

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

**FISCAL YEAR 2021, QUARTER 1  
FISHERY MANAGEMENT  
COUNCIL REPORT**

**OCTOBER 1, 2020- DECEMBER 31, 2020**



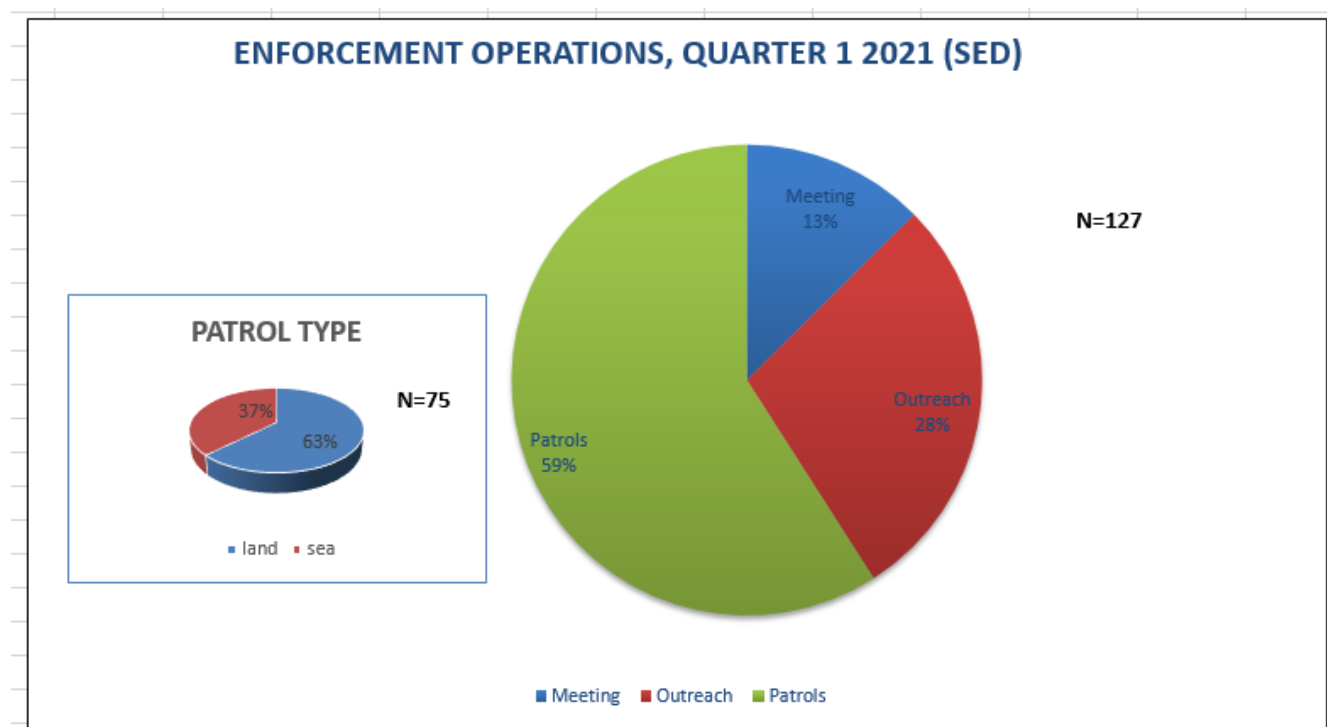
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# Enforcement and Compliance

Data represent National Oceanic and Atmospheric Administration Fisheries Office of Law Enforcement (NOAA OLE) Southeast Division's (SED) enforcement effort conducted throughout FY Quarter 1 2021, **October 1, 2020- December 31, 2020**. When appropriate, information is separated by council, South Atlantic Fishery Management Council (SAFMC), Gulf of Mexico Fishery Management Council (GMFMC) and Caribbean Fishery Management Council (CFMC).

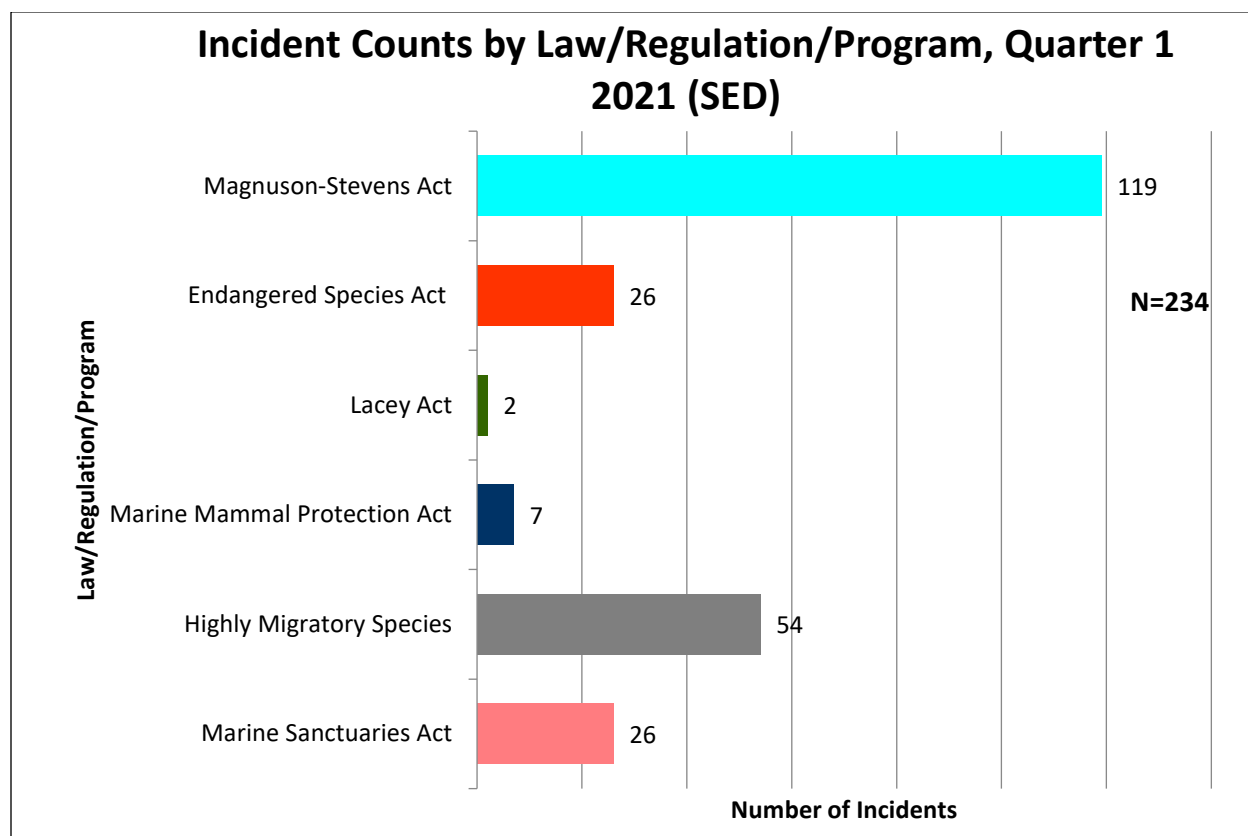
Patrols, outreach and investigations are vital to OLE's mission. These efforts have continued throughout the region despite hardships due to the pandemic. Specifically, two operations (Operation Mile Zero Key West, Operation Sanctuary Shadow) concentrated on compliance throughout the Florida Keys National Marine Sanctuary areas. Operation TEDDY focused on TED compliance in federal and Texas state waters, while Operation Lucky 13 and a saturation patrol were conducted with USCG assets in the South Atlantic area. There were **75** documented patrols, **36** documented instances of outreach and **16** meetings.



