

Council Report – 3rd Quarter, FY 2022



April 1, 2022 – June 30, 2022

To Report a Violation Call
800-853-1964

Table of Contents

Introduction	3
NED Enforcement Highlights	3
Enforcement and Compliance	3
3rd Quarter, FY 2022 North Atlantic Right Whale Enforcement Efforts	4
Vessel Speed Enforcement	5
Atlantic Large Whale Take Reduction Plan (Phase 1) Enforcement	6
Observer Program (3rd Quarter Summary, FY 2022)	9
3rd Quarter, FY 2022 Incident Information	11
3rd Quarter, FY 2022 Summary of Incidents Involving OLE Partners	13
3rd Quarter, FY 2022 Overview of Summary Settlements	14
Northeast VMS Program (3rd Quarter, FY 2022)	15
Cases sent to NOAA General Counsel Enforcement Section (GCES)	17

Introduction

NOAA Fisheries' Northeast Division (NED) of the Office of Law Enforcement (OLE), Division 1 and Division 2ⁱ continued to conduct essential operations last spring into early summer and will continue those operations as we move into warmer months. All OLE staff strive 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 NED staff conduct every day 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 1-7 and Tables 1-3, below, include all of the 3rd Quarter, FY 2022 data from NED. As reported in the oral report to the MAFMC in June, we transitioned to a quarterly written report format to deliver information on OLE's essential operations to the MAFMC. Normally our reports pick up where the last Council report left off. Because the last two MAFMC meetings were within the 3rd Quarter, FY 2022, there may be some information repeated in this report that we already provided the Council in both our oral and written reports in April and June of this year. We welcome feedback on any section of this report.

NED Enforcement Highlights

Much of our 3rd quarter law enforcement effort focused on our current two priorities: Enforcing laws critical to the survival of the North Atlantic Right Whales (NARWs) and focusing efforts to help reduce the overall number of observer related incidents. Emphasis on these two priorities does not mean we stopped enforcing other important Living Marine Resource laws such as those associated with the Seafood Import Monitoring Program, International Unregulated and Unreported seafood, Magnuson Stevens Fishery Conservation and Management Act, Atlantic States Fisheries Conservation and Management Act, and Highly Migratory Species Act as well a many other laws under our authority to enforce.

Our enforcement efforts to protect and conserve the NARW population are carefully outlined below, in a dedicated section of this report starting on page 6. Similarly, we outlined our 3rd quarter work contributing to our priority to reduce the occurrence of observer related incidents under the 3rd quarter "Observer Program" section starting on page 9.

Enforcement and Compliance

During the 3rd Quarter, FY 2022, there were approximately 25 operations and/or patrols that occurred either on land or at sea. There were 8 documented instances of dockside outreach and/or industry compliance assistance in the field, allowing critical face-to-face interaction between our field

ⁱ Both OLE and 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 NY to Virginia. Similarly and overlapping this area is USCG Northeast Division 1, covering from NY to Maine, and USCG Mid Atlantic Division 5, covering from New Jersey to North Carolina.

staff and the industry. There were also 28 instances of participation in various NOAA internal and external government partner meetings/events. There were also 6 seaport container inspections to monitor seafood imports. NED EOs and SAs initiated at least 23 investigations based on previously conducted 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 ISTs in the Vessel Monitoring System (VMS) Program, the Compliance Liaison, and administrative staff within NED conduct on a daily basis. In addition, this figure does not fully capture the regular interaction our agents, officers, and support staff have with industry. Specifically, operations and patrols listed in Figure 1 are an estimate and multiple vessels may be boarded and multiple docks may be visited across multiple days on a single operation or patrol. Land based operations and patrols may also take place over multiple days and may involve dealer and vehicle inspections.

