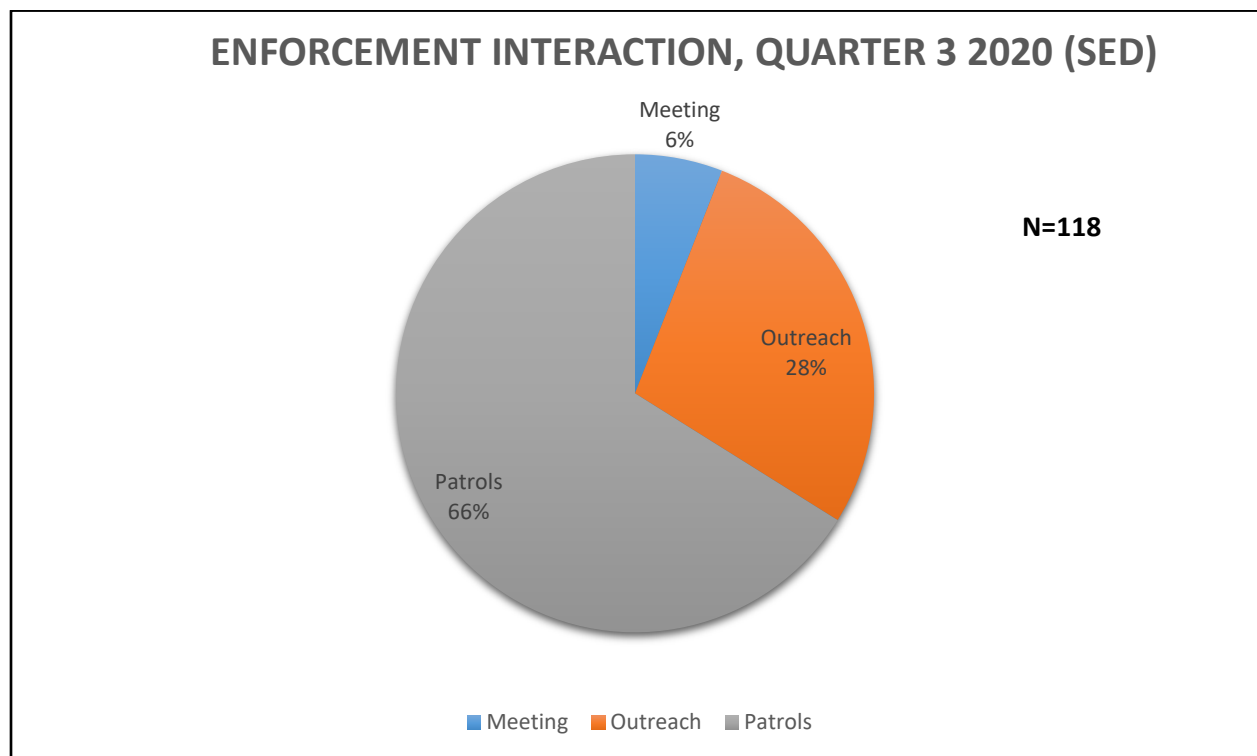
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Enforcement and Compliance

Summary

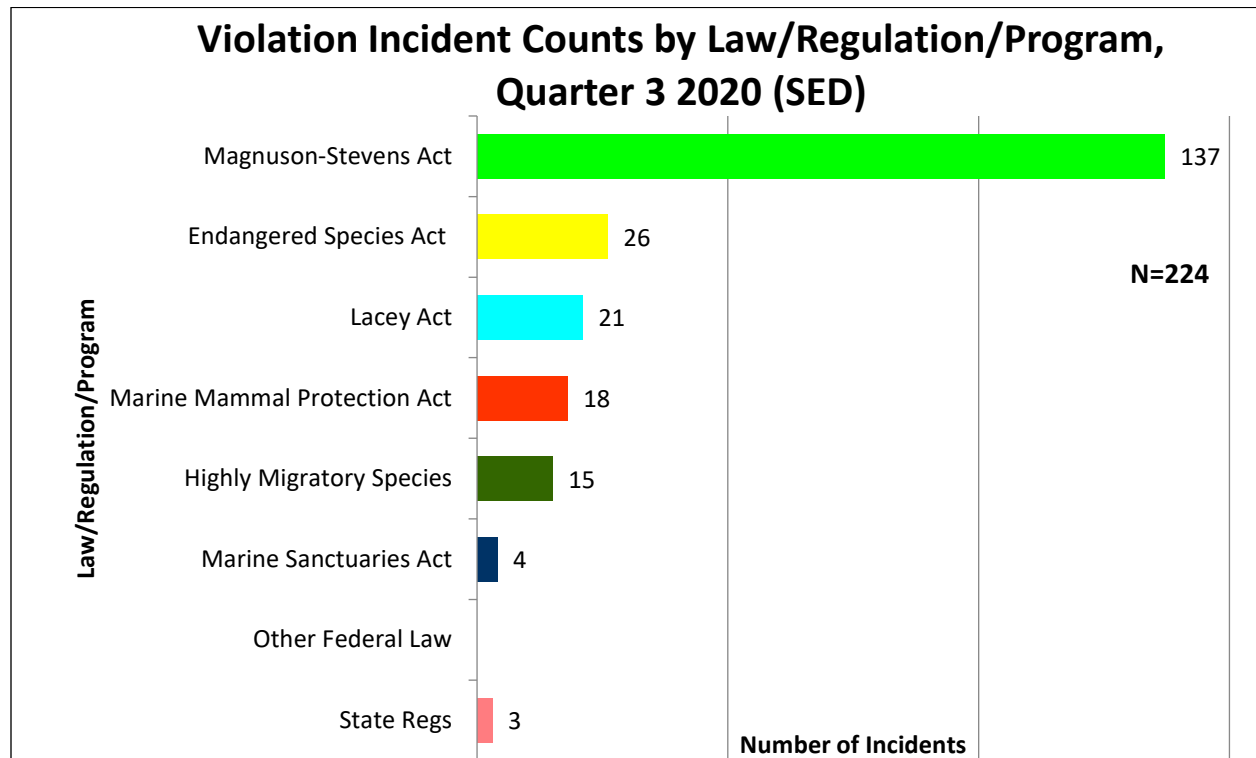
Data represent National Oceanic and Atmospheric Administration Fisheries Office of Law Enforcement (NOAA OLE) Southeast Division's (SED) enforcement effort conducted throughout FY Quarter 3 2020, **April 1, 2020- June 30, 2020**. When appropriate, information is separated by council, South Atlantic Fishery Management Council (SAFMC), Gulf of Mexico Fishery Management Council (GMFMC) and Caribbean Fishery Management Council (CFMC). There were **78** 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 **7** 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, NOAA OLE opened **223** incidents in the SED, which included 224 violation counts- **140** incident violation counts in the SAFMC area, **93** incident violation counts in the GMFMC area and **9** 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 3 2020



