

NOAA Fisheries Office of Law Enforcement  
Southeast Division

FISCAL YEAR 2023, QUARTER 3  
FISHERY MANAGEMENT  
COUNCIL REPORT

APRIL 1, 2023-JUNE 30, 2023



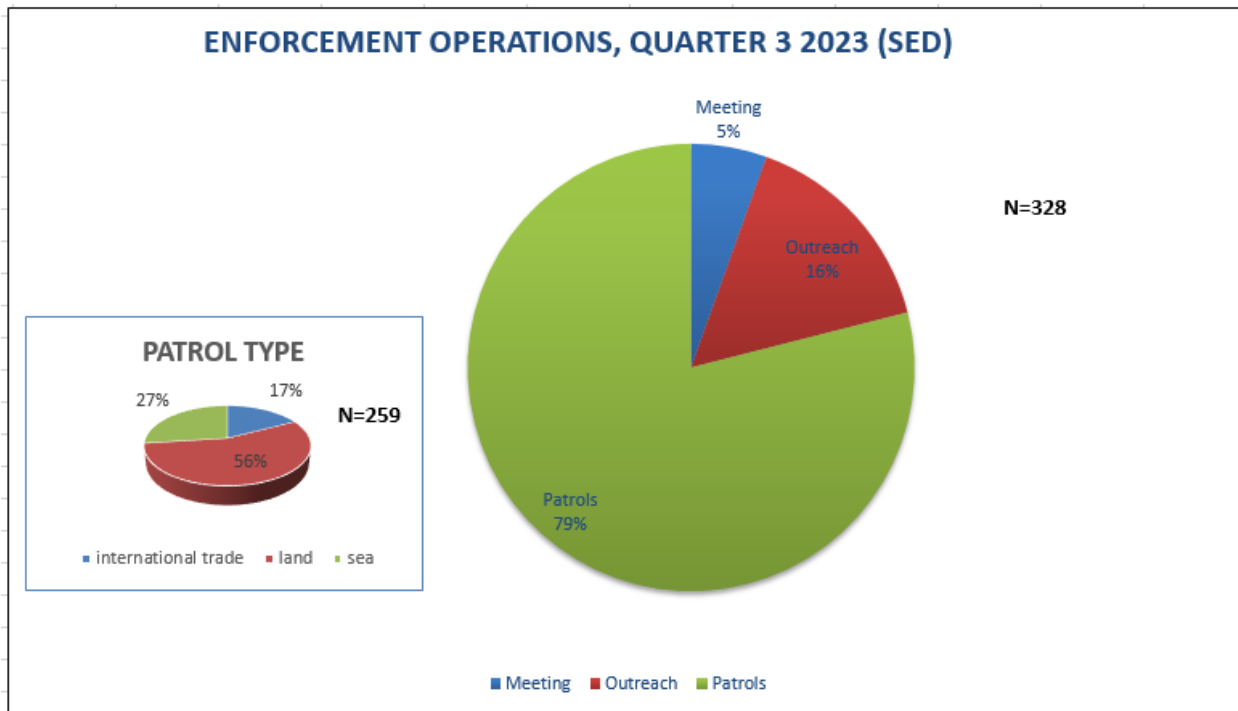
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# Enforcement and Compliance

Data represent National Oceanic and Atmospheric Administration’s Office of Law Enforcement, Southeast Division’s (OLE-SED) enforcement efforts conducted throughout FY Quarter 3, 2023, **April 1, 2023- June 30, 2023**. 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).

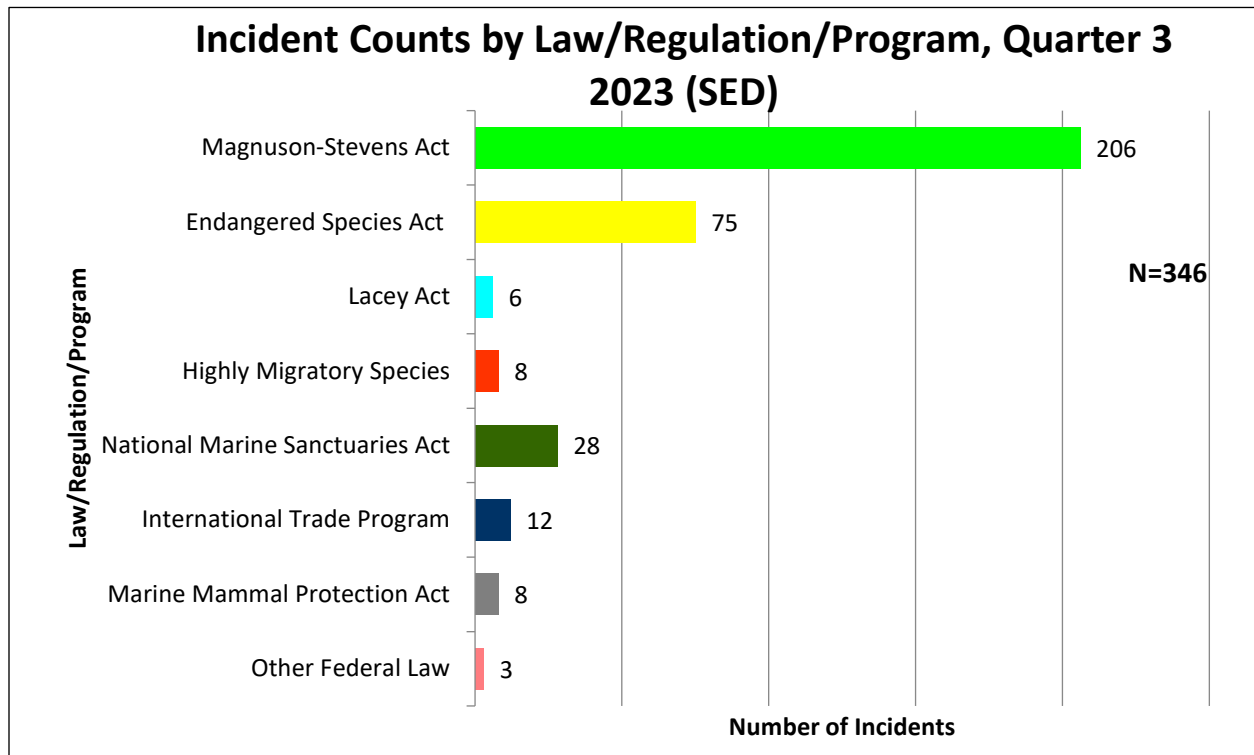
Patrols, outreach and education, compliance assistance, and investigations are the primary activities of OLE’s mission to protect marine wildlife and habitat by enforcing domestic laws and supporting international treaty requirements designed to ensure global resources are available for future generations. Specifically, six operations were conducted throughout the division. Operation TED TALK concentrated on turtle protection and enforcement partner training throughout the Florida Keys National Marine Sanctuary. Operations PALO DE TORTUGA and ROGUE SWEEP were conducted with state and federal partners on the Texas-Mexico border and targeted seafood imports as well as providing a presence in federal waters near the US/Mexico border. Another operation, FISHNET II, targeting Illegal, Unreported, and Unregulated fishing and seafood imports was conducted at the Port of Miami. Lastly, tournament, recreational and charter operators were targeted during multiple operations in the Gulf of Mexico. These operations focused on patrols in federal waters and closure areas, in addition to training local officers. This quarter, OLE-SED conducted and documented **259** patrols, **51** specific instances of outreach and attended **18** meetings.



# Incident Information

During the third quarter, OLE-SED opened **346** incidents, which included **191** counts in the SAFMC area, **198** counts in the GMFMC area and **6** counts in the CFMC area<sup>1</sup>. These incidents originate from both NOAA personnel and our enforcement partners.