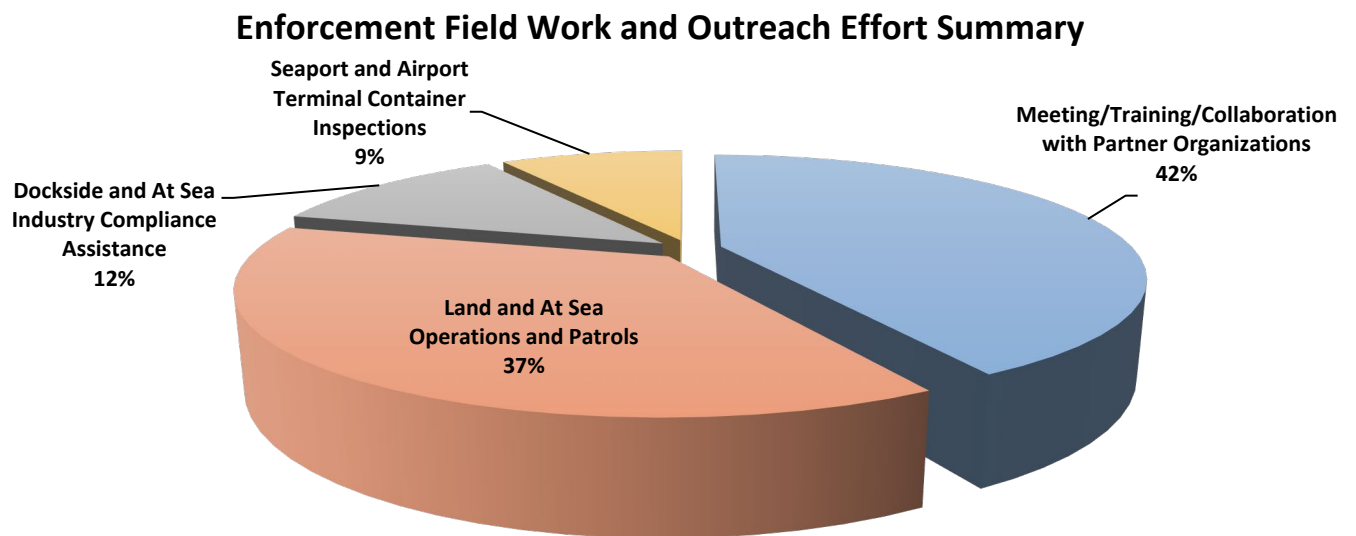


Figure 1: Roughly 67 events took place between and including April 1, 2022 and June 30, 2022. The figure is broken down by land and at sea operations and patrols, internal government meetings, training events, and collaborative efforts with partner organizations, dockside and at sea outreach and industry compliance assistance, and Seaport and Airport Terminal Container Inspections.

3rd Quarter, FY 2022 North Atlantic Right Whale Enforcement Efforts

[North Atlantic right whales](#) 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 right whale deaths and serious injuries. We enforce speed rules and other regulations that protect these whales so that they are less likely to be struck by vessels and entangled in fishing gear.

By enforcing both of these regulatory strategies, we play an instrumental role in protecting not only right whales, but all large whales along the Atlantic coast. We also participate in the

development of on-demand (or ropeless) technology. We provide vessel owners and operators the information they need to remain in compliance with federal regulations.

Vessel Speed Enforcement

To protect right whales from vessel strikes, NOAA Fisheries implemented a vessel speed rule in 2008. The speed rule designated [Seasonal Management Areas](#) (SMA) where most vessels 65 feet in length or greater are subject to a 10 knot speed limit. These areas are active from November through July in different locations to reduce risk of vessel strikes to right whales. The 2008 speed rule is being revised to further reduce risk of vessel strikes. The [Proposed Rule](#) for the revised speed rule published on August 1st.

Since November of 2021, we notified the owners of approximately 400 vessels along the Atlantic coast, informing them of the vessel speed rule and the potential penalties for violations. In addition, reacting in near-real time and leveraging satellite-based technologies, we sent out more than 100 alerts on two separate days in mid-May to vessels operating in close proximity to right whales. While the SMA season in the Mid-Atlantic concluded on April 30, speed restrictions in the Great South Channel (GSC) SMA off the coast of New England continued through July 31.

We conduct targeted remote monitoring, patrols, and operations throughout the right whale SMA season to enforce the speed rule with two operations conducted in the 3rd quarter, FY 2022. In mid-April this year, we targeted vessels that were out of compliance with speed regulations in the Mid-Atlantic. NED D2 EOs patrolled the Delaware Bay SMA in cooperation with DE and NJ JEA as well as USCG D5. Our ISP staff also collaborated on the operation providing officers in the field with real time vessel locations. Also in mid-May, an SA and several EOs conducted a three day multi agency NARW speed enforcement operation in the Cape Cod Bay SMA. Five vessels and crews participated in that operation; one from USCG Station Provincetown, three from Massachusetts Environmental Police, and the NOAA NED D1 patrol vessel. Vessels over 65' and some smaller vessels were checked via radar and by Automated Information System (AIS), an on board satellite tracking system. Again, ISP staff assisted officers and agents in the field by providing them with AIS alerts. A follow up investigation into one vessel is underway as well as an ALWTRP violation identified during the op.

