



NOAA FISHERIES

Council Report – 4th Quarter, FY 2020



June 19, 2020 – September 22, 2020

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 last summer and will continue those operations as we move into the colder months. 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. The snapshot shown in 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.

NED Enforcement Highlights

- William Semrau's IST within NED is now operating at full staffing capacity. Recent hires to the team include **Bethanie Dow**, **Zachary Fyke**, and **Michelle Cananaugh**. Bethany comes from the IRS Criminal Investigation office in Charlotte, NC where she worked as an Investigative Analyst. Zack comes from the Northeast Fisheries Science Center's Fisheries Sampling Branch where he served as the Observer Compliance Liaison and an Observer. Michelle joins us from GARFO's Analysis and Program Support Division where she worked as an analyst for nine years specializing in various types of data submitted to the government by the fishing industry.

In addition, **Samantha Tolken** became an FTE Investigative Support Technician. Samantha has served in this capacity as a contractor for three years prior to her promotion to an FTE.

- A vessel received a \$22,599 NOVA for nineteen counts of violating the right whale ship strike reduction rule. This aligns with NED's Protected Resources Strategic Objective. In addition, a SA completed his investigation of two vessels that violated the right whale ship strike reduction rule. Case packages for two vessels have been submitted documenting twenty-three (23) counts of violating the speed rule.
- A VP for Marketing and Operations for a Newport News, Virginia based seafood dealer was sentenced in Federal Court for conspiracy to violate the Lacey Act. The subject assisted in the procurement of foreign crabmeat from multiple countries with the intention of mislabeling and selling it as 'Product of the USA'. Additionally, the subject sought out cheaper product that was "distressed" crab meat, meat that was close to or past the "use by" date on the containers. This product was "re-conditioned", repackaged and sold as product of the USA. The subject received six months home confinement, three years of supervised probation, and a \$10,000 fine for his role in this scheme to defraud.
- On September 15, 2020, McMurdo/Orolia's "OmniCom" vessel monitoring system (VMS) was approved for use by commercial fishing vessels with federal permits requiring the use of VMS in the Greater Atlantic Region (GAR).
- An ongoing Atlantic halibut overage and false reporting investigation has uncovered approximately 3,000 pounds of falsely reported Atlantic halibut. An EO conducted a series of interviews of Maine based dealers and seafood restaurants. The primary subject received an Enforcement Violation Report for false reporting, landing Northeast multispecies twice per day, and selling to non-federally permitted dealers.

- NED Assistant Director Tim Donovan recognized EO's Mousseau and Hanacek for leadership and decisive action while responding to a person in the water emergency. Two personal watercraft riders fell into swift water near a rocky jetty. A female rider was in a state of panic and clinging to the back of a male, pushing his head under water. The officers were able to separate the two and embark the female onto a Maryland state law enforcement vessel. During the incident, that vessel drifted dangerously close to the jetty. EO Hanacek immediately took the helm and positioned the vessel in safer waters. The male was able to re-board his craft and self-rescue. The female was transported to shore with no injuries or requirement for Emergency Medical Services.

Enforcement and Compliance

Since the last Council meeting, there were approximately 31 documented patrols, allowing critical face-to-face interaction between our field staff and the industry. There were 13 documented instances of dockside outreach and/or industry compliance assistance in the field, 24 instances of participation in various NOAA internal and external government partner meetings and events, and 8 seaport container inspections to investigate violations such as those against the Lacey Act. Where NED participation in trade show attendance, expert panel participation, school events, etc. is 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. Furthermore, multiple vessels may be boarded on a single patrol. Data included in Figures 1 – 4 in this report pick up where the last Council report left off in the middle of June, 2020.