## Summary of Incidents by Law/Regulation/Program; Quarter 3, 2023



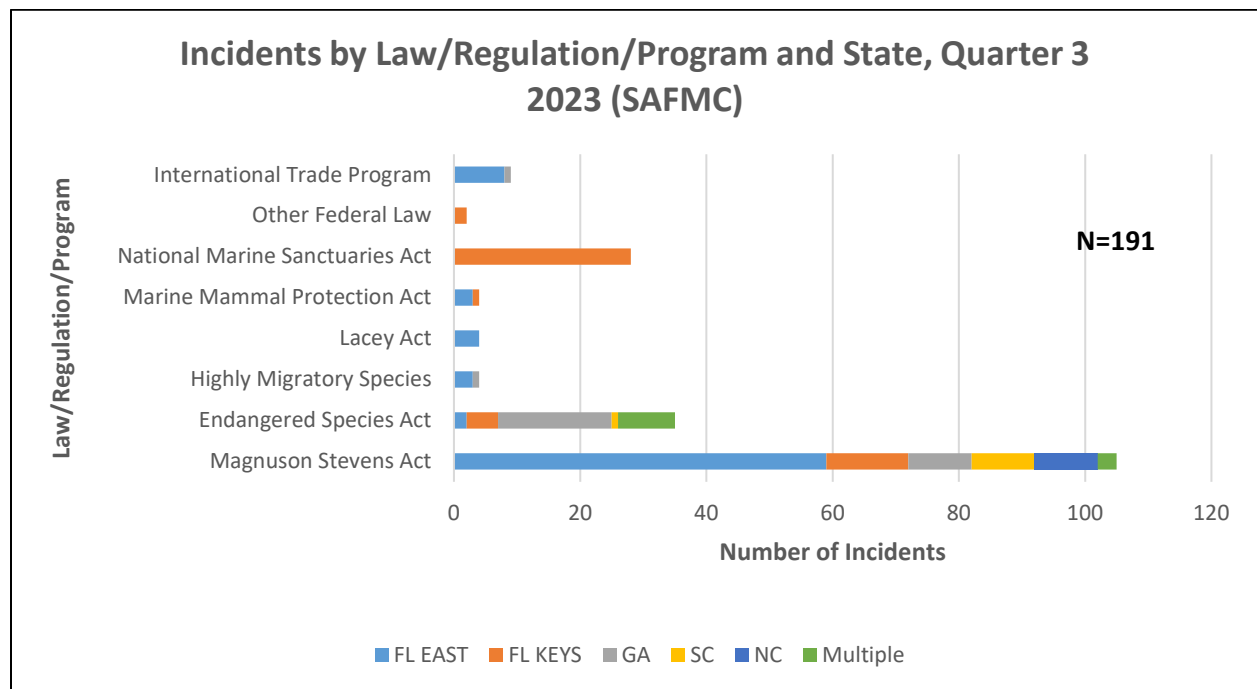
<sup>1</sup> Incidents occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total individual counts are greater than opened incidents due to multiple counts charged for separate incidents

## South Atlantic Fishery Management Council Summary

\*\*Total number of incidents listed below includes effort by OLE and enforcement partners, by location

### Number of Incidents by Law/Regulation/Program and Location; Quarter 3, 2023 (SAFMC)

Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Multiple	Total
Magnuson Stevens Act	59	13	10	10	10	3	105
Endangered Species Act	2	5	18	1		9	35
Highly Migratory Species	3		1				4
Lacey Act	4						4
Marine Mammal Protection Act	3	1					4
National Marine Sanctuaries Act		28					28
Other Federal Law		2					2
International Trade Program	8		1				9
<b>TOTAL</b>	<b>79</b>	<b>49</b>	<b>30</b>	<b>11</b>	<b>10</b>	<b>12</b>	<b>191</b>

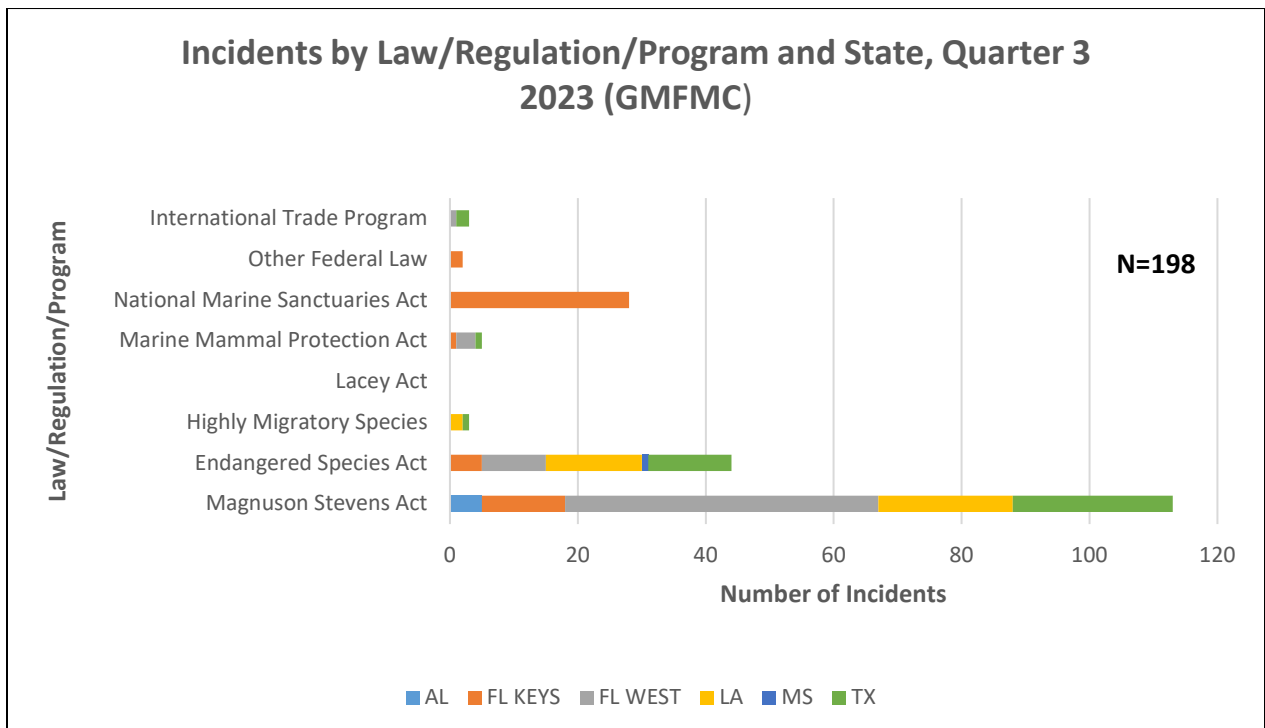


## Gulf of Mexico Fishery Management Council Summary

\*\*Total number of incidents listed below includes effort by OLE and enforcement partners, by location

### Number of Incidents by Law/Regulation/Program and Location; Quarter 3, 2023 (GMFMC)

Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act	5	13	49	21		25	113
Endangered Species Act		5	10	15	1	13	44
Highly Migratory Species				2		1	3
Lacey Act							0
Marine Mammal Protection Act		1	3			1	5
National Marine Sanctuaries Act		28					28
Other Federal Law		2					2
International Trade Program			1			2	3
<b>TOTAL</b>	<b>5</b>	<b>49</b>	<b>63</b>	<b>38</b>	<b>1</b>	<b>42</b>	<b>198</b>

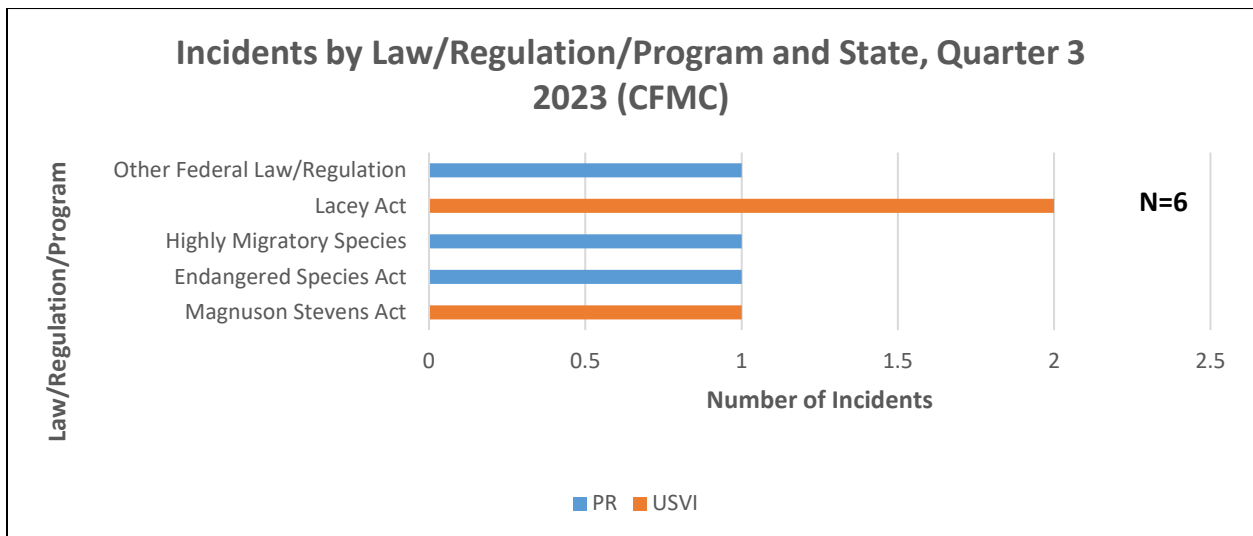


## Caribbean Fishery Management Council Summary

\*\*Total number of incidents listed below includes effort by OLE and enforcement partners, by location

