



**NOAA FISHERIES**

# Council Report – November to January, FY 2021

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**November 20, 2020 – January 22, 2021**

To Report a Violation Call  
800-853-1964

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# 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 2<sup>nd</sup> 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 late November, 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 5 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 6 instances of participation in various NOAA internal and external government partner meetings and events, and 4 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

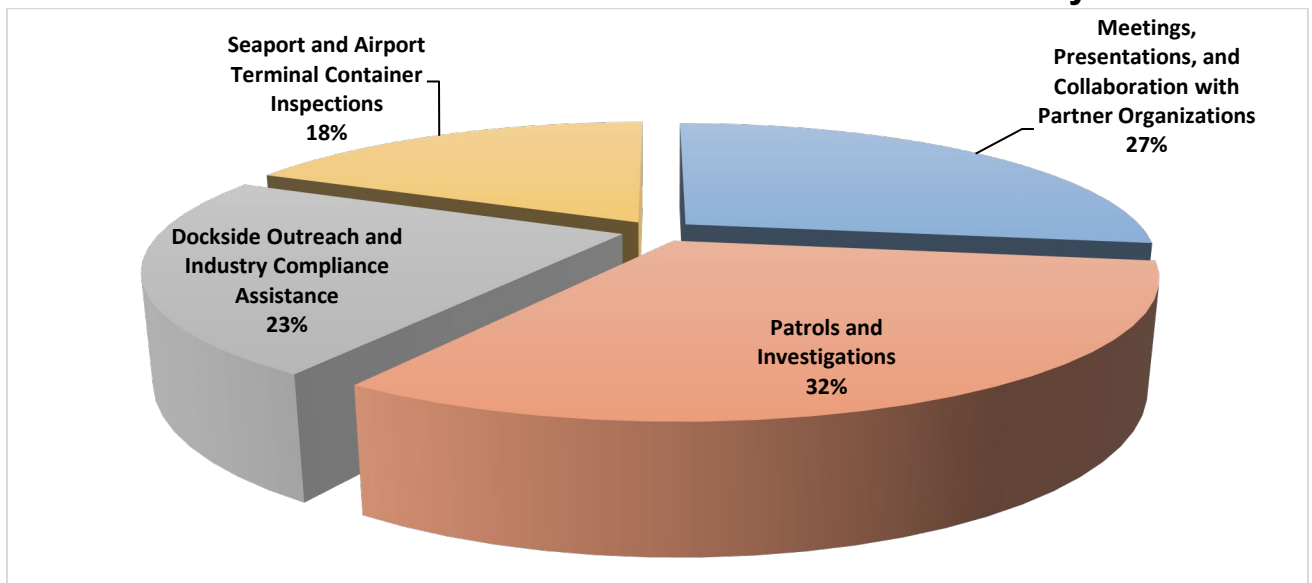


Figure 1: Roughly 22 events took place between November 20, 2020 and January 14, 2020. The chart is broken down by patrols and investigations, internal government meetings/presentations/collaborations with partner organizations, dockside outreach/industry compliance assistance, and Seaport and Airport Terminal Container Inspections.

