

NOAA FISHERIES

Council Report – 4th Quarter, FY 2020



June 19, 2020 – September 30, 2020

To Report a Violation Call
800-853-1964

Contents

Introduction	3
NED Enforcement Highlights.....	3
Enforcement and Compliance	3
FY 2020 4th Quarter Incident Information	5
FY 20 4th Quarter Overview of Summary Settlements	7
Northeast VMS Program (4th Quarter Summary, FY 2020).....	8
Observer Program Highlights	9
Cases sent to NOAA General Counsel Enforcement Section (GCES).....	10

Introduction

NOAA Fisheries' Northeast Division (NED) of the Office of Law Enforcement (OLE) continues to conduct essential operations this summer and early fall. NED strives daily to support our mission objectives. Our Enforcement Officers (EOs), Special Agents (SAs), and our Administrative and Investigative Support Team (IST) staff continue to conduct investigations. Our field agents maintain a regular waterfront presence in our crucial fishing ports. Others continue to work remotely with our stakeholders by phone and email. Information 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.

*The NED report to the Mid-Atlantic Fishery Management Council last August included information available at the time for the first half of the 4th quarter, FY 2020. NED Enforcement Highlights listed below in this report pick up where that report left off and covers the second half of the 4th quarter, FY 2020. All other sections are totals roughly for the entire quarter.

NED Enforcement Highlights

The following highlights include only those since the last NED report to the MAFMC starting August 7th, 2020.

- On September 15, 2020, McMurdo/Oroli'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).
- A new Enforcement Officer was hired for Long Island and is now in training.
- An SA reviewed responses to questions posed to Senegal and discussed with the NMFS Office of International Affairs and Seafood Inspection (IASI) ICCAT team next steps to take in regard to ensuring enforcement and compliance actions against three vessels determined to be engaged in IUU fishing within the ICCAT convention area.
- A humpback whale collided with a pontoon boat in Provincetown, MA Harbor. The vessel was a rental boat based out of Provincetown, MA. An SA met with the rental company manager to discuss their protocol for educating patrons on safe boater operation around surfaced whales as well as applicable regulations and guidelines. There were no injuries to the whale or the vessel operator, but the vessel did sustain some damage.
- The Stellwagen Bank Maritime Heritage Working Group worked together with an EO to address issues related to management and protection of the sanctuary's tangible and intangible maritime heritage resources. Recommendations will be considered during the Stellwagen Bank National Marine Sanctuary management plan review process underway.

Enforcement and Compliance

Since the August Council meeting, there were approximately 6 documented patrols (32 total for the quarter), allowing critical face-to-face interaction between our field staff and the industry. There were 4 documented instances of dockside outreach and/or industry compliance assistance in

the field (17 total for the quarter), 10 instances of participation in various NOAA internal and external government partner meetings and events (25 total for the quarter, and 5 seaport container inspections to investigate violations such as those against the Lacey Act (7 total for the quarter). In person NED participation in events such as trade shows, expert panels, school events, etc. continue to be on hold during COVID-19, however, 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.