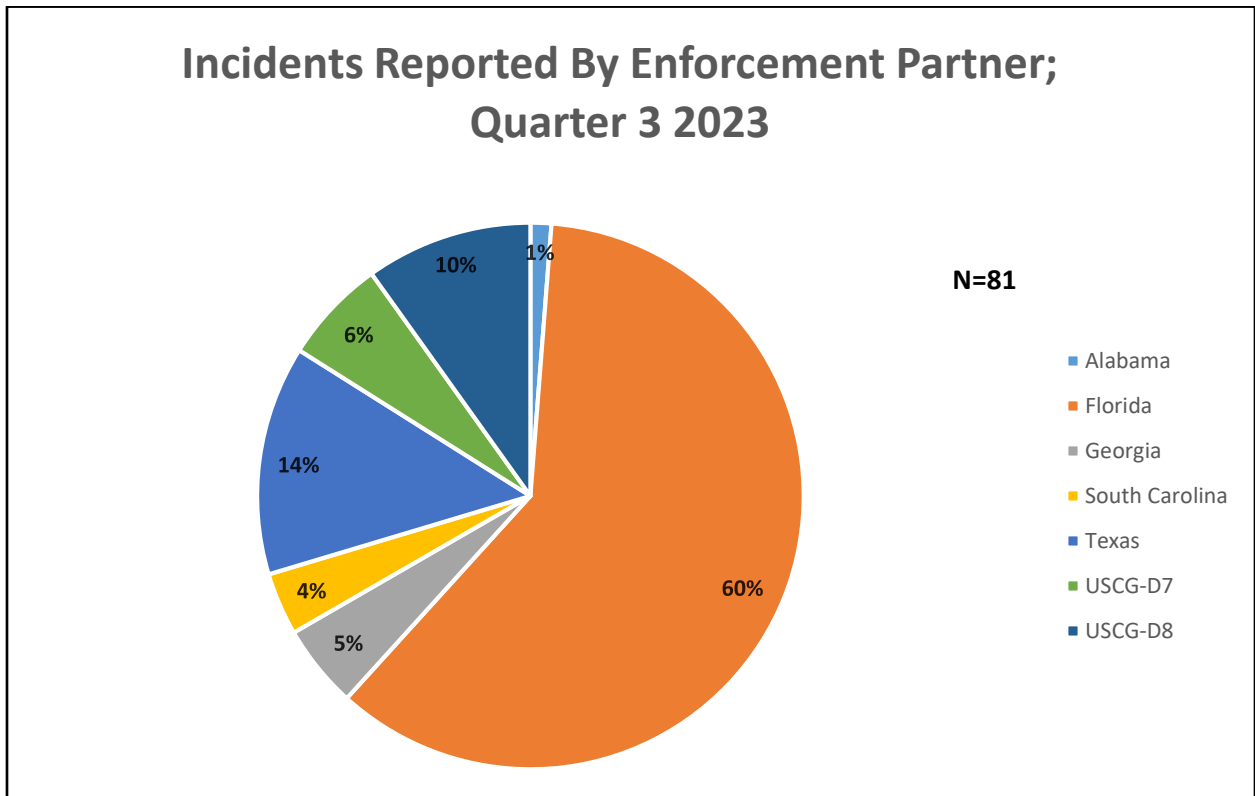
### Number of Incidents by Law/Regulation/Program and Location; Quarter 3, 2023 (CFMC)

Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act		1	1
Endangered Species Act	1		1
Highly Migratory Species	1		1
Lacey Act		2	2
Other Federal Law/Regulation	1		1
<b>TOTAL</b>	<b>3</b>	<b>3</b>	<b>6</b>



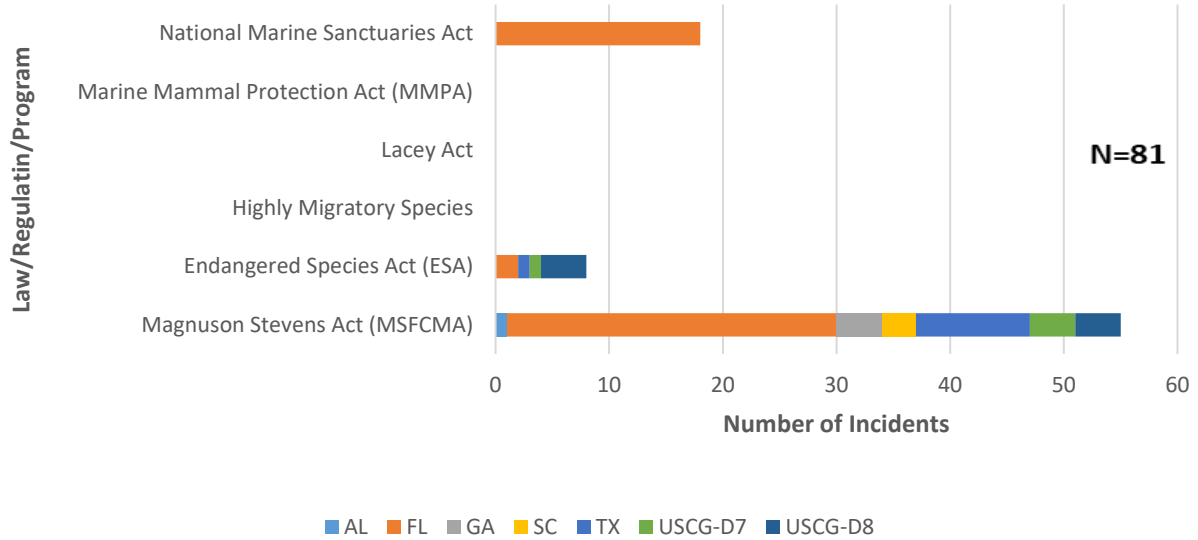
# Summary of Cases by Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 3, 2023, there were **81** cases referred to OLE-SED through Joint Enforcement Agreement (JEA) and United States Coast Guard (USCG) partners. Below is a summary showing the overall distribution of cases initiated by partner, and a breakdown of case counts by law/regulation/program per enforcement partner<sup>1</sup>. Effort consisted of dockside vessel boardings, offshore vessel boardings and interaction with the general public and industry members.





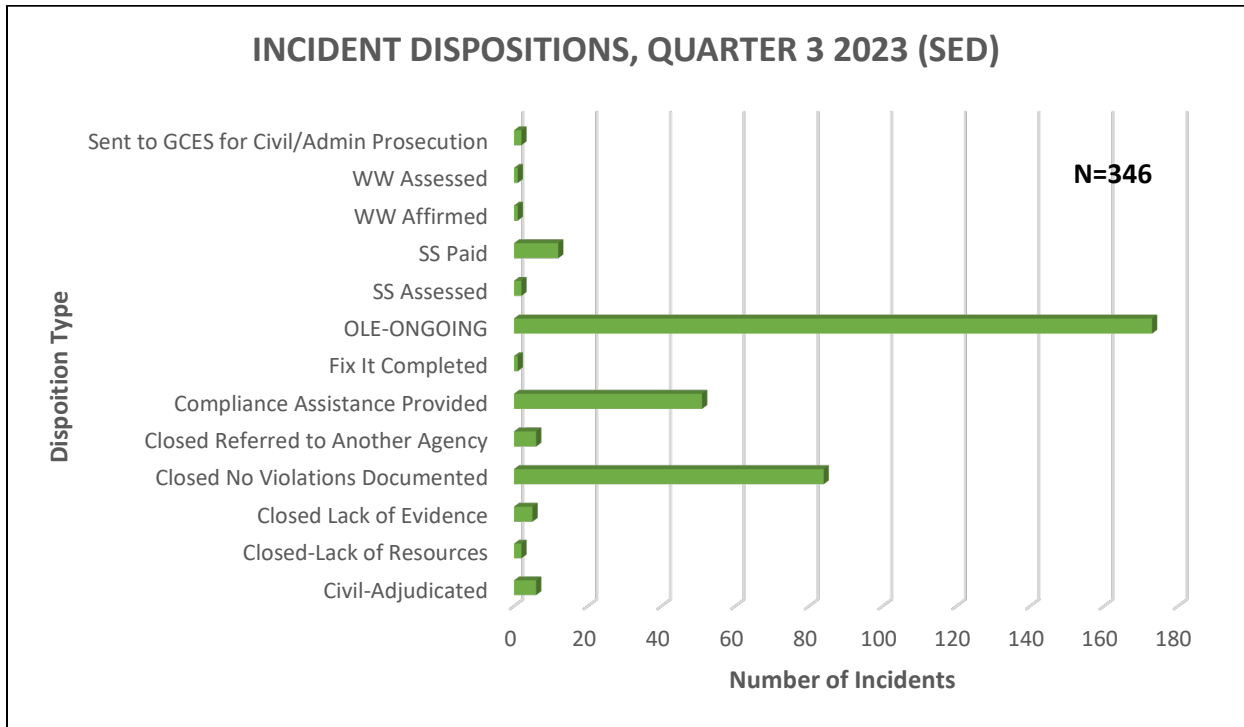
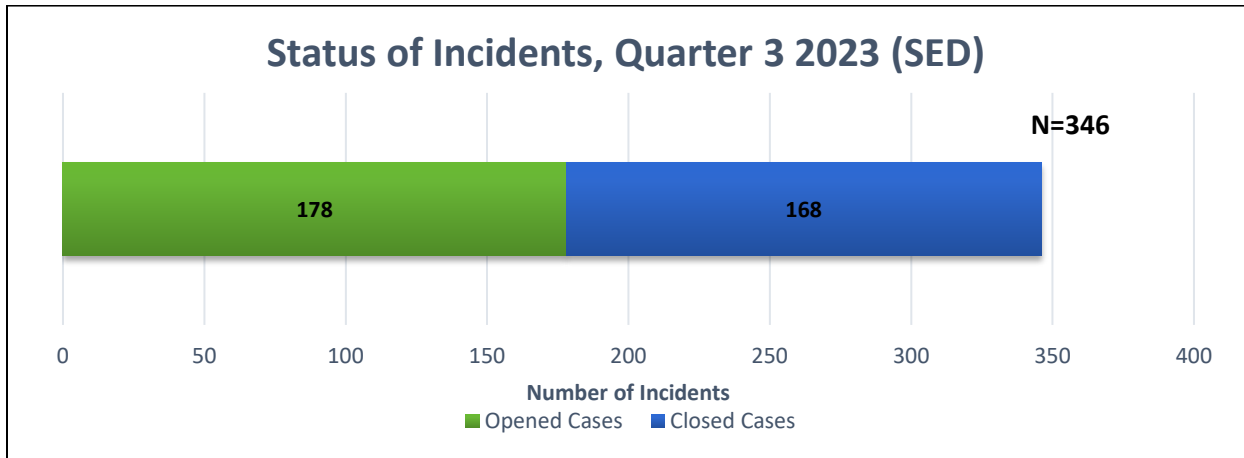
## Referred Incidents by Enforcement Partner, by Law/Regulation/Program; Quarter 3 2023