# Incident Information

During the first quarter, NOAA OLE opened **230** incidents in the SED, which included **234** individual counts- **169** counts in the SAFMC area, **100** counts in the GMFMC area and **4** counts in the CFMC area<sup>1</sup>. Opened incidents originate from both NOAA personnel and our enforcement partners.

## Summary of Incidents by Law/Regulation/Program; Quarter 1 2021



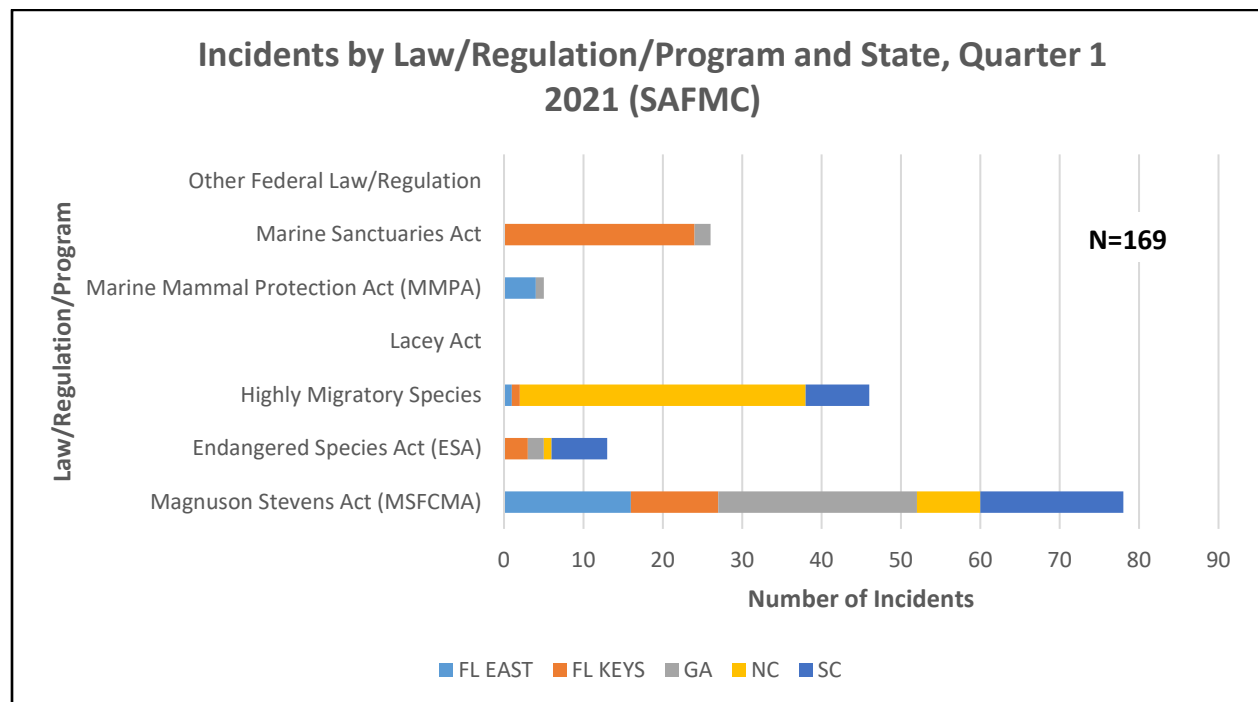
<sup>1</sup> Incidents occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total individual counts are greater than opened incidents due to multiple counts charged for separate incidents

## South Atlantic Fishery Management Council Summary

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

### **Number of Incidents by Law/Regulation/Program and Location; Quarter 1 2021** **(SAFMC)**

Law/Regulation/Program	FL EAST	FL KEYS	GA	NC	SC	Multiple	Total
Magnuson Stevens Act (MSFCMA)	16	11	25	8	18	1	79
Endangered Species Act (ESA)		3	2	1	7		13
Highly Migratory Species	1	1		36	8		46
Lacey Act							0
Marine Mammal Protection Act (MMPA)	4		1				5
Marine Sanctuaries Act		24	2				26
Other Federal Law/Regulation							0
Other State Law/Regulation							0
<b>TOTAL</b>	<b>21</b>	<b>39</b>	<b>30</b>	<b>45</b>	<b>33</b>	<b>1</b>	<b>169</b>

