NOAA Fisheries Office of Law Enforcement
Southeast Division

FISCAL YEAR 2022, QUARTER 4 FISHERY MANAGEMENT COUNCIL REPORT

JULY 1, 2022-SEPTEMBER 30, 2022

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Enforcement and Compliance

Data represent National Oceanic and Atmospheric Administration, National Marine Fisheries, Office of Law Enforcement, Southeast Division's (OLE-SED) enforcement effort conducted throughout FY Quarter 4 2022, **July 1, 2022- September 30, 2022**. 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, Operation Sanctuary Savior concentrated on marine protected areas and the spiny lobster mini season throughout the Florida Keys National Marine Sanctuary by conducting joint patrols with state and federal partners. Operation Red Eye focused on red snapper compliance in the South Atlantic area by conducting joint patrols with Florida Fish and Wildlife Commission and the US Coast Guard. Operation Red Tide was conducted on the Texas-Mexico border and targeted seafood imports. This quarter, OLE-SED conducted and documented **132** patrols, **56** specific instances of outreach and attended **11** meetings.

Incident Information

During the fourth quarter, OLE-SED opened **338** incidents, which included **340** individual counts- **187** counts in the SAFMC area, **221** counts in the GMFMC area and **3** counts in the CFMC area[1]. Opened incidents originate from both NOAA personnel and our enforcement partners.

<u>Summary of Incidents by Law/Regulation/Program; Quarter 4 2022</u>

[1] 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 4 2022 (SAFMC)

Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	MULTIPLE	Total
Magnuson Stevens Act (MSFCMA)	70	16	6	1	4		97
Endangered Species Act (ESA)		2	1			2	5
Highly Migratory Species	2						2
Lacey Act							0
Marine Mammal Protection Act (MMPA)						5	5
Marine Sanctuaries Act		52					52
International Trade Program	19	1	6				26
TOTAL	91	71	13	1	4	7	**187**

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 4 2022 (GMFMC)

Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)	7	16	65	4		34	126
Endangered Species Act (ESA)	4	2	3			18	27
Highly Migratory Species	1					2	3
Lacey Act	1						1
Marine Mammal Protection Act (MMPA)	1						1
Marine Sanctuaries Act		52					52
International Trade Program		1	6	2		2	11
TOTAL	14	71	74	6	0	56	**221**

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 4 2022 (CFMC)

Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act (MSFCMA)			0
Endangered Species Act (ESA)	1	1	2
Highly Migratory Species			0
Lacey Act			0
Marine Mammal Protection Act (MMPA)			0
Marine Sanctuaries Act			0
International Trade Program	1		1
TOTAL	2	1	**3**

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

Throughout Quarter 4, 2022, there were 108 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[1]. Effort consisted of dockside vessel boardings, offshore vessel boardings and interaction with the general public and industry members.

[1] 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 (**338**) 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 **36%** of the incoming workload.

Enforcement Highlights

Highly Migratory Species

The Department of Justice unsealed indictments filed in May 2022 for two subjects charged with theft of fishing gear within the special maritime and territorial jurisdiction of the U.S. The Jacksonville special agent (SA) processed the two subjects with the U.S. Marshals Service, and attended their initial appearance.

A Houston, TX enforcement officer (EO) and supervisory enforcement officer (SEO) attended the weigh-ins of the Texas Billfish Classic Fishing Tournament out of Freeport, TX. The team made contact with 16 vessels that participated in the tournament to ensure compliance with federal regulations. The team identified and documented 3 vessels that landed yellowfin tuna without having a HMS angling permit. One of the captains recently received compliance assistance regarding HMS requirements. After the patrol, the EO met with the tournament coordinator and provided educational information and good practices in order to avoid potential violations in the future.

Lacey Act

A Panama City, FL SA attended criminal court proceedings in the Southern District of Florida against defendant Elite Sky International, LLC. This criminal case involved the comingling of domestic and imported spiny lobster and shark fins in violation of the false labeling provisions of the Lacey Act for millions of dollars in product. The SA performed the intake procedures with the US Marshals Service, and represented NOAA OLE in the arraignment and change of plea proceedings in Key West, FL.