NED also conducted speed rule enforcement on numerous patrols in the 3rd quarter. In addition, last June we investigated a charter head boat for possible speeding while inside the GSC SMA. We use all available technologies to track vessel speed and proximity to whales. These include visual observations, radar, and positional and speed information obtained by satellite. We may also use referrals from the general public and social media, if available. We often collaborate with our state and federal enforcement partners on vessel speed operations and patrols. These partners have independently identified speed violations during their own patrols.

In early April, five \$7,500 NOVAs were issued to vessel owners being investigated for violating the ship strike reduction rule. Each individual vessel was documented by AIS to be in excess of speed restrictions while transiting various SMAs. In addition, this June, we reached a settlement with a repeat offender of the speed rule for more than \$50,000. Many of the speed rule NOVAs involve pleasure crafts. We expect the amended speed rule, which will lower the minimum size of the vessels regulated from 65' to 35', to significantly impact this user group.

Atlantic Large Whale Take Reduction Plan (Phase 1) 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, OLE began undertaking efforts to reduce the risk of entanglement in fixed gear fisheries. NOAA Fisheries added significant [new regulations in 2021](#) to address right whale entanglement in Northeast lobster and Jonah crab trap/pot gear. New [Restricted Areas](#) impacting fixed lobster and crab pot and trap gear went into effect in late 2021, but the gear modification requirements included in those regulations did not go into effect until May 1 of this year.

Earlier this year, NOAA Fisheries implemented a [graduated enforcement approach](#) to help fishermen comply with recently required gear modifications in response to supply chain issues with the needed gear. While we are emphasizing compliance assistance for first offenders in areas where NOAA Fisheries has determined there is no longer a supply chain issue, we may assess penalties for repeat offenders beyond compliance assistance.

As reported in the written and oral report to the MAFMC at the April meeting of this year, we participated in 10 GARFO, PRD led gear training workshops alongside JEA partners and USCG D1. The last workshop in this series concluded on April 14th. These training events were exclusive to enforcement staff with the purpose of providing officers and agents on the water with the information they need to successfully enforce aspects of both the ALWTRP and the HPTRP.

The following list describes the 3rd quarter ALWTRP (Phase 1) and [MRA Wedge](#)ⁱⁱ focused patrols that OLE EOs and SAs participated in, chronologically, and in detail:

- An EO and two Massachusetts Environmental Police (MA EP) conducted an ROV patrol of the wedge closure area to look for and identify mobile gear during the closure last April. Officers located an unmarked buoy with a weak link (compliant for May 1) in 177 ft. of water and NED's underwater Remote Operated Vehicle (ROV) was deployed to locate the attached traps. The officers also conducted right whale speed enforcement while searching for gear.
- An EO again used our ROV on three separate joint patrols with Maine Marine Patrol (ME MP) in early June in back to back weeks. Using the ROV, in the first week, on two separate patrols, officers hauled and inspected 10 trawls. The following week officers located a 5 trap trawl and inspected it for ALWTRP complianceⁱⁱⁱ.
 - * NED plans to conduct ROV operations again in Lobster Management Area (LMA) 3 this summer using a contracted vessel and ROV capable of reaching the greater depths found offshore as we have done the last two summers. The focus of those operations will be ALWTRP compliance, but gear will be inspected for compliance with all applicable federal regulations.
- RI Department of Environmental Management (DEM) identified gear while on patrol in the South Islands Restricted Area (SIRA) in mid-April. On a follow up joint patrol, an EO and RI DEM

ii NOAA Fisheries also implemented an emergency rule in April of this year to close an area of federal waters off of Massachusetts known as “the wedge”. While the intent of this closure was to protect NARWs because this area was not addressed in recent modifications to the ALWTRP, we’ve grouped patrols to enforce that closure area as shown in April in Figure 3, on page 8 below, under our ALWTRP enforcement efforts.

iii Relative compliance rate for vessels/gear inspected on this patrol and all other ALWTRP focused patrols mentioned in this section is listed in Figure 2 on page 8, below.

officers identified and removed additional gear from the same owner. That owner was found in violation of fishing in the SIRA and wet storage requirements.

