

Council Report – First Quarter, FY 2024



October 1, 2023 – December 31, 2023

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), Division 1 and Division 2ⁱ, conducted essential operations last winter and will continue those operations as we move into spring. All OLE staff strive daily to support our mission objectives. Enforcement Officers (EOs) and Special Agents (SAs) maintain a presence in our fishing ports across the Northeast Division. They initiate and pursue investigations and provide education and offer compliance assistance when needed. OLE's Administrative and Investigative Support Program (ISP) staff work behind the scenes to assist with ongoing investigations and operations.

This report reveals the high quality work NED staff performs to protect marine wildlife and habitat. All of us at OLE work hard every day to ensure not only our nation's precious marine resources, but our global living marine resources are available for future generations.

Figures 1-8 and Tables 1-3, below, include first quarter, FY 2024 data from NED. Please keep in mind OLE does not release specific information on any ongoing or open investigations. We welcome feedback on any section of this report.

NED Enforcement Highlights

FY 2023 Enforcement Summary

From Oct 1, 2022 through Sept 30, 2023, we created/opened 708 incidents. In addition, in total in FY 2023, we conducted 251 patrols. Of those, 107 were at sea, 98 were land based patrols, and 11 were by air. The remainder involved container/shipment inspection patrols at airports, seaports and border crossings between the US and Canada. We issued 84 summary settlements in FY 2023 for a total of assessed value of over \$85,000. We also issued 26 written warnings. The NOAA Office of General Counsel assessed \$1.1 million in civil penalties on 60 cases in FY 2023.

For reference, all of those metrics, except for the NOVAs issued, are down from the previous year. Annual fluctuations are normal.

First Quarter, FY 2024 Enforcement and Compliance

Our first quarter, FY 2024 law enforcement efforts continued to focus on two main priorities: Enforcing laws critical to NARW survival and collaborating with the Northeast Fisheries Observer Program (NEFOP). Our collaboration with NEFOP aims to reduce the overall number of observer related cases and help encourage observer retention. A third priority is our Seafood Import Monitoring Program (SIMP) and efforts to counter Illegal Unreported and Unregulated seafood commerce. Emphasis on these three priorities does not mean we stopped enforcing other important living marine resource focused laws under our jurisdiction, such as those associated with the Magnuson Stevens Fishery Conservation and Management Act (MSFCMA), the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA), and many others.

ⁱ Both OLE and the US Coast Guard (USCG) separate out areas of specific geographic coverage by "Division". For OLE, NED's area of coverage is split between Division 1, covering from CT to Maine, and Division 2, covering from New York to Virginia. Similarly and overlapping this area is USCG Northeast Division 1, covering from New York to Maine, and USCG Mid Atlantic Division 5, covering from New Jersey to North Carolina.

Our first quarter enforcement efforts to protect and conserve the NARW population are carefully outlined in a dedicated section of this report starting on page 4. Similarly, we outlined our first quarter work in support of NEFOP starting on page 11. The following metrics do not showcase the full performance of NED, but rather highlight priority and more impactful activities.

In the first quarter, FY 2024, there were approximately 19 high priority operations and/or patrols that occurred either on land or at sea. There were 21 documented instances of more impactful dockside outreach and/or industry compliance assistance in the field, allowing critical face-to-face interaction between our field staff and industry members. There were 32 instances of staff participation in various, significant, NOAA internal and external government partner meetings/events. Our agents and officers also conducted 6 seaport, airport, or border crossing container inspections (including inspection operations) to monitor seafood imports. NED EOs and SAs initiated at least 21 investigations based on previously conducted high priority operations, patrols, and container inspections. Many of those investigations are ongoing.

The dockside outreach and/or industry compliance assistance listed in Figure 1, below, does not include the tremendous amount of industry and enforcement partner communication the ISP and Mission Support staff within NED conduct on a daily basis. In addition, Figure 1, below, and the metrics mentioned above do not fully capture the regular interaction our agents and officers have with industry such as while on patrols not captured in this report. In addition, multiple vessels may be boarded and multiple docks may be visited across multiple days on a single operation or patrolⁱⁱ, such as in those listed in Figure 1. Land based operations and patrols may also involve dealer and vehicle inspections. In support of our priorities, NED also capitalizes on “force multiplication”. That is, operations and patrols may involve one or more enforcement partner.

Enforcement Field Work and Outreach Effort Summary

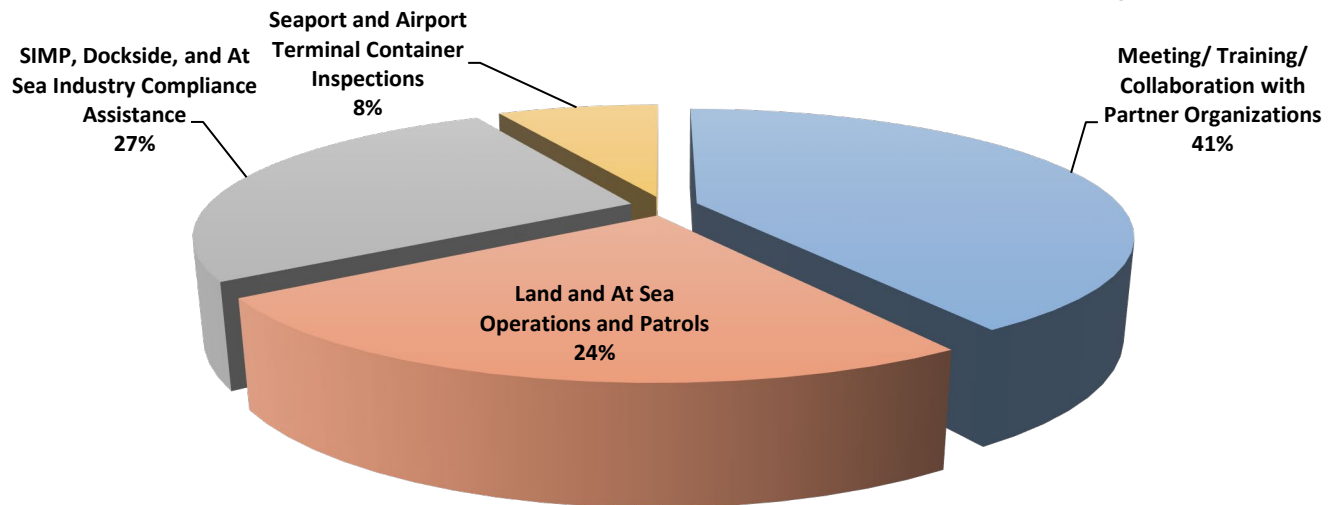


Figure 1: NED took part in roughly 78 high priority events between and October 1, 2023 and December 31, 2023. The figure is broken down by land and at sea operations and patrols, internal government meetings, training events and collaborative efforts with partner organizations, dockside and at sea outreach and industry compliance assistance, and Seaport and Airport Terminal Container Inspections.