Illegal, Unregulated and Unreported (IUU) Fishing

A Sunrise, FL EO inspected a container imported into the Port of Miami from The Gambia. The container contained 125 kilos of red snapper (Lutjanus campechanus) and 65 kilos of wild caught shrimp imported from The Gambia by a Colorado based company in violation of the permitting and data reporting requirements of the Seafood Import Monitoring Program (SIMP). The shrimp shipment violated import regulations that prohibit the importation of wild-caught shrimp from any nation or fishery without a certification or determination. U.S. Customs and Border Protection (CBP) seized the import and the importer was issued a $1,500 Summary Settlement for importing species without a valid IFTP.

A Corpus Christi, TX SA received notification from the U.S. Coast Guard (USCG) that Air Station Corpus Christi, Station South Padre Island, and the Coast Guard Cutter EDGAR CULBERTSON interdicted three Mexican fishing vessels spotted fishing by Coast Guard aircraft in the U.S. EEZ forty miles north of the international boundary line and twenty miles offshore. The Mexican vessels were interdicted with a total of fourteen persons, fishing gear, bait, catch, GPS navigation

equipment, and radios on board. The U.S. Coast Guard seized the vessels and turned over crew members to Customs and Border Protection for repatriation to Mexico.

NOAA Enforcement officers from Texas conducted IUU fishing operation Red Tide, a joint operation involving Texas Parks and Wildlife Department (TPWD) Game Wardens, the USCG Intelligence unit, CBP and a U.S. Fish and Wildlife Service (USFWS) special agent. The focus of the operation was to combat IUU fishing in the EEZ near the Texas-Mexico border and to conduct Port of Entry inspections of aquatic products making entry into the United States. During the operation, the team completed 7 at-sea boardings of recreational, commercial, and charter/headboat vessels resulting in one HMS violation, two minor TED violations and the removal of over 10 miles of illegal gillnets and longline gear used to catch fish illegally by Mexican fishing vessels. Additionally, the team completed 5 SIMP inspections containing 15,500 pounds of yellowfin tuna, 1,900 pounds of grouper, 1,050 pounds of red snapper, and 3,200 pounds of processed crab.

Seafood Import Monitoring Program (SIMP) and Port State Measures Act (PSMA)

The St. Petersburg, FL Assistant Special Agent in Charge (ASAC), the Key West, FL SA along with a West Coast Division EO, Headquarters ASAC, a foreign affairs specialist, and Knauss Fellow conducted two PSMA capacity building sessions in Bangkok, Thailand. The first 3-day session was a Regional Training Course on Port State Measures Inspection in Focus of Shipping Container for Fish and Fisheries Product. Fourteen participants from seven Association of Southeast Asian Nations countries received container inspection training hosted by the Southeast Asian Fisheries Development Center (SEAFDEC) and sponsored by the Japan Trust Fund and USAID.

The second week was a Port State Measures (PSM) Inspector Training Workshop - boarding exercises for the Thailand Department of Fisheries. Twenty-four fisheries inspectors and other staff from throughout Thailand participated in PSM boarding scenario practical exercises on SEAFDEC/DoF purse seine fishing vessels. The participants also received additional instruction on container inspections and evidence processing. This course was sponsored by the Thai Department of Fisheries, SEAFDEC and USAID.

A Savannah, GA EO examined a shipment of Atlantic salmon at the Port of Savannah. The EO used a Biomeme field-testing instrument to analyze DNA to ascertain salmon species. A NOAA forensic scientist assisted with testing. This field-testing instrument worked as expected with positive identification of the fish species.

A St. Petersburg, FL SA received information from USFWS and CBP that an entry coming from Mexico with fresh seafood for consumption was being held at Port Tampa for lack of required entry documents. Three of the line items required certificates of admissibility, but only one was provided. With the assistance of a Sunrise, FL SA, a detailed review of the entry in ITDS was conducted and following CBP conversations with the broker, it was determined that incorrect tariff codes were chosen. The broker was able to provide bills of lading and additional documentation for the entry. The codes were corrected and an updated entry was submitted. A St. Petersburg, FL SA will continue to monitor future imports with the local dealer.