- Also in April inside “the wedge” closure area, an EO conducted a joint patrol alongside U.S. Coast Guard D1 officers. In addition to enforcing “the wedge” closure restrictions, they targeted vessels to provide ALWTRP compliance assistance in advance of the May 1 implementation date for the new phase 1 gear requirements.
- Following the opening of “the wedge” closure area on May 1, an EO conducted a patrol in the formerly closed area to determine the level of fishing activity in the area. Whales were still in the vicinity at the time and OLE received reports fishermen might immediately begin fishing the area again following the closure. Little fishing activity was found on the patrol.
- Also in early May, an EO conducted a joint patrol alongside MA EP in Nantucket Sound. Officers inspected gear for weak line breaking strength, line marking requirements, and other applicable regulations from six vessels while on patrol.
- Continuing in early May, an EO conducted a joint patrol with ME MP in waters off of Portland, ME. Officers again inspected gear for applicable regulations. Another EO conducted a similar patrol the following week, again with ME MP.
- Also in the second week of May, an EO and a MA EP officer conducted a joint patrol off of MA waters and another EO conducted a joint patrol in RI waters with RI DEM. Enforcement officers hauled eight strings of gear in total, all from separate vessels, 5 on the MA EP joint patrol and 3 on the RI DEM joint patrol.
- The next week, EOs conducted a NARW speed rule operation in Cape Cod Bay. In addition to speed enforcement conducted on that operation, EOs provided compliance assistance to three lobster vessel operators for gear marking violations and failure to use weak rope. An officer also provided ALWTRP compliance assistance to a LMA 3 vessel during a dockside patrol that week in New Bedford.
- The last week in May, an EO conducted a joint patrol with ME MP in waters off the ME coastline between Kittery and Portland.
- The first week in June, an EO conducted a land based patrol out of Cutler ME which included compliance assistance with four vessels and one dealer.
- The same week, in both Chatham and Harwich, MA, an EO conducted an ALWTRP gear focused dockside patrol.
- Later in the month, EOs conducted an ALWTRP focused patrol of Stellwagen Bank and found no active fishing.
- The last week in June, an EO conducted a joint patrol with MA EP in waters off of MA. Officers inspected gear for ALWTRP compliance from 3 vessels.

Figure 2 below illustrates our patrol efforts in the 3rd quarter that focused on ALWTRP compliance. In the 3rd quarter, 73% of all inspected vessels were compliant with no observed ALWTRP non-compliance. Out of 260 vessels inspected by boarding officers, 190 had no observed

ALWTRP violations. Figure 3, below, illustrates the enforcement partners who participated in those efforts. Many of the patrols referenced in Figure 3 were conducted exclusively by the enforcement partner shown. However, OLE partnered on 9 of those patrols. OLE and our enforcement partners plan to continue ALWTRP patrols into the 4th quarter, FY 2022.

