



NOAA FISHERIES

Council Report – December - February, FY 2021



December 10, 2020 – February 8, 2020

To Report a Violation Call
800-853-1964

Table of Contents

| | |
|--|----------|
| Introduction | 3 |
| Enforcement and Compliance | 4 |
| December to February FY 2021 Incident Information | 5 |
| December to February FY 2021 Overview of Summary Settlements..... | 6 |
| Northeast VMS Program (1st Quarter Summary, FY 2021) | 7 |
| Observer Program Highlights (1st Quarter Summary, FY 2021) | 9 |
| Cases sent to NOAA General Counsel Enforcement Section (GCES)..... | 9 |

Introduction

NOAA Fisheries' Northeast Division (NED) of the Office of Law Enforcement (OLE) continued to conduct essential operations into the start of this winter and will continue those operations as we move through the 2nd Quarter, FY 2021. NED strives daily to support our mission objectives. This includes our Enforcement Officers (EOs) and Special Agents (SAs) continuing investigations and maintaining a presence in our crucial fishing ports and our Administrative and Investigative Support Team (IST) staff working behind the scenes. While work slowed down over the holiday, this report reveals the high quality, difficult, and important work our group conducts every day to protect marine wildlife and habitat and ensure not only our nation's resources, but our global resources are available for future generations.

Data included in Figures 1-4 and Tables 1-3, below, pick up where the last Council report left off in December, 2020.

NED Enforcement Highlights

- NOAA OLE conducted a joint operation at the Calais, Maine Port of Entry, on the Eastern US-Canadian border. The operation spanned three days and nights and targeted large amounts of Canadian seafood entering the US, supplying the holiday demand. The operation involved six Enforcement Officers (EO), one Investigative Analyst (IA), two Maine JEA partners, five USCG personnel, four Food and Drug Administration personnel, and numerous US Customs and Border Protection Officers. OLE personnel inspected 22 refrigerated shipments and identified 29-suspected violations. EOs conducted follow up investigations originating from the border op in which a \$2,250 and a \$2,000 summary settlement was issued for v-notch and egg bearing lobster violations. Additional enforcement actions are pending.
- AD Donovan recognizes Special Agent (SA) Dustin Parker and IA Zachary Fyke for their attention to detail and professionalism that prevented 25,000 pounds of potentially contaminated seafood from entering the US market. SA Parker conducted a vessel boarding and interview of a clam captain that was detected fishing in a closed area. The product harvested from the closed area was disposed due to contamination concerns. SA Parker and IA Fyke worked with the Food and Drug Administration, the New Jersey Department of Health, and New Jersey JEA partners to embargo and destroy 25,000 pounds of contaminated surf clams. Their efforts served as effective reminders to the sea clam industry that OLE remains diligent in monitoring vessel activity and conducting all investigations with the same rigor, regardless of fishery.
- An EO is collaborating with GARFO Protected Resources Division and staff at the Stellwagen Bank NMS to examine North Atlantic right whale migration patterns. The information will likely factor into the selection of a survey site for NED to focus subsurface gear inspection operations utilizing our relatively new ROV Program in FY 2021.
- NED recognizes the graduation of EOs Jared Kreeger and Gregory Lepre from the Federal Law Enforcement Training Center's Uniformed Police Training Program. EO Kreeger graduated on December 13, 2020 and EO Lepre on January 14, 2021. EO Kreeger is assigned to the Ann Arbor, MI Field Office and EO Lepre is assigned to the Bellport, New York Field Office.

- NED congratulates SAs Steve Niemi and Shawn Eusebio for each having served over 30 years of federal service and wishes them well on their retirements.
- NED is in process of hiring Special Agents in New Bedford, MA, Wall, NJ, and Salisbury, MD.

Enforcement and Compliance

Since the last Council meeting, there was 1 documented patrol and 3 documented instances of dockside outreach and/or industry compliance assistance in the field, allowing critical face-to-face interaction between our field staff and the industry. There were 14 instances of participation in various NOAA internal and external government partner meetings and events, and 6 seaport container inspections to investigate violations such as those against the Seafood Import Monitoring Program (SIMP). Where NED participation in trade show attendance, expert panel participation, school events, etc. is still on hold during COVID-19, all other NED activities continue as before.