A Slidell, LA SA initiated an investigation into a Missouri based importer of Pacific tuna. An audit revealed various potential violations including: improper vessel country reported, landing type differences, chain of custody not provided for all vessels, and landing weight discrepancies in violation of SIMP regulations.

A Sunrise, FL SA issued a $1,500 Summary Settlement to a Miami based company for importing 235 pounds. of Atlantic and Pacific cod caviar without possessing an International Fisheries Trade Permit. The importer also received compliance assistance for failing to submit complete and accurate information into ACE in advance of or at the time of import. The violation is the result of a joint inspection conducted by a Sunrise EO, a Sunrise SA, and CBP.

A Houston, TX EO completed IUU fishing operation Ocean Harvest at the Houston Seaport. A League City, TX SA assisted the EO with two SIMP container examinations holding over 70,000 pounds of farm raised shrimp from Indonesia. Samples were taken and sent to NOAA Forensics Laboratory to ensure compliance with federal regulations. The EO followed up with the importer to obtain SIMP documents.

Magnuson-Stevens Fishery Conservation and Management Act

A Houston, TX EO met with several charter captains at the Galveston Yacht Basin and provided training on the most common violations concerning the SEFHIER program. The EO also informed the captains of the recent ban on shortfin mako sharks.

A Houston, TX EO conducted an investigation into a possible illegal charter business out of Galveston, TX after receiving several complaints of a vessel operating as a charter without the required permits. After meeting with the captain and owner, the EO discovered the vessel obtained their permits, but were not fully compliant with the SEFHIER program. The EO educated the captain and owner on reporting and gear requirements.

A North Carolina EO investigated an incident found on Facebook regarding a NC fisherman with a state commercial fishing license possessing commercial quantities of American red snapper without a federal snapper/grouper permit. After collecting statements and locating the subject it was found that NC Marine Fisheries had charged the individual one day prior with a state violation. The federal permitting

system was explained at length to the subject who thought if you simply paid more money for a state commercial license you could keep more fish for yourself. The state violation for "Over the Limit – General" was $218.00.

Endangered Species Act

The Office of General Counsel Enforcement Section (GCES) issued a $30,000 Notice of Violation and Assessment (NOVA) to two individuals involved in the take of an ESA species and possession of a prohibited ESA part. The investigation was initiated by the local sheriff's office, the USCG, and a special agent after officers located a sawfish rostrum in the captain's quarters during an in-port boarding.

National Marine Sanctuaries

OLE –SED EOs and SAs conducted and completed Operation Sanctuary Savior during lobster mini-season in the Florida Keys National Marine Sanctuary. The 10-day operation consisted of 20 SED personnel with six boat crews from Key Largo to Key West. Inclement weather with 15-20 knot winds, high seas, and rain showers with thunder and lightning impacted portions of the operation. Vessel turn out on the windward South Atlantic reef line was low (most vessels were forced to stay on the leeward Gulf of Mexico side). Boat crews documented 40 patrols, 205 patrol hours, 133 vessel stops, with 564 people contacted. Violations included harvesting lobster in a closed Sanctuary Preservation area or Ecological Reserve, harvesting lobster in a closed research only area, spearfishing in an Existing Management Area, vessel groundings damaging Sanctuary resources, personal watercraft in a National Wildlife Refuge, no diver down flags, and other various Magnuson Act fishery violations.

Cooperative Enforcement/Partnerships

A Panama City, FL EO conducted a sea patrol on board the FWC Offshore Patrol Vessel INTREPID. During the patrol, FWC and OLE conducted five TED boardings. OLE documented minor TED violations regarding the double cover overlap, which the shrimp boat crew fixed on scene. FWC also issued multiple misdemeanor state citations, and state warnings for violations pertaining to safety equipment, registration/documentation and state commercial saltwater products license violations.

