

NOAA FISHERIES

Council Report – 1st Quarter, FY 2021



September 23, 2020 – December 9, 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 this fall and will continue those operations as we move into the winter 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. 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 the following report picks up where the last Council report left off in late September, 2020.

NED Enforcement Highlights

- Work involving NED's new ROV Project to inspect offshore gear for illegal violations continues. Two Enforcement Officers conducted offshore lobster gear inspections in a restricted gear area along the continental shelf in October. Surface gear was located in the closed area and identified for follow up investigation. The vessel's lobster gear was observed, using the ROV, to have sections of floating ground lines. In addition, two EO's conducted a test demonstration of a mini class ROV in Gloucester Harbor. Lobster gear was located utilizing sonar and visually inspected for by camera.
- The NED conducted an operation in which agents and officers, with the assistance of the Maine Marine Patrol, executed six simultaneous search warrants and issued several subpoenas and several target letters to businesses and individuals. The investigation involves the overharvest and misreporting of Atlantic Herring.
- The IS Team developed a Field Intelligence Report (FIR) template for NED staff to transmit priority information collected in the field to NED Intelligence Analysts, managers and internal stakeholders. This will expand NED's 'Domain Awareness', increase its analytic capability, and provide value-added enforcement to GARFO programs.

Enforcement and Compliance

Since the last Council meeting, there were approximately 16 documented patrols, allowing critical face-to-face interaction between our field staff and the industry. There were 18 documented instances of dockside outreach and/or industry compliance assistance in the field, 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 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 below are an estimate and multiple vessels may be boarded on a single patrol.

Enforcement Field Work and Outreach Effort Summary

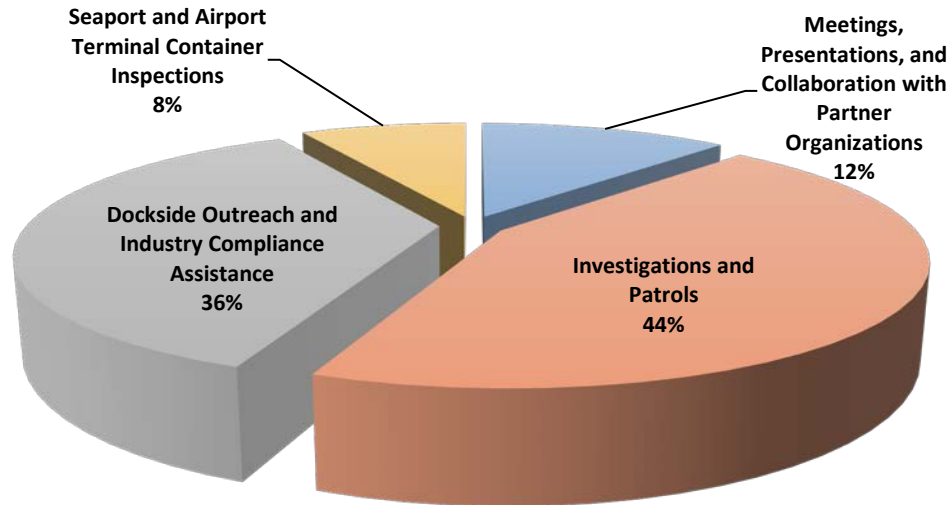


Figure 1: Roughly 50 events took place between September 25, 2020 and December 4, 2020. The chart is broken down by investigations and patrols, meetings/presentations/collaborations with partner organizations, dockside outreach/industry compliance assistance, and Seaport and Airport Terminal Container Inspections.