<sup>1</sup> total individual counts may be greater than opened cases due to multiple counts charged for separate cases

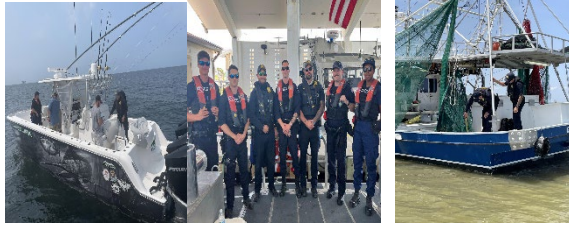
# Caseload Snapshot

Below is a breakdown of the initiated incidents (**346**) throughout the quarter, by status and disposition. The total also includes cases referred to OLE-SED by our enforcement partners. Throughout the quarter, enforcement personnel were able to complete investigations and close **49%** of the incoming workload.



# Enforcement Highlights

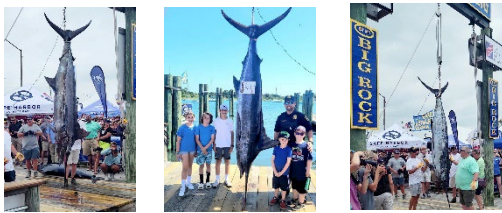
## Highly Migratory Species



A League City, TX Supervisory Enforcement officer (SEO), and Enforcement Officers (EO) from Houma, LA, Destin, FL, Mobile, AL and Harlingen, TX conducted Operation Blue Trophy, a joint HMS operation involving the United States Coast Guard (USCG) stations out of Grand Isle, LA and Venice,

LA. During the operation, officers conducted underway patrols in federal waters and contacted fishermen at the weigh-ins at the Louisiana Gulf Coast Billfish Classic. Additionally, seven skimmer trawl TED inspections were completed with violations present to include: exceeded bent bar spacing, sewn netting and other modifications.

A San Juan, PR Special Agent (SA) interviewed a fisherman who had posted on social media a photo of a blue marlin he had caught. The fisherman was fishing for deep water snapper and the marlin got hooked on the multiple hooks of the buoy gear. The marlin was caught in territorial waters and surpassed the minimum required length. The SA provided information regarding the HMS requirements and the sale prohibition of marlin.



A North Carolina EO worked the 65<sup>th</sup> Annual Big Rock Blue Marlin Tournament with overall tournament payouts for 2023 scheduled for \$5,835,075. The EO was highly visible and had been called by the tournament directors to verify measurements to ensure compliance with federal regulations, one of which only cleared by a

¼ inch.

## Lacey Act

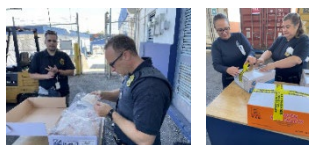
A League City, TX Assistant Special Agent-In Charge (ASAC) was notified that a subject he had investigated in Puerto Rico who had been harvesting, buying, and selling, into foreign and interstate commerce, prohibited corals taken from Puerto Rican waters, in violation of the Lacey Act and Endangered Species Act was sentenced in federal court. The subject received five years of probation, which includes a ban on marine organism trade, a ban on collecting and possessing any marine organisms, and a ban on snorkeling and scuba diving within 200 miles of Puerto Rico, a \$10,000.00 fine, and 300 hours of community service.

## Illegal, Unregulated and Unreported (IUU) Fishing, Seafood Import Monitoring Program (SIMP) and Port State Measures Act (PSMA)

A Panama City, FL SA attended the sentencing of Aifa Seafood and its owner, Jiu Fa Chen in Miami Federal District Court. The company and owner were previously convicted of Lacey Act false labelling violations regarding Haitian spiny lobster being imported to the U.S. and then exported to China as a product of the U.S. Aifa was sentenced to five years of probation, fined \$250,000, ordered to establish and implement a compliance plan, and submit to an audit of its books and records by a court approved auditor. The dealer was suspended from the self-certification program. Jiu Fa Chen was sentenced to five years of probation and was fined \$100,000.

A Cape Canaveral, FL EO participated in PSMA training of PRODUCE Inspectors in Peru. The EO conducted two classroom presentations on evidence collection, and post inspection procedures, as well as in class tabletop exercises. Additionally two field exercises and a final practical exam simulating the boarding of PSMA scenarios commonly encountered by PRODUCE was provided.

A Harlingen, TX EO and a League City, TX SEO conducted joint IUU Fishing operation Palos de Tortugas with Texas Parks and Wildlife (TPWD), U.S. Customs and Border Patrol (CBP) and the USCG. During the operation, the EO and SEO completed 5 SIMP inspections containing blue crab, red snapper, and yellowfin tuna at Veteran's Point of Entry in Brownsville, TX. No trade violations were documented and all imports were released into commerce. Additionally, the EO and SEO conducted a Rio Grande River beach patrol on South Padre Island, TX.



A Miami, FL EO conducted a two-week IUU operation at the Port of Miami, FL. Law enforcement officers conducted port-of-entry inspections of marine products/Food and Drug Administration (FDA)-regulated products entering the United States inside the facilities of the CBP Miami. The agencies involved included FDA and CBP.

A Miami, FL SA and two USFWS Special Agents interviewed a Mexican citizen at Fort Lauderdale International Airport after the subject attempted to smuggle 90 dead birds into the U.S. The subject was denied entry to the country after he voluntarily abandoned the dead birds to the government for destruction and paid a \$500 fine.

A Harlingen, TX EO along with a Homeland Security Investigations (HSI) Special Agent worked together targeting suspected IUU import shipments making entry into the United States from Mexico. The EO conducted 7 SIMP inspections at the Brownsville Port of Entry and the Pharr Port of Entry. Approximately 36,653 lbs. of yellowfin tuna, 32,620 lbs. of shrimp, and 1,657 lbs. of red snapper were inspected. No SIMP violations were documented and all imports were released into commerce.

SA's from Charleston, SC and Jacksonville, FL participated in a joint operation with FDA and CBP at the Port of Savannah. Imported goods including seafood and pharmaceutical products were targeted. Multiple containers were inspected and shipping documents were reviewed.

A Harlingen, TX EO along with CBP, FDA and TPWD's Marine Tactical Operations Group (MTOG) conducted four SIMP inspections at the Brownsville Port of Entry. With the use of MTOG K9s, various shipments of product totaling, 5,809lbs. of Yellowfin Tuna, 34,202lbs. of Shrimp, and 6,278lbs. of Red Snapper were inspected. No violations were documented and all shipments were released into commerce.



## Marine Mammal Protection Act

The St. Thomas, USVI EO was notified by the Coral World STAR network that a mother and baby humpback whale were observed off of St. Thomas with vessels around it. No USCG or Department of Planning and Natural Resources (DPNR) vessels were available to assist so the EO coordinated with USCG Sector San Juan to broadcast a marine safety message regarding MMPA whale harassment rules and regulations.

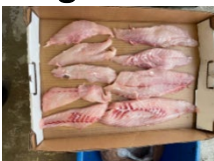
A Sunrise, FL SA assisted an Associate Professor of Paleoecology & Plant Ecology from the University of Maine with the import of Southern Sea Lion bones excavated from peat sediment in the Falkland Islands. The bones are pre-Act, believed to be between 3k and 15k years old, pending radiocarbon dating. The SA put the professor in contact with the Office of Protected Resources to obtain a letter of determination.

A Miami, FL SA issued compliance assistance to a native Alaskan for purchasing online and attempting to receive a handbag and a pair boots that were made of sealskin. \$600 was the approximate value of the products. The products were sent for DNA analysis. The subject voluntarily abandoned the products and was issued compliance assistance.