3rd Quarter ALWTRP Vessel Inspection Compliance Rate

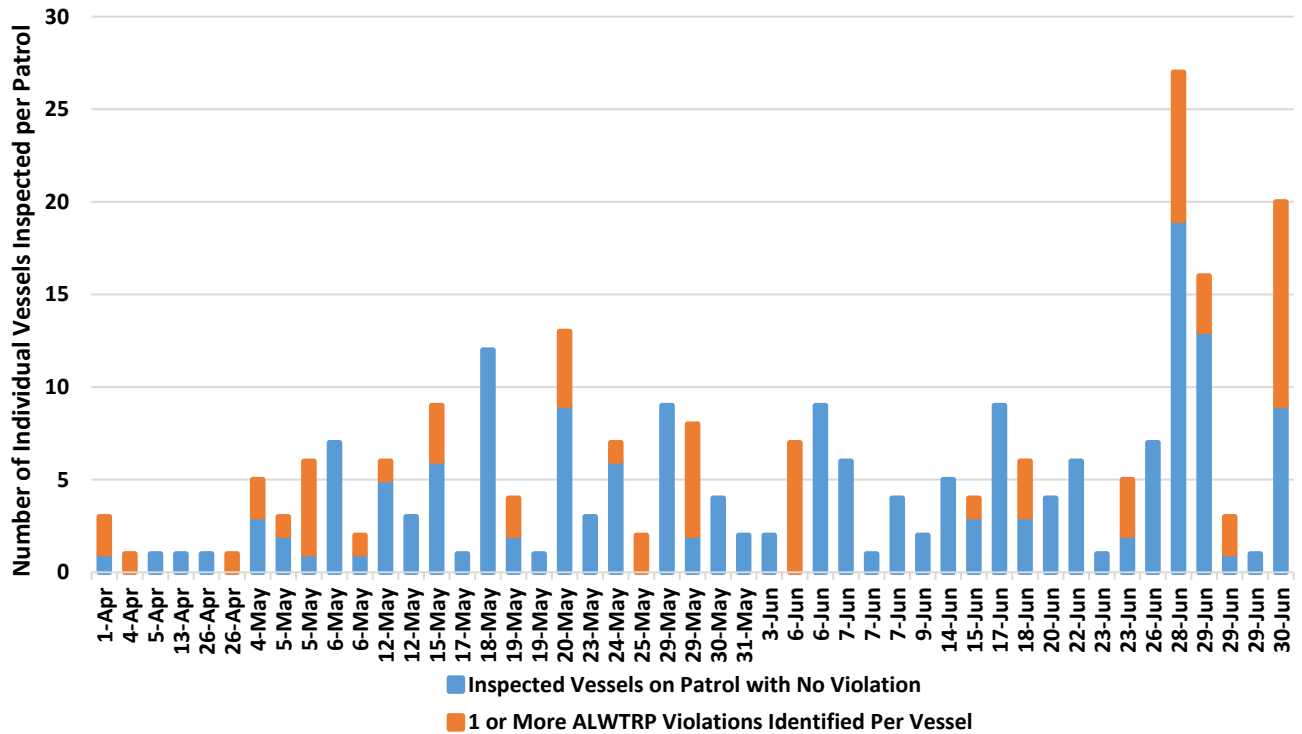


Figure 2^{iv}: Shown here is the compliance rate observed on individual patrols conducted by OLE, USCG D1 and state enforcement partners from RI to ME. Combined, enforcement partners inspected approximately 260 separate vessels for compliance with ALWTRP regulations between and including April 1 and June 30, 2022.

iv Figure 2 does not include patrols listed in Figure 3 where either no vessels were located during the patrol (e.g., a MA Bay wedge closure patrol) or where individual vessel compliance was not recorded.

3rd Quarter ALWTRP Focused Patrols by Enforcement Partner

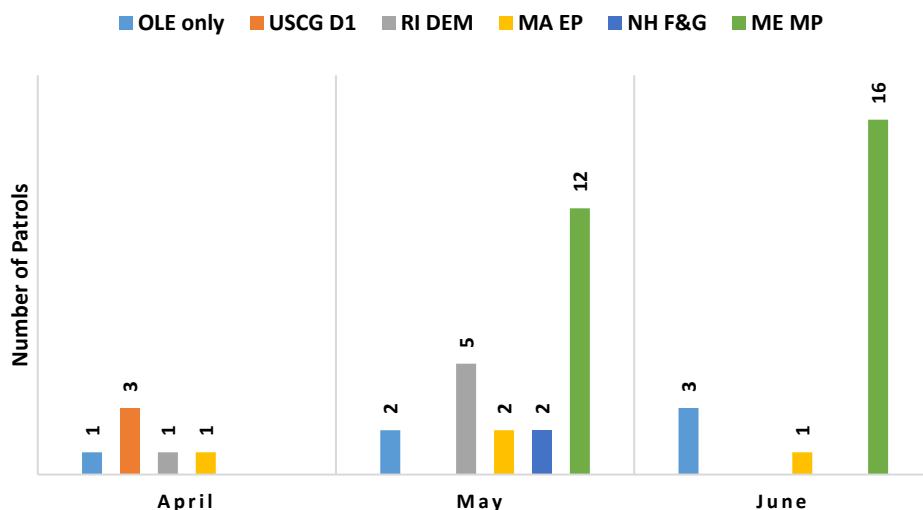


Figure 3^v: This figure shows a breakdown by month, of the number of patrols, by enforcement partner, in the the 3rd quarter, FY 2022. Enforcement partners conducted an aggregate of 49 ALWTRP focused patrols in this time period. 12 of OLE’s enforcement partner patrols listed here were joint with OLE.

Observer Program (3rd Quarter Summary, FY 2022)

In support of our priority to reduce the overall number of observer-related incidents during the 3rd quarter, we engaged in a number of activities with the goal of helping to enhance observer retention. OLE and NOAA Fisheries recognizes that observer retention is a challenge even under ideal circumstances. We also recognize numerous sources of contemporary adversity facing the observer program such as continued concern over COVID-19, lingering observer staff depletion issues as a result of the lengthy COVID-19 waiver period, and increases in coverage rates such as recently required in the Northeast groundfishery (e.g., soon to be implemented [Amendment 23](#) to the groundfish FMP) as well as scallop permit holders who formerly were not covered by the [Northeast Industry-Funded Scallop Observer Program](#). To be clear, there is no new rule/law associated with this priority. We plan to accomplish this goal 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.