A Jacksonville, FL SA completed an at sea patrol with FWC. The patrol focused on snapper-grouper fishing vessels the day prior to the opening of red snapper in the South Atlantic. The team boarded several vessels. The team provided compliance assistance to one charter vessel for not having the vessel's current charter/headboat permits onboard.

A Cape Canaveral, FL EO, along with FWC, conducted three days of patrolling the EEZ east of Sebastian, FL in support of Operation Redeye. The team boarded 23 vessels during the patrols with multiple Fix-Its issued for descending device on board but not rigged and ready, a state warning for possession of undersized black sea bass, and a full case package for undersized vermillion snapper, red porgy, and mahi mahi.

A League City, TX SEO and a Harlingen, TX EO conducted a three-day joint patrol with TPWD in the Gulf of Mexico EEZ from Port Mansfield, TX to South Padre Island, TX. During the patrol, the team conducted 27 underway boardings of recreational and charter/headboat vessels and documented the following violations: HMS permit violation, illegal charter, possession of red snapper during the federal closure, failure to declare, VMS issues, missing sea turtle gear, and failure to display permit decal. Additionally, the team removed 1.5 miles of illegal longline gear in the EEZ and assisted TPWD with removal of over 300 feet of gillnets at the mouth of the Rio Grande River.

Patrols/VMS/Catch Shares

OLE officers from Mobile, AL, Niceville, and Panama City, FL conducted a dockside TED enforcement patrol in Bayou La Batre, Alabama. The team conducted three TED investigations documenting minor violations, which the crews fixed on scene

A Houston, TX EO, along with the NOAA Gear Monitoring Team, conducted a patrol from Galveston to Port Arthur, TX. During the patrol, 6 boardings of commercial shrimp trawlers were conducted and compliance assistance was provided to 3 of the vessels for minor TED violations that were fixed on the spot.

A Niceville, FL EO conducted an at-sea patrol aboard an USCG Station Destin 45’ Response Boat. During the patrol, crews conducted 2 boardings in the EEZ resulting in documenting violations for 2 undersized vermillion snapper, missing sea turtle release gear, and missing descending device or vent tool.

A Cape Canaveral, FL EO conducted a joint patrol with a FWC offshore patrol vessel throughout the Oculina Bank and adjacent waters. The team boarded four vessels and issued a Fix-It Notice to one vessel for possession of a skipjack tuna without an HMS permit. The subject provided proof of permit purchase soon after the boarding.

Two St. Petersburg, FL EOs conducted a land patrol in Fort Myers and checked several vessels. EOs conducted SEFHIER inspections and educated local charter fishing captains on federal rules and regulations.

A Panama City, FL SA and Niceville, FL EO conducted a SEFHIER related patrol in Okaloosa County, FL and provided compliance assistance to vessels with late reports, VMS and on-line NMFS permit renewals. Because of hurricane Ian, all of the vessels were in port. The team contacted and answered questions for over 20 captains and crew.

Compliance Assistance/Outreach/Education/Public Affairs

A Miami, FL EO worked closely with USCG safety inspectors in the area and developed a list of uninspected commercial swordfish fishing vessels in South Florida. In collaboration with a USCG safety inspector, they were able to contact many permit holders to improve future safety compliance. This will help prevent future issues of NOAA observers being unable to take trips due to the lack of safety inspections

A Key West, FL SA and Key Largo, FL EO attended the annual National Night Out in Key West. The goal of National Night Out is to bring together the community to discuss how to make neighborhoods cleaner, safer and more secure. Over a dozen state, local, and federal law enforcement agencies participated, with hundreds of members from the public attending.

A North Carolina EO met with members of the Northeast Observer Program to discuss future efforts to add observers on more commercial fishing vessels. The NC EO also escorted the program staff to several marinas throughout the area where commercial traffic is more prevalent.

The Compliance Liaison, Panama City and Niceville, FL EOs and SAs provided OLE related observer training to an initial classes at the Southeast Fisheries Science Center (SEFSC) Panama City Lab. Sexual assault/harassment and fishery violation reporting protocols were discussed as well as conflict resolution scenarios. The class was engaged and asked numerous questions on how to conduct their job safely and effectively. A subsequent training was also held at the SEFSC Galveston lab by the compliance liaison and a League City, TX SA.