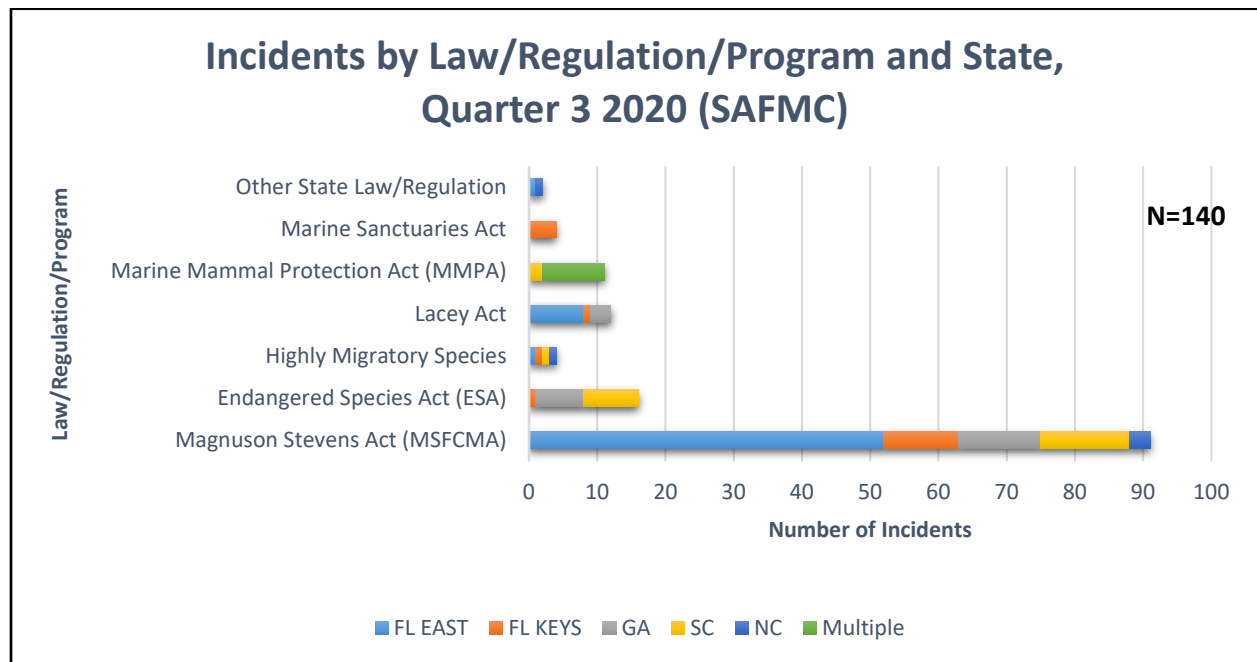
¹ Incident violations occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total incident violation counts greater than incidents due to multiple counts charged for individual incidents

South Atlantic Fishery Management Council Summary

**Total number of incidents listed below include OLE and enforcement partner initiated cases, by location of violation

Number of Incidents by Law/Regulation/Program and Location; Quarter 3 2020 (SAFMC)

Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Multiple	Total
Magnuson Stevens Act	52	11	12	13	3		91
Endangered Species Act (ESA)		1	7	8			16
Highly Migratory Species	1	1		1	1		4
Lacey Act	8	1	3				12
Marine Mammal Protection Act				2		9	11
Marine Sanctuaries Act		4					4
Other State Law/Regulation	1				1		2
TOTAL	62	18	22	24	5	9	140