FY 2021 1st Quarter Incident Information

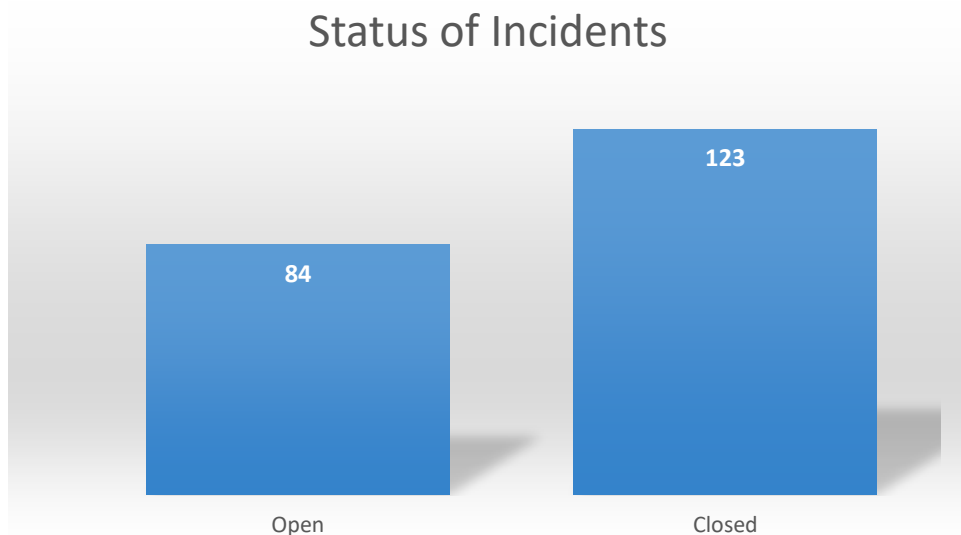


Figure 2. Status of incidents from September 23, 2020 – December 9, 2020 (123 closed, 84 open).

Table 1: 1st Quarter, FY21, summary of Incidents by Law/Regulation

Law/Regulation/Program	Incident Totals
ACFCMA	4
Endangered Species Act	2
High Seas Fisheries Compliance Act	2
MSFCMA	111
HMS	72
Lacey Act	6
Marine Mammal Protection Act	7
Other Federal Law/Regulation	3
Total	207