A San Juan, PR SA attended the Marine Resource Education Program (MREP). The SA presented to approximately 40 commercial and recreational fishermen from around Puerto Rico and US Virgin Islands.

The OLE-SED compliance liaison worked with regional and headquarters staff to create and release a feature story on a case worked by a Niceville, FL SA and JEA partners. The case involved an unlicensed seafood dealer who was recently sentenced to 5 years of probation, a $25,000 fine and community service. The subject is also banned from purchasing and selling seafood in quantities over 10lbs. The story was picked up by national outlets as well as regional news in Georgia, Alabama and Florida.

Media

Seafood Fraud: https://www.fisheries.noaa.gov/feature-story/noaa-enforcement-busts-unlicensed-seafood-dealer , https://news.yahoo.com/georgia-alabama-game-wardens-join-211600488.html , https://www.fox10tv.com/2022/06/22/feds-mobile-net-conviction-fish-trafficking-charges/

Northern Right Whale Outreach: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://fish-news.com/cfn/wp-content/uploads/2022/10/NOAA_Nav_8_22-4c.pdf

Shark Fin Case: https://apnews.com/article/science-health-china-sharks-0ff3fcd5a45b5c1a86b7ac2bb3ea6774

Overview of Summary Settlements

Listed below is a summary of the 39 Summary Settlement penalties issued during the quarter. The most frequently observed violation types cited involved retention during closure, undersize possesion and/or lack of descender or turtle mitigation devices (13), fishing within a sanctuary (10) and TED/BRD requirements (3). 13 violations were cited throughout the Gulf region and ranged in subject, including 8 citations for retention during closure, undersize possesion and/or lack of descender or turtle mitigation devices and 3 violations involving IFQ program requirements. 10 violations were cited throughout the South Atlantic region, which included 4 citations related to retention during closure, undersize possesion and/or lack od descender or turtle mitigation devices and 2 involving TED/BRD requirements. There were 15 violations in the Keys area and included 10 citations for fishing within sanctuary areas. 1 violation was cited in the Caribbean region for fishing with invalid permits.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	$1,000	SC
Endangered Species Act (ESA)	TED/BRD Requirements	$600	SC
Endangered Species Act (ESA)	TED/BRD Requirements	$100	FL WEST
Highly Migratory Species Act	Possession of HMS Species Without Required Permits	$2,000	TX
Magnuson Stevens Act (MSFCMA)	Retention During Closure; Lack of Descender Device	$1,000	GA
Magnuson Stevens Act (MSFCMA)	Retention During Closure	$1,050	TX
Magnuson Stevens Act (MSFCMA)	IFQ Program Requirements	$1,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure; SEFHIER Program Requirements	$650	AL
Magnuson Stevens Act (MSFCMA)	Retention During Closure	$650	FL EAST
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Open Access Permit	$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention During Closure; Undersize Possession	$350	AL
Magnuson Stevens Act (MSFCMA)	Retention During Closure; Undersize Possession	$825	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Dispose of fish after approach by law enforcement	$1,300	FL WEST
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Open Access Permit	$500	FL KEYS
Magnuson Stevens Act (MSFCMA)	Observer Program Requirements	$2,500	FL EAST
Magnuson Stevens Act (MSFCMA)	IFQ Program Requirements	$3,000	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure	$650	SC
Magnuson Stevens Act (MSFCMA)	Retention Limit Exceeded	$650	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention Limit Exceeded	$650	TX
Magnuson Stevens Act (MSFCMA)	Fail to Maintain Fish Intact	$550	FL WEST