Enforcement Field Work and Outreach Effort Summary

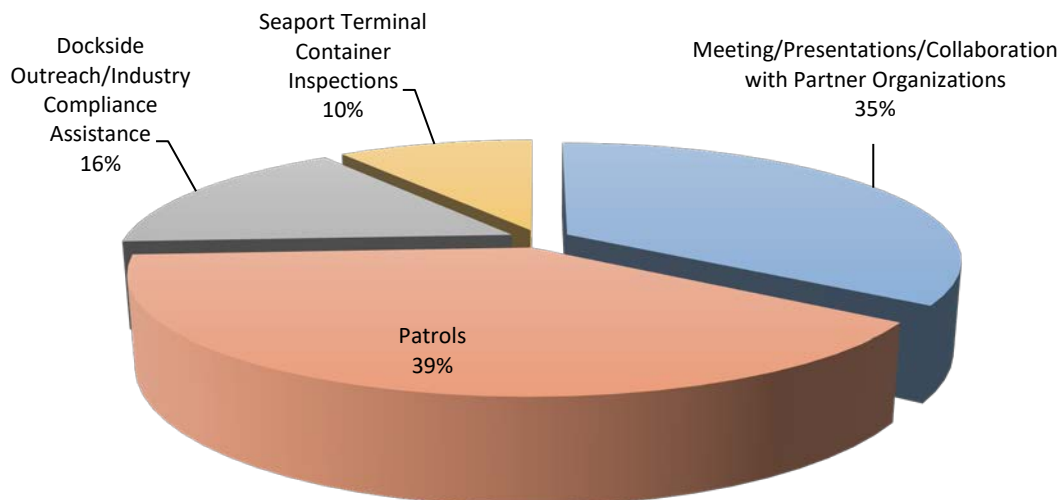


Figure 1: Roughly 74 events took place between June 11, 2020 and September 17, 2020. The chart is broken down by patrols, internal government meetings/presentations/collaborations with partner organizations, dockside outreach/industry compliance assistance, and Seaport Terminal Container Inspections.

FY 2020 4th Quarter Incident Information

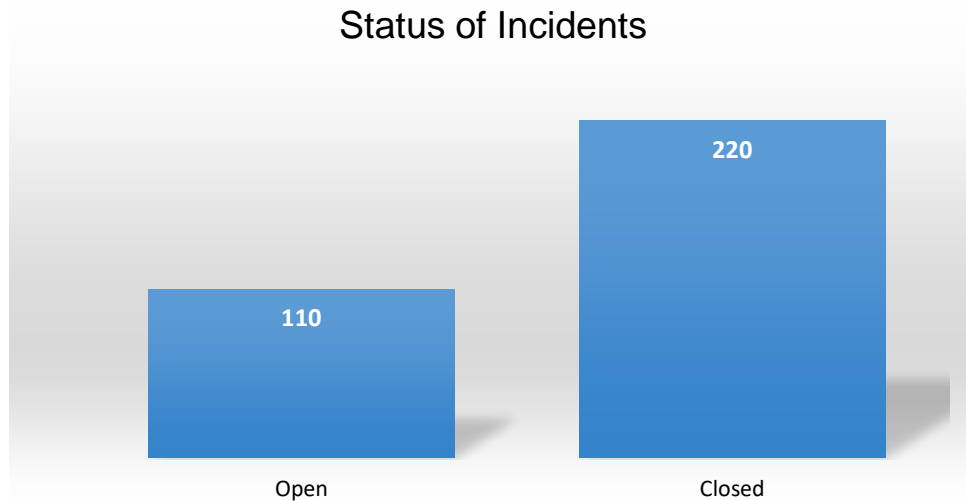


Figure 2. Status of incidents from June 19, 2020 – September 22nd, 2020 (220 closed, 110 open).

Table 1: 4th Quarter, FY20, summary of Incidents by Law/Regulation

Law/Regulation/Program	Incident Totals
ACFCMA	16
Endangered Species Act	19
MSFCMA	127
HMS	124
Lacey Act	19
Marine Mammal Protection Act	8
Convention on the Conservation of Antarctic Marine Living Resources	1
Other Federal Law/Regulation	11
State Law/Regulation	5
Total	330

4th Quarter Incidents by Law/Regulation

* The single CCAMLR incident is not listed here as it accounts for less than 1% of the total 4th quarter incidents.

