

NOAA FISHERIES

Council Report – August 2020



June 19, 2020 – August 6, 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) continues to conduct essential operations this summer and since the last Council meeting report. 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

- The NED Investigative support team is fully staffed.. Recent hires to the team include **Bethanie Dow**, **Zachary Fyke**, and **Michelle Cavanaugh**. 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 Investigative Support Technician. Samantha has served in this capacity as a contractor for three years prior to her promotion to an FTE.

- 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.
- In support of the new Clam Dredge Exemption Framework that became effective on June 18, the IST worked with Vessel Monitoring System vendors to remotely program geofencing for 10 clam vessels to include a 5-minute reporting rate change when fishing inside the Great South Channel Habitat Management Area.
- 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. Two restaurants received compliance assistance for purchasing halibut without having a federal dealer permit. One dealer received compliance assistance for failure to report purchases of halibut.
- 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.

- On August 1, 2020, EO's responded to a medical emergency at sea. During a vessel patrol, the EOs monitored a call for assistance between a recreational fishing vessel with a seizure victim and the USCG. Once the EOs obtained the victim vessel's position and bearing, they were able to plot an intercept course and arrived on-scene prior to the USCG. The EOs assisted the vessel until the USCG assets and the Ocean City, MD Fire Department paramedics took over the scene.

Enforcement and Compliance

Since the last Council meeting, there were approximately 26 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, 15 instances of participation in various NOAA internal and external government partner meetings and events, and 2 seaport container inspections to investigate Lacey Act violations. 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. 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

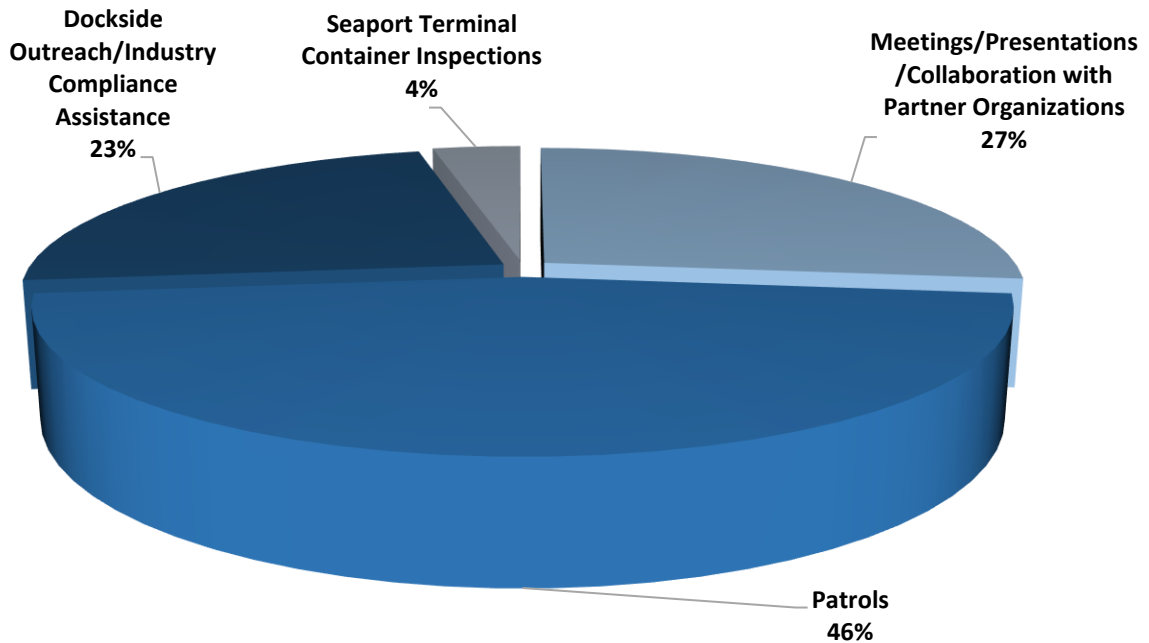


Figure 1: Roughly 56 events took place between June 11, 2020 and August 5, 2020. The chart is broken down by patrols, internal government meetings/presentations/collaborations with partner organizations, dockside outreach/industry compliance assistance, and Seaport Terminal Container Inspections.

FY 2020 4th Quarter Incident Information

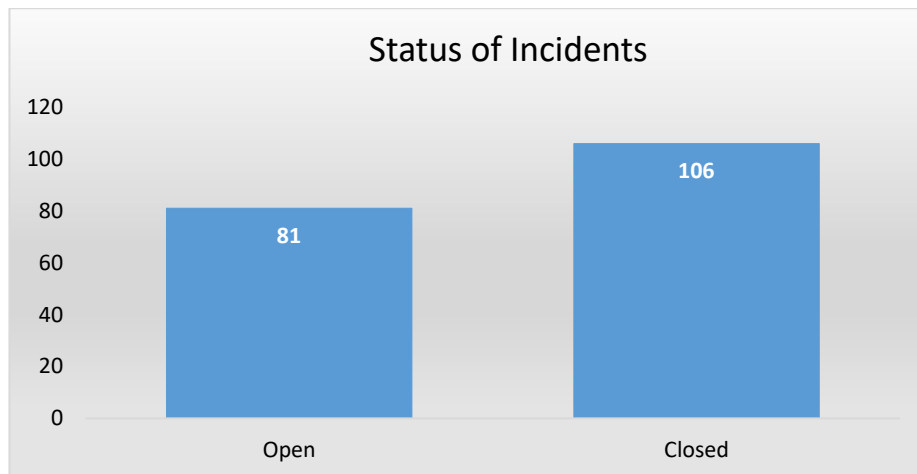


Figure 2. Status of incidents from June 19, 2020 – August 6, 2020 (106 closed, 81 open).