ⁱⁱ Operations can be more complex than patrols and involve multiple enforcement partners over several days, often targeting specific vessel activity.

North Atlantic Right Whale Enforcement

[NARWs](#) inhabit coastal waters, making them particularly vulnerable to [vessel strikes](#) and entanglement in fixed fishing gear. These are the two human activities responsible for the majority of NARW deaths and serious injuries. We enforce speed rules and other regulations that protect these whales to reduce death and serious injury resulting from vessel collision and gear entanglement.

By enforcing both of these regulatory strategies, we play an instrumental role in protecting not only NARWs, but all large whales along the Atlantic coast. We also participate in the development of on-demand (or ropeless) technology. Work on this technology may benefit all large whale species, but current NARW conservation priorities drive this effort. We provide vessel owners and operators the information they need to remain in compliance with federal regulations.

The following are highlights of our first quarter FY 2024, NARW speed rule and Marine Mammal Protection Act (MMPA)/Atlantic Large Whale Take Reduction Plan (ALWTRP) enforcement activities.

Vessel Speed Enforcement

From November to July each year, multiple [Seasonal Management Areas](#) (SMAs) go into effect on the East Coast. During these times, most vessels 65 feet or longer are required to reduce their speeds to 10 knots or slower while transiting the designated areas. Since 2008, these areas have reduced the threat of vessel strikes to right whales in their feeding and calving grounds and on their migratory routes. These speed restrictions help reduce the lethality of strikes by allowing boaters more time to sight and respond to nearby whales and also allowing whales more time to move away from oncoming vessels.

NOAA's Office of Law Enforcement is charged with enforcing these regulations and helping the public comply with the rules. To enforce the speed rule, we deploy a number of technologies and strategies, including:

- Industry and public outreach to help prevent violations before they happen
- Automatic Identification Systems (AIS) to detect speeding
- Portable radar units to detect speeding by vessels not carrying AIS
- Active patrolling of Seasonal Management Areas

From 2022 to 2024, NOAA Office of General Counsel assessed \$1,092,806 in civil penalties across 67 cases for speed rule violations. In FY 2023 (October 1, 2022 – September 30, 2023), they assessed \$656,806 in civil penalties in 38 cases involving speed rule violations. NOAA's Office of Law Enforcement also provides the public with the information they need to comply with rules. Starting in 2018, we began sending compliance letters to vessel owners in violation of the speed rule to support and enhance speed rule compliance. Since then, we have sent over 1,200 letters to vessel owners across multiple industries.

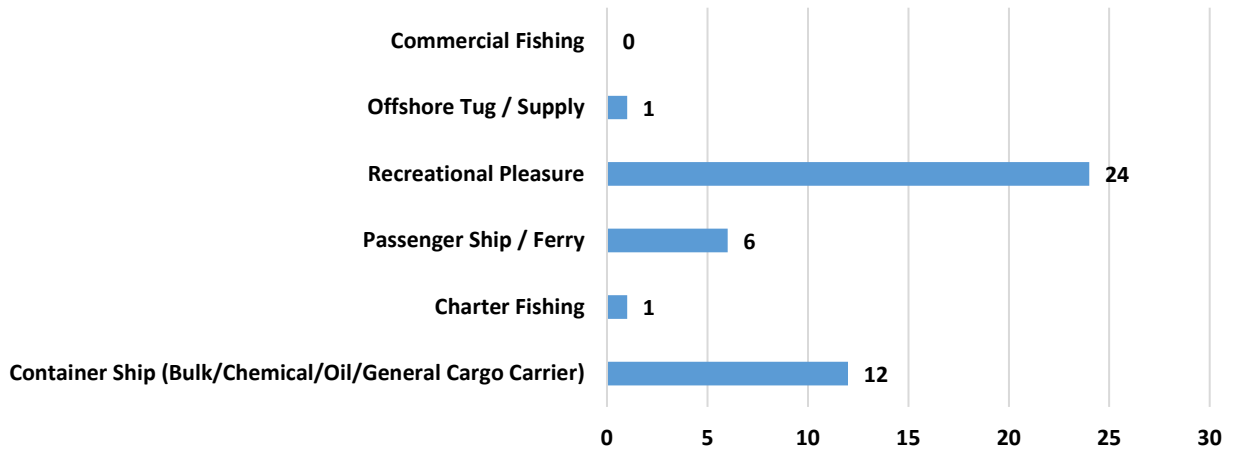
In addition, since November 2021, we have reacted in near-real time, leveraging satellite-based technologies to send more than 550 alerts to vessels operating in close proximity to right whales. We alert vessels of confirmed right whale presence nearby for up to 48 hours following a confirmed sighting to remind them to go slow, keep a minimum distance of 500 yards, and if sighted to please report the sighting at 866-755-6622 or the WhaleAlert App.

Our strategy to provide the impacted vessel community with compliance assistance and outreach to better accompany related case work is constantly evolving. Our hope is that our

cumulative efforts will help curb the number of violations committed by all vessel types, including recreational pleasure craft, as shown in Table 1, below. OLE continues to investigate these types of violationsⁱⁱⁱ.

Table 1: Breakdown of vessel type among speed rule cases with penalties assessed for violations that occurred during the 2021 to 2022 SMA season.