The dockside outreach and/or industry compliance assistance listed in Figure 1, below, does not include the tremendous amount of routine industry communication the Investigative Support staff in the VMS Program and the Compliance Liaison conduct on a daily basis. In addition, this figure does not fully capture the interaction our agents, officers, and support staff regularly have with industry. Specifically, patrols listed in Figure 1, below, are an estimate and multiple vessels may be boarded on a single patrol.

Enforcement Field Work and Outreach Effort Summary

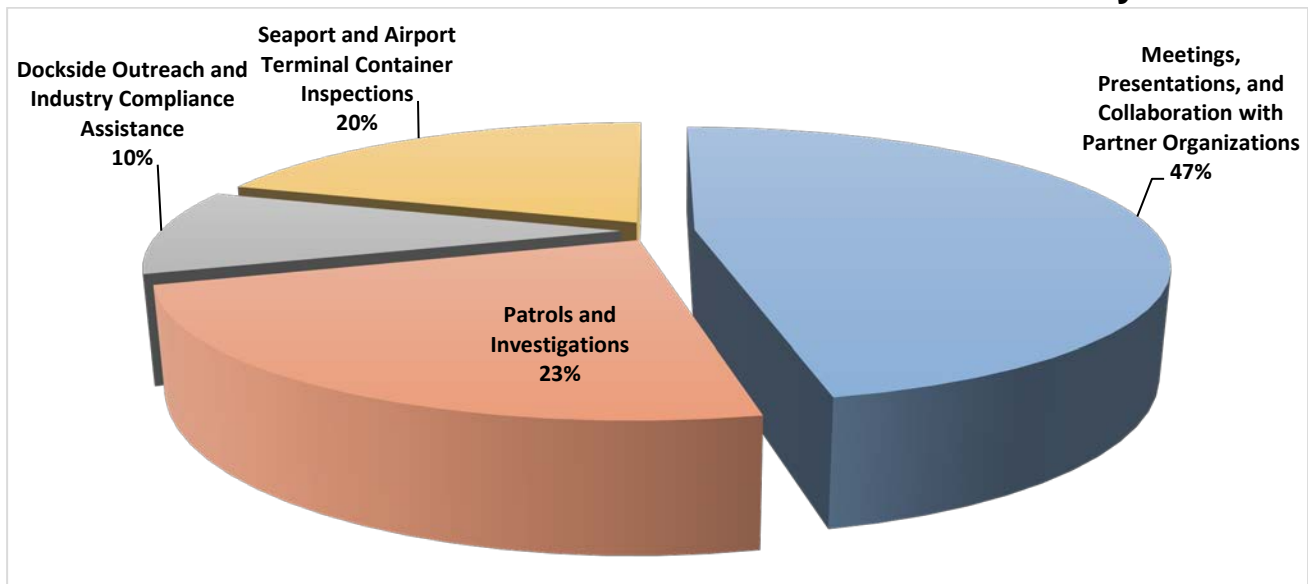


Figure 1: Roughly 30 events took place between December 10, 2020 and February 3, 2020. The chart is broken down by patrols and investigations, internal government meetings/presentations/collaborations with partner organizations, dockside outreach/industry compliance assistance, and Seaport and Airport Terminal Container Inspections.