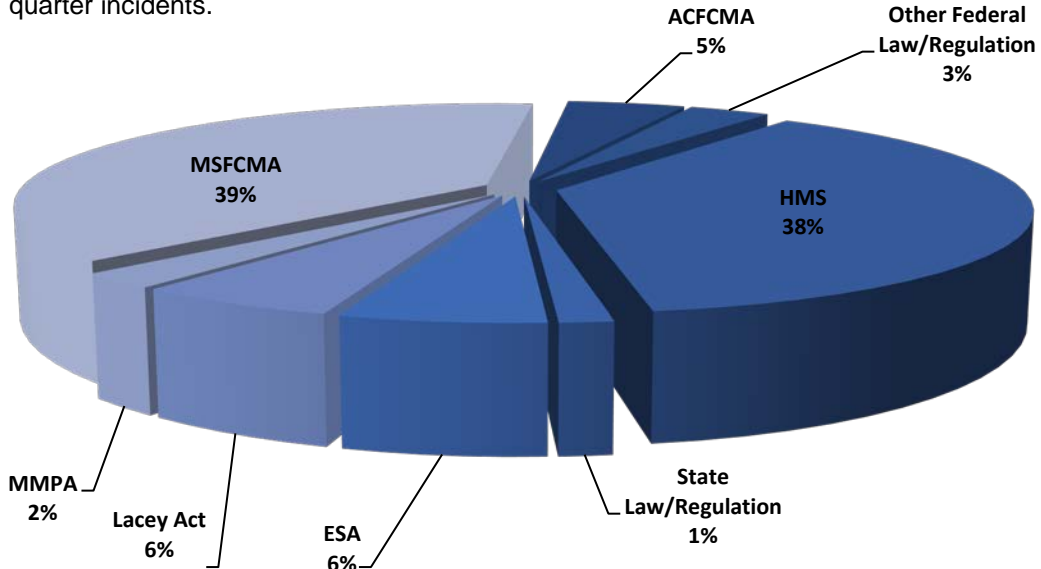


Figure 3: Incidents reported between June 19, 2020 and September 22, 2020. NED OLE SAs and EOs combined to open 330 incidents in this time period.