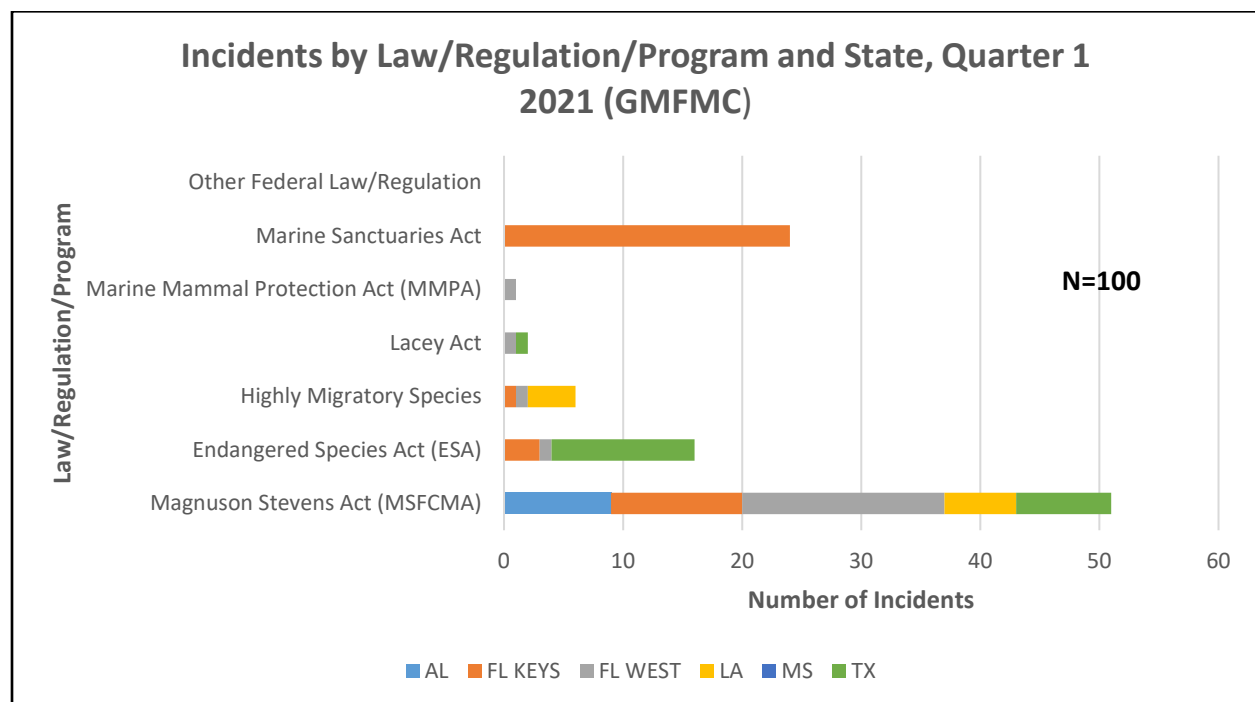


## Gulf of Mexico Fishery Management Council Summary

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

### Number of Incidents by Law/Regulation/Program and Location; Quarter 1 2021 (GMFMC)

Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)	9	11	17	6		8	51
Endangered Species Act (ESA)		3	1			12	16
Highly Migratory Species		1	1	4			6
Lacey Act			1			1	2
Marine Mammal Protection Act (MMPA)			1				1
Marine Sanctuaries Act		24					24
Other Federal Law/Regulation							0
Other State Law/Regulation							0
<b>TOTAL</b>	<b>9</b>	<b>39</b>	<b>21</b>	<b>10</b>	<b>0</b>	<b>21</b>	<b>100</b>