Magnuson Stevens Act (MSFCMA)	Fail to Maintain Fish Intact; Undersize Possession	$925	FL WEST
Magnuson Stevens Act (MSFCMA)	Undersize Possession	$325	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention During Closure; Lack of Descender Device	$250	GA
Magnuson Stevens Act (MSFCMA)	Undersize Possession	$275	FL WEST
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Open Access Permit; Lack of Descender Device	$750	FL EAST
Marine Mammal Protection Act (MMPA)	Marine Mammal Take	$100	PR
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	$600	FL KEYS
Marine Sanctuaries Act	Dive Flag Requirements	$300	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	$600	FL KEYS
Marine Sanctuaries Act	Gear Requirements	$200	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	$300	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	$600	FL KEYS
Marine Sanctuaries Act	Vessel Grounding	$350	FL KEYS

Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: 1304

Population Breakdown by (VMS) Fisheries and VMS Vendor

FISHERY	ADDVALUE	ATLANTIC	FARIA	METOCEAN	NAUTIC ALERT	NETWORK INNOVATIONS	SKYMATE	WOODSHOLE	TOTAL
HMS Pelagic Longline			26			4	15	43	**88**
HMS Shark			3				1	4	**8**
Gulf Reef Fish	1		112	91	1	85	112	322	**724**
Rock Shrimp			13	5		4	8	37	**67**
Southeast For Hire	3	2	11	1	6		124	270	**417**
TOTAL	4	2	165	97	7	93	260	676	**1304**

Investigative Support Program staff play a vital role in ensuring compliance and provide assistance to enforcement officers and special agents. Staff received and processed 108 referrals from JEA partners. Case support to the field was provided as well, with work ranging from processing summary settlements (86), preparing incident reports, 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. 35 investigations were initiated for VMS and/or SEFHIER violations. Additionally, staff conducted 546 calls with the industry related to compliance during the quarter.

The Investigative Support Program continues collaboration with the NOAA Southeast Regional Office personnel to ensure SEFHIER reporting requirements are met. Compliance measures include referrals to enforcement officers and other actions, such as permits being placed on hold by the Southeast Permits Office until a vessel meets their SEFHIER reporting requirements and pending equipment failure exemption issues and data/workflow processes. Another continued area of focus this quarter involves North Atlantic Right Whale conservation, as comprehensive investigative work was completed for 4 vessels referred to GCES for violating speed restrictions. Overall in FY 2022, 405 compliance assistance letters have been sent to stakeholders regarding right whale speed rule violations. Letters and outreach have been conducted by ISP staff throughout the Southeast and Northeast Divisions.

Observer Program Highlights

During FY Quarter 4 2022, the Southeast Division Observer Programs deployed on **262** trips for **1097** sea days. Approximately **99%** of all selected trips were completed without an observer related enforcement incident [assault/harassment (sexual and non-sexual), safety]. Observer programs reported **10** fishery violations and International Convention for the Prevention of Pollution From Ships (MARPOL) violations and **18** observer coverage refusals to OLE-SED. The Gulf of Mexico Shrimp Program deployed on 28 trips for 380 sea days, and the Gulf of Mexico Reef Fish Program deployed on 26 trips for 187 sea days. Effort for the Panama City Deepwater Longline project were 12 trips for 70 sea days, and the Panama City South Atlantic Reef Fish Program deployed on 168 trips for 275 sea days. The Pelagic Observer Program deployed on 25 trips for 182 sea days. The summary below details the type of observer related complaints received during Quarter 3 (calendar year) of 2022, for all three programs.

COMPLAINT TYPE	Galveston Reef Fish and Shrimp Programs	Panama City Shark and Reef Programs	Pelagic Observer Program	TOTALS
ASSAULT				0
HARASSMENT/INTIMIDATE/IMPEDEMENT	1			1
SAFETY				0
NON-COMPLIANT FOR OBSERVER COVERAGE	10	8		18
HANDLING	1	1	2	4
GEAR	1		8	9
RETENTION				0
SPATIAL				0
MARPOL-USCG	6		4	10
TOTALS	**19**	**9**	**14**	**42**

Cases Referred For Prosecution

Listed below is a summary of the 11 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 6 occurring in the South Atlantic area, 3 in the Gulf area and 2 in the Florida Keys area.