Our activities in support of our observer program priority are as follows:

- We increased and will continue to increase our involvement at observer training events and partner with United States Coast Guard and Joint Enforcement Agreement (state enforcement)

^v Figure 3 does not include the extensive effort by MA EP and MA Division of Marine Fisheries in late winter, 2022 to conduct enforcement of state rules drafted to match ALWTRP regulations. MA based efforts were extensive: In excess of 46 hauling sea days occurred with over 500 non-compliant buoy lines and 1,800 non-compliant traps removed. DMF and MA EP conducted compliance checks on over 150 permit holders.

partners to increase vessel operator and crew awareness of observer activities during waterfront ops.

- OLE staff has begun working with the observer program on port specific “round table” events. So far OLE staff has met with observer program management and observers in Galilee, RI and Point Pleasant, NJ. Those appear to be beneficial to all participants in support of our goal to help ensure observer retention. Many more are planned in the coming months.
- In addition to quarterly meetings held between FMO and OLE staff to discuss ongoing observer related cases, observer related issues, and brainstorming new ideas for collaboration within our groups, FMO shares a NOAA Fisheries internal “Head’s Up” report with OLE on a monthly basis. The purpose of this report is to elevate issues flagged by FMO that do not rise to the level of an enforcement action where compliance assistance and outreach can be provided to individual vessels or at individual ports.
- Organized training and outreach events with industry are in planning stages in various ports of interest.

The purpose of this priority is to help encourage observer retention, but please know that this is not a one-sided campaign. We will encourage best practices and standards of behavior both among industry and the observers. On the industry side, you can always contact the Compliance Liaison, the observer program, or even the NOAA OLE Hotline that’s available 24/7 if you have a question or an issue. We outlined a summary of our 3rd quarter observer related violations in Table 3, below.

From April 1 through June 30, 2022, the NOAA Observer Program deployed on 927 trips for 2,709 sea days. NED initiated 20 investigations based on NEFSC derived Incident Reports received this quarter. 97.8% of all selected or observed trips were completed without an enforcement referral/investigation^{vi}. The summary in Table 3, below, provides additional details.

Table 1: Summary of Observer Program Complaints and Status

Type of complaint	Number of complaints and status
Refusal	Ten refusal investigations related to vessels that sailed without an observer after being selected were received. Three are ongoing, one resulted in a Summary Settlement penalty, five were closed with compliance assistance, and one was close due to lack of evidence.
Assault	None
Harassment/Intimidation	Three observer harassment/Intimidation complaints were received and are ongoing.
Interference	Three observer interference complaints were received. One is ongoing; one was closed with compliance assistance; and one was closed due to lack of evidence.
Vessel Safety Equipment/Certification	None
Observer Safety	Three observer safety complaints were received. One is ongoing, one resulted in the issuance of a Summary

^{vi} In some instances, a single Incident Report contained multiple complaints, and in other instances, multiple Incident Reports were received covering the same reported violation. For complaints reporting multiple potential violations, the most significant issue is the one tracked for case reporting statistics.

Observer Safety (continued)	Settlement penalty, and one is ongoing and forwarded to the USCG.
Failure to provide reasonable assistance	One failure to provide reasonable assistance complaint was received and is ongoing.
Failure to provide equal accommodations	None
Observer gear/sample tampering	None
Observer program notification	None
Miscellaneous	Special agents provided enforcement trainings to new training classes of observers and participated in At-Sea Monitor Safety Panel discussions.

3rd Quarter, FY 2022 Incident Information

Incidents listed in this section come directly from Trident, OLE’s electronic case management system. In addition to investigations and patrols referenced in the previous section, incidents referenced here include 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. They also include IST and other NOAA staff indicated non-compliance events. Many NED staff members contributed to the incident information presented here.

The query used to generate the data displayed in this section is based on the date incidents were created in Trident. As incidents created in Trident, such as investigations, occurred prior to the date of entry into Trident, the information presented in this section is meant to present an accurate snapshot of NED activity in this time period, not a precise account of all activities that have occurred since the last Council report.