CY 2021 - 2022 SMA Violations By Vessel Type



First Quarter, FY 2024 Vessel Speed Enforcement Activity

The following list includes related work conducted in chronological order by NED staff in the fourth quarter, FY 2024^{iv}:

- The Commercial Fisheries News published an updated article in the October “The NOAA Fisheries Navigator” insert: <https://fish-news.com/cfn/noaa-fisheries-navigator-october-2023/#sthash.8WJ0hdfy.dpbs>. We helped time the publication of this article ahead of the 2023-2024 SMA season that began on November 1 of last year.
- In early October, ISP staff analyzed AIS and speed rule data to compile a list of vessels to receive notification of the speed rule. Once ISP staff determined vessel owner addresses over the course of the following month, ISP staff from NED and OLE’s Southeast Division (SED) sent a cumulative total of 218 speed rule notification letters to vessel owners domestically and internationally.
- Also in early October, an EO and SA participated in a Living Marine Resource focused conference with USCG staff at the Otis Air Station on Cape Cod. The participants conducted planning for future speed rule enforcement operations and patrols in SMAs.
- In the second week of October, ISP staff plotted AIS data requested by investigating officers and agents for 11 vessels for potential speed rule violations.
- Also in the second week of October, OLE closed the case on a NARW ship strike mortality. The lead investigator later presented a briefing on the case to NOAA’s Protected Resources Division,

iii Of the 20 cases processed so far for the ’22-’23 SMA season, 19 of those are for recreational pleasure craft. For the ’21-’22 SMA season, only a little over half of our speed rule NOVAs were assessed for violations by recreational pleasure vessels.

iv For specific charging information on all NOAA Fisheries cases, including those involving NARW speed rule violations, please see the GCES web page for [Enforcement Charging Information](#) and click on the appropriate month a defendant was charged.

outlining our investigative efforts and case outcomes to the group. The mortality occurred in the lower Chesapeake Bay area and the case was closed with lack of evidence to pursue the case further.

- In mid-October, ISP staff reviewed, filtered, and plotted AIS speed rule data to isolate a list of potential speed rule violation cases for investigation.
- Also in October, an SA began working with multiple sales representatives to price out unmanned aerial vehicles (drones) to better assist with the enforcement of the speed rule. In addition, in early December, an SA attended a training and demonstration by FlightWave Aerospace on the operation and capabilities of the Edge 130 drone that company manufactures.
- In December, four EO's, one SEO and a NY Department of Environmental Conservation officer conducted a speed rule operation within the NY/NJ SMA. Fourteen vessel contacts were made on vessels 65' and greater and no speed violations were documented.
- Also in December, OLE staff from headquarters, SED, and NED collaborated with NOAA Fisheries leadership to coordinate communications with recreational pleasure boat industry members and leaders related to SMA and speed rule compliance assistance.

ALWTRP Enforcement

To reduce entanglements in fishing gear, NOAA Fisheries worked with a team of fishermen, scientists, conservationists, and state and federal officials from Maine to Florida. The team developed the Atlantic Large Whale Take Reduction Plan (ALWTRP) in 1996, which addresses gear and closed area restrictions. The Plan has been updated several times. With the help of the Atlantic Large Whale Take Reduction Team (ALWTRT), OLE enforces ALWTRP laws to reduce the risk of large whale entanglement in fixed gear fisheries. Most recently, NOAA Fisheries added significant [regulatory changes in 2021](#) to address NARW entanglement in Northeast lobster and Jonah crab trap/pot gear. Those changes included new [Restricted Gear Areas](#) (RGAs) impacting fixed lobster and crab pot and trap gear. The new RGAs went into effect in late 2021. In addition, gear modification requirements included in those regulations went into effect on May 1, 2022.

FY 2023 ALWTRP Enforcement Summary

In FY 2023 (see Figure 2, below), the first quarter started with an observed ALWTRP focused patrol compliance rate of 88%. In other words, out of 380 vessels inspected for ALWTRP compliance, 334 had no observed ALWTRP violations identified. We saw a drop in the following quarter (the second quarter of FY 2023) down to 78%. We attributed this drop to an increase in wet storage violations, which we don't encounter with the same frequency during the warmer months of the year. In the second quarter, out of about 254 vessels inspected by boarding officers, 199 had no observed ALWTRP violations. In the third quarter (that's April through June of last year), we saw our ALWTRP patrol compliance rate climb back up to about 87%. That quarter, out of about 312 vessels whose gear was inspected, 270 had no observed ALWTRP violations. In the fourth quarter, out of about 342 vessels whose gear was inspected, 313 had no observed ALWTRP violations. That pushed our observed compliance rate up to 92%. In addition to wet storage violations, commonly identified violations include weak breaking strength requirement violations, line marking violations, surface marking and minimum trap per trawl area violations.

In addition, we completed 2 Remote Operated Vehicle (ROV) patrols last summer in Lobster Management Area 3 (LMA3). We conducted our first in July. That was a 5 day patrol where an EO and an SA collaborated to inspect trawls/strings for a total of 187 pots from 6 different lobster vessels. The general location of the patrol took place south of Nantucket and Martha's Vineyard, as far out as the canyons. Participating staff inspected gear for both ALWTRP and ACFCMA related violations. The second and last related patrol of the season concluded in mid-September. Similar to

the first patrol, two officers inspected gear in LMA 3. Investigations related to that patrol are still ongoing so we cannot discuss more summary information at this time.

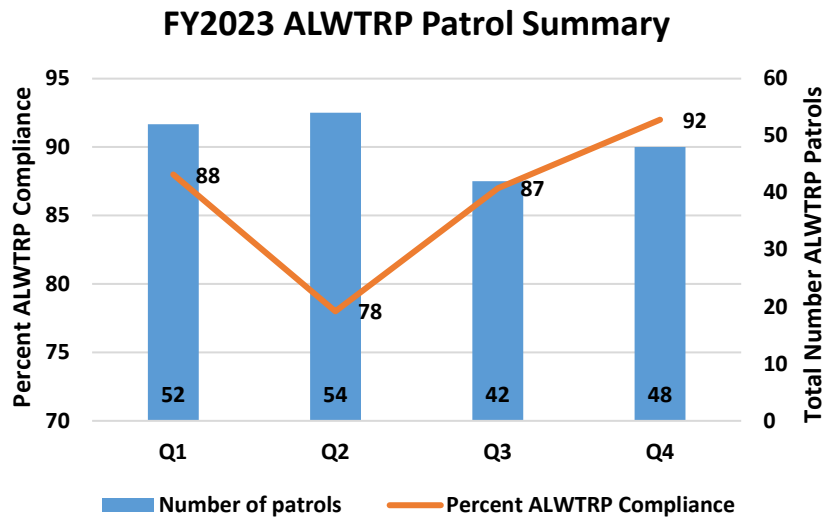


Figure 2: Shown here is ALWTRP enforcement summary data for FY 2023. Bars represent the total number of ALWTRP focused patrols conducted in each quarter and the line illustrates percent ALWTRP compliance based on individual vessel inspected. If an inspected vessel had one or more ALWTRP violation, they were considered ALWTRP non-compliant. Combined, OLE and our enforcement partners inspected approximately 1,288 separate vessels for compliance with ALWTRP regulations between October 1, 2022 and September 30, 2023. No ALWTRP violations were identified on 1116 of those vessels for a cumulative compliance rate of about 87%.