Enforcement Field Work and Outreach Effort Summary

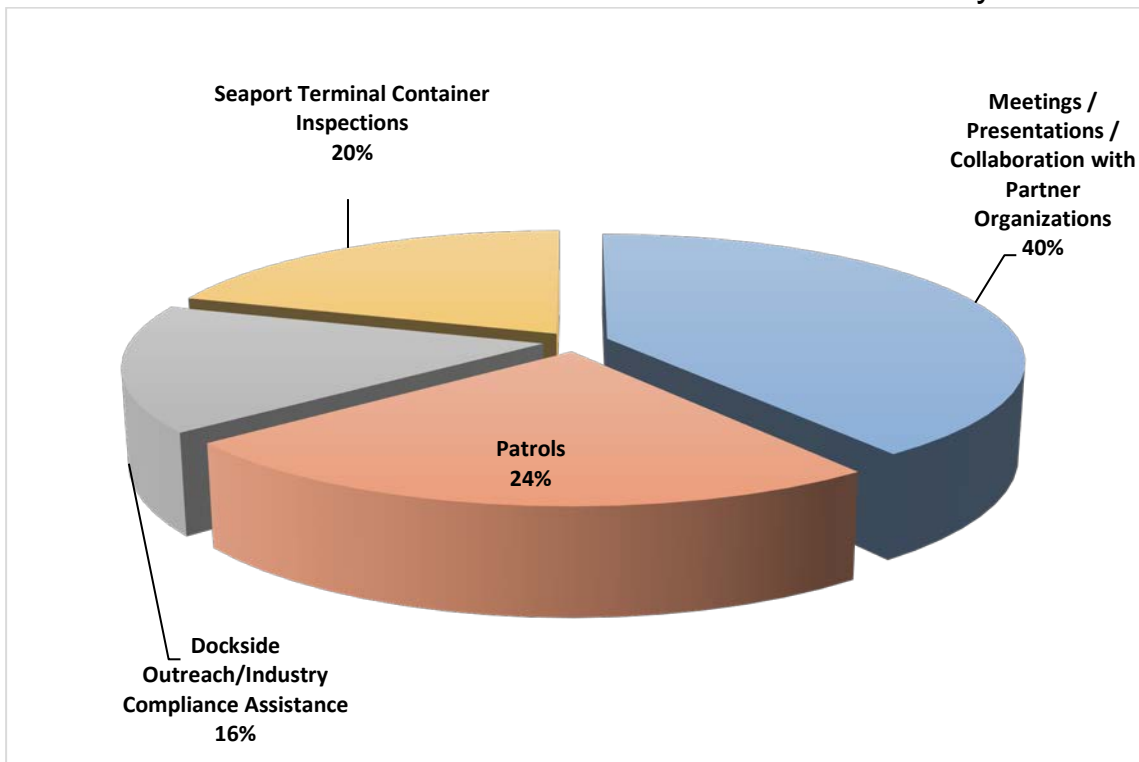


Figure 1: Roughly 25 events took place between August 7th, 2020 and September 23rd, 2020. The chart is broken down by patrols, internal government meetings/presentations/collaborations with partner organizations, dockside outreach/industry compliance assistance, and Seaport Terminal Container Inspections.

FY 2020 4th Quarter Incident Information

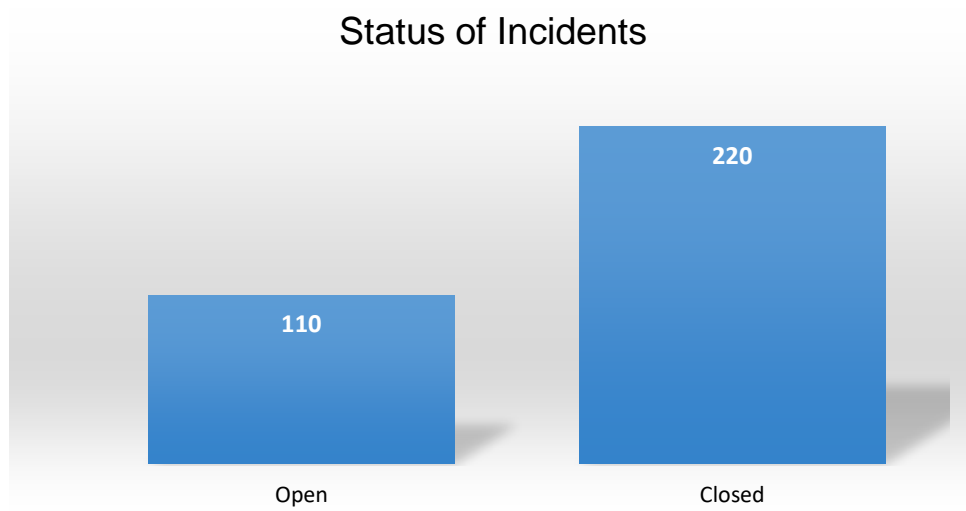


Figure 2. Status of incidents from June 19, 2020 – September 22nd, 2020 (220 closed, 110 open).

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.