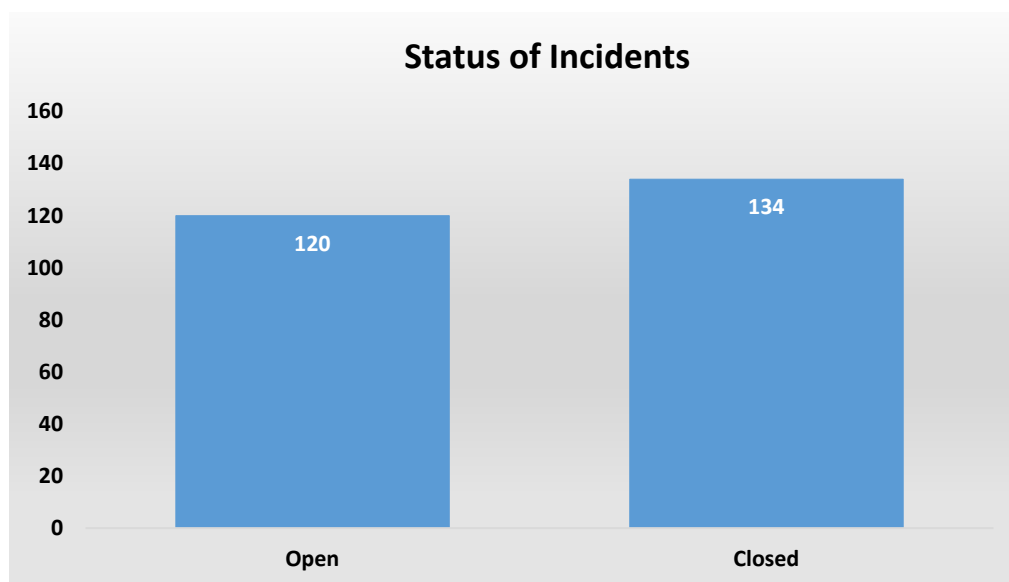


Figure 4. Status of incidents entered in Trident between and including April 1, 2022 and June 30, 2022 (134 closed, 120 open).

Table 2: 3rd Quarter, FY22, summary of incidents by law/regulation

Law/Regulation/Program	Incident Totals
ACFCMA	16
Endangered Species Act	12
MSFCMA	118
HMS	16
State Law/Regulation	2
Marine Mammal Protection Act	38
International Trade Program	8
Lacey Act	11
Other Federal Law/Regulation	33
Total	254