First Quarter, FY 2024 ALWTRP Enforcement Activity

Figures 3 and 4, below, illustrate our estimated ALWTRP compliance and patrol efforts, respectively, in the first quarter, FY 2024. All ALWTRP enforcement data illustrated below involves the northeast lobster and crab pot and trap fishery.

Between October 1 and December 31, about 92% of all inspected vessels were compliant with ALWTRP laws. This is even from the previous quarter (fourth quarter, FY 2023), as described above. Out of about 306 vessels inspected by boarding officers, 282 had no observed ALWTRP violations.

Similar to patrols conducted throughout FY 2023, the vast majority of first quarter, FY 2024 ALWTRP patrol efforts were carried out independently by Maine Marine Patrol (MMP). NED agents and officers will also conduct land and sea based patrols independent of an enforcement partner.

First Quarter FY 2024 ALWTRP Lobster Vessel Inspection Compliance Rate

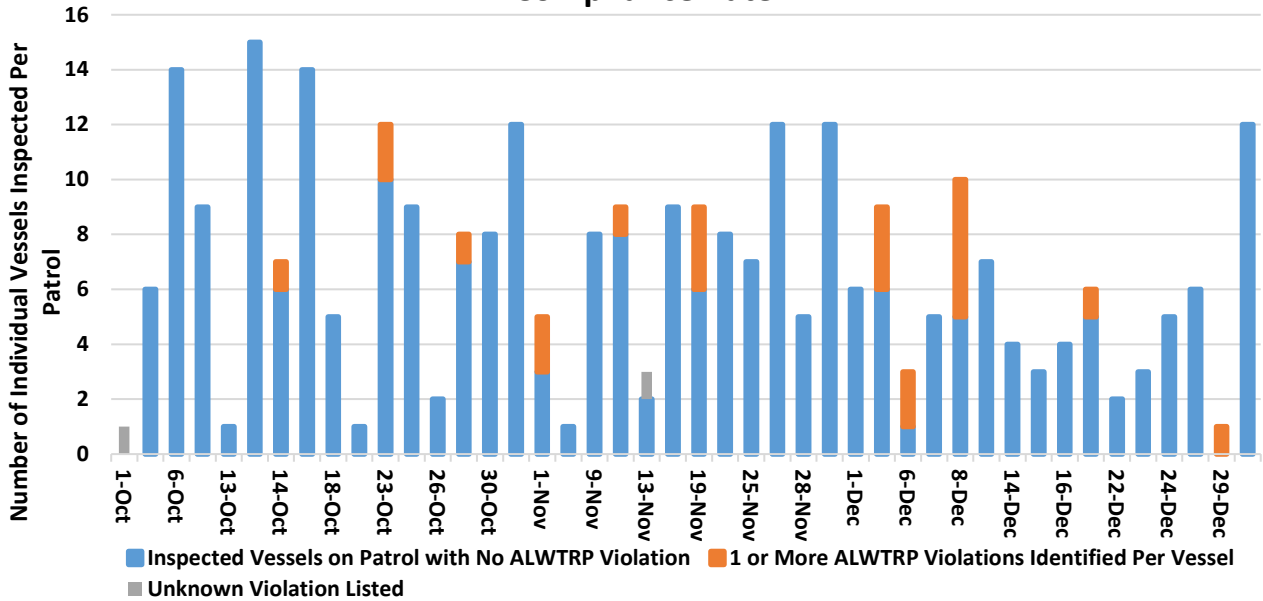


Figure 3: Shown here is the compliance rate observed on individual patrols conducted by OLE and MMP. Each bar represents an individual patrol and the blue and/or orange color within each bar represents the total number of compliant and/or non-compliant vessels, respectively, per patrol. Combined, OLE and MMP inspected approximately 306 separate vessels for compliance with ALWTRP regulations between October 1 and December 31, 2023.

First Quarter FY 2024 ALWTRP Lobster Patrols

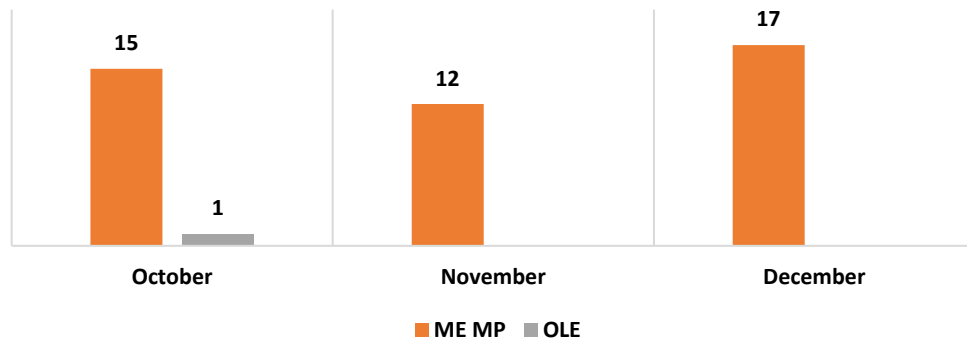


Figure 4: This figure shows a breakdown, by month and enforcement partner, of the number of patrols conducted between October 1 and December 31, 2023. NED and our enforcement partners conducted an aggregate of 45 ALWTRP patrols in this time period.

The following list includes related work conducted in chronological order by NED staff in the first quarter, FY 2024:

- In mid-October, an EO conducted a patrol focused on the lobster fishery to board vessels and conduct ALWTRP outreach on the proposed closed area known as “The Wedge”. The proposed rule to permanently close “The Wedge”, was published at that time. The EO reported industry members he spoke to were well informed, though not all in agreement on the presence of whales in the area.