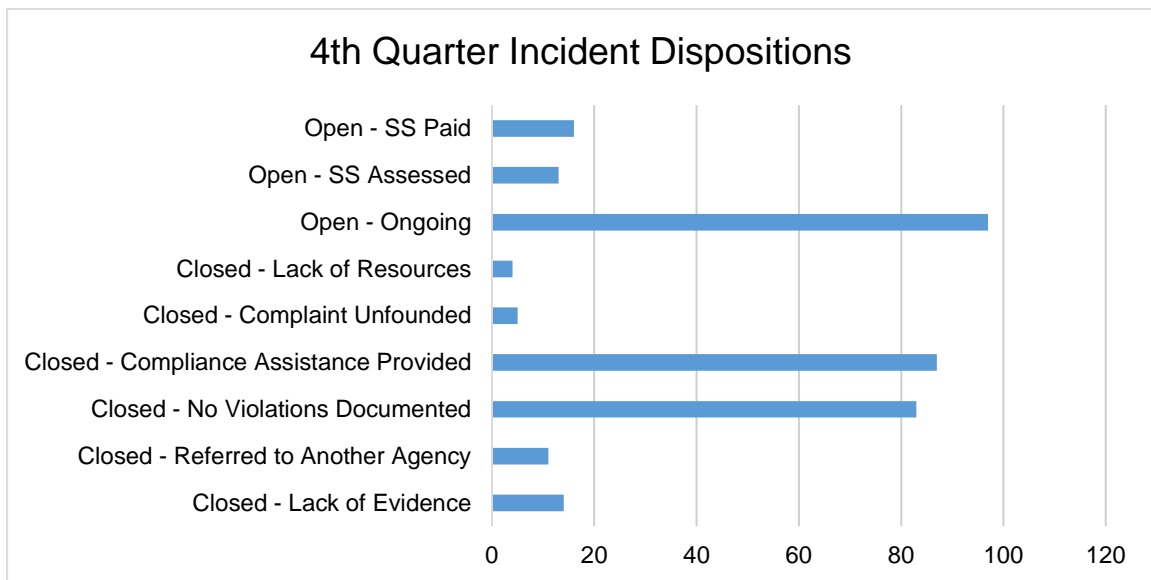


Figure 4. Incident dispositions for incidents reported between June 19, 2020 and September 22nd, 2020.

FY 20 4th Quarter Overview of Summary Settlements

A total of 48 violations were associated with 42 Summary Settlements issued between June 19 and September 22, 2020 at a value of \$37,400.

Table 2: Individual Violations Associated with Summary Settlements Issued

Law	Violation	SS Amount	State
ACFCMA	Failure to Report	\$ 500.00	VA
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 500.00	RI
ACFCMA	Fish for Atlantic striped Bass in the EEZ	\$ 625.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 625.00	NJ
ACFCMA	Fish for Atlantic striped Bass in the EEZ	\$ 625.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 625.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 250.00	RI
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 500.00	RI
ACFCMA	Fish for Atlantic striped Bass in the EEZ	\$ 375.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 375.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 750.00	RI
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 500.00	RI
ACFCMA	Fish for Atlantic striped Bass in the EEZ	\$ 625.00	MD
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 625.00	MD
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 250.00	RI
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 250.00	RI
ACFCMA	Possession of Egg Bearing Lobster	\$ 250.00	MA
HMS	Failure to Report HMS Species	\$ 375.00	MD
HMS	Fishing Without Valid Atlantic HMS Permit	\$ 375.00	MD
HMS	Failure to Maintain Atlantic HMS in Specified Form	\$ 1,000.00	RI
HMS	Failure to Maintain Atlantic HMS in Specified Form	\$ 1,375.00	MD
HMS	Fishing Without Valid Atlantic HMS Permit	\$ 1,375.00	MD
HMS	Illegal BAYS Tuna Sales	\$ 2,250.00	RI
HMS	Illegal BFT Possession	\$ 500.00	RI
HMS	Failure to Maintain Atlantic HMS in Specified Form	\$ 1,000.00	RI
HMS	Illegal BFT Possession	\$ 750.00	RI
HMS	Mako Minimum Size Violation	\$ 500.00	RI
HMS	Failure to Maintain Atlantic HMS in Specified Form	\$ 750.00	MD
HMS	HMS species import document requirement non-compliance	\$ 2,000.00	NJ
HMS	Failure to maintain Atlantic HMS in specified form	\$ 1,000.00	CT
HMS	Failure to Report HMS Species	\$ 250.00	NY
HMS	Illegal BFT Possession	\$ 500.00	NC
HMS	Illegal BFT Possession	\$ 500.00	NY

HMS	Failure to Properly Report Swordfish Imports	\$ 1,000.00	NY
HMS	Failure to Properly Report Swordfish Imports	\$ 1,000.00	NY
HMS	Illegal BFT Possession	\$ 1,000.00	RI
HMS	Illegal BFT Possession	\$ 500.00	RI
HMS	Fishing Without Valid Atlantic HMS Permit	\$ 2,000.00	NC
HMS	Illegal HMS Possession	\$ 500.00	MD
HMS	Failure to Report HMS Species	\$ 125.00	RI
HMS	Failure to Report BFT	\$ 125.00	RI
MMPA	Seal Harassment	\$ 100.00	NY
MSFCMA	Mahi Mahi Overage	\$ 550.00	RI
MSFCMA	SIMP Documentation Violation	\$ 2,000.00	VA
MSFCMA	Import without Valid IFTP	\$ 2,000.00	NY
MSFCMA	Black Sea Bass Overage	\$ 1,250.00	VA
MSFCMA	No SIMP Documentation	\$ 1,500.00	NJ
MSFCMA	Illegal Halibut Possession	\$ 1,000.00	ME
Total		\$ 37,400.00	-