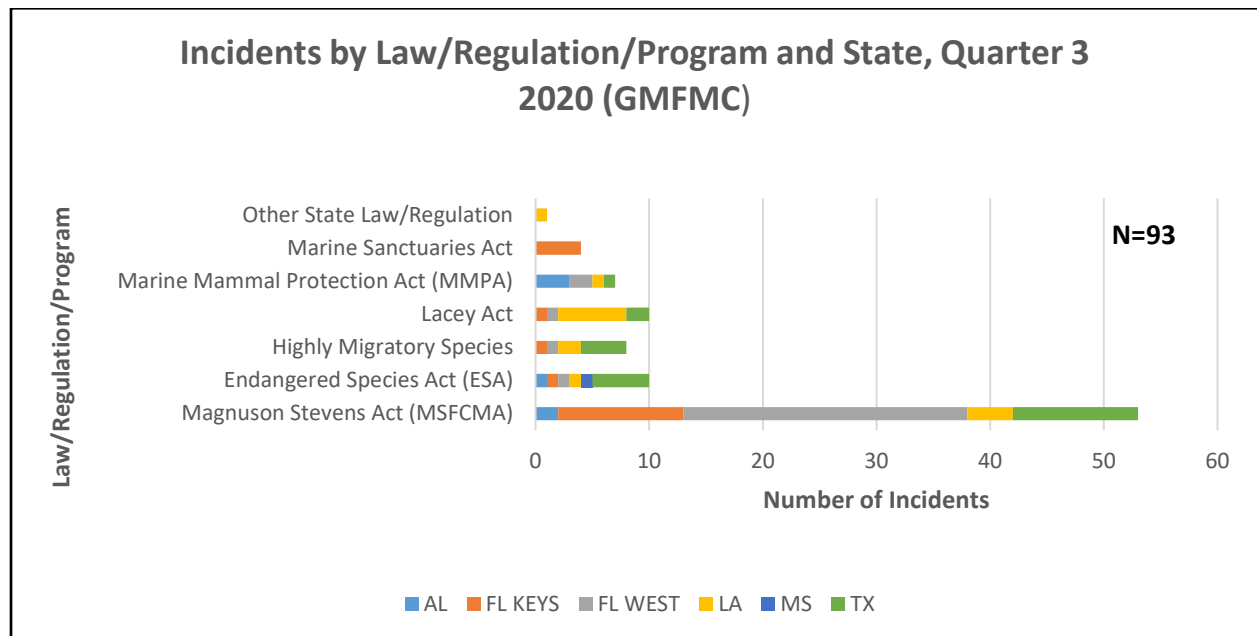


Gulf of Mexico Fishery Management Council Summary

**Total number of incidents listed below include OLE and enforcement partner initiated cases, by location of violation

Number of Incidents by Law/Regulation/Program and Location; Quarter 3 2020 (GMFMC)

Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act	2	11	25	4		11	53
Endangered Species Act (ESA)	1	1	1	1	1	5	10
Highly Migratory Species		1	1	2		4	8
Lacey Act		1	1	6		2	10
Marine Mammal Protection Act	3		2	1		1	7
Marine Sanctuaries Act		4					4
Other State Law/Regulation				1			1
TOTAL	6	18	30	15	1	23	93