- Multiple federal partner organizations collaborated to host a gear workshop for NED and USCG enforcement staff last October which included a classroom component held at the Northeast Region Fisheries Training Center USCG facility in Otis, MA as well as a field demonstration on the docks and at sea out of Sandwich, MA. There's talk of hosting similar workshops with interested JEA partners in the coming months.
- Following the workshop, the CL sent out a Google Form survey to NED and USCG D1 and D5 staff. The survey followed up on the gear workshop and 13 staff members split between NED and USCG filled out the survey with mixed responses. The survey responses will be used to help inform NED and USCG leadership on what federal LE efforts should next focus their attention on related to the development of ropeless fishing.
- While not explicitly an ALWTRP focused effort, an EO collaborated with Massachusetts Environmental Police on a patrol to locate lobster gear without surface markings in the middle of November in Cape Cod Bay. Ghost gear can pose an entanglement threat to large whales. Officers on that patrol successfully located 2 traps using the NED owned ROV.
- An EO and the NED Compliance Liaison attended a three day Ropeless Interoperability Workshop held last November to advance discussions with many public and private sector members with interest in advancing operational ropeless fishing in the northeast and beyond. Our EO and CL also participated in an international panel of enforcement staff to discuss enforcement perspectives on ropeless fishing and answer questions from the audience.
- In December, two EOs began reviewing Statements of Work (SOW) for ALWTRP ROV patrol contracts for next summer, FY 2024. We solicited SOWs for two offshore patrols similar to what we've conducted in Lobster Management Area 3 for the last 3 summers/falls as well as closer range patrols we've previously only conducted utilizing available OLE, state and USCG assets.
- At the NEFMC's December 18 On Demand Working Group Meeting, the NED CL briefed the working group on OLE enforcement efforts related to ropeless fishing up until that date and fielded a question related to the enforcement of potential gear conflicts that might be encountered in an operational ropeless fishery, specifically what laws need to be amended or put in place to deter and enforce gear conflict. The CL responded that OLE input on the development of ropeless fishing is more focused on enforceability issues related to locating and hauling gear, less on regulatory changes needed to avoid gear conflict.

First Quarter, FY 2024 NED Whale Stranding Response

NED staff continue to respond to, participate in, and investigate large whale stranding events any place they may occur within our range of coverage from ME down to VA. We also respond to whale related violations under the MMPA such as harassment. In the first quarter, FY 2024, NED participated in the following whale stranding events and activities, listed in chronological order:

- An EO conducted at-sea patrol in Barnegat Bay with an officer with the NJ Department of Fish and Wildlife in early October to locate and report the status of a stranded Minke whale to the NJ based Marine Mammal Stranding Center (MMSC). We subsequently provided security, transport, monitoring, and liaison activities during the stranding event.
- In early October, an EO and a NJ Department of Fish and Wildlife officer investigated the death of a bottlenose dolphin entangled in fishing gear. Officers utilized a marked NJ patrol vessel to retrieve the dolphin and gear and towed it to a nearby state park where it was buried. Officers provided security, transport, and liaison activities while the dolphin was buried.
- In mid-October, an EO provided on scene security and assistance for a deceased minke whale that washed up in Middletown, NJ.
- Also in mid-October, an EO coordinated with the MMSC as well as GARFO, Center, NJ Department of Fish and Wildlife, and USCG D5 staff in response to an entangled humpback whale identified off Manasquan, NJ. We unfortunately were unable to locate the whale on behalf of our partners who were planning to engage in disentanglement efforts.

- In early December, an EO and SA provided training and education re: OLE mission, priorities, and laws/regulations to the NH Stranding Team. Their presentation included case examples and a discussion of situations when OLE would step in to investigate versus standard stranding responses that don't require OLE involvement.

NEFOP Enforcement Collaboration

In support of our priority to aid NEFOP, our goals are to reduce the overall number of observer related cases and help encourage observer retention. Our first quarter FY 2024 efforts in support of this priority involved close collaboration with staff from the Fisheries Monitoring Operations Branch (FMO) of the Northeast Fisheries Science Center (NEFSC) and industry members. We recognize that observer retention is a challenge even under ideal circumstances.

From the industry perspective we understand there are inherent challenges to collaborating with an observer in close quarters on board a fishing vessel. We try to keep that in mind during all of our interactions with industry members related to our observer priority. Among the observer community, our support of this priority aims to ensure that we have their safety and best interest in mind to best ensure a continued flow of the critical fishery dependent data NEFOP provides.

We work to accomplish goals under this priority by working more closely with both industry members, members of the observer program, and our enforcement partners. Our enforcement of observer related violations remains unchanged.

From October 1 through December 31, 2023, the NOAA Observer Program deployed on 859 trips for 3,185 sea days. OLE initiated seven investigations based on reports we received this quarter. 99.2% of all selected or observed trips were completed without an enforcement referral/investigation^v.

Our activities in support of our NEFOP priority (roughly in chronological order) are as follows:

- In late October, an EO presented to a graduating class of new Observers. The presentation included an introduction to OLE, safety concerns, and advice regarding the realities of working on a fishing vessel as a government representative.
- In early November, OLE partnered with NOAA's Workplace Violence Prevention and Response (WVPR) Program and Coast Guard Investigative Service (CGIS) on an alleged harassment by an observer.
- Again in early November, an SA received a report that an observer was experiencing a series of escalating issues with a captain. The observer chose to remain on the vessel and declined USCG assistance.
- In the middle of December, an SA provided enforcement training to a new class of observers for the December Base + NEFOP Training. The SA was also an active participant of the Observer Support Panel, which now accompanies those trainings. The session was with members of the Observer Support team who are a part of the safety culture that supports all observers. The goal of the panel is to present and describe the support system that exists for observers, should conflict or incidents at sea arise.

^v In some instances, a single report contained multiple complaints and in other instances, NED received multiple reports covering the same reported violation. For complaints involving multiple potential violations, the most significant issue is the one tracked for case reporting statistics.