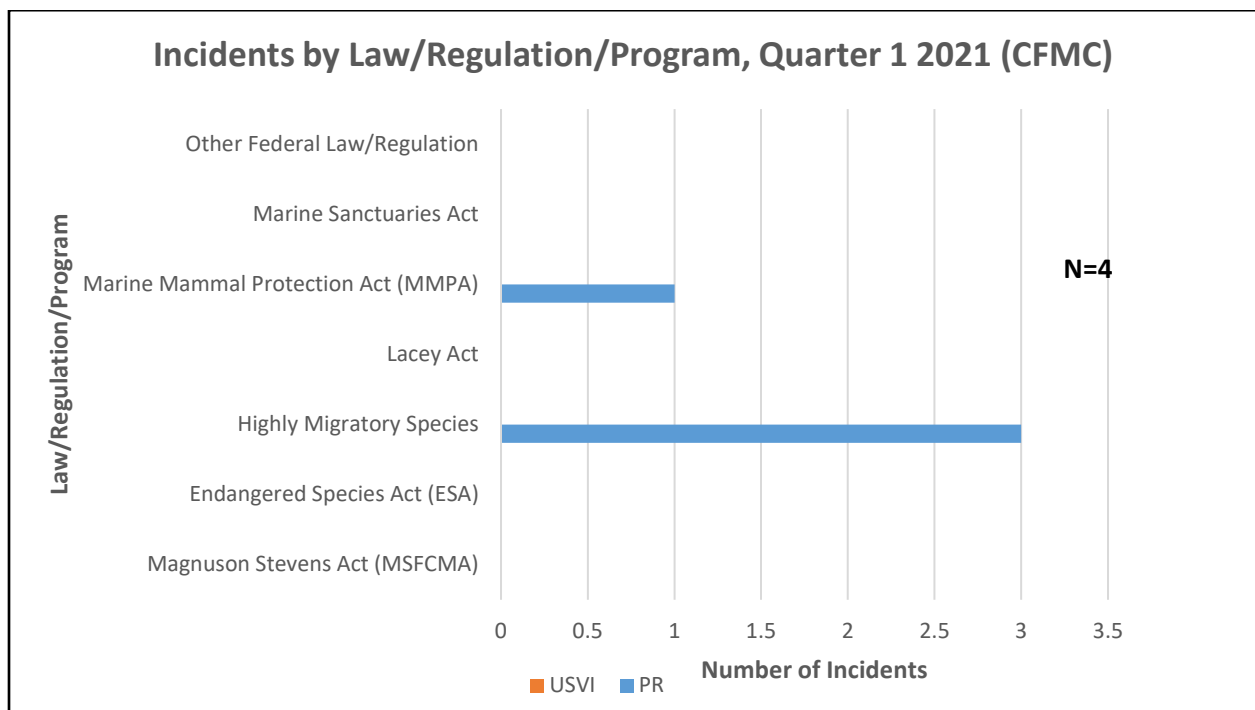


## Caribbean Fishery Management Council Summary

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

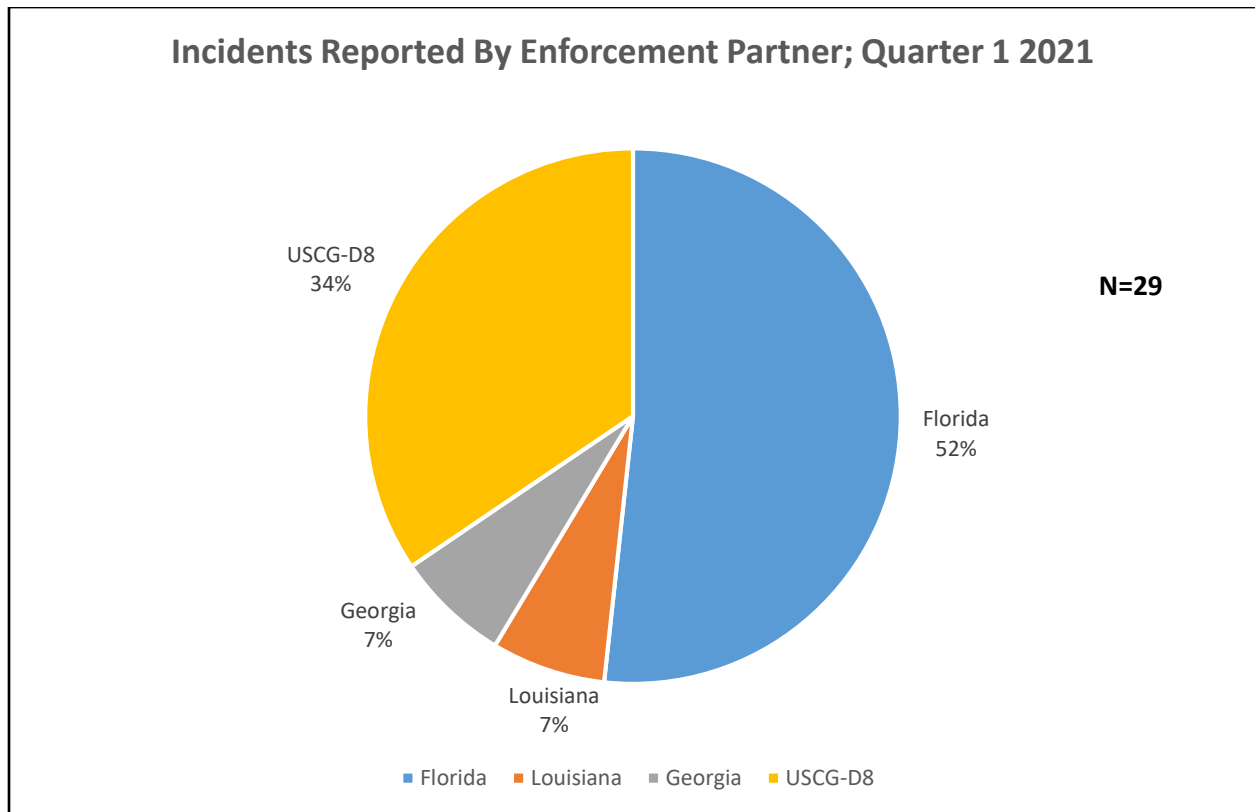
### **Number of Incidents by Law/Regulation/Program and Location; Quarter 1 2021** **(CFMC)**

Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act (MSFCMA)			
Endangered Species Act (ESA)			
Highly Migratory Species	3		3
Lacey Act			
Marine Mammal Protection Act (MMPA)	1		1
Marine Sanctuaries Act			
Other Federal Law/Regulation			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>4</b>