A Jacksonville, FL SA attended the North Atlantic Right Whale (NARW) Southeast Implementation Team (SEIT) Forum. The intention of the Forum is to involve stakeholders in implementation of the NARW Recovery Plan, to identify partnerships that can help address priority conservation needs, and to identify key emerging conservation issues. The Jacksonville SA provided a brief on NOAA OLE SED's work accomplished over the 22-23 NARW Southeast season, as well as OLE's future plans to enhance enforcement of NARW regulations.

A Niceville, FL SA completed an investigation into a dead dolphin that had washed ashore in Pensacola, FL. While the necropsy indicated the dolphin had died of an unknown infection, a metal object was also discovered lodged in its body that was later believed to be from a pellet gun. Despite a large reward for information offered, no viable information was received and the incident will be closed pending additional information.

## Magnuson-Stevens Fishery Conservation and Management Act



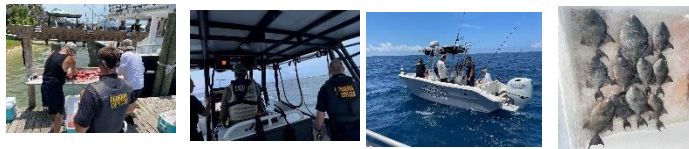
A Panama City, FL EO and Florida Fish and Wildlife Commission (FWCC) Officers monitored an offload on a federally permitted king mackerel fishing vessel. During the offload, the EO located a bag of grouper and snapper filets

hidden in a cooler at the stern of the vessel. The interview revealed that subjects harvested and fileted the fish in state waters. FWCC issued the operator multiple state citations for possession of red snapper and red grouper out of season, along with fish not in whole condition.

A Houma, LA EO completed an investigation of observer harassment that had taken place on board a shrimping vessel in the GOM. The EO issued the operator a written warning.

A San Juan, PR SA issued a \$1,400 summary settlement offer (SSO) to a fisherman who was in possession of six reef fish and a prohibited Caribbean Reef Shark during an area closure. Additionally, a written warning (WW) was issued for the possession of a shark without the proper HMS permit.

A Jacksonville, FL SA served two subjects with a Notice of Intent to Deny Permits (NIDP) for General Counsel Enforcement Section. The NIDP was issued due to the failure to pay a \$63,704 NOVA issued in October of 2021. The unpaid NOVA was issued to the subjects for fishing for and possessing South Atlantic snapper-grouper within the North Florida Marine Protected Area and excessively exceeding the authorized bag limits for gray triggerfish, vermilion snapper, and red porgy. The unpaid NOVA has been referred to the U.S. Department of Treasury for collections and has accumulated additional fees, monetary penalties, and/or cost and now totals \$90,632.12.



Florida EOs (Niceville, Key Largo, St. Petersburg) and a SEO conducted a weeklong patrol operation targeting illegal fishing charters in the Exclusive

Economic Zone (EEZ) off northwest Florida. Officers conducted joint patrols in Pensacola Bay with a FWCC offshore patrol vessel, offshore EEZ patrol aboard OLE vessels and land-based patrols from Destin, FL to Panama City, FL. Officers documented violations for undersized scamp, failing to display required vessel identification, and failing to possess sea turtle release gear. Multiple federally permitted charter fishing vessels were boarded throughout the operation. Officers monitored the offload of IFQ species from two commercial fishing vessels and identified a violation for possessing 11 gray triggerfish during the closed season. Other violations found ranged from over the bag limit requirements, failure to update VMS declarations, missing required vessel identification, and missing sea turtle release gear. Officers adapted their patrols to account for the inclement weather conditions and completed a successful operation.

## Endangered Species Act

While on a vessel patrol, a St. Petersburg, FL EO responded to a deceased sea turtle on a nearby Island in St. Petersburg. The EO notified FWCC biologists of the turtle. Later in the patrol, the EO conducted a fisheries inspection on a federally permitted charter-fishing vessel and provided the captain compliance assistance for not possessing all of the required sea turtle mitigation gear.



An SEO from South Carolina and EO's from North Carolina and Georgia made underway patrols on NOAA F2605 for Operation Excluder Shooter 2023 targeting shrimp trawl vessels for Georgia's shrimp opener in state waters. 10 boardings were completed of NC, SC and GA vessels with one minor violation observed. Weather and sea conditions caused the Operation to end a day early.

## National Marine Sanctuaries

A Key West SA issued the captain of a 75' vessel a SSO for operating his vessel in a manner that endangered marine resources. The captain admitted to being distracted on a phone call when his 75' vessel struck Washer Women Shoal near Key West.

While on Florida Keys National Marine Sanctuary (FKNMS) patrol in the Western Sambos, a Key West, FL SA and Key Largo, FL EO assisted FWC with an injured sea turtle. The turtle was transferred to a local marina where the Sea Turtle Hospital then took possession.

## Cooperative Enforcement/Partnerships



A Charleston, SC SEO and Miami, FL, Savannah, GA, and St Thomas, USVI EOs conducted a joint patrol operation onboard two USVI DPNR patrol vessels off St. Croix, USVI. Six separate patrols

were conducted over three days to patrol federal waters and year-round closed areas. During the operation three illegal fish traps were removed from territorial waters and seized by DPNR and four vessels were cited by DPNR in territorial waters with violations to include undersized lobster and conch harvested out of the shell. A boarding was conducted on a commercial fishing vessel in federal waters outside of Lang Bank approximately 7nm east of St. Croix. The vessel did not have a commercial fishing permit onboard and possessed 59 Queen Conch that were removed from the shell with the shells discarded overboard. JEA case package and GPS training was also conducted with the four USVI DPNR officers that participated.

A North Carolina EO met with the Officer in Charge and Operations Officer at USCG Station Wrightsville Beach to plan underway patrols to the Snowy Grouper MPA during the USCG's 2023 Operation Grouper Grabber.



A Key West, FL EO participated in USCG OPERATION TITAN PUNCHOUT. The Operation took place over a two week period and covered over 2,500 nautical miles aboard the USCG Fast Response Cutter ROLLIN FRITCH. NOAA OLE and the USCG worked in conjunction with our Bermuda and United Kingdom partners in contacting foreign fishing vessels (ffv) on the high seas of the Western Atlantic near the Bermuda and U.S. EEZ's. The crew successfully contacted

all targeted FFV's and gained an abundance of information that impacts the ICCAT convention area and potential joint enforcement efforts on the high seas of the Western Atlantic.



A St. Petersburg, FL EO conducted a TED enforcement patrol/training with local FWCC officers. Officers stopped several commercial fishing vessels and noted several TED violations. Officers also conducted a boarding of a recreational angler who was in possession of 6 red snapper during the closed season. FWCC officers documented federal violations and referred a federal case package to OLE.



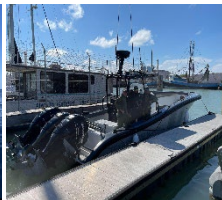
A Miami, FL SA and three Lieutenants from the USCG Mobile Training Team completed a one-week Illegal, Unregulated, Unreported Fisheries seminar for the Mauritanian Coast Guard (MCG), held at the MCG HQ in Nouakchott. The Commandant of the MCG requested NOAA and the US Coast Guard to hopefully return to their country to continue to build a strong relationship.

A Miami, FL SA and a St. Petersburg, FL ASAC virtually attended the second meeting of the Agricultural Intelligence and Terrorism Group meeting hosted by FDA. This meeting included at least 25 different food and agricultural agencies and discussed threats to the United States food and agricultural system. The Agriculture Intelligence and Terrorism group's purpose is to keep the US food supply safe and free from threats by foreign or domestic bad actors to US Agriculture as well as US Ag knowledge and tech.



A League City, TX SEO, Houston, TX EO and Harlingen, TX EO conducted multiple joint EEZ patrols with TPWD and USCG out of Freeport, Matagorda, and Port Mansfield, TX. The purpose of the patrols was to provide an NOAA OLE/JEA partner presence for the opening season of red snapper in federal waters. Over the 5 day patrol, officers conducted 52

boardings on recreational and charter fishing vessels. Multiple violations were documented, which included possession of red snapper over the daily bag limit, possession of undersized red snapper, and possession of out-of-season reef fish as well as HMS violations.



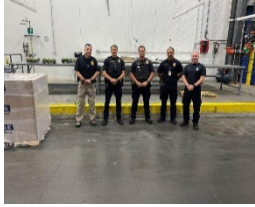
A Harlingen, TX EO conducted multiple joint EEZ patrols with TPWD's MTOG off of South Padre Island, TX. The team retrieved over 1.5 miles of illegal long line gear in the EEZ approximately 18 miles off shore near the U.S. and Mexico

Maritime Boundary Line. The EO boarded 28 vessels and documented one recreational vessel in possession of an undersized red snapper. Additionally, the EO and the MTOG conducted a search and rescue of a vessel disabled in the EEZ. The team was able to provide assistance and repair the disabled vessel.