While a goal of this priority is to help encourage observer retention, we focus our efforts on both industry members and members of the observer community. We will encourage best practices and standards of behavior among industry and the observers. If you have questions on this topic, you may contact us at the following numbers:

- Compliance Liaison; (978) 281-9213, option 2
- the Northeast Fisheries Observer Program; ne.observerprogram@noaa.gov
- the NOAA OLE Hotline (available 24/7); 1-800-853-1964

General Case Information

OLE compiles case information from investigations and patrols mentioned above, referrals from external parties such as JEA and federal enforcement partners, as well as complaints and reports from industry, Non-Government Organizations, and the general public. Data presented in this section also includes ISP and other NOAA staff indicated non-compliance events. Many NED staff members contributed to the case information presented here.

The query used to generate the data displayed in this section is based on the date EOs and SAs began processing cases and should capture a very accurate snapshot of NED activities that occurred in the first quarter, FY 2024.

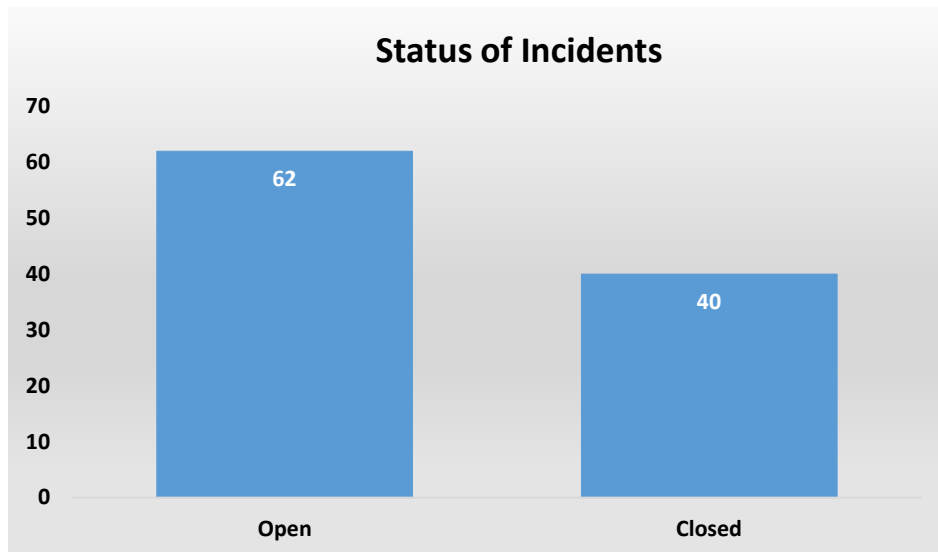


Figure 5: Status of NED case processing between October 1 and December 31, 2023 (40 closed, 62 open).

Table 1: First Quarter, FY 2024, summary of cases by law/regulation

Law/Regulation/Program	Case Totals
MMPA	6
ACFCMA	4
Endangered Species Act (ESA)	2
MSFCMA	51
MMPA/ ESA	8
MSFCMA/ ACFCMA	1

HMS	14
International Trade Program	12
Lacey Act	3
State Law	1
Total	102

First Quarter, FY24 Incidents by Law/Regulation

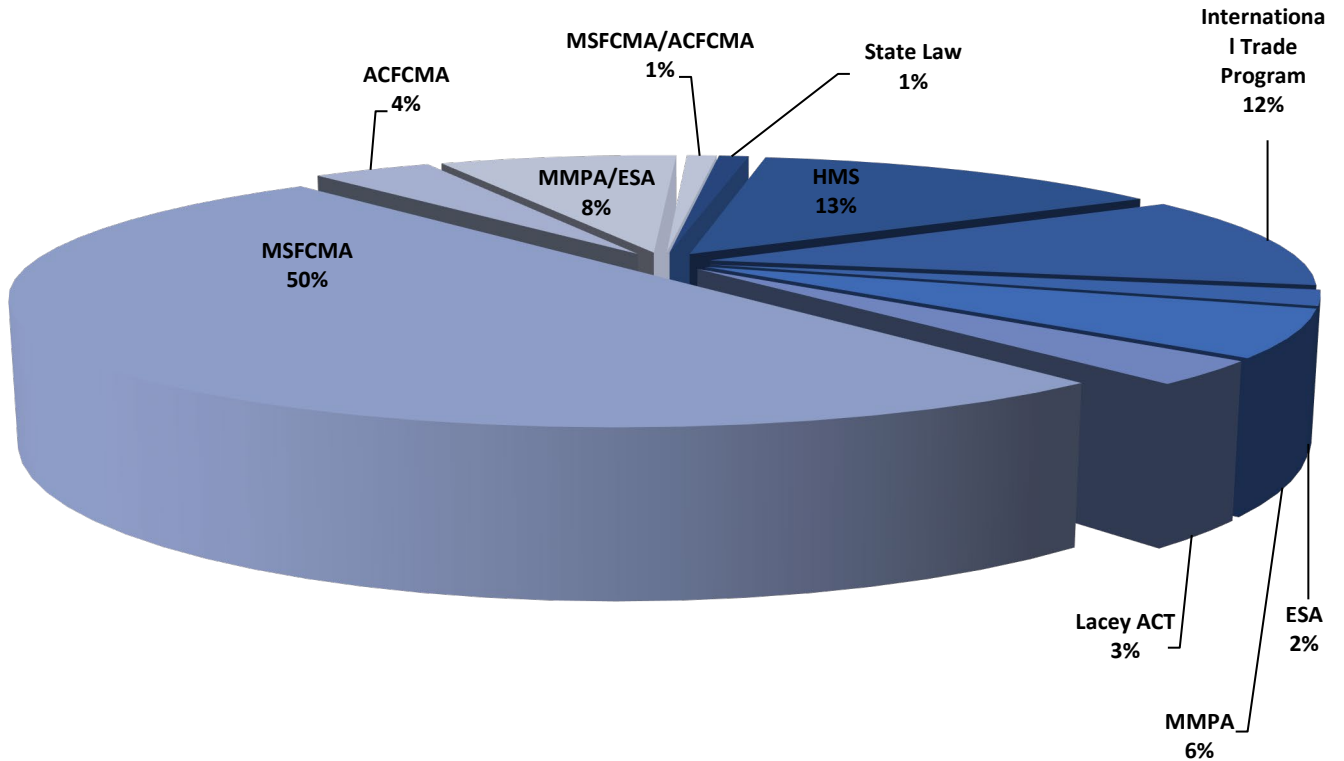


Figure 6: NED cases broken down by specific law or program violation from October 1 through December 31, 2023.