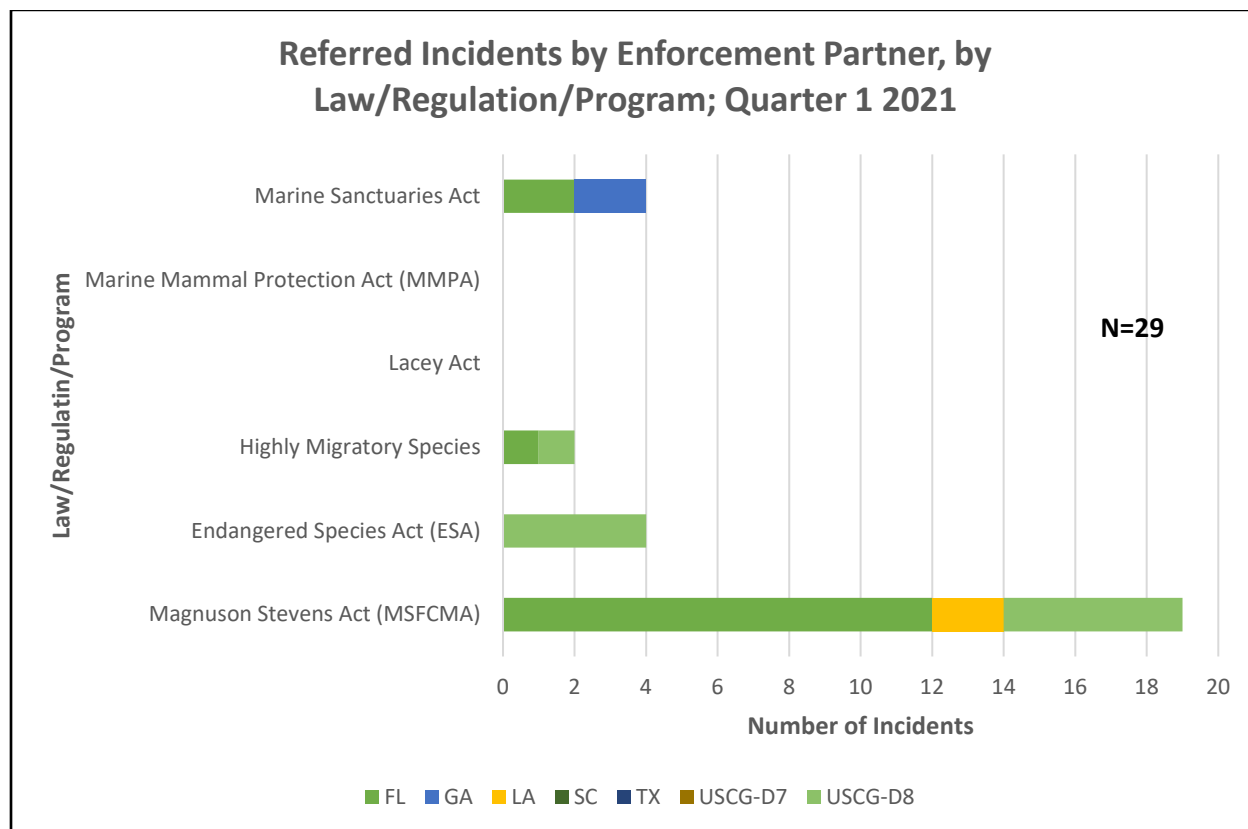


# Summary of Incidents By Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 1 2021, there were **29** incidents referred to NOAA OLE through Joint Enforcement Agreement (JEA) and United States Coast Guard (USCG) partners. Below is a summary showing the overall distribution of incidents initiated by partner, and a breakdown of incident counts by law/regulation/program per enforcement partner<sup>1</sup>. Effort consisted of dockside vessel inspections, offshore vessel boardings and interaction with public and industry members.



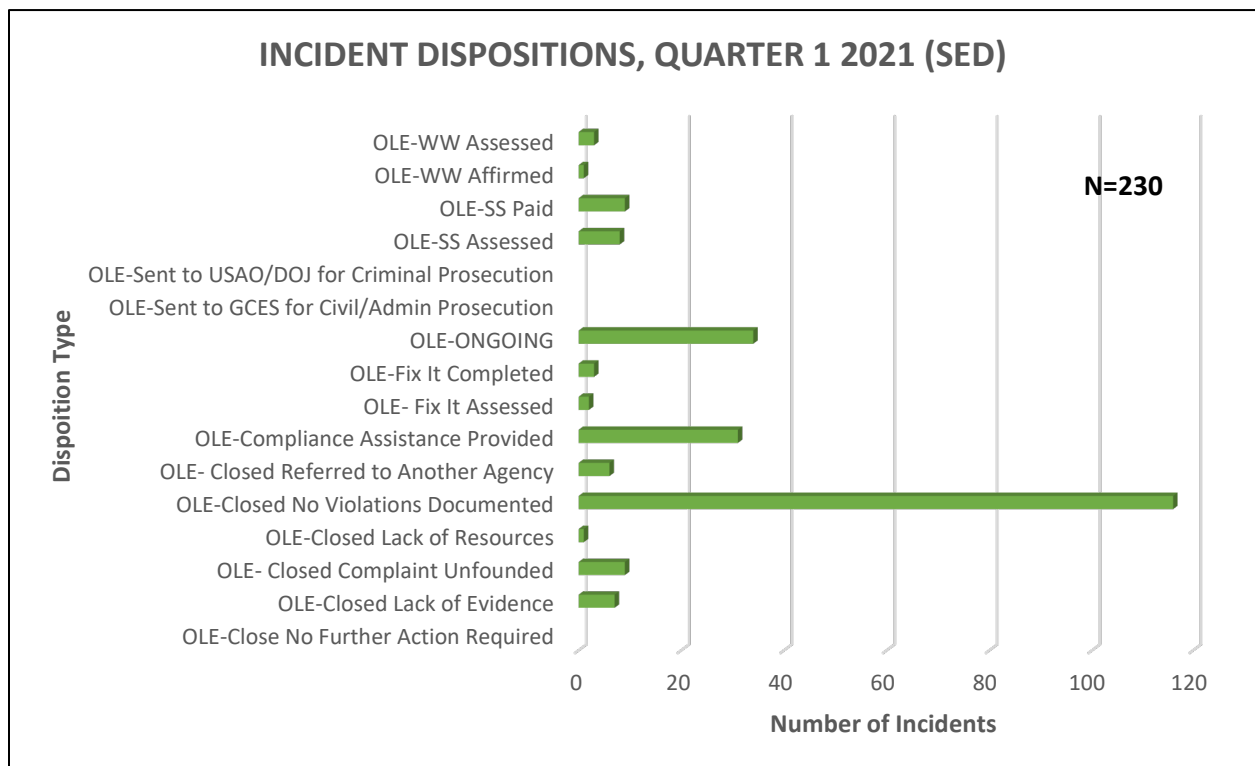
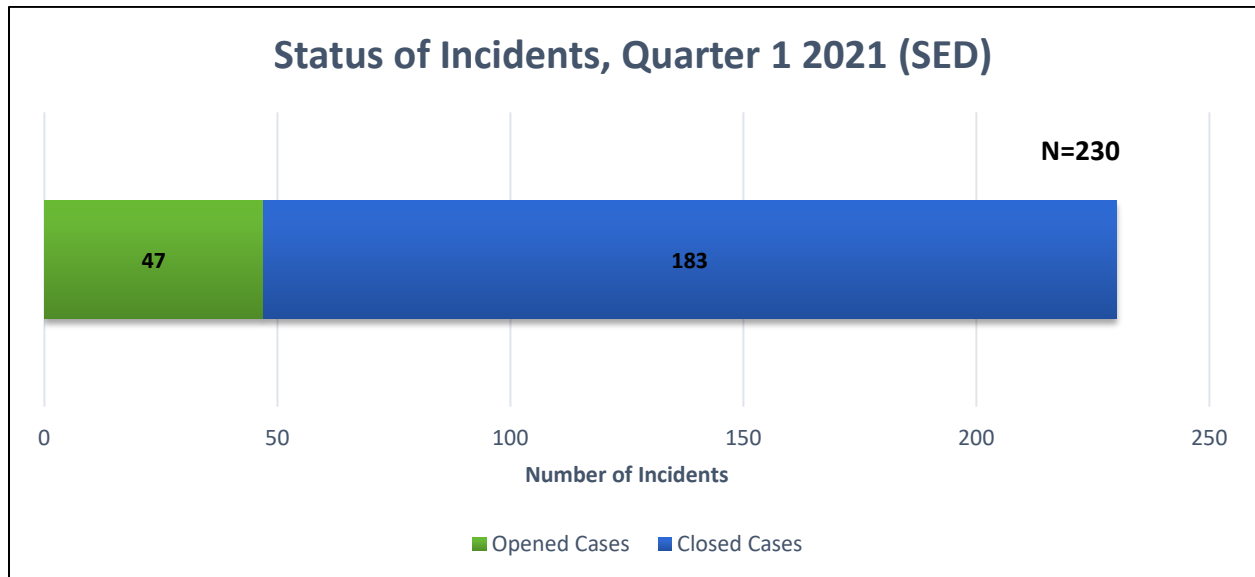