A San Juan, PR SA participated in a search warrant led by EPA. The search warrant was in a slaughterhouse that allegedly was disposing illegal waste in a nearby creek. Complaints were received of illegal waste ending up in the shoreline of the sea just one mile downstream from the



slaughterhouse facility. The agencies participating in the search were EPA, FBI, NOAA OLE and USFWS. During the search, electronic evidence was seized, as well as discharge pipes and pumps. This interagency collaboration was part of the newly formed federal environmental task force.

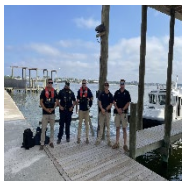


The St. Petersburg, FL EO, SEO and ASAC met with CBP Agriculture Specialists at the Port Tampa Port Logistics Refrigerated Services. Inspection procedures were discussed and a tour of the facility was provided. Future joint inspection operations will be planned.



A Harlingen, TX EO and a League City, TX SEO conducted joint IUU Operation Rogue Sweep working alongside TPWD game wardens, USCG, CBP, Joint Task Force North, and the FDA. The team conducted

patrols into the EEZ near the U.S./Mexico maritime boundary line as well as Port Mansfield, Texas. The EO and SEO completed multiple SIMP inspections containing approximately 45,000 pounds of shrimp and 15,432 pounds of yellowfin tuna at the Veterans and Pharr ports of entries. No trade violations were documented and all imports were released into commerce. Additionally, the Harlingen EO assisted TPWD wardens with Spanish to English translation services during interviews of multiple suspects of an illegal raw oyster trafficking investigation being imported from Mexico.



A Houston, TX EO and a League City, TX SEO conducted an underway patrol with the Alabama Marine Resources Division off Orange Beach, AL. The team completed 8 boardings in the EEZ of federally permitted for-hire vessels and issued fix-it notices to all but one vessel for failing to display their official

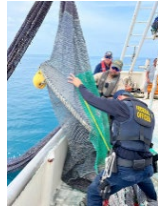
number as required. Additionally, the EO and SEO conducted a patrol of a local marina and completed 7 dockside boardings.



A SEO and EO from League City, TX and EO's from Louisiana and Alabama conducted Operation Double Down in Mississippi and Alabama. This was a joint operation with officers from Alabama's Marine Resources Division (AMRD), Mississippi's Department of Wildlife and Fisheries Division and USCG Station Gulfport. During the operation, officers patrolled the EEZ off Orange Beach, AL and Gulfport, MS and conducted 20 boardings. The team issued fix-it notices to several federally permitted charter vessels for not displaying their official numbers as required. Additionally, an AMRD officer cited a recreational angler for possession of one red snapper during a state closure and no fishing license.

## Patrols/VMS/Catch Shares

Florida Keys EOs and an SA conducted 2 patrols during the Southernmost Air Show weekend at Naval Air Station Key West. Western Sambo Ecological Reserve is one of the primary viewing areas of the air show. Hundreds of vessels were present in the area. OLE made their presence known, deterring anchoring on coral and fishing in the closed area.



Key West, Key Largo, Panama City and St. Petersburg, FL enforcement officers participated in Operation TED TALK. The operation took place in Key West, FL and focused on training NOAA and JEA officers to inspect Turtle Excluder Devices (TEDs) aboard

commercial shrimp trawl vessels. The NOAA Gear Monitoring Team (GMT) traveled from Pascagoula, MS to teach and provide hands-on training. After completing a full day of classroom training, the gear management team and enforcement officers conducted two days of patrol out to 60nm in the Gulf of Mexico EEZ, north of Key West. The teams completed 11 commercial shrimp boat boardings to include 44 individual TED inspections. Officers documented multiple TED violations along with other federal and state fisheries violations. This operation greatly assisted the South East Division with accomplishing its TED inspection milestone goals.

A St. Petersburg, FL EO conducted a land patrol targeting IFQ and federally permitted for-hire fishing vessels. The EO found a previously unknown dock with several charter fishing vessels moored. The EO spoke to several captains in reference to federal charter fishing regulations. The EO boarded and investigated one charter-fishing vessel and provided compliance assistance for improper sized vessel numbers and educated the mate on having documentation for participating in the USCG drug consortium.

A Saint Thomas, USVI EO conducted a joint patrol with CBP Air and Marine Operations (AMO) in the Red Hook area to check vessels arriving at the ferry dock. No violations were found.

A Niceville, FL EO conducted an at-sea patrol in the Gulf of Mexico EEZ aboard the FWCC Offshore Patrol Vessel VIGILANCE out of Niceville, FL. During the patrol approximately 10 fishing vessels were boarded. The EO identified vessel identification and sea turtle release gear violations. The FWCC issued a state citation for an undersized greater amberjack.

A Houma, LA EO conducted a joint patrol with members of the NOAA GMT and USCG. The team was able to conduct TED inspections on three skimmer trawl vessels around Venice, LA and was able to provide education and assistance to the captains on the current skimmer trawl TED regulations.

A St. Thomas, USVI EO conducted a joint patrol with CBP AMO and USVI DPNR to a marina to investigate a report of a lobster fisherman illegally selling their catch. A thorough review of all licenses found no violations. A second joint patrol was conducted with CBP Air and Marine to

Red Hook to inspect U.S. flagged vessels returning to British Virgin Islands with potential Lacey Act violations. No violations were found.



A SEO from South Carolina, EO's from North Carolina and Georgia, and SA's from Florida and South Carolina participated in a joint operation (Face Off) with FDA and CBP at the Port of Savannah. Imported goods, including seafood and pharmaceutical products, were targeted. Multiple containers were inspected, and shipping documents were reviewed. The Savannah, GA EO later conducted three patrols to the Port of Savannah, GA and examined multiple containers that were placed on hold for FDA Operation Face Off that did not arrive during dates of the planned FDA operation.

A St. Petersburg, FL EO and SEO conducted a land patrol to Crystal River, FL targeting federally permitted charter fishing vessels. Officers conducted four back-to-back investigations of charter fishing vessels as they returned to port. Documented violations include failure to properly display official vessel numbers, failure to display federal permit decals, possession of fin fish not in whole condition, use of "J" hooks while using natural bait and not possessing all required sea turtle mitigation gear.



A St. Petersburg EO and FWCC officers conducted an at-sea patrol off St. Petersburg, FL aboard a NOAA OLE vessel, targeting illegal fishing charters. The officers boarded one vessel documenting violations for improper display of official vessel numbers, using "J" hooks with natural bait, not possessing all sea turtle mitigation gear, expired vessel registration, failure to transfer title, failure of captain and crew to register for a drug consortium. FWCC handled all the violations.

## Compliance Assistance/Outreach/Education/Public Affairs/Media



A Savannah, GA EO provided a presentation on NOAA/OLE during CBP's "Bring Your Child to Work Day 2023" at CPB's air cargo facility in Savannah, GA. CBP, USFWS, and Consumer Product Safety provided presentations.



A League City, TX SEO, Niceville, FL EO and Mobile AL EO represented NOAA OLE at the Gulf Coast Illegal Charter (GCIC) Task Force media event in Destin, Florida. The USCG Commander of USCG Station Sector Mobile highlighted illegal charter activity. Representatives from NOAA OLE, FWC, and ALEA, and ADMR were in attendance.

The Compliance Liaison worked with HQ's Public Affairs Officer to develop and release a web story focusing on TEDs. The story highlighted a recent joint operation in the Florida Keys that focused on TEDs and protecting sea turtles. NOAA's Sanctuary and SERO partners amplified this effort as well throughout the week, as NOAA led up to national ESA day.

A Houma, LA EO provided compliance assistance to the captain of an IFQ vessel whose VMS had stopped transmitting. The EO was informed by an Investigative Support Technician (IST) that an IFQ vessel out of Dulac, LA had been operating for over a month without a transmitting VMS. The EO interviewed the captain and was able to find that the VMS was on and could receive signal, but had stopped reporting its position. The captain contacted his equipment support and the unit began transmitting.



A Corpus Christi, TX EO and SA participated in a joint ESA turtle outreach event with the TPWD, USFWS, U.S. National Park Service, USCG, and the Texas Aquarium. This event focused on the Kemp's Ridley sea turtle nesting habitat between Port Aransas and Port

Mansfield.

The Compliance Liaison created a web story related to two recent illegal lobster export cases that the DOJ prosecuted. These cases involved lobster being falsely labeled as a U.S. product and reshipped to China.

IS Personnel sent targeted education/outreach emails to numerous commercial vessels informing them of their reporting requirements and/or power down exemptions.

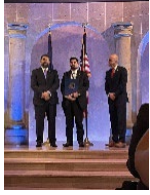


A Cape Canaveral, FL EO and Miami, FL SA ran a booth at the Marine Protector's Event at the Florida Oceanographic Society in Stuart, FL. Educational material was passed out to members of the public explaining NOAA OLE's mission. FWCC and Martin

County Sheriff's Office also attended. The FWCC OPV vessel from Jupiter was at the event, which provided the opportunity of explaining to the public about how the JEA work between NOAA OLE and FWC occurs.