4th Quarter Incidents by Law/Regulation

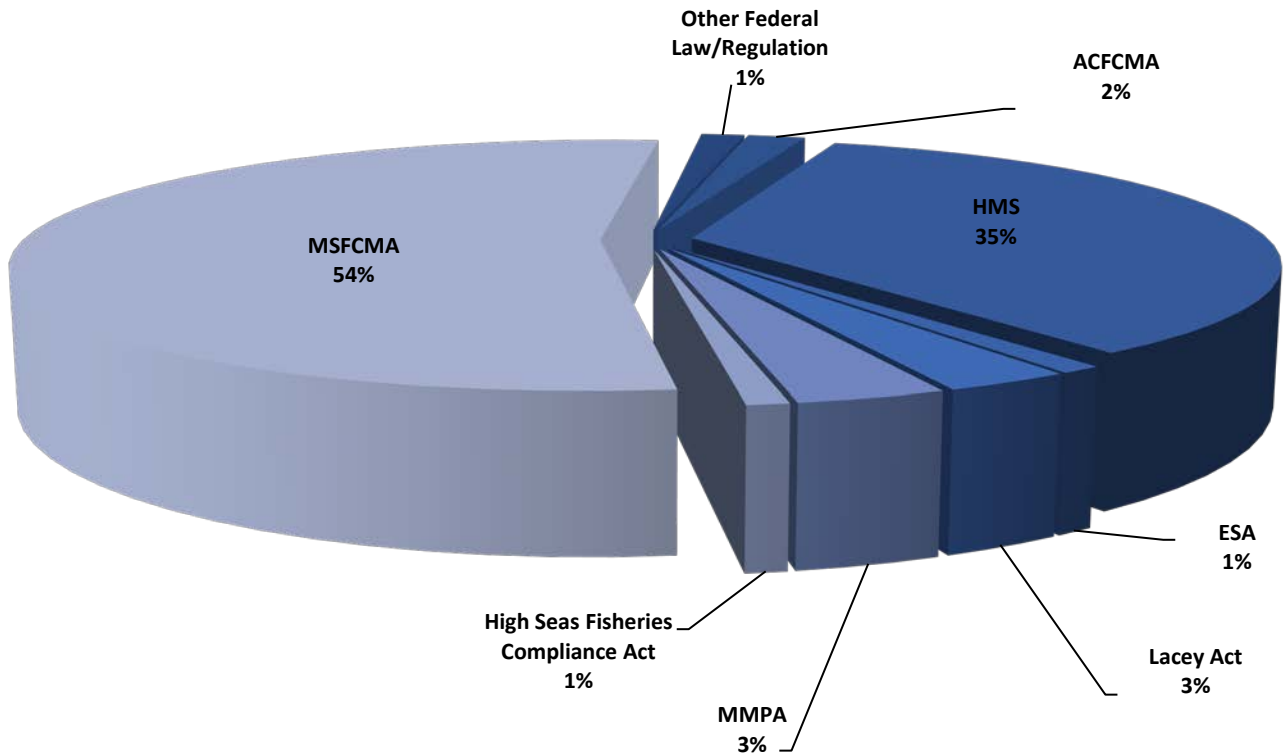


Figure 3: Incidents reported between September 23, 2020 and December 9, 2020. NED OLE SAs and EOs combined to open 207 incidents in this time period.

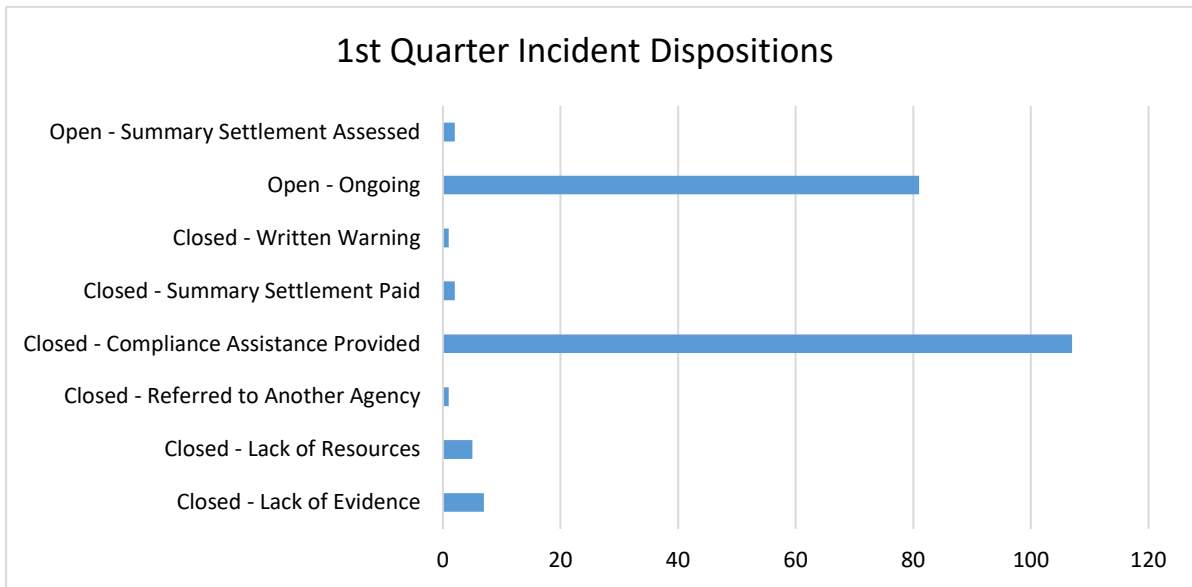


Figure 4. Incident dispositions for incidents reported between September 23, 2020 and December 9, 2020.

FY 2021 1st Quarter Overview of Summary Settlements

A total of 19 violations were associated with 13 Summary Settlements issued between September 24 and December 9, 2020 at a value of \$13,804.50.