<sup>1</sup> total individual counts may be greater than opened incidents due to multiple counts charged for separate incidents

# Caseload Snapshot

Below is a breakdown of the initiated incidents (**230**) throughout the quarter, by status and disposition. Total includes cases referred to by enforcement partners. Throughout the quarter, enforcement personnel were able to investigate and close out **80%** of the incoming workload.



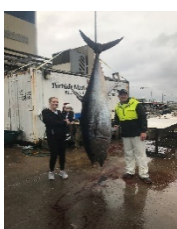
# Enforcement Highlights

## Highly Migratory Species



A San Juan Special Agent (SA) was contacted by Puerto Rico Department of Natural and Environmental Resources (DNER) officers who were conducting a dockside boarding of a commercial fisherman's vessel who had retained a blue marlin. The SA arrived on scene and interviewed the subject. The marlin measured 102-inches, complying with the 99-inch size

limit. The blue marlin landings limit for the Atlantic had been reached and all blue marlin had to be released. The fisherman had a valid Atlantic Tuna General Permit which does not authorize him to fish for billfish outside of a tournament. DNER completed the case.



A North Carolina Enforcement Officer (EO) examined and observed over 30 Commercial Bluefin Tuna Offloads in the Morehead City area. All permits and fish retained were found to be in compliance with Federal Regulations. HMS

Management Division was provided with real time updates so the quota could be closely monitored for a closing determination. The EO also assisted a HMS dealer on proper reporting procedures.

## Lacey Act

Investigations conducted by NOAA OLE and Special Agents of the U.S. Fish and Wildlife Service (USFWS), with support from the USFWS Inspectors, resulted in the sentencing of Aristides Sanchez. Mr. Sanchez was sentenced in federal court in San Juan, Puerto Rico, for Lacey Act violations of wildlife trafficking and false labeling, to a year and a day in prison, two years of supervised release, 120 community service hours, and is banned from collecting or procuring marine life. Sanchez was unlawfully harvesting ricordea and zooanthid corals from the waters of Puerto Rico and selling them into interstate and foreign commerce.

A separate subject plead guilty in federal court in San Juan Puerto Rico to one count of Export Smuggling, one count of Lacey Act Wildlife trafficking, and one count of Lacey Act False Labeling. The subject was a significant participant in the unlawful harvest of ricordea and zooanthid corals and anemones from Puerto Rican waters, in violation of PR laws, which were then sold into interstate and international commerce and frequently mislabeled on shipping documents to disguise the true contents of the shipments. This investigation was a part of Operation Rock Bottom, which began in 2011 in the Florida Keys, targeting illegal coral and live rock harvesting for the aquarium trade.

A Louisiana Limited Liability Company located in Terrebonne Parish, Louisiana, appeared before a U.S. District Judge and entered a plea of guilty to a one count Bill of Information charging violations of the Lacey Act. The commercial seafood dealer company sold and transported oysters in interstate commerce when said oysters were acquired and possessed unlawfully under Louisiana state law. NOAA OLE, the Food and Drug Administration and the Louisiana Department of Wildlife and Fisheries conducted the investigation.

A SA in the Slidell Field Office and an EO in the Houma office attended the sentencing of Khime Vu, who was charged in a Bill of Information with violations of the Lacey Act, underlying Mississippi state law. The Information charged the subject with the illegal sale of shrimp, red grouper, red snapper, crabs, king mackerel, and flounder from the state of Mississippi to various markets in the state of Georgia, in violation of the Lacey Act. The Judge sentenced Khime Vu to 6 months home confinement, 2 years' probation, and a \$2000 fine.

## **Illegal Unregulated Unreported Seafood Port Operations and Port State Measures**

Savannah, GA and Port Canaveral, FL EOs conducted examinations of shipping containers containing seafood, with assistance from United States Customs and Border Protection (CBP) and USFWS, at the Port of Savannah. Violations regarding mislabeling shrimp as crayfish and importing shrimp without following SIMP requirements were found.

## **Marine Mammal Protection Act**

A San Juan SA issued a written warning for a dolphin harassment incident in the east coast of Puerto Rico. Social media posts were collected and it was determined a Level B Harassment event had taken place.

Charleston and Savannah EOs conducted a patrol related to recently reported dolphin feeding areas. Complainants advised that tour guides and dolphin cruise boats had been increasingly feeding and harassing dolphins in the area. Dolphins were observed, but no human interaction observed at the time.

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

Charleston and Savannah EOs supported USCG Sector Charleston in a coordinated 2-day Living Marine Resources Operation "Lucky 13". The Charleston EO conducted boardings off Station Georgetown's vessels providing compliance assistance to one vessel without permits onboard. The Savannah EO conducted a 2-day offshore patrol aboard the USCGC POMPANO boarding three bandit vessels offshore.

## Endangered Species Act



A St. Petersburg, FL SA initiated an investigation after receiving information about several sawfish and sharks that were found dead alongside a road at the water's edge by the National Park Service (NPS) near Everglades City, FL. The NPS officer stated that six sawfish, two without their rostra and third without the body from behind the head; and three sharks, two bonnethead sharks and another unidentified shark with its body missing, were documented

at the site. A reward was offered for any information. FWC and NPS canvassed the area for information and distributed copies of the press release in English and Spanish.