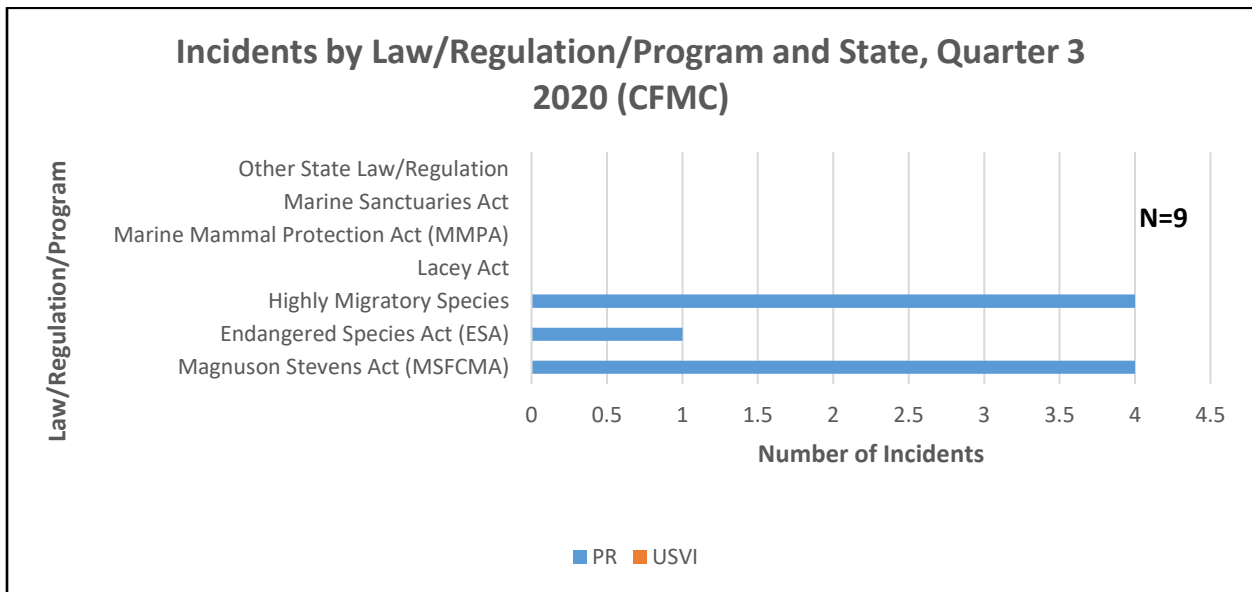


Caribbean Fishery Management Council Summary

**Total number of incidents listed below include OLE and enforcement partner initiated cases, by location of violation

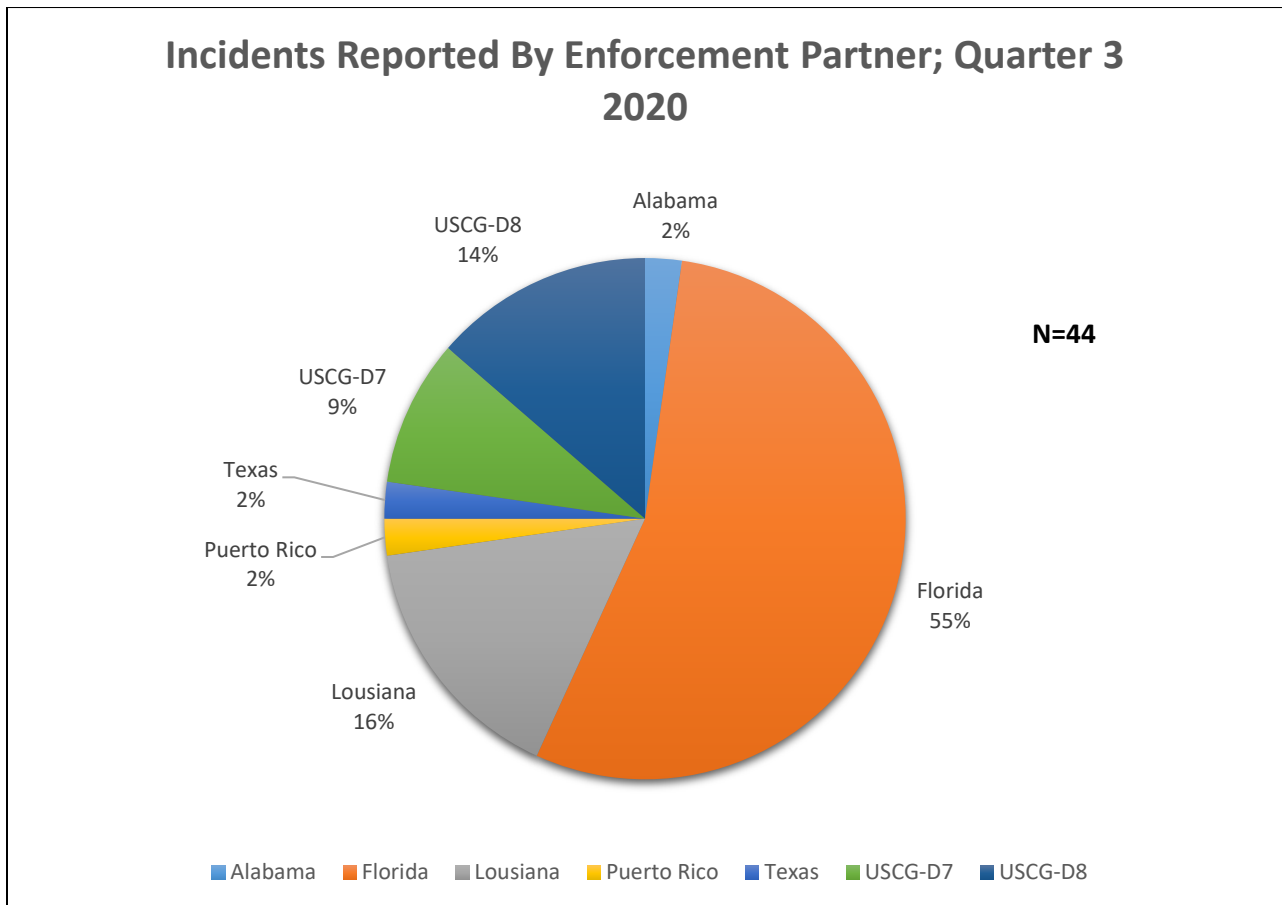
Number of Incidents by Law/Regulation/Program and Location; Quarter 3 2020 (CFMC)

Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act (MSFCMA)	4		4
Endangered Species Act (ESA)	1		1
Highly Migratory Species	4		4
Lacey Act			
Marine Mammal Protection Act (MMPA)			
Marine Sanctuaries Act			
Other State Law/Regulation			
TOTAL	9		9

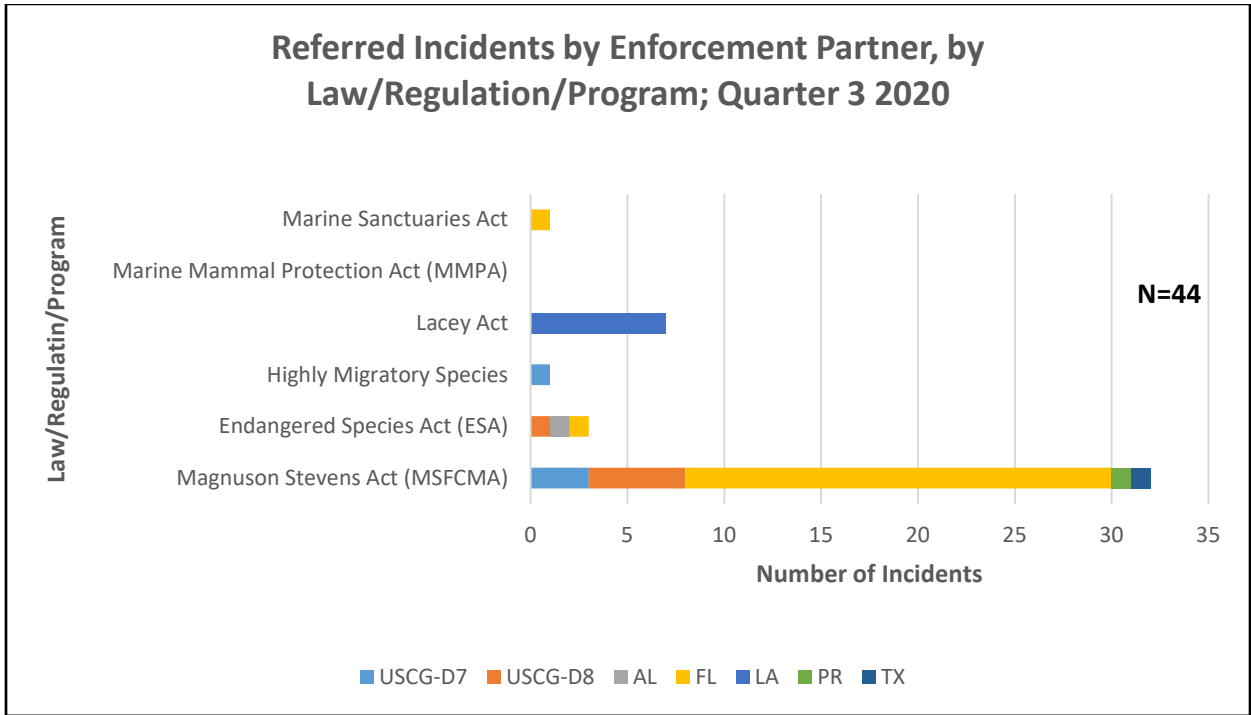


Summary of Incidents By Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 3 2020, there were **44** 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.