# November to January FY 2021 Incident Information

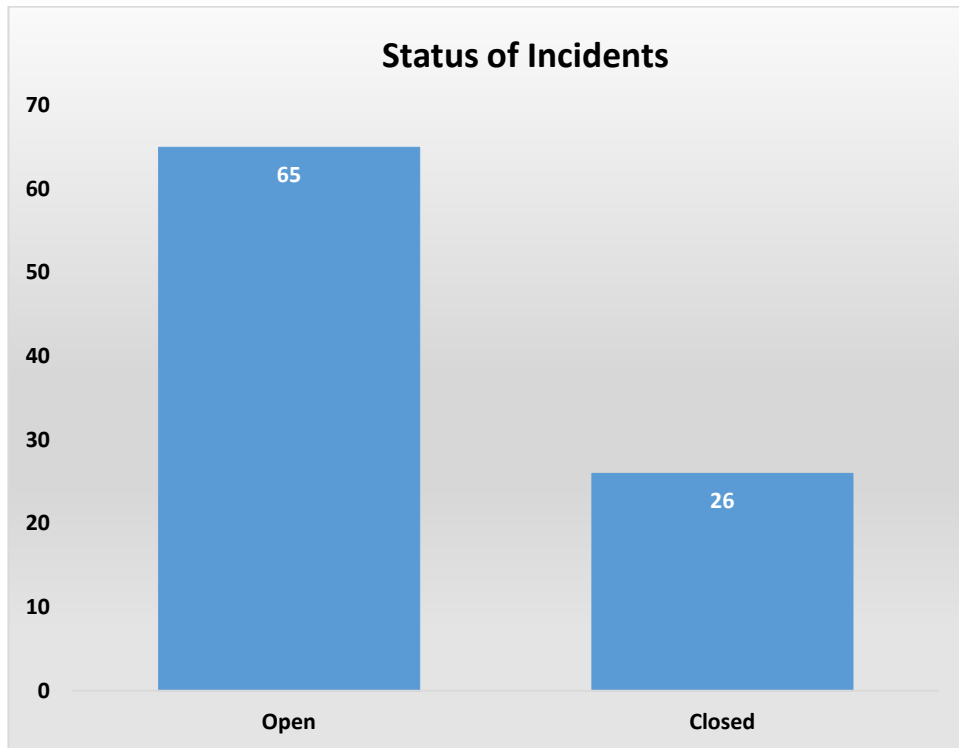


Figure 2. Status of incidents from November 20, 2020 – January 18, 2021 (26 closed, 65 open).

Table 1: November to January, FY21, summary of incidents by law/regulation

Law/Regulation/Program	Incident Totals
ACFCMA	6
Endangered Species Act	1
MSFCMA	61
HMS	8
High Seas Fisheries Compliance Act	1
Lacey Act	10
Marine Mammal Protection Act	1
Other Federal Law/Regulation	3
<b>Total</b>	<b>91</b>

### Incidents by Law/Regulation through January, FY 2021

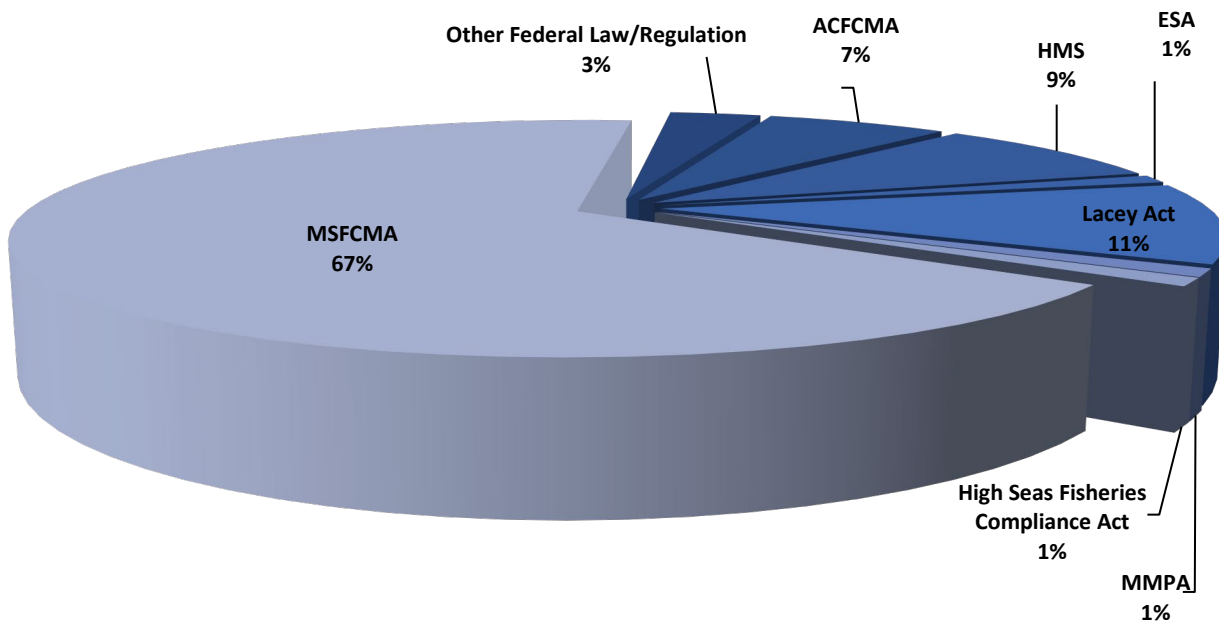


Figure 3: Incidents reported between November 20, 2020 and January 18, 2021. NED OLE SAs and EOs combined to open 91 incidents in this time period.