Gulf EOs and the SEO successfully completed a TED operation in Texas. The team conducted seven TED boardings, examining offshore and nearshore TEDs on commercial shrimp-fishing vessels resulting in a 100% compliance rate. OLE provided a presence on the Galveston and Freeport waterfronts out to 40 nautical miles. EOs also completed TED training and NOAA Small Boat Operator-in-Charge training on the district's 36' Metal Shark during the operation.

Charleston and Savannah EOs, along with SCDNR, conducted an underway Turtle Excluder Device (TED) patrol onboard NOAA F3401 in Charleston. Five shrimp boats were boarded and TEDs measured. Compliance assistance was provided to one captain for a tear greater than 2 inches in the double cover flap

## National Marine Sanctuaries



A St. Petersburg, FL SEO, Galveston EO, and Houma EO completed a FL Keys Sanctuary operation in Key West, FL. Five sanctuary patrols were completed during the operation. 26 total vessel stops of commercial and recreational vessels were conducted and 17 total violations were detected during the operation.

Panama City and St Petersburg EOs participated in Operation Sanctuary Shadow. The EOs conducted a land and sea patrol out of Key West, FL. The EOs performed a federal wholesale dealer exam along with a vessel patrol covering the Western Sambos, Easter Dry Rocks, Rock Key, And Sand Key Sanctuary preservation areas of the Florida Keys National Marine Sanctuary. No violations were observed.

## Cooperative Enforcement/Partnerships

A Corpus Christi, TX SA provided training to a Texas Parks and Wildlife Department (TPWD) Game Warden. The training included an overview of permits required, restrictions while operating

under those permits, links to valuable websites used to check permit status, and a list of all gulf reef fish species regulated.

A North Carolina EO held HMS training for four USCG Units, Sector Staff, and NC Marine Patrol Officers at USCG Sector Field Office Ft. Macon in preparation for the opening of the Southern Sector of the Western Atlantic Bluefin Tuna Season. Three more USCG training sessions were held throughout the next two weeks.

Corpus Christi, TX SAs assisted TPWD Game Wardens in the creation of a training PowerPoint for Game Wardens and CBP officers involved in inspections of aquatic products being imported into Texas. Topics covered included IUU and SIMP regulations and requirements.

A Charleston EO conducted an underway JEA patrol with South Carolina Department of Natural Resources (SCDNR) out of Little River. Five vessels were boarded with no fisheries violations found. Crab traps were located a half nautical mile east of North Myrtle Beach that were not marked according to ALWTRP requirements.

## Patrol/VMS/Catch Shares



A Charleston Supervisory Enforcement Officer (SEO) and EO participated in a maritime saturation patrol with a USCG boarding team onboard NOAA F3401. 29 agencies participated and 86 vessel boardings were conducted. No fisheries violations were found, but numerous USCG safety violations were issued during the five-hour event.

A St Petersburg, FL compliance liaison and Investigative Support Technician (IST) aided USCG in locating a sinking vessel and safely accounting for all persons onboard via VMS tracking. The Miami Observer Program notified OLE that a vessel was sinking and all persons were brought aboard another vessel. USCG received an EPIRB signal and requested help with OLE and the observer program confirming status due to language barriers. A USCG Inspector continued the investigation.

## Outreach/Education



A SA in St. Petersburg, FL installed two dolphin signs at a local marina where several dolphin incidents have occurred. One sign is for pedestrians on the dock to see and one sign is facing the water for boaters to see.

## Headlines

Illicit trafficking of protected reef organisms:

<https://www.justice.gov/opa/pr/former-owner-aquarium-business-sentenced-prison-illicit-trafficking-protected-reef-creatures>

<https://www.justice.gov/opa/pr/co-owner-puerto-rican-online-aquarium-business-pleads-guilty-two-lacey-act-felonies-and>

Illegal sale of oysters:

<https://www.justice.gov/usao-edla/pr/seafood-company-pleads-guilty-illegal-sale-oysters>

Sawfish found dead, reward offered:

<https://content.govdelivery.com/accounts/USNOAAFISHERIES/bulletins/2a6e43f>

# Overview of Summary Settlements

Listed below is a summary of the **41** Summary Settlements issued during the quarter. 13 violations were cited throughout the Gulf region and ranged in subject, including 2 citations for shrimp vessel TED/BRD requirements and 3 violations involving retention during closure. 17 violations were cited throughout the South Atlantic region, which included 4 citations related to IUU/SIMP port inspections and 4 violations involving possession of undersize fish. The majority of the 11 violations in the Keys area consisted of fishing activity and improper operation of vessels within the Florida Keys National Marine Sanctuary.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	\$800	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$100	TX
Highly Migratory Species	Fail to maintain HMS in specified form	\$375	FL KEYS
Lacey Act	Import/Export without required permits	\$1,500	FL EAST
Lacey Act	Possession of fish without valid cruising/country permit	\$500	FL KEYS
Magnuson Stevens Act (MSFCMA)	Fail to submit required information	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Seasonal/Area closure activity	\$400	FL EAST
Magnuson Stevens Act (MSFCMA)	Seasonal/Area closure activity	\$1,425	FL EAST



Magnuson Stevens Act (MSFCMA)	Observer refusal	\$2,500	FL EAST
Magnuson Stevens Act (MSFCMA)	Observer refusal	\$2,500	FL EAST
Magnuson Stevens Act (MSFCMA)	Import/Export without required permits	\$1,500	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Seasonal/Area closure activity	\$600	FL KEYS
Magnuson Stevens Act (MSFCMA)	Gear restrictions	\$600	FL KEYS
Magnuson Stevens Act (MSFCMA)	Observer refusal	\$2,500	FL KEYS
Magnuson Stevens Act (MSFCMA)	Reef fish as bait; Undersize possession; Turtle mitigation gear violations	\$1,850	FL WEST
Magnuson Stevens Act (MSFCMA)	Catch Share Program deficiencies; Invalid permits	\$750	FL WEST
Magnuson Stevens Act (MSFCMA)	Catch Share Program deficiencies	\$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Observer refusal	\$5,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Undersize possession	\$775	FL WEST