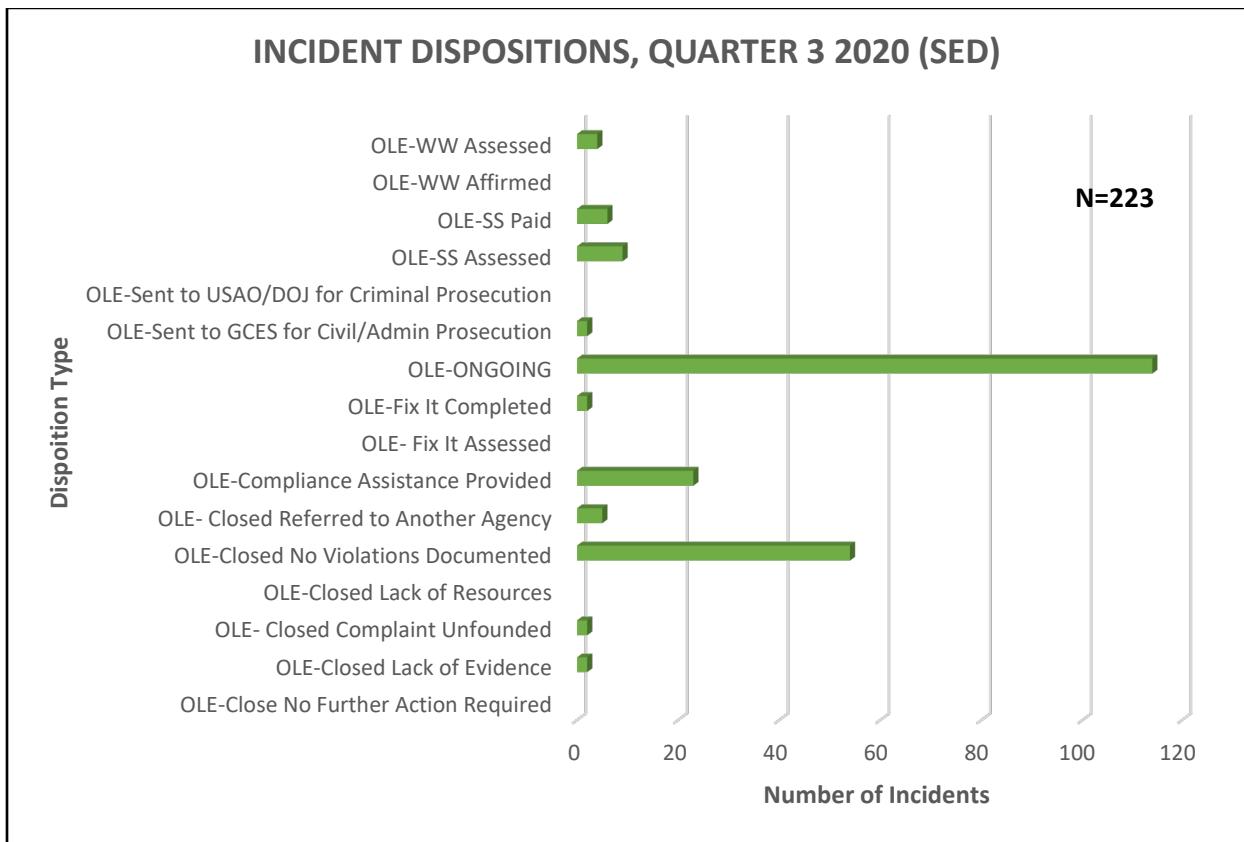
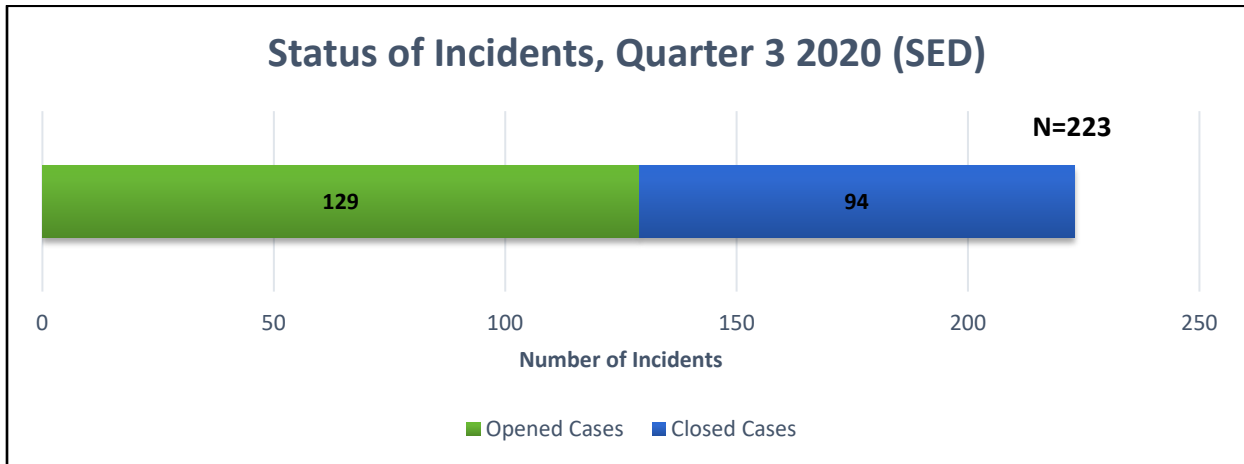
Referred Incidents by Enforcement Partner, by Law/Regulation/Program; Quarter 3 2020