Northeast VMS Program (4th Quarter Summary, FY 2020)

*Updated September 23rd, 2020

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 (approved Sep 15, 2020)

NE VMS Unit Population:

931 registered vessels

McMurdo.....22*

SkyMate.....438

Woods Hole Group.....467

Network Innovations.....4

AddValue.....0

Orolia.....0

8 vendor test units (installed at NED OLE) and one portable unit (ISPM home)

*All vessels are on a NOAA-approved power down 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):

368 Multispecies (MUL-A,D,F)

- 47 Combination (MUL-E)
- 15 Monkfish (MNK-F)
- 535 Scallop General Category (LGC-A,B,C)
- 345 Scallop Limited Access (SC-2,3,5,6,7,8)
- 594 Surfclam (SF-1)
- 593 Ocean Quahog (OQ-6)
- 10 Maine Mahogany Quahog (OQ-7)
- 128 Herring (HER-A,B,C,E)
- 125 Mackerel (SMB-T1,T2,T3)
- 222 Longfin Squid (SMB-1A)
- 49 Longfin Squid (SMB-1B)
- 68 Illex Squid (SMB-5)

Groundfish Sector/Common Pool:

There are 406 groundfish sector vessels and 115 common pool vessels registered to the NE VMS Program.

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

A total of 70 VMS-equipped vessels are on a NMFS - approved power down exemption; of these, the owners of 34 vessels have deactivated their VMS with their vendor during the LOE period. Additionally, there are 21 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 351 industry issues in this quarter and closed 297 issues or 85%. The most-frequently reported issues were (1) Eforms Compliance, (2) PowerDown LOE Request; and (3) Declaration/Forms Assistance.

Significant VMS Issues:

OROLIA ‘OMNICOM’ TYPE APPROVAL: The OmniCom VMS was approved by NMFS OLE for use in the Greater Atlantic Region on Sep. 15, 2020. The GARFO announcement may be viewed here:

<https://content.govdelivery.com/accounts/USNOAAFISHERIES/bulletins/2a1caa7>

MCMURDO OMNITRACS REPLACEMENT: We are down to only 22 vessels of the original 710 that must still replace their OmnitracS with an approved VMS. All 22 vessels are on a VMS power down exemption.

Observer Program Highlights

Observer coverage in the NED was suspended on March 13, 2020 due to COVID-19 concerns. Observers were not deployed on vessels from March 13 through August 13, 2020. From August 14 through September 23, 2020, the observer program deployed on 127 trips for 442 sea days. One (1) enforcement related Incident Report was received by the Northeast Division. More than 99% of all selected or observed trips were completed without an enforcement incident referral. Please see Table 3, below, for more detail.

Table 3: Summary of Observer Program complaints and status

Type of complaint	Number of complaints and status
Refusal	None

Assault	None
Harassment/Intimidation	None
Interference	One report was received and the investigation is ongoing.
Vessel Safety	None
Observer Safety	None
Failure to provide reasonable assistance	None
Failure to provide equal accommodations	None
Observer gear/sample tampering	None
Observer program notification	None
Miscellaneous	A special agent conducted an enforcement training and also participated in an observer support panel during the September 2020 observer training session.

Cases sent to NOAA General Counsel Enforcement Section (GCES)

NED forwarded 17 cases to GCES between June 18th and September 23rd. 15 cases involve fishing vessel violations and 2 cases involve violations by merchant vessels transiting Mid-Atlantic Seasonal Management Areas at excessive speeds. They include but are not limited to: HMS violations, false data submissions, observer harassments, SMA violations, permit violations and closed area violations. Many of these cases involve incidents that occurred prior to June 18th.