First Quarter, FY 2024 Incident Dispositions

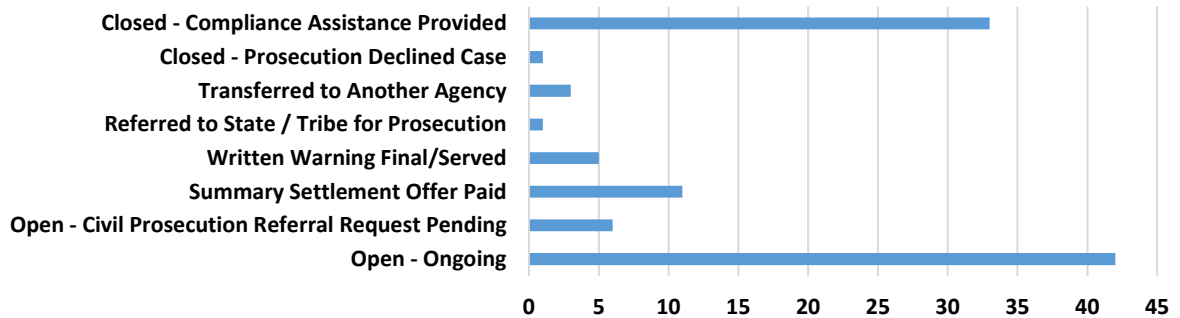


Figure 7: Case dispositions from October 1 through December 31, 2023.

Summary of Cases Involving OLE Partners

NED SAs and EOs began processing a total of 41^{vi} cases between October 1 and December 31, 2023, which involved NED collaboration with at least one other federal, state, or other enforcement partner^{vii}. There were also 10 cases initiated from VMS data. Figure 8, below, shows cases where NED staff in OLE partnered with an enforcement partner on patrols, seaport and/or airport terminal container inspections, whale stranding events, or referred case packages. Not included in Figure 8, below, are activities such as large whale focused patrols that did not involve a violation. NED may collaborate on activities with various enforcement partners such as USCG D1 and D5 where no violations are documented.

First Quarter, FY 2024 Enforcement Partners

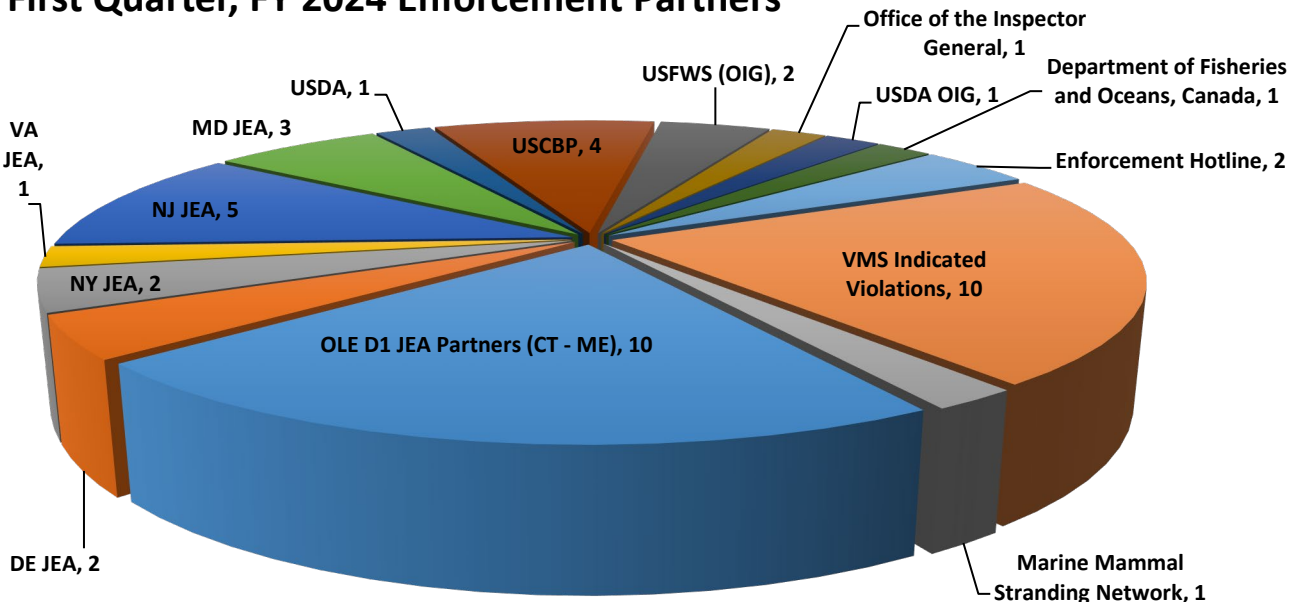


Figure 8: NED case processing between October 1 and December 31, 2023 where one or more federal, state, or local enforcement partners collaborated with NED staff (the number of collaboration events with a specific enforcement partner is listed by “Enforcement Partner, XX”). Observer program and VMS indicated violations from our Investigative Support Program are included here, but all other NOAA internal referrals are not.

Overview of Summary Settlements

NED staff issued Summary Settlements for 30 violations associated with 21 cases between October 1 and December 31, 2023 totaling \$24,256.48. Many cases with Summary Settlements listed here predate cases listed in the “General Case Information” section, above.

vi The total number of instances of collaboration between OLE and at least one other enforcement partner illustrated in Figure 8 is greater than the 41 cases referenced in this data set. Where multiple enforcement partners collaborated on a single case, those partners were tallied separately in Figure 8.

vii Activities such as patrols and operations involving our enforcement partners that did not result in a case are not captured in this graphic

Table 2: Individual Violations Associated with Summary Settlements Issued in the first quarter, FY 24.