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



Enforcement Highlights

Lacey Act

Raymond M Torres-Ramos pled guilty in Puerto Rico Federal Court (via video conference) to three felony counts of Export Smuggling (18 USC 554 and 2), Lacey Act Wildlife Trafficking (16 USC 3372(a)(2)(A), and Lacey Act False Labelling(16 USC 3372(d)(2)). Torres and another subject were illegally harvesting ricordea, zooanthids and live rock from Puerto Rican waters and selling the marine life in interstate and international commerce. This is the final investigative spinoff of a long term operation initiated out of the Florida Keys. The operation targeted the illegal harvest and sale of ricordea coral, live rock and various marine life species.

Marine Mammal Protection Act

A special agent (SA) with from Corpus Christi, Texas, conducted a land patrol by hiking to the horseshoe cove where a potentially trapped dolphin had been reported on North Padre Island. A bottlenose dolphin was located on the southern portion of this cove. The dolphin surfaced every 2-5 minutes during an hour of observation and seemed to show no signs of distress. No other human or vessel traffic was observed in the area. Water lines observed from the previous week's high tides appeared to provide more than enough depth at the mouth of the cove for the dolphin to leave this area.

Magnuson-Stevens Fishery Conservation and Management Act

A SA from the Jacksonville, Florida field office assisted with and received a Joint Enforcement Agreement (JEA) case package of a recreational fishing vessel in possession of snapper/grouper species not in whole condition (fillets) at sea. The subjects admitted to the fillets being red snapper after officers started taking DNA samples. The DNA samples were sent to the NOAA Forensics lab for species identification and confirmation.

A SA from the Jacksonville, Florida field office assisted FWC with an incident of a commercial fisherman being over the daily commercial trip limit of 4,000 lbs. of Spanish mackerel. The vessel exceed the limit by 538 lbs. The SA also field assisted FWC with an incident of a commercial bottom longline fishing vessel going on a fishing trip with expired permits. FWC boarded the vessel while it was offloading product. The vessel offloaded approximately 2,032 lbs. of golden tilefish, 93 lbs. of blue line tilefish, and 96 lbs. of snowy grouper. The SA checked the permits and they had been expired for the last 3 months. The vessel has since renewed the permits and a SS was issued.

Enforcement Officers (EO's) from Charleston, South Carolina and Savannah, Georgia conducted a JEA Patrol with Georgia Department of Natural Resources (GDNR) to offshore reefs out of Savannah and boarded nine vessels. One recreational vessel was found with five undersize Black Sea Bass, use of J-hooks, and using Black Sea Bass for bait and a second recreational vessel was found with one undersized Black Sea Bass. Summary settlements and compliance assistance were provided.

Endangered Species Act



An EO, SA, and ASAC from Galveston, Texas coordinated and conducted two patrols due to an increased number of Sea Turtle strandings in the area. The team examined TEDs while they were in the water alongside the shrimp vessel. The operation was a success as 10 active shrimp vessels were located, contacted, and the gear was examined. No violations were found.

An EO from Galveston, Texas conducted multiple joint TED patrols with the USCG in, Texas. Officers completed two TED boardings and three at-sea boardings on recreational fishing vessels, where two vessels were found with violations. One vessel possessed yellowfin tuna and did not have a valid HMS Angling permit. Compliance assistance was provided after the owner/operator immediately purchased the permit. The other vessel was found in possession of 21 red snapper fillets hidden in the engine compartment.



An EO from Houma, Louisiana conducted a beach patrol along Grand Isle Beach. During the patrol, the EO identified two dead Kemp Ridley sea turtles that washed ashore. One Kemp Ridley was kept due to a possible gunshot wound to the back of the shell. The turtle was sent to Audubon

Nature Institute in New Orleans to conduct radiograph testing.

An EO from Galveston, Texas completed an underway TED patrol with TPWD offshore Sabine, Texas. One TED boarding was completed on a commercial shrimp-fishing vessel which possessed a TED forward cuts less than 26-inches.

A SA and EO from Galveston, Texas completed a beach patrol of the Galveston and High Island beaches due to the increase of sea turtle stranding's in the area. They provided education to patrons during the patrol. No stranded turtles were observed.

NATIONAL MARINE SANCTUARIES



EO's from St Petersburg, Florida conducted a weeklong, multi-mission OLE patrol in Key West, Florida. In addition to the law enforcement patrol, the crew provided logistics support to the National Weather Service (NWS) by transporting two technicians to Sand Key Light and Sombrero Key Light weather stations. The technicians successfully repaired the previously malfunctioning equipment. Weather data from the two stations is now available to

mariners. The crew documented Florida Keys National Marine Sanctuary Act violations on two recreational vessels. In both instances, the crew observed subjects attempting to commit violations and intervened, thus closing the encounters with compliance assistance. The crew documented Magnuson Act violations on two commercial fishing vessels.

COOPERATIVE ENFORCEMENT / PARTNERSHIPS

An EO from New Bern, North Carolina observed a vessel cutting fish approximately 50 yards off a local boat ramp prior to landing. By observing the vessel through binoculars it was determined that the fish in question were Weakfish which fall under state regulations. North Carolina Marine Patrol (NCMP) was contacted, a boarding was completed to verify catch, and the incident was turned over once the state Officer was on scene.