LAW/REG/PROGRAM	VIOLATION	STATE
Highly Migratory Species	IBQ Program Requirements	LA
Lacey Act*	Seafood Fraud	NC
Magnuson Stevens Act (MSFCMA)	Unpermitted Charter Activity-Moratorium Access	FL WEST
Magnuson Stevens Act (MSFCMA)	Observer Program Requirements	FL KEYS
Magnuson Stevens Act (MSFCMA)	Reef fish as bait, Dispose of fish after approach by law enforcement	FL WEST
Magnuson Stevens Act (MSFCMA)	Retention During Closure, Undersize Possession	FL EAST
Magnuson Stevens Act (MSFCMA)	Trip limit exceeded, Undersize possession	FL EAST
Magnuson Stevens Act (MSFCMA)	Fishing in a Closed Area	FL KEYS
Marine Mammal Protection Act (MMPA)	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE
Marine Mammal Protection Act (MMPA)	North Atlantic Right Whale Speed Reduction Violations	MULTIPLE
Marine Mammal Protection Act (MMPA)	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 June-August 2022 (September 2022 not yet available to include). Nationwide results may also be found at the enforcement charging information site

1. F/V Yogi II – Owner/Operator Pedro Reyes was charged under the Magnuson-Stevens Act with failing to have the required vessel monitoring system onboard and/or operating properly. A $15,000 NOVA was issued.

2. F/V SC5182DM – Owner Luis E Hernandez-Modesto and Permit Holder Rosa Marina Reyes-Sanjuan were charged jointly and severally under the Marine Mammal Protection Act for setting crab pot traps without the required buoy line markings and without the

required weak links in violation of the Atlantic Large Whale Take Reduction Plan regulations. A $5,500 NOVA was issued, and the case settled for $4,950.

3. F/V Fish Inc – Owner Fish Inc and Operator Anthony Allen Potts were charged under the Magnuson-Stevens Act with fishing for Gulf reef fish in the EEZ aboard a charter vessel without a federal charter permit. A $9,500 NOVA was issued.

4. F/V Sea Hawk – Owner Nite Hawk Offshore, Inc., Operator Don Michael Rynn, and Lessee KLM Bluewater Inc. were charged jointly and severally under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with failing to comply with requirements for at-sea observer coverage, failing to operate and maintain a vessel monitoring 2system, failing to operate and maintain an electronic monitoring system, and failing to record accurate information in the vessel's logbooks. A $28,000 NOVA was issued.

5. F/V Steady Seas – Owner Steady Seas, LLC, Operator and Principal of Owner Javier Concepcion, Principal of Owner Juan Concepcion Jr., Fishers Juan Concepcion, Jose Miguel Cruz-Peraza, and Gustavo Lozano were charged jointly and severally under the National Marine Sanctuaries Act with illegally fishing inside the Tortugas South Ecological Reserve in the Florida Keys National Marine Sanctuary. A $3,750 NOVA was issued, and the case settled for $3,375.

6. F/V Captain Sandy Charters – Owner/Operator Sandra Marie Fink was charged under the Magnuson-Stevens Act with fishing for Gulf reef fish in the EEZ aboard a charter vessel without a federal charter permit. A $5,750 NOVA was issued, and the case settled for $5,175.

7. F/V Reef Raider II – Owner Victor Shearin Lloyd III and Operator Brian Franklin Lloyd were charged jointly and severally under the Magnuson-Stevens Act with possessing red snapper during a closed season and exceeding the vermilion snapper commercial trip limit. The proceeds ($4,931) of the violation were forfeited by abandonment. A $26,500 NOVA was issued.
8. M/V Liberty – Owner MS Marine, LLC was charged 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.

9. F/V Longway – Owner/Operator Christopher Long was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with exceeding the bag limit for black sea bass and for making a false statement to an authorized officer. A $132,800 NOVA and 132 day NOPS were issued.

10. F/V Ileana y Lili – Owner The Lobster Connection Corp. and Operator Juan Antonio Paan, Jr. were charged jointly and severally under the Magnuson-Stevens Act with failing to comply with VMS requirements, landing and selling King Mackerel in excess of the commercial trip limit, and using explosives to fish in the Gulf of Mexico Exclusive Economic Zone. A $21,456 NOVA was issued.