December to February FY 2021 Incident Information

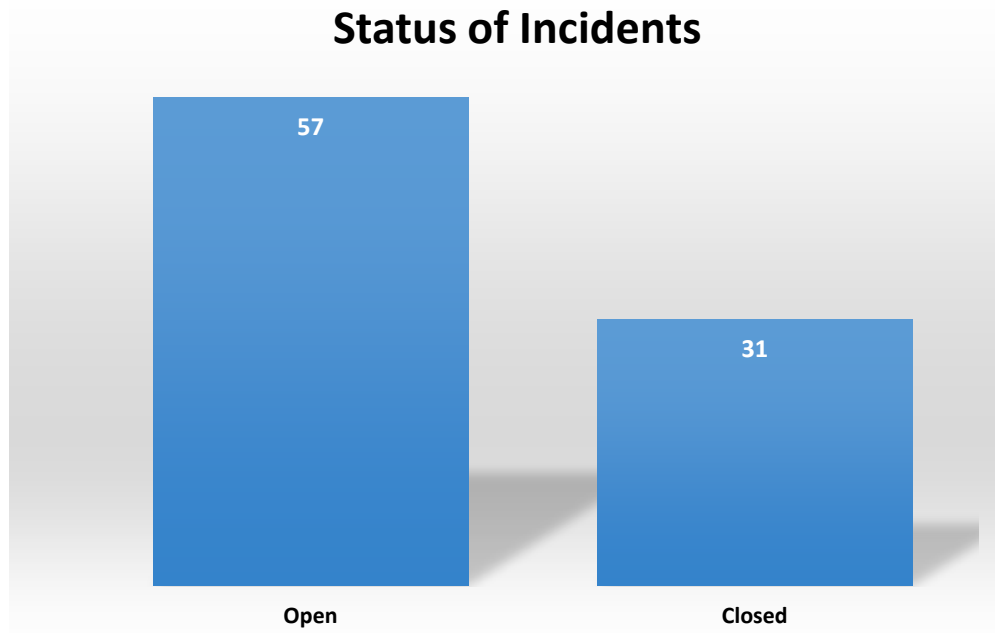


Figure 2. Status of incidents from December 10, 2020 – February 4, 2021 (31 closed, 57 open).

Table 1: December to February, FY21, summary of Incidents by Law/Regulation

| Law/Regulation/Program | Incident Totals |
|------------------------------|-----------------|
| ACFCMA | 4 |
| MSFCMA | 66 |
| HMS | 3 |
| Lacey Act | 10 |
| Marine Mammal Protection Act | 2 |
| Other Federal Law/Regulation | 3 |
| Total | 88 |

December - February, FY 21 Incidents by Law/Regulation

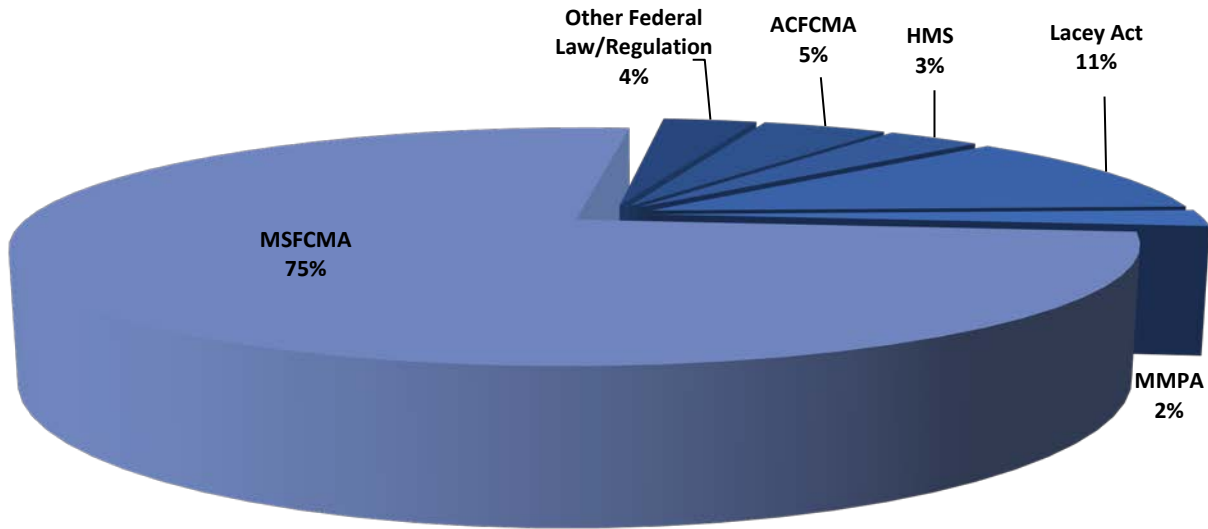


Figure 3: Incidents reported between December 10, 2020 and February 4, 2021. NED OLE SAs and EOs combined to open 88 incidents in this time period.