PATROL / VMS / CATCH SHARES

An EO from New Bern, North Carolina conducted a patrol of Topsail Island and Surf City, North Carolina for the annual Atlantic Bonito run which has still brought many fishermen to the area. Two separate patrols were also conducted in Oriental, North Carolina.

EO's from Charleston, South Carolina and Savannah, Georgia conducted TED outreach patrols at Port Royal and St. Helena Island, South Carolina. The EO's provided nine courtesy TED measurements. A similar effort was conducted in Cherry Point which four TED's were measured. Compliance assistance was provided on four TED's.

A SA from Slidell, LA and an EO from Houma, LA conducted a beach patrol of Grand Isle beach and Elmer's Island beach. The area has seen a high number of sea turtle and dolphins stranding's recently. No stranded sea turtles or dolphins were located during the patrol of the beach area. The SA and EO did locate a bundle of marijuana on Elmer's Island beach that has been turned over to the appropriate agency for destruction.

An EO from New Bern, North Carolina conducted patrols of Morehead City, Radio Island, and Beaufort, North Carolina focusing on the Big Rock Blue Marlin Tournament. During the patrols numerous contacts were made and questions answered for the public. NOAA OLE was well received by the tournament staff and was asked to participate in measuring the fish that were brought to the dock.

EO's from Charleston, South Carolina and Savannah, Georgia conducted land based Marine Mammal Protection Act (MMPA) patrols of Broad Creek and Hilton Head Island, South Carolina due to reports of dolphin feedings. Dolphin activity was observed however no violations were observed.

COMPLIANCE ASSISTANCE/OUTREACH/EDUCATION/PUBLIC AFFAIRS/MEDIA

A SEO and EO from the St. Petersburg, Florida office met with local subjects within the commercial fishing industry and educated them on commercial fishing regulations. The officers also followed up on a complaint in reference to local boaters harassing dolphins. They documented no violations and provided education on MMPA regulations.



An EO from Savannah, Georgia conducted port operations with CBP and GA DNR at the Port of Savannah examining 18 shipping containers. No violations were found.

HEADLINES

Media: [Co-Owner of Puerto Rican Online Aquarium Business Pleads Guilty to Illicit Trafficking of Protected Reef Creatures](#)

ADMINISTRATION/OTHER

The SED Compliance Liaison participated in a conference call with the OLE Observer Liaison Working Group. Divisional updates, incidents and concerns were shared with the group, including COVID-19 effects of observer deployments.

The Investigative Support team continues to work with the HMS office regarding modifications to Bluefin tuna management. Areas previously closed to fishing have opened up, with enhanced reporting measures through VMS units required. New forms and software updates have been sent to VMS vendors and areas in vTrack updated accordingly.

A St Petersburg, Florida SA and Compliance Liaison held status meetings with the three regional observer programs and SED GCES staff. Current concerns and safety plans regarding future deployments were discussed, related to COVID-19, as well as compliance issues and violations.

An EO from St. Petersburg, Florida and SA's from Sunrise and Jacksonville, Florida along with the



National Training Coordinator attended the memorial service of fallen Florida Fish and Wildlife Conservation Commission (FWCC), Division of Law Enforcement Officer Julian Keen, Jr. They were joined by hundreds of others who gathered to honor the officer who was killed while off-duty after he confronted a hit and run suspect.

[Memorial service for off-duty FWC officer held in LaBelle](#)

[Arrest made in connection with killing of off-duty FWC officer in LaBelle](#)

Overview of Summary Settlements

Listed below is a summary of the **35** Summary Settlements issued during the quarter. Violations cited throughout the Gulf region ranged in subject and included four Catch Share/Individual Fishing Quota Program violations, two citations involving charter or other fishery activity without required permits and one TED/BRD citation. Violations throughout the South Atlantic region included two citations involving charter or other fishery activity without required permits and one Seafood Import Monitoring Program citation. The majority of violations in the Keys area consisted of activity within the Florida Keys National Marine Sanctuary areas.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	\$200	TX
Highly Migratory Species	Fail to maintain HMS in specified form; Invalid permits	\$1,000	FL WEST
Highly Migratory Species	Seafood import requirements	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations; Fail to maintain fish intact	\$1,800	FL WEST
Magnuson Stevens Act (MSFCMA)	Possess undersize fish	\$425	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	TX

Magnuson Stevens Act (MSFCMA)	Retention during closure; Possess undersize fish	\$875	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$700	FL WEST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$450	FL KEYS
Magnuson Stevens Act (MSFCMA)	Spatial incursion; Gear restrictions	\$600	FL KEYS
Magnuson Stevens Act (MSFCMA)	Reef fish as bait; Retention during closure; Fail to maintain HMS in specified form	\$2,050	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$1,300	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Spatial incursion	\$375	SC
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permits	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Spatial incursion	\$275	FL EAST
Magnuson Stevens Act (MSFCMA)	Engage in charter activity without required permits	\$3,325	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$275	FL EAST
Magnuson Stevens Act (MSFCMA)	Invalid permits	\$1,500	FL EAST