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

Law/Regulation/Program	Incident Totals
ACFCMA	8
Endangered Species Act	18
MSFCMA	62
HMS	71
Lacey Act	16
Marine Mammal Protection Act	3
Other Federal Law/Regulation	4
State Law/Regulation	5
Total	187

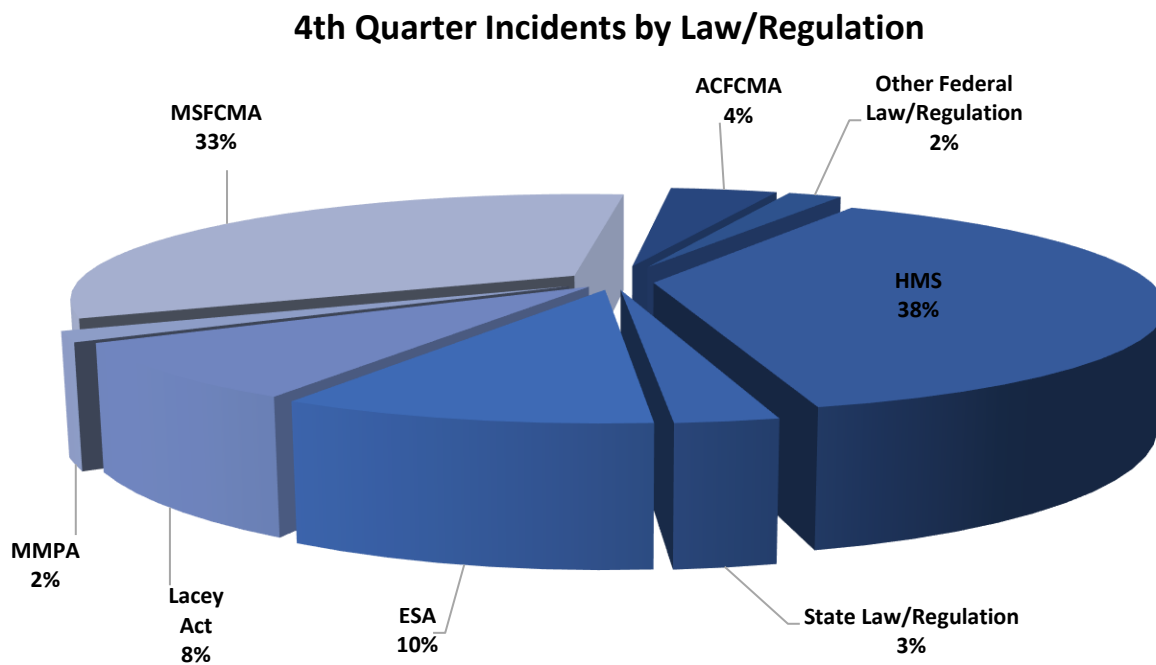


Figure 3: Incidents reported between June 19, 2020 and August 6, 2020. NED OLE SAs and EOs combined to open 187 incidents in this time period.