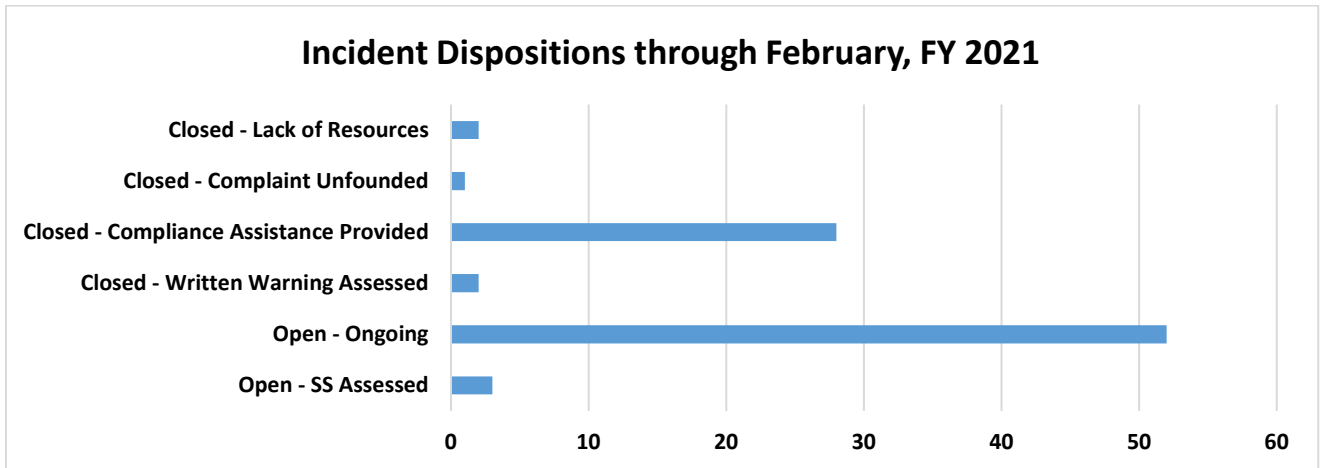


Figure 4. Incident dispositions for incidents reported between December 10, 2020 and February 4, 2021.

December to February FY 2021 Overview of Summary Settlements

A total of 26 violations were associated with 16 Summary Settlements issued between December 10 and February 4, 2021 at a value of \$20,500.

Table 2: Individual Violations Associated with Summary Settlements Issued

| Law | Violation | SS Amount | State |
|--------------|--|---------------------|----------|
| ACFCMA | Fish for Atlantic striped Bass in the EEZ | \$ 375.00 | NJ |
| ACFCMA | Fish for Atlantic striped Bass in the EEZ | \$ 125.00 | NJ |
| ACFCMA | Lobster Trap Gear Violation | \$ 500.00 | MA |
| ACFCMA | Possess Egg-Bearing Lobster | \$ 1,125.00 | ME |
| ACFCMA | Possess V-notch Lobsters | \$ 2,000.00 | ME |
| ACFCMA | Possess V-notch Lobsters | \$ 2,000.00 | ME |
| ACFCMA | Possess V-notch Lobsters | \$ 1,000.00 | ME |
| ACFCMA | Possess V-notch Lobsters | \$ 1,125.00 | ME |
| ACFCMA | Possess Atlantic Striped Bass in the EEZ | \$ 375.00 | NJ |
| ACFCMA | Possess Atlantic Striped Bass in the EEZ | \$ 1,250.00 | RI |
| ACFCMA | Possess Atlantic Striped Bass in the EEZ | \$ 125.00 | NJ |
| ACFCMA | Possession of Undersized Lobsters | \$ 1,000.00 | ME |
| HMS | Failure to Maintain Atlantic HMS in Specified Form | \$ 750.00 | CT |
| HMS | Failure to Report Atlantic Swordfish | \$ 375.00 | CT |
| HMS | Failure to Report BFT | \$ 833.33 | NY |
| HMS | Failure to Report BFT | \$ 250.00 | NY |
| HMS | Failure to Report HMS Species | \$ 1,125.00 | NY |
| HMS | Failure to Report HMS Species | \$ 1,000.00 | MA |
| HMS | Fishing Without Valid Atlantic HMS Permit | \$ 375.00 | CT |
| HMS | Fishing Without Valid Atlantic HMS Permit | \$ 833.33 | NY |
| HMS | Fishing Without Valid Atlantic HMS Permit | \$ 250.00 | NY |
| HMS | Fishing Without Valid Atlantic HMS Permit | \$ 1,125.00 | NY |
| HMS | Illegal BFT Possession | \$ 833.34 | NY |
| HMS | Illegal BFT Possession | \$ 250.00 | NJ |
| MMPA | ALWTRP Fixed Gear Violations | \$ 500.00 | MA |
| MSFCMA | Import without Valid IFTP | \$ 1,000.00 | NJ |
| Total | | \$ 20,500.00 | - |