## Training/Other

A Panama City, FL EO and SA provided JEA training to over fifty recruits for the FWCC Recruit Class #45 at the FWCC Law Enforcement Academy in Midway, FL. Training covered the FWCC and OLE JEA process along with education on federal acts/regulations (the MSFCA, MMPA, ESA, NMS and Lacey Acts).



A League City, TX SA received the Department of the Navy Meritorious Civilian Service Award from the NCIS Director for his response to the shooting of an NCIS agent in Houston. The League City SA's intervention provided immediate funds for the family of the wounded SA to help offset medical and childcare expenses. The US Attorney for the Southern District of Texas presided over the event.

A Jacksonville, FL SA attended the NE Florida Maritime Forum in St. Augustine, FL attended by maritime law enforcement and search and rescue capable agencies in the NE Florida area. Attendees discussed search and rescue capabilities, authority and jurisdiction, communication, equipment and assets, and enforcement operations. The SA provided information on current fishery enforcement concerns in the area and answered questions on ESA, MSA, and MMPA regulations.

A Miami, FL SA met with FWCC officers during their commercial fisheries training out of Miami-Dade County. The SA gave a presentation on federal case packages and provided the contact information for the OLE South Florida agents and officers.

A Houma, LA EO presented at multiple USCG Gulf of Mexico Regional Fisheries Training Center sessions in New Orleans. The EO talked with the students about NMFS's mission and how we work together with USCG to enforce fisheries regulations.

The Compliance Liaison and a League City, TX SA conducted an initial training course for the Galveston Observer Program. Reporting tips, observer safety and emergency protocol were covered with the class. A GCES Attorney and the regional Workplace Violence Prevention and Response Coordinator also participated in OLE's session.

A Key West, FL SA, EO, five FWCC officers, a Big Pine Key USFWS refuge officer, and a Miami USFWS SA received the U.S. Fish and Wildlife Service Southeast Region the 2021-2022 Regional Director's Employee Award for Regional Vision Champion (Team) award.

SED completed divisional in-service, in St. Petersburg, FL. Use of force and body worn camera policies, baton refresher training, case updates, first aid/CPR, GCES and DOJ updates, and sexual assault and harassment training were some of the topics covered. During firearms qualifications and advanced tactical pistol drills, sworn personnel had the opportunity to test fire one of the rifles that may be procured in the future for OLE. SED also recognized ASAC John O'Malley and SA Tim Donaldson on their upcoming retirements as well as agents and officers for time in service awards and highest average firearm qualification scores – EO Matt Driggers and SA Matt Roberson. SEO Scarpa and EO Bibler provided non-sworn staff with area familiarization aboard one of the patrol vessels...it was a big hit with the group!

## Media

CHARTER MEDIA EVENT: <https://weartv.com/news/local/us-coast-guard-cracks-down-on-illegal-charter-boating-along-gulf-coast#>

<https://www.myanhandle.com/news/local-news/okaloosa-county/gulf-coast-illegal-charter-task-force-prepares-for-upcoming-season/>

**SANCTUARY and TED ENFORCEMENT ARTICLE:** <https://www.fisheries.noaa.gov/feature-story/noaa-enforcement-helps-protect-marine-life-national-marine-sanctuaries>

**WILDLIFE TRAFFICKING ARTICLE** <https://www.fisheries.noaa.gov/feature-story/noaa-enforcement-uncovers-multiple-illegal-seafood-export-operations>

## Overview of Summary Settlements

Listed below is a summary of the **28** Summary Settlement penalties issued during the quarter. The most frequently observed violation types cited involved retention during closure, undersize possession and/or lack of descender or turtle mitigation devices (14), TED/BRD requirements (5) and Reporting Requirements (4). **11** violations were cited throughout the Gulf region and ranged in subject, including 5 citations for TED/BRD requirements and 4 violations involving retention during closure, undersize possession and/or lack of descender or turtle mitigation devices. **14** violations were cited throughout the South Atlantic region, which included 14 citations related to undersize possession and/or lack of descender or turtle mitigation devices. There were **2** violations in the Keys area. The Caribbean region reported **1** violation that involved a citation related to a retention during closure.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	\$750	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$1,000	LA
Endangered Species Act (ESA)	TED/BRD Requirements	\$100	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$800	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$2,250	TX
Highly Migratory Species Act	Possession of HMS Species Without Required Permits	\$2,000	FL EAST
International Trade Program	Improper Paperwork, Chain of Custody	\$1,000	TX
Magnuson Stevens Act	Undersize Possession; Lack of Descender Device and Sea Turtle Release Gear	\$1,250	FL EAST
Magnuson Stevens Act	Retention During Closure	\$700	LA
Magnuson Stevens Act	Failure to Maintain Fish Intact; Retention During Closure; Bag Limit Exceeded	\$400	FL WEST
Magnuson Stevens Act	Reporting Requirements	\$500	FL KEYS

Magnuson Stevens Act	Retention During Closure; Undersize Possession; Lack of Descender Device	\$725	FL EAST
Magnuson Stevens Act	Retention During Closure; Undersize Possession	\$600	GA
Magnuson Stevens Act	Reporting Requirements	\$500	FL EAST
Magnuson Stevens Act	Undersize Possession	\$1,275	GA
Magnuson Stevens Act	Retention During Closure	\$1,400	PR
Magnuson Stevens Act	Reporting Requirements	\$500	FL EAST
Magnuson Stevens Act	Reporting Requirements	\$500	FL EAST
Magnuson Stevens Act	Undersize Possession	\$250	GA
Magnuson Stevens Act	Retention During Closure	\$2,000	FL EAST
Magnuson Stevens Act	Retention During Closure; Undersize Possession	\$650	FL EAST
Magnuson Stevens Act	Bag Limit Exceeded	\$900	TX
Magnuson Stevens Act	Retention During Closure	\$1,600	TX
Magnuson Stevens Act	Retention During Closure	\$1,500	TX
Magnuson Stevens Act	Retention During Closure; Gear Requirements; Discard of Fish Upon Approach by Law Enforcement	\$1,600	GA
Magnuson Stevens Act	Retention During Closure	\$600	FL EAST
Magnuson Stevens Act	Unpermitted Charter Activity-Open Access Permit	\$500	FL EAST
National Marine Sanctuaries Act	Vessel Grounding	\$350	FL KEYS



# Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **1177**

## Population Breakdown by (VMS) Fisheries and VMS Vendor

FISHERY	ADDVALUE	ATLANTICR T	FARIA	METOCEAN	NAUTIC ALERT	NI	SM	WHG	TOTAL
HMS Pelagic Longline			13			2	16	56	<b>87</b>
HMS Shark			1				1	5	<b>7</b>
Gulf Reef Fish	1		72	86	1	65	107	328	<b>660</b>
Rock Shrimp			2	5		4	8	47	<b>66</b>
Southeast For Hire	3	2	4	1	6		73	268	<b>357</b>
TOTAL	4	2	92	92	7	71	205	704	<b>1177</b>

The Investigative Support Program staff play a vital role in ensuring compliance and provide assistance to enforcement officers and special agents. Staff received and processed **85** referrals from JEA partners. Case support to the field was provided as well, with work ranging from processing summary settlements (**43**), preparing incident reports for GCES, in support of prosecution (**14**), confirming vessel ownership and track lines, validating AIS data and creating chartlets. During the quarter, commercial and charter trips were monitored via VMS to detect potential violations. Violations, ranging from fishing in closed areas, improper gear use and failure to comply with reporting requirements (trip declarations, daily reports, and pre-landing notices) were detected by Investigative Support staff and referred to enforcement officers or special agents for follow-up. Staff technicians initiated targeted outreach to **33** vessels following observation of suspected VMS or fishing violations. **6** investigations were referred for VMS violations. Additionally, staff conducted **465** calls/emails with industry related to compliance during the quarter.

Another continued area of focus this quarter involves North Atlantic Right Whale protection, as comprehensive investigative work was completed for **9** vessels referred to GCES for violating speed restrictions. During this quarter, OLE drafted and mailed **180** compliance assistance letters to stakeholders regarding right whale speed rule violations, with 86 letters originating from the SED Investigative Support Program.

## Observer Program Highlights

During FY Quarter 3, 2023, the Southeast Division Observer Programs deployed on **179** trips for **798** 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 **18** International Convention for the Prevention of Pollution From Ships (MARPOL) violations and **47** potential fishery violations to OLE-SED. The Gulf of Mexico Shrimp Program deployed on **16** trips for **231** sea days, and the Gulf of Mexico Reef Fish Program deployed on **16** trips for **81** sea days. The Panama City Gillnet Program deployed on **13** trips for **13** sea days, Panama City shark program deployed on **9** trips for **15** sea days and the Panama City South Atlantic Reef Fish Program deployed on **94** trips for **145** sea days. The Miami Pelagic Observer Program deployed on **31** trips for **313** sea days. The summary below details the type of observer related complaints received during Quarter 2 (calendar year) of 2023, for all three programs.