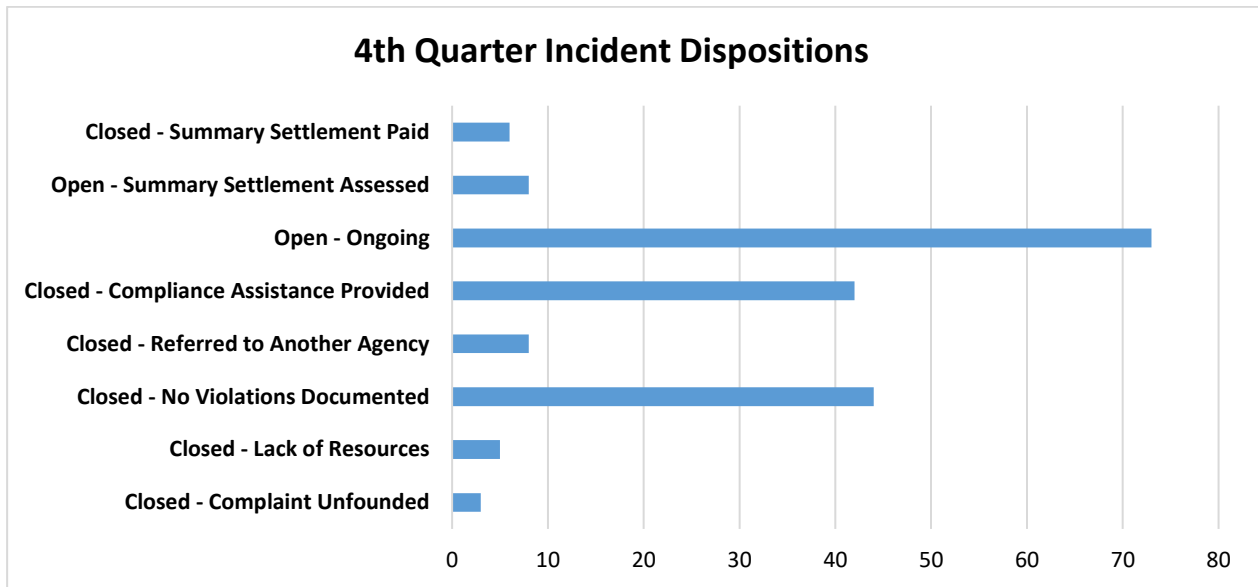


Figure 4. Incident dispositions as of August 6, 2020 for incidents reported between June 19, 2020 and August 6, 2020.

FY 20 4th Quarter Overview of Summary Settlements

A total of 30 violations were associated with 25 Summary Settlements issued between June 19 and August 6, FY 20.

Table 3: 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	RI
ACFCMA	Fish for Atlantic striped Bass in the EEZ	\$625	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$625	NJ
ACFCMA	Fish for Atlantic striped Bass in the EEZ	\$625	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$625	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$250	RI
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$500	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	RI
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$500	RI
ACFCMA	Fish for Atlantic striped Bass in the EEZ	\$625	MD
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$625	MD
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$250	RI

ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$250	RI
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	RI
HMS	Failure to Maintain Atlantic HMS in Specified Form	\$1,375	MD
HMS	Fishing Without Valid Atlantic HMS Permit	\$1,375	MD
HMS	Illegal BAYS Tuna Sales	\$2,250	RI
HMS	Illegal BFT Possession	\$500	RI
HMS	Failure to Maintain Atlantic HMS in Specified Form	\$1,000	RI
HMS	Illegal BFT Possession	\$750	RI
HMS	Mako Minimum Size Violation	\$500	RI
HMS	Failure to Maintain Atlantic HMS in Specified Form	\$750	MD
MMPA	Seal Harrassment	\$100	NY
MSFCMA	No SIMP Documentation	\$1,500	NJ
MSFCMA	Illegal Halibut Possession	\$1,000	ME
Total		\$20,850.00	-

Northeast VMS Program (3rd and 4th Quarter Summary, FY 2020)

Updated August 7, 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

NE VMS Unit Population:

- 931 registered vessels
 - McMurdo.....27*
 - SkyMate.....438
 - Woods Hole Group.....462
 - Network Innovations.....4
 - AddValue.....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):

- 367 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)
- 591 Surfclam (SF-1)
- 588 Ocean Quahog (OQ-6)
- 10 Maine Mahogany Quahog (OQ-7)
- 128 Herring (HER-A,B,C,E)
- 126 Mackerel (SMB-T1,T2,T3)
- 224 Longfin Squid (SMB-1A)
- 47 Longfin Squid (SMB-1B)
- 68 Illex Squid (SMB-5)

Groundfish Sector/Common Pool: There are 322 groundfish sector vessels and 119 common pool vessels registered to the NE VMS Program.

Power-Down & Letter of Exemption (LOE) Program: A total of 60 VMS-equipped vessels are on a NMFS -approved LOE; of these, the owners of 36 vessels have deactivated their VMS with their vendor during the LOE period. Additionally, there are 23 vessels with LAGC scallop permits on a Power Down declaration in port.

Industry Contact Log Report:

The NE Investigative Support (IS) Team addressed 634 industry issues in this quarter and closed 568 issues or 89.6%. The most-frequently reported issues were (1) PowerDown LOE Request; (2); Non-Reporting, and (3) Activation/Deactivation.

Significant VMS Issues:

NEW HIRES. OLE’s Investigative Support Team is now fully staffed, including a program manager, five (5) ISTs and two (2) analysts.

MCMURDO OMNITRACS REPLACEMENT AND OMNICOM TYPE APPROVAL TESTING. There are 27 vessels of the original 710 that must still replace their Omnitrac with an approved VMS. All 27 vessels are on a VMS power down exemption. OLE will be meeting soon with GCES and GARFO staff to address VMS replacement for vessels on an extended LOE. OmniCom testing is ongoing; the vendor addressed recent test feedback and loaded new software to the portable test units on August 7, 2020.

Observer Program Highlights

Observer redeployment is scheduled to begin on August 14th, this week. Please see a [message from NOAA Fisheries Assistant Administrator Chris Oliver](#) on the NOAA Fisheries Coronavirus (COVID-19) Update website for more information. No commercial trips out of the Northeast Region have been covered by an observer since mid-March, FY20, the start of the current observer waiver period.