Northeast VMS Program (1st Quarter Summary, FY 2021)

*Updated January 26th, 2021

NE-Approved VMS Vendors and Units:

SkyMate - I1500 & M1500

Network Innovations - Sailor Platinum (no longer approved for installation)

Woods Hole Group - Thorium Leo & Thorium Triton

AddValue - Wideye iFleetONE

Orolia OmniCom

NE VMS Unit Population:

936 registered vessels
McMurdo.....23*
SkyMate.....442
Woods Hole Group.....467
Network Innovations.....4
AddValue.....0
Orolia.....0
8 vendor test units (installed at NED OLE)

*All vessels are on a NOAA-approved PowerDown Exemption and are VMS compliant. The McMurdo VMS must be replaced with an approved VMS before the end of the exemption period.

NE VMS Population breakdown by Permits (Note: The total count below exceeds the VMS population count since most vessels hold multiple permits):

377 Multispecies (MUL-A,D,F)
47 Combination (MUL-E)
15 Monkfish (MNK-F)
542 Scallop General Category (LGC-A,B,C)
345 Scallop Limited Access (SC-2,3,5,6,7,8)
601 Surfclam (SF-1)
600 Ocean Quahog (OQ-6)
10 Maine Mahogany Quahog (OQ-7)
130 Herring (HER-A,B,C,E)
126 Mackerel (SMB-T1,T2,T3)
229 Longfin Squid (SMB-1A)
48 Longfin Squid (SMB-1B)
68 Illex Squid (SMB-5)

Groundfish Sector/Common Pool:

There are 300 groundfish sector vessels and 123 common pool vessels registered to the NE VMS Program.

Power-Down & Letter of Exemption (LOE) Program:

A total of 126 VMS-equipped vessels are on a NMFS -approved power down exemption; of these, the owners of 49 vessels have deactivated their VMS with their vendor during the LOE period. Additionally, there are 25 vessels with LAGC scallop permits on a Power Down declaration in port.

Industry Contact Log Report:

To date, the NE Investigative Support (IS) Team addressed 352 industry issues in this quarter and closed 287 issues or 82%. The most-frequently reported issues were (1) Eforms Compliance, (2) Declaration Failure, and (3) Non-Reporting.

Significant VMS Issues:

AIS Data in vTrack: As of December 17, OLE is receiving and processing global Automatic Identification System (AIS) data from provider Polestar in its vTrack monitoring system. About 74% of the VMS-equipped vessels with GAR permits have an installed AIS. In addition to displaying AIS positions from VMS-equipped vessels, vTrack is also displaying the most current AIS position from non-VMS vessels.

Observer Program Highlights (1st Quarter Summary, FY 2021)

From October 1 through December 31, 2020, the observer program deployed on 398 trips for 1523 sea days. Six investigations were initiated based on Incident Reports received by the Northeast Division during this quarter. More than 98% of all selected or observed trips were completed without an enforcement referral/investigation.

Table 3: Summary of Observer Program complaints and status

| Type of complaint | Number of complaints and status |
|--|---|
| Refusal | None |
| Assault | One report was received and is under investigation. |
| Harassment/Intimidation | One report was received and was closed with compliance assistance. |
| Interference | One report was received and was closed with compliance assistance. |
| Vessel Safety | None |
| Observer Safety | Four reports were received. Three of the four reports involved the same vessel, and this investigation is ongoing. One report was referred to the USCG. |
| Failure to provide reasonable assistance | One report was received and was closed with compliance assistance. |
| Failure to provide equal accommodations | None |
| Observer gear/sample tampering | None |
| Observer program notification | None |
| Miscellaneous | NSTR |

Cases sent to NOAA General Counsel Enforcement Section (GCES)

NED forwarded 3 cases to GCES between December 10th and February 3rd. All cases involve fishing vessel violations. These violations consisted of permit violations for exceeding monkfish or scallop possession/allocation limits.