COMPLAINT TYPE	Galveston Programs	Panama City Programs	Miami Observer Program	TOTALS
ASSAULT				0
HARASSMENT/INTIMIDATE/IMPEDEMENT	1			1
SAFETY	1		2	3
NON-COMPLIANT FOR OBSERVER COVERAGE	6	7	4	17
HANDLING			11	11
GEAR	1	1	11	13
RETENTION	1		5	6
SPATIAL				0
MARPOL-USCG	2		16	18
<b>TOTALS</b>	<b>12</b>	<b>8</b>	<b>49</b>	<b>69</b>

## Cases Referred For Prosecution

Listed below is a summary of the 7 cases forwarded to NOAA Office of General Counsel Enforcement Section (GCES) and/or the United States Attorney Office/Department of Justice for this quarter. Cases varied in violation type, with three occurring in the South Atlantic area, three in the Gulf area and one in the Florida Keys area.

LAW/REG/PROGRAM	VIOLATION	STATE
Highly Migratory Species Act	Retention/Sale of HMS Species Without Required Permits	FL EAST
Highly Migratory Species Act	Sale/Purchase of HMS Species Without Required Permits	FL EAST
Magnuson Stevens Act	IFQ; VMS Program Requirements	FL WEST
Magnuson Stevens Act	Fishing in a Closed Area	FL WEST
Magnuson Stevens Act	Retention of Prohibited Species	TX
Magnuson Stevens Act	Reporting Requirements	FL KEYS
Marine Mammal Protection Act	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE

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

## NOAA General Counsel Enforcement Section Charging Information

The following Civil Administrative Enforcement Actions are results from NOAA GCES that occurred in the Southeast Division, from **March 2023-May 2023** (available information since last report). Nationwide results may also be found at the [enforcement charging information site](#)

1. Clark Seafood, LLC, David Dwayne Clark, and Judith Elizabeth Clark were charged jointly and severally with possessing, transporting, and selling oysters across state lines in violation of the Lacey Act that were sold in violation of Florida law which prohibits purchasing oyster directly from harvesters or processing them without obtaining a shellfish processing certificate. A \$3,500 NOVA was issued, and the case settled for \$3,150.
2. F/V Fragrant Harbor – Owner David J. Henderson and Operator Joseph Hubert

Garberoglio were charged under the National Marine Sanctuaries Act with illegally fishing inside the Tortugas North Ecological Reserve in the Florida Keys National Marine Sanctuary. A \$3,750 NOVA was issued, and the case settled for \$3,375.

3. Importer Magni Enterprise Corp. was charged under the Antarctic Living Marine Resources Convention Act with importing frozen *Dissostichus spp.* (Patagonian toothfish) without a preapproval. A \$12,000 NOVA was issued.
4. BBC Ganges – Owner Briese Schiffahrts GmbH & Co KG MS “Nes” and Technical Manager Briese Schiffahrts GmbH & Co KG were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$15,000 NOVA was issued, and the case settled for \$13,500.
5. F/V Judy Leigh – Owner/Operator Andrew Binegar and Angler Trevor Feinstein were charged jointly and severally under the Magnuson-Stevens Act with possessing a prohibited Goliath grouper. A \$1,500 NOVA was issued, and the case settled for \$1,350.
6. M/V Anemos – Registered Owner Anemos Navigation Co. Ltd. and Technical Manager Tide Line Inc. were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued, and the case settled for \$6,750.
7. F/V GA9058VD – Owner/Operator/Seafood dealer (dba South Harrington Seafood) David P. Blackshear II was charged under the Magnuson-Stevens Act with possessing fish in excess of the daily bag limit, selling fish without the required permits, and purchasing fish from an unpermitted vessel or without the required dealer permit. The proceeds (\$1,962.25) of the violation were forfeited by abandonment. A \$51,250 NOVA was issued and became a final administrative decision due to default.<sup>5</sup> A Notice of Intent to Deny Permit was issued for non-payment. [See Charged Cases, Item 14, from January 2022 report.]
8. F/V Sweet Lips – Owner Amos A. Gainey and Operator Christopher M. Hazlett were charged jointly and severally under the Magnuson-Stevens Act with possessing fish in excess of what is allowed, where the overage exceeds the catch limit by 100% or more; and fishing for and/or possessing fish inside the North Florida Marine Protected Area. A \$63,704.93 NOVA was issued and became a final administrative decision due to default. A Notice of Intent to Deny Permit was issued for non-payment. [See Charged Cases, Item 6, from October 2021 report.]
9. M/V Laurel – Operator Roy Clifton Hodges and Owner Cooks Point Marine Ventures Ltd. were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided (ATBA) in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750.

10. FL3610MT – Owner/Operator Erick Gutierrez Miranda and Anglers Sergio Enrique Segura Lopez, Pedro Javier Alonso-Jimenez, and Pedro Ernesto Requena Suarez were charged jointly and severally under the National Marine Sanctuaries Act with fishing inside the Tortugas North Ecological Reserve. A \$3,750.00 NOVA was issued, and the case settled for \$3,375.
11. M/V Gekabi – Owner/Operator GeoSouthern Energy Corporation was charged under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued, and the case settled for \$6,750.
12. F/V The Holly – Owner Thornridge Farms Nursery, LLC and Operator Mark Andre were charged jointly and severally under the Magnuson-Stevens Act with failing to provide electronic reports. A \$2,000 NOVA was issued.
13. M/V Chem Gallium – Owner Chem Galium SA and Operator/Technical Manager ASM Maritime BV were charged jointly and severally under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$15,000 NOVA was issued.
14. M/V Rumours – Co-owners John August Moisson and Carolyn Smith Moisson and Operator Alan Scott Eason were charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$30,000 NOVA was issued.
15. FL3455RV – Owner Suncoast Nursery & Tiki Huts Inc., Operator Miguel Rodriguez, and Anglers Isaac Fernandez Hayes and Jeremias Gil were charged jointly and severally under the National Marine Sanctuary Act with fishing in the Tortugas North Ecological Reserve in the Florida Keys National Marine Sanctuary. A \$3,750 NOVA was issued, and the case settled for \$3,375.
16. F/V The Rougarou – Owner Voodoo Fishing Charters, LLC and Operator Chad Patrick Pique were charged jointly and severally under the Magnuson-Stevens Act with fishing for, catching, possessing, retaining, or landing Atlantic HMS without the appropriate valid vessel permit. A \$5,750 NOVA was issued.

#### **Resolved Cases Charged Before March 1, 2023 to May 31, 2023<sup>1</sup>**

1. F/V Capt Luu – Owner Le Corporation and Operator Luu Nguyen were charged jointly and severally under the Magnuson-Stevens Act with failing to retain all dead bluefin tuna that are 73 inches or greater CFL (Curved Fork Length) and with landing 29 yellowfin tuna in improper form, tails removed. A \$19,000 NOVA was issued.<sup>5</sup> The NOVA became a final administrative decision due to default.
2. M/V Big Blue – Owner/Operator Scott D. Osler was charged under the Endangered

Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$22,500 NOVA was issued, and the case settled for \$18,000. [See Charged Cases, Item 4, from December 2022 report.]

3. F/V Ocean Man – Owner/operator Thanh Van Do was charged under the Endangered Species Act with fishing for shrimp without Turtle Excluder Devices installed. A \$44,751 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 15, from February 2023 report.]
4. FL4682RM – Owner Sake LLC, Permit Holder Aimless Lady Inc., and Operator Franklin Daniel Marsocci Jr. were charged jointly and severally under the Magnuson-Stevens Act with fishing for South Atlantic snapper-grouper in the Oculina Bank Experimental Closed Area. A \$6,933.50 NOVA was issued, and the case against the Owner settled for \$6,240.15. The settled penalty amount became a final administrative decision against Permit Holder Aimless Lady Inc. and Operator Franklin Daniel Marsocci Jr. due to default. [See Charged Cases, Item 10, from January 2023 report.]
5. BF Leticia – Owner BF Leticia Forroohari and Technical Manager BF Shipmanagement GmbH & Co KG and Operator CMA GGM SA The French Line were charged jointly and severally under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation and issued a \$52,500 NOVA. Based on new information provided by Respondents, CMA CGM SA The French Line was dismissed as a Respondent and the remaining respondents settled for \$47,250. [See Charged Cases, Item 14, from February 2023 report.]
6. F/V Gulf Offshore – Owner/Operator John William Fagan was charged under the Magnuson-Stevens Act with fishing for or possessing Gulf reef fish on a charter trip with an expired Gulf reef fish charter permit. A \$5,000.00 NOVA was issued. The NOVA became a final administrative decision due to default in January 2023. The parties entered into a revised settlement agreement for \$5,000. [See Charged Cases, Item 3, from the December 2022 report].
7. F/V Chem Gallium – Owner Chem Galium SA and Operator ASM Maritime BV were charged jointly and severally under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic right whale speed restriction regulation. A \$15,000 NOVA was issued, and the case settled for \$13,500. [See Charged Cases, Item 22, from the April 2023 report].

<sup>1</sup>All cases in this portion of the report were previously charged.