11. F/V Keristy – Owner/Operator William Carter was charged under the Magnuson-Stevens Act with fishing with illegal gear (explosives). A $10,000 NOVA was issued.

12. F/V FL0116RD – Owner/Operator Austin Gregory Waddell and Anglers Edward G. Fransiscus, Zachary Allen Williamson, Cooper J Loth, and Rex Lee Hailey were charged jointly and severally under the Magnuson-Stevens Act with fishing for South Atlantic snapper-grouper in the Oculina Bank Experimental Closed Area, and possessing an undersized black sea bass. A $2,775 NOVA was issued, and the case settled for $2,497.50.

13. F/V Sea Explorer – Operator Jerry Vanrompaey and Crewman Tommy Yeatts were charged jointly and severally under the Endangered Species Act with taking an endangered smalltooth sawfish. A $30,000 NOVA was issued.

14. M/V Moon Shine – Owner/Operator Kenneth Crutcher was charged under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A $12,500 NOVA was issued, and the case settled for $11,250.

15. M/V Desperado – Owner Lunatic Charters LC was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A $12,500 NOVA was issued.

16. F/V Trip Limit – Owner Sandy Em II Inc. and Operator Martin Francisco Ling Jr. were charged jointly and severally under the Magnuson-Stevens Act with fishing in The Edges closed area. The proceeds ($237.85) of the violation were forfeited by abandonment. A $5,750 NOVA was issued, and the case settled for $5,175.

Resolved Cases Charged Before June 1, 2022 to August 31, 2022[i]

1. F/V FL8580LB – Owner Yandie Concepcion and Fisher Yunior Rosales Morales were charged jointly and severally under the Marine Mammal Protection Act with lethally taking a marine mammal. A $16,250 NOVA was issued, and the case settled for $14,625. [See Charged Cases, Item 6, from May 2022 report.]

2. F/V FL4338NG – Owner/Operator Jo'von Roshard Jackson and Fishers Rashad Deangelo Cue, Fred Person, and Joel Alvin Jerome Clayton were charged jointly and severally under

the Magnuson-Stevens Act with fishing for and/or possessing red snapper during a recreational sector seasonal closure, possessing undersized vermillion snapper and possessing a black sea bass that was not intact. A $2,850 NOVA was issued, and the case settled for $2,565. [See Charged Cases, Item 8, from May 2022 report.]

3. Mariscos Del Caribe Y Productos Agricolas JM, Inc. was charged under the Magnuson-Stevens Act with failing to comply with the Caribbean spiny lobster import prohibitions. A $4,500 NOVA was issued, and the case settled for $4,050.

4. F/V Continental Shelf – Owner Voyager Fishing Charter Company and Operator Lawrence I Horowitz 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 $12,500 NOVA was issued, and the case settled for $11,250. [See Charged Cases, Item 15, from April 2022 report.]

5. F/V Yogi II – Owner/Operator Pedro Reyes was charged under the Magnuson-Stevens Act with failing to have the required vessel monitoring system onboard and/or operating properly. A $15,000 NOVA was issued, and the case settled for $13,500. [See Charged Cases, Item 11, from June 2022 report.]

6. M/V Antares – Owner Jeffrey Alter was charged under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A $20,000 NOVA was issued, and the case settled for $18,000. [See Charged Cases, Item 9, from May 2022 report.]

7. M/V Liberty – Owner MS Marine, LLC was charged 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. [See Charged Cases, Item 18, from June 2022 report.]

8. M/V Esprit D IV – Owner Clarke Holdings I, LLC was charged 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. [See Charged Cases, Item 17, from April 2022 report.]

9. F/V Keristy – Owner/Operator William Carter was charged under the Magnuson-Stevens Act with fishing with illegal gear (explosives). A $10,000 NOVA was issued, and the case settled for $9,000. [See Charged Cases, Item 5, from July 2022 report.]

[i]All cases in this portion of the report were previously charged.