Table 2: Individual Violations Associated with Summary Settlements Issued

Law	Violation	SS Amount	State
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 250.00	RI
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$ 187.50	NJ
ACFCMA	Fish for Atlantic striped Bass in the EEZ	\$ 187.50	NJ
ACFCMA	Harvest Atlantic striped Bass in the EEZ	\$ 187.50	NJ
ACFCMA	Retain Atlantic striped Bass in the EEZ	\$ 250.00	NJ
ACFCMA	Possess V-notch Lobster	\$ 500.00	RI
HMS	Fishing Without Valid Atlantic HMS Permit	\$ 500.00	MA
HMS	Illegal Swordfish Sales	\$ 1,992.00	VA
HMS	Failure to Report BFT	\$ 1,000.00	NH
HMS	Fishing Without Valid Atlantic HMS Permit	\$ 500.00	MA
HMS	Failure to Report BFT	\$ 250.00	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	\$ 500.00	MA
HMS	Failure to Report BFT	\$ 500.00	MA
MSFCMA	Fish in EEZ Without Valid Permit	\$ 500.00	MA

MSFCMA	Fish in EEZ Without Valid Permit	\$ 500.00	ME
MSFCMA	SIMP Documentation Violation	\$ 2,000.00	NJ
MSFCMA	Import without Valid IFTP	\$ 1,000.00	NY
Total		\$ 13,804.50	-

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

*Updated December 11th, 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:

928 registered vessels

McMurdo.....24*

SkyMate.....439

Woods Hole Group.....465

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):

378 Multispecies (MUL-A,D,F)

47 Combination (MUL-E)

15 Monkfish (MNK-F)

540 Scallop General Category (LGC-A,B,C)

345 Scallop Limited Access (SC-2,3,5,6,7,8)

600 Surfclam (SF-1)

599 Ocean Quahog (OQ-6)

10 Maine Mahogany Quahog (OQ-7)

130 Herring (HER-A,B,C,E)

128 Mackerel (SMB-T1,T2,T3)

229 Longfin Squid (SMB-1A)

49 Longfin Squid (SMB-1B)

68 Illex Squid (SMB-5)

Groundfish Sector/Common Pool:

There are 302 groundfish sector vessels and 125 common pool vessels registered to the NE VMS Program.

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

A total of 76 VMS-equipped vessels are on a NMFS -approved power down exemption; of these, the owners of 43 vessels have deactivated their VMS with their vendor during the LOE period. Additionally, there are 26 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 278 industry issues in this quarter and closed 221 issues or 79.5%. The most-frequently reported issues were (1) Eforms Compliance, (2) Non-Reporting, and (3) Declaration/Forms Assistance.

Significant VMS Issues:

Canada EEZ Incursion: VMS monitoring and automated alerting detected a Maine lobster vessel with fishing activity on recent trips at the U.S.-Canada EEZ boundary. Based on detections of activity on the Canadian side of the Hague Line, OLE coordinated with the First Coast Guard District to locate and conduct an at-sea boarding on Nov. 19. The case is ongoing.

AIS: OLE is investigating various options for using AIS data, including integration with our vTrack (VMS) monitoring system, for near real-time monitoring and enforcement of Right Whale Special Management Areas. OLE is also collaborating with GCES, Coast Guard, and NEFSC in this mission area.

Observer Program Highlights (4th Quarter Summary, FY 2020)

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. There is no change in 4th Quarter, FY2020 information provided to the MAFMC ahead of the October Council meeting as shown in Table 3, below.

From August 14 through September 30, 2020, the observer program deployed on 164 trips for 565 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.

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 8 cases to GCES between September 24th and December 9th. Seven cases involve fishing vessel violations and one case involves a suspected whale strike by a vessel. The fishing vessel violations include: alleged failure to comply with log report requirements, HMS violations, false data submissions, permit violations, and observer program violations.