Magnuson Stevens Act (MSFCMA)	Catch Shares IFQ Program Violations	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$925	FL WEST
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded	\$762	FL EAST
Magnuson Stevens Act (MSFCMA)	Reef fish as bait	\$550	FL EAST
Magnuson Stevens Act (MSFCMA)	Spatial incursion; Gear restrictions	\$350	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$750	GA
Magnuson Stevens Act (MSFCMA)	Possess undersize fish; Gear restrictions	\$375	GA
Marine Sanctuaries Act	Spatial incursion	\$600	FL KEYS
Marine Sanctuaries Act	Spatial incursion	\$600	FL KEYS
Marine Sanctuaries Act	Spatial incursion	\$600	FL KEYS
Marine Sanctuaries Act	Spatial incursion; Gear restrictions	\$600	FL KEYS
Marine Sanctuaries Act	Operation of vessel causing damage to habitat	\$350	FL KEYS
Marine Sanctuaries Act	Gear restrictions	\$600	FL KEYS

Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **1,084**

Population Breakdown by (VMS) Fisheries and VMS Vendor

Fisheries	NETWORK	WOODSHOLE	SKYMATE	FARIA	MCMURDO	TOTAL
HMS Pelagic	17	44	15	25		101
HMS Shark		5	1	3		9
Gulf reef fish	205	339	69	132	146	891
Rock shrimp	16	33	9	14	8	80
Charter		1		2		3
TOTAL	238	422	94	176	154	1084

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 continues to work closely with NOAA Southeast Regional Office staff regarding the Gulf of Mexico For-Hire Reporting Amendment. Required hardware and software specifics to meet reporting requirements are in development. Federal rules have also been published regarding the new reporting, 85 FR 44005.

<https://www.federalregister.gov/documents/2020/07/21/2020-15275/fisheries-of-the-caribbean-gulf-of-mexico-and-south-atlantic-electronic-reporting-for-federally>.

NOAA OLE plans on hiring enforcement officers specifically for compliance and monitoring of the For-Hire Reporting Amendment and will be assisting the program as it develops.

The Investigative Support team has also worked with the HMS office regarding modifications to Bluefin tuna management. Areas previously closed to fishing have opened up, with enhanced reporting measures through VMS units required. New forms and software updates have been sent to VMS vendors and areas in vTrack updated accordingly.

Observer Program Highlights

During FY Quarter 3 2020; the Southeast Division Observer Programs deployed on **4** trips for **8** sea days. Coverage was reduced due to COVID-19 related concerns. Approximately **100%** of all selected trips were completed without an observer related enforcement incident [assault/harassment (sexual and non-sexual), safety]. Observer programs reported **6** 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 0 trips for 0 sea days, and the Gulf of Mexico Reef Fish Program deployed on 0 trips for 0 sea days. Effort for the Panama City Gillnet Program was 3 trips for 3 sea days, and the Panama City Bottom Longline Program (includes Shark Research Fishery) deployed on 0 trips for 0 sea days. The Panama City Reef Fish Vertical Line Program deployed on 0 trips for 0 sea days. The Pelagic Observer Program deployed on 1 trips for 5 sea days. The summary below details the type of observer related complaints received during Quarter 2 (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			
NON-COMPLIANT FOR OBSERVER COVERAGE	9	22	1
HANDLING		1	1
GEAR		1	1
RETENTION		1	
SPATIAL			
MARPOL-USCG			1
TOTALS	9	25	4

Cases Referred For Civil and/or Criminal Prosecution

Listed below is a summary of the **27** cases forwarded to NOAA General Counsel Enforcement Section and/or the United States Attorney Office/Department of Justice for this quarter. Cases varied in violation type, with 11 occurring in the South Atlantic area, 7 in the Gulf and 9 in the Keys area. Three cases were referred to the Department of Justice and involved observer harassment/assault and seafood fraud violations.

LAW/REG/PROGRAM	VIOLATION	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	FL EAST
Endangered Species Act (ESA)	Invalid permits; ESA and MMPA species take	LA
Endangered Species Act (ESA)	Transiting restrictions exceeded within a NMFS-established Seasonal Management Area(s)	MULTIPLE
Endangered Species Act (ESA)	TED/BRD Requirements; Retention during closure	TX
Highly Migratory Species	ICCAT regulations/spatial incursion	FL EAST
Highly Migratory Species	ICCAT regulations/spatial incursion	FL EAST
Highly Migratory Species	Selling prohibited shark species	AL
Highly Migratory Species	Possession of prohibited shark fins.	LA
Lacey Act	Possession of fish species without valid cruising/country permit	FL KEYS

Lacey Act*	Seafood fraud	NC
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded, Invalid permits	FL EAST
Magnuson Stevens Act (MSFCMA)	VMS Program, Catch Share Program deficiencies	FL KEYS
Magnuson Stevens Act (MSFCMA)	Bag limit exceeded, Retention during closure	FL EAST
Magnuson Stevens Act (MSFCMA)	Spatial incursion; gear restrictions	FL WEST
Magnuson Stevens Act (MSFCMA)	VMS Program deficiencies	FL KEYS
Magnuson Stevens Act (MSFCMA)	VMS Program deficiencies; Spatial Incursion	FL KEYS
Magnuson Stevens Act (MSFCMA)	Failure to keep fish intact	FL WEST
Magnuson Stevens Act (MSFCMA)	Seafood permit and import restrictions	FL EAST
Magnuson Stevens Act (MSFCMA)	VMS Program deficiencies; Fail to comply with protected species measures	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention during closure	FL WEST
Marine Sanctuaries Act	Operation of vessel causing damage to habitat	FL KEYS
Marine Sanctuaries Act	Gear restrictions	FL KEYS
Marine Sanctuaries Act	Operation of vessel causing damage to habitat, Retention during closure	FL KEYS

Marine Sanctuaries Act	Operation of vessel causing damage to habitat, Retention during closure	FL KEYS
Other Federal Law/Regulation	Seafood permit and import restrictions	FL EAST
Other Federal Law/Regulation*	Observer harassment, assault	NC
Other Federal Law/Regulation*	Observer harassment, assault	NC

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