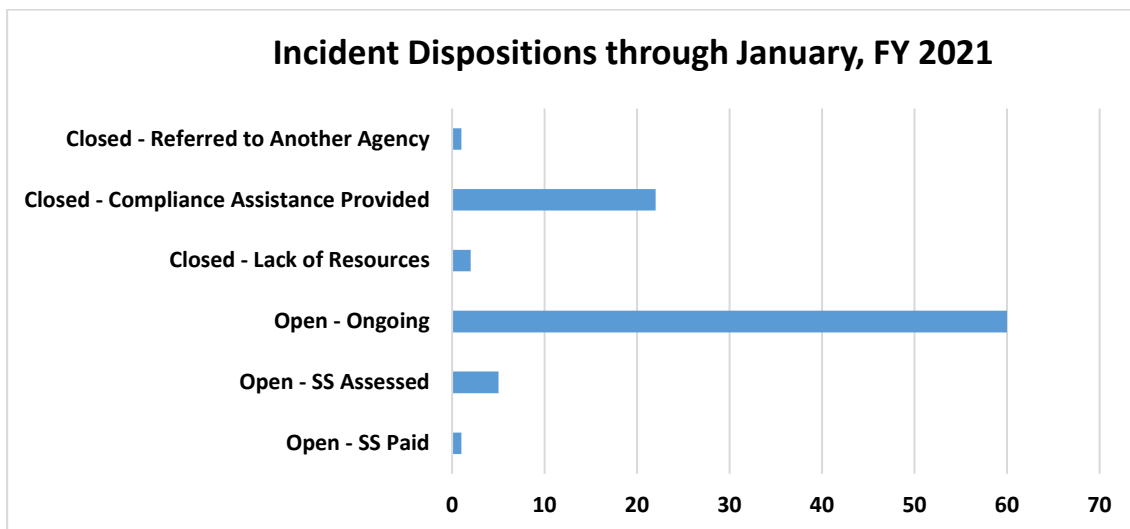


Figure 4. Incident dispositions for incidents reported between November 20, 2020 and January 18, 2021.

## FY 2021 November to January Overview of Summary Settlements

A total of 26 violations were associated with 16 Summary Settlements issued between November 20 and January 19, 2021 at a value of \$21,500.00.

Table 2: Individual Violations Associated with Summary Settlements Issued

Law	Violation	SS Amount	State
ACFCMA	Possess V-notch Lobsters	\$ 2,000.00	ME
ACFCMA	Possess V-notch Lobsters	\$ 2,000.00	ME
ACFCMA	Possession of Undersized Lobsters	\$ 1,000.00	ME
ACFCMA	Possess V-notch Lobsters	\$ 1,000.00	ME
ACFCMA	Lobster Trap Gear Violation	\$ 500.00	MA
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 375.00	NJ
ACFCMA	Fish for Atlantic striped Bass in the EEZ	\$ 375.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 1,250.00	RI
HMS	Fishing Without Valid Atlantic HMS Permit	\$ 375.00	CT
HMS	Failure to Report Atlantic Swordfish	\$ 375.00	CT
HMS	Fishing Without Valid Atlantic HMS Permit	\$ 833.33	NY
HMS	Failure to Report BFT	\$ 833.33	NY
HMS	Illegal BFT Possession	\$ 833.34	NY
HMS	Fishing Without Valid Atlantic HMS Permit	\$ 250.00	NY
HMS	Failure to Report BFT	\$ 250.00	NY
HMS	Failure to Maintain Atlantic HMS in Specified Form	\$ 500.00	MA
HMS	Failure to Report BFT	\$ 500.00	MA
HMS	Illegal BFT Possession	\$ 250.00	NJ
HMS	Fishing Without Valid Atlantic HMS Permit	\$ 1,125.00	NY
HMS	Failure to Report HMS Species	\$ 1,125.00	NY
HMS	Failure to Report HMS Species	\$ 1,000.00	MA
HMS	Failure to Properly Report Swordfish Imports	\$ 1,500.00	MA
HMS	Failure to Properly Report Swordfish Imports	\$ 1,500.00	MA
HMS	Failure to Maintain Atlantic HMS in Specified Form	\$ 750.00	CT
MMPA	ALWTRP Fixed Gear Violations	\$ 500.00	MA
MSFCMA	Fish in EEZ Without Valid Permit	\$ 500.00	MA
<b>Total</b>		<b>\$ 21,500.00</b>	<b>-</b>

## Northeast VMS Program (1<sup>st</sup> Quarter Summary, FY 2021)

\*Updated January 26<sup>th</sup>, 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 (1<sup>st</sup> 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 5 cases to GCES between November 28th and January 21st. All cases involve fishing vessel violations, primarily permit violations.