Magnuson Stevens Act (MSFCMA)	Reef fish as bait; Fail to maintain fish in specified form	\$250	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention during closure; Reef fish as bait; Fail to maintain fish in specified form	\$300	FL WEST
Magnuson Stevens Act (MSFCMA)	Observer refusal	\$2,500	GA
Magnuson Stevens Act (MSFCMA)	Retention during closure; Bag limit exceeded; Undersize possession	\$950	LA
Magnuson Stevens Act (MSFCMA)	Seasonal harvest limitations exceeded	\$930	SC
Magnuson Stevens Act (MSFCMA)	Seasonal harvest limitations exceeded	\$1,303	SC
Magnuson Stevens Act (MSFCMA)	Undersize possession	\$400	SC
Magnuson Stevens Act (MSFCMA)	Undersize possession	\$450	SC
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$750	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$800	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$650	TX
Marine Mammal Protection Act (MMPA)	Fail to submit required information	\$1,000	FL EAST

Marine Sanctuaries Act	Seasonal/Area closure activity	\$600	FL KEYS
Marine Sanctuaries Act	Discharge material	\$800	FL KEYS
Marine Sanctuaries Act	Grounding damage	\$700	FL KEYS
Marine Sanctuaries Act	Grounding damage	\$350	FL KEYS
Marine Sanctuaries Act	Prop scar damage	\$350	FL KEYS
Marine Sanctuaries Act	Seasonal/Area closure activity	\$600	FL KEYS
Marine Sanctuaries Act	Undersize possession	\$400	GA
Marine Sanctuaries Act	Undersize possession	\$2,125	GA
Marine Sanctuaries Act	Anchoring within Sanctuary	\$1,250	GA

# Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **961**

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

<b>Fisheries</b>	<b>NETWORK INNOVATIONS</b>	<b>WOODSHOLE</b>	<b>SKYMATE</b>	<b>FARIA</b>	<b>MCMURDO</b>	<b>TOTAL</b>
HMS Pelagic Longline	11	41	15	26		<b>93</b>
HMS Shark		4	1	3		<b>8</b>
Gulf reef fish	130	326	75	122	123	<b>776</b>
Rock shrimp	7	35	9	14	6	<b>71</b>
Charter		10	1	2		<b>13</b>
<b>TOTAL</b>	<b>148</b>	<b>416</b>	<b>101</b>	<b>167</b>	<b>129</b>	<b>961</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 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 requirements. Required hardware and software specifics to meet reporting requirements are in development.

# Observer Program Highlights

During FY Quarter 1 2021; the Southeast Division Observer Programs deployed on **134** trips for **1,017** sea days. Coverage was previously reduced due to COVID-19 related concerns, but safety protocols have been enacted and coverage has resumed. Approximately **96%** of all selected trips were completed without an observer related enforcement incident [assault/harassment (sexual and non-sexual), safety]. Observer programs reported **23** 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 42 trips for 619 sea days, and the Gulf of Mexico Reef Fish Program deployed on 16 trips for 65 sea days. Effort for the Panama City Gillnet Program were 13 trips for 13 sea days, and the Panama City Bottom Longline Program (includes Shark Research Fishery) deployed on 24 trips for 51 sea days. The Panama City Reef Fish Vertical Line Program deployed on 8 trips for 27 sea days. The Pelagic Observer Program deployed on 31 trips for 242 sea days. The summary below details the type of observer related complaints received during Quarter 4 (calendar year) of 2020, for all three programs.

COMPLAINT TYPE	Galveston Reef Fish and Shrimp Programs	Panama City Shark Bottom Longline and Gillnet Programs	Pelagic Observer Program
ASSAULT			
HARASSMENT/INTIMIDATE	3		1
SAFETY	1		
NON-COMPLIANT FOR OBSERVER COVERAGE			1
HANDLING			3
GEAR	1		2
RETENTION			1
SPATIAL			6
MARPOL-USCG	4	1	5
<b>TOTALS</b>	<b>9</b>	<b>1</b>	<b>19</b>

# Cases Referred For Civil and/or Criminal Prosecution

Listed below is a summary of the **20** 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 1 occurring in the South Atlantic area, 7 in the Gulf area and 12 in the Florida Keys area.

LAW/REG/PROGRAM	VIOLATION	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	MS
Endangered Species Act (ESA)	TED/BRD Requirements	GA
Highly Migratory Species	Violation of Permit	FL WEST
Lacey Act	Seafood Fraud	FL WEST
Magnuson Stevens Act (MSFCMA)	Reef fish as bait; Dispose of fish after approach by law enforcement	FL WEST
Magnuson Stevens Act (MSFCMA)	Fail to comply with enforcement and boarding procedures; Fail to maintain HMS in specified form; Dispose of fish after approach by law enforcement	FL WEST
Magnuson Stevens Act (MSFCMA)	Fail to make fish available for inspection; Reef fish as bait	FL WEST
Magnuson Stevens Act (MSFCMA)	Dispose of fish after approach by law enforcement	FL WEST

Marine Sanctuaries Act	Areas To Be Avoided Activity	FL KEYS
Marine Sanctuaries Act	Gear restrictions	FL KEYS
Marine Sanctuaries Act	Prohibited activity	FL KEYS
Marine Sanctuaries Act	Prohibited activity	FL KEYS
Marine Sanctuaries Act	Areas To Be Avoided Activity	FL KEYS
Marine Sanctuaries Act	Gear restrictions	FL KEYS
Marine Sanctuaries Act	Prohibited activity	FL KEYS
Marine Sanctuaries Act	Areas To Be Avoided Activity	FL KEYS
Marine Sanctuaries Act	Areas To Be Avoided Activity	FL KEYS
Marine Sanctuaries Act	Areas To Be Avoided Activity	FL KEYS
Marine Sanctuaries Act	Areas To Be Avoided Activity	FL KEYS
Marine Sanctuaries Act	Areas To Be Avoided Activity	FL KEYS
Marine Sanctuaries Act	Areas To Be Avoided Activity	FL KEYS

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