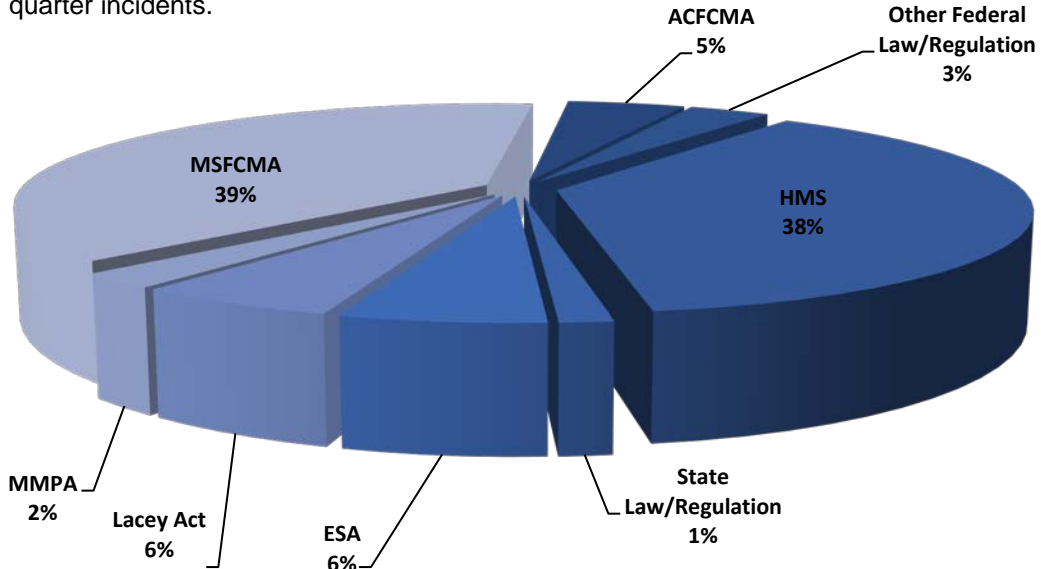


Figure 3: Incidents reported between June 19, 2020 and September 22, 2020. NED OLE SAs and EOs combined to open 330 incidents in this time period.

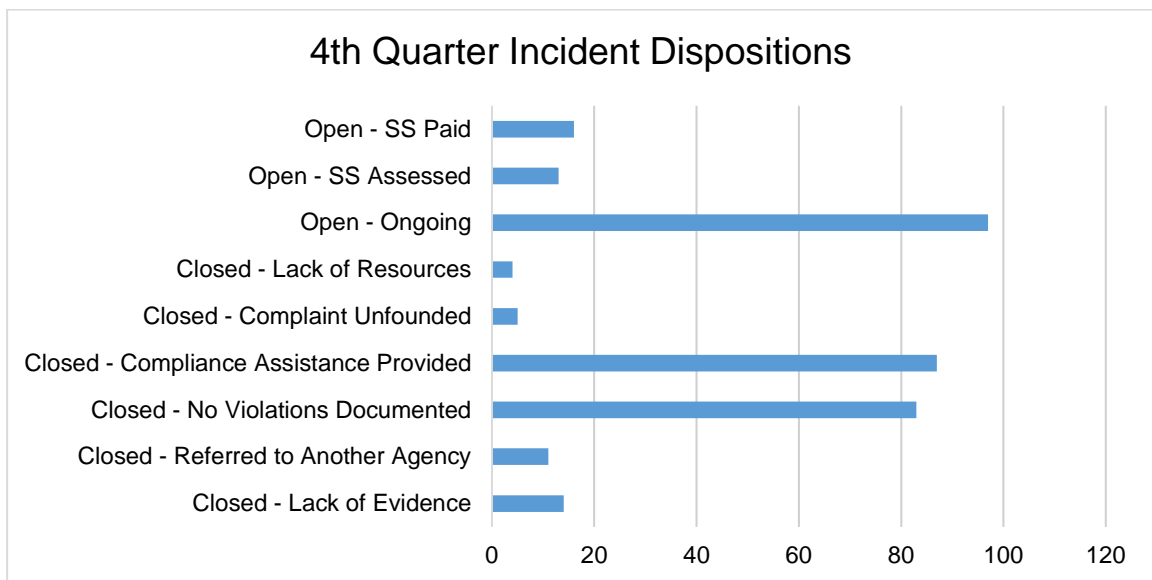


Figure 4. Incident dispositions for incidents reported between June 19, 2020 and September 22nd, 2020.

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.