Law	Violation	SS Amount	State/ Country
MSFCMA	Black Sea Bass Possessed Without a Valid Permit	\$500.00	DE
MSFCMA	Tilefish Possessed Without a Valid Permit	\$500.00	DE
MSFCMA	Import Without a Valid IFTP	\$2,000.00	MA
MSFCMA	Charter Fishing in the EEZ without a Valid Operator's Permit	\$500.00	MD
MSFCMA	Charter Fishing in the EEZ without a Valid Vessel Permit	\$500.00	MD
MSFCMA	Charter Fishing in the EEZ without a Valid Operator's Permit	\$500.00	MD
MSFCMA	Illegal Dolphinfish (Mahi) Possession	\$500.00	MD
HMS	Failure to Report Atlantic BFT	\$1,000.00	RI
MSFCMA	Vessel eVTR Reporting Failure	\$939.00	MA
MSFCMA	Atlantic Sea Scallop MP Overage	\$939.00	MA
ASBCA	Atlantic Striped Bass Possession in the EEZ	\$250.00	NJ
MSFCMA	Charter Fishing in the EEZ without a Valid Vessel Permit	\$666.66	VA
MSFCMA	Tilefish Fishing Without a Valid Permit	\$666.66	VA
MSFCMA	Vessel eVTR Reporting Failure	\$666.67	VA
ACFCMA	Illegal Lobster Possession	\$366.66	MA
MSFCMA	Commercial Fishing in the EEZ without a Valid Vessel Permit	\$366.66	MA
MSFCMA	Illegal Atlantic Halibut Possession	\$366.67	MA
MSFCMA	Illegal Transit, Closed Area II	\$500.00	N/A
MSFCMA	Illegal Transit, Closed Area II	\$500.00	N/A
MSFCMA	SIMP Non-Compliance	\$3,000.00	MA
MSFCMA	Observer Interference	\$1,000.00	MA
HMS	Failure to Report Atlantic BFT	\$250.00	MA
MSFCMA	Skate Bait Overage	\$1,528.50	MA
MSFCMA	Vessel eVTR Reporting Failure	\$500.00	MA
MSFCMA	VMS Reporting Non-Compliance	\$500.00	MA
MSFCMA	Illegal Fishing Inside a Habitat Management Area	\$500.00	MA

MSFCMA	Import Without a Valid IFTP	\$1,500.00	NJ
MSFCMA	SIMP Non-Compliance	\$1,500.00	NJ
MSFCMA	SIMP Non-Compliance	\$1,500.00	NJ
ASBCA	Atlantic Striped Bass Possession in the EEZ	\$250.00	ME
Total		\$24,256.48	

Northeast VMS Program

Updated March 12, 2024

- **NE VMS Unit Population (active):** There are 952 registered vessels split among the vendors listed below. There are 5 additional units installed at NED OLE for testing purposes.

<https://www.fisheries.noaa.gov/national/enforcement/noaa-fisheries-type-approved-vms-units>

- Woods Hole Group - Thorium Leo & Thorium Triton
- SkyMate - I1500 & M1600
- AddValue - Wideye iFleetONE
- MetOcean OmniCom VMS & Global

NE VMS Population breakdown by Permits (Note: The total count below exceeds the VMS population count since most vessels hold multiple permits):

- 582 Surfclam (SF-1)
- 582 Ocean Quahog (OQ-6)
- 531 Scallop General Category (LGC-A,B,C)
- 342 Multispecies (MUL-A,D,F)
- 346 Scallop Limited Access (SC-2,3,5,6,7,8)
- 223 Longfin Squid (SMB-1A, 1B)
- 116 Herring (HER-A,B,C,E)
- 115 Mackerel (SMB-T1,T2,T3)
- 67 Illex Squid (SMB-5)
- 45 Combination (MUL-E)
- 15 Monkfish (MNK-F)
- 5 Maine Mahogany Quahog (OQ-7)

Groundfish Sector/Common Pool:

There are 256 groundfish sector vessels and 133 common pool vessels registered to the NE VMS Program. The number of sector vessels registered has declined from 264 registered as reported in our fourth quarter, FY 2023 report and the common pool (vessels fishing under the “Days at Sea” program) has remained unchanged since the last report (fourth quarter, FY 2023).

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

A total of 56 VMS equipped vessels are on a NMFS approved power down LOE; of these, nine owners have deactivated their VMS with their vendor during the LOE period. Additionally, there are 17 vessels with LAGC scallop permits on a Power Down declaration in port.

Industry Contact Log Report:

In the first quarter of FY 2024, ISP staff and the Compliance Liaison addressed 176 industry issues. The most-frequently reported issue was VMS non-reporting and power down issues. The second most frequently reported issue was closed area and other regulatory concerns and questions. The third most frequently reported issue was VMS declaration/forms assistance and compliance.

So far in the 2nd quarter of FY24, NE IS and Compliance Teams have documented 165 industry contacts. The most-frequently reported issues were (1) VMS non-reporting and power downs (2) Closed area issues and other regulatory concerns and questions and (3) VMS declaration/dorms assistance and compliance.

VMS Notes and Significant Events:

As a general reminder, we encourage all owners and operators in VMS fleets to monitor their VMS units for all incoming messages.

VMS Fleet-Wide Message

ISP staff send VMS messages to specific VMS fleets announcing fishery closures and other news. In first quarter FY 2024, ISP staff sent one message for the for the 1A Herring Closure. So far in Q2, ISP staff sent one message for the Cape Cod Catch Cap Herring Closure.

Monitoring of Closed Areas

For vessel owners and operators, please remember that there are no buffer zones around closed areas and that VMS is actively monitored for closed area compliance. We encourage industry to keep onboard electronics updated with the correct closed area boundaries.

NARW Notices

ISP staff now broadcast VMS messages to alert vessels if there are NARWs in the vicinity of their activity. Staff send messages based on regional survey data. To date, ISP staff sent 553 notices to VMS equipped vessels.

Stellwagen Bank National Marine Sanctuary Shipwreck Avoidance

ISP staff now send VMS messages to vessels that enter specific areas to notify owners and operators of known shipwreck locations inside SBNMS. Since September 1, 2023, ISP staff coordinated the sending of 1,289 automated messages to vessels entering the defined geofenced areas. If there are any questions about the messages or shipwrecks please contact the Sanctuary at 781-424-0699 or Ben.Haskell@noaa.gov.

Scallop Framework (FW) 38 VMS Software Update

FW 38 will require a scallop specific VMS software update for declarations. The update will include new access area options. The software should be pushed over the air by the individual VMS vendors. There is no date set yet for deployment.

Cases sent to NOAA General Counsel Enforcement Section (GCES)

NED forwarded 15 cases to GCES between October 1 and December 31, 2023. The cases involve but are not limited to: speed restriction violations to protect North Atlantic Right Whales,

ALWTRP violations, false data submissions, permit violations, and false statements to an OLE officer.