3rd Quarter, FY22 Incidents by Law/Regulation

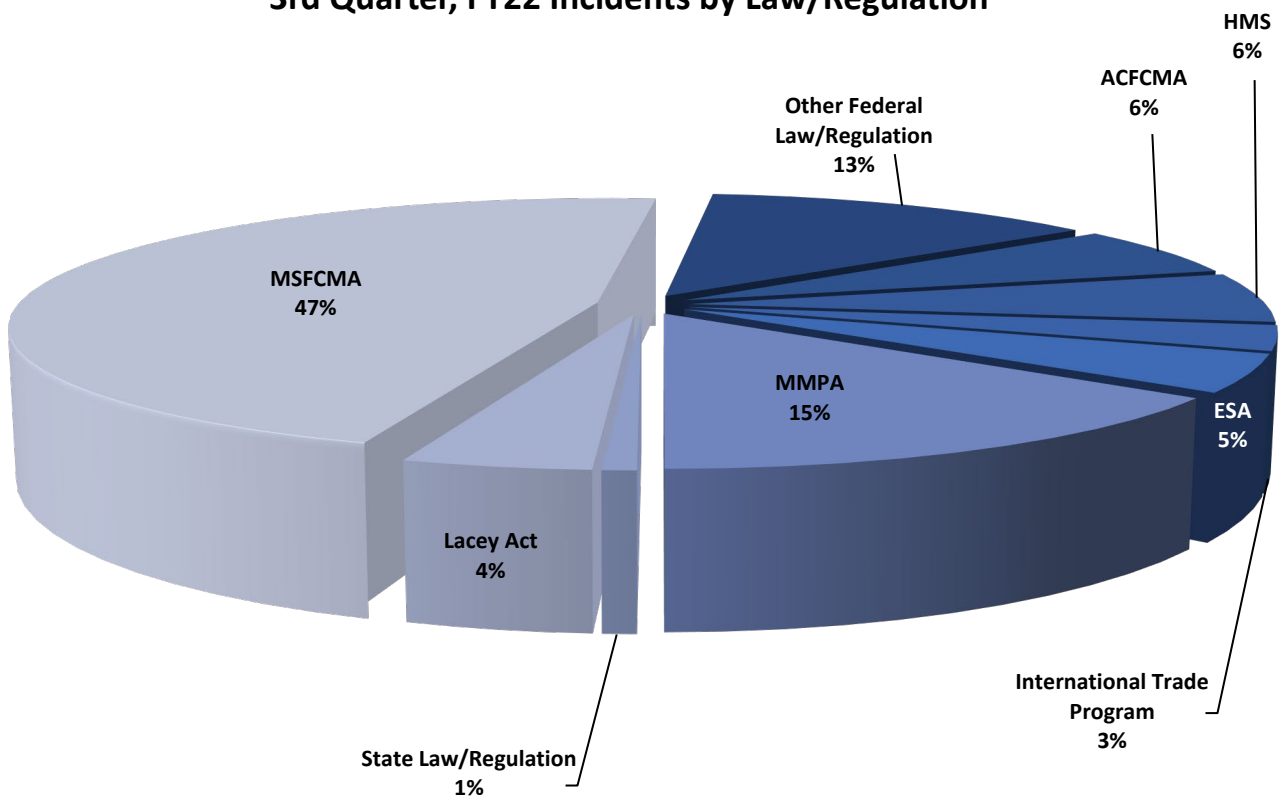


Figure 5: Incidents in Trident broken down by specific law or program violation between and including April 1, 2022 and June 30, 2022

3rd Quarter, FY 22 Incident Dispositions

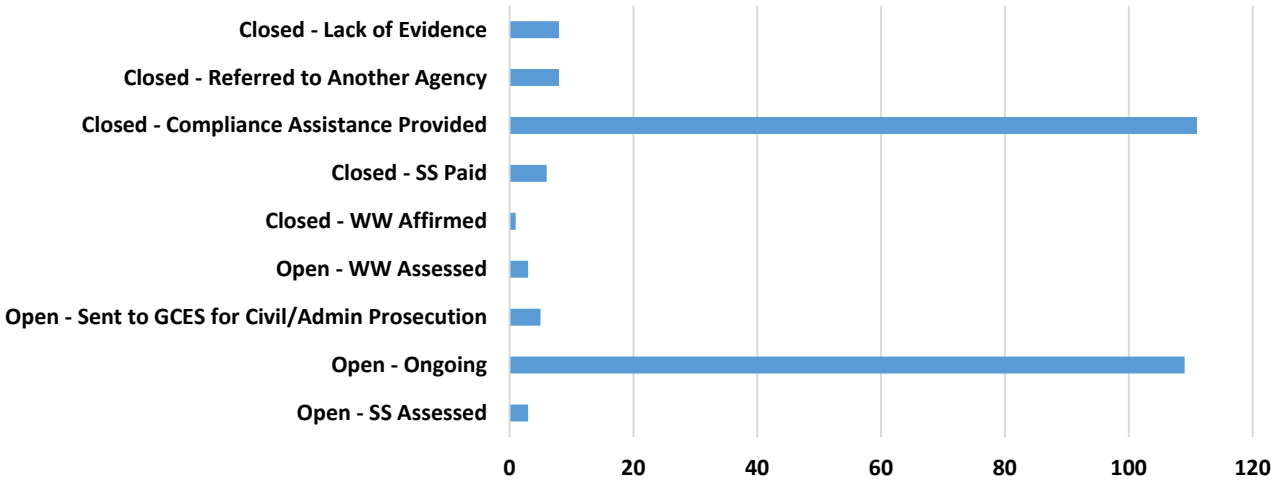


Figure 6. Incident dispositions for incidents in Trident between and including April 1, 2022 and June 30, 2022.

3rd Quarter, FY 2022 Summary of Incidents Involving OLE Partners

A total of 102^{vii} incidents entered into Trident between and including April 1, 2022 and June 30 of this year involved NED collaboration with at least one other federal, or state enforcement partner. Figure 7, below, shows incidents where NED staff in OLE partnered with a state, federal, and/or international enforcement partner on patrols, seaport and/or airport terminal container inspections, or referred case packages.

vii The total number of instances of collaboration between OLE and at least one other federal enforcement partner or a state enforcement partner illustrated in Figure 7 is greater than the 102 incidents illustrated here. Where multiple enforcement partners collaborated on a single incident, those partners were tallied separately in Figure 7.

3rd Quarter, FY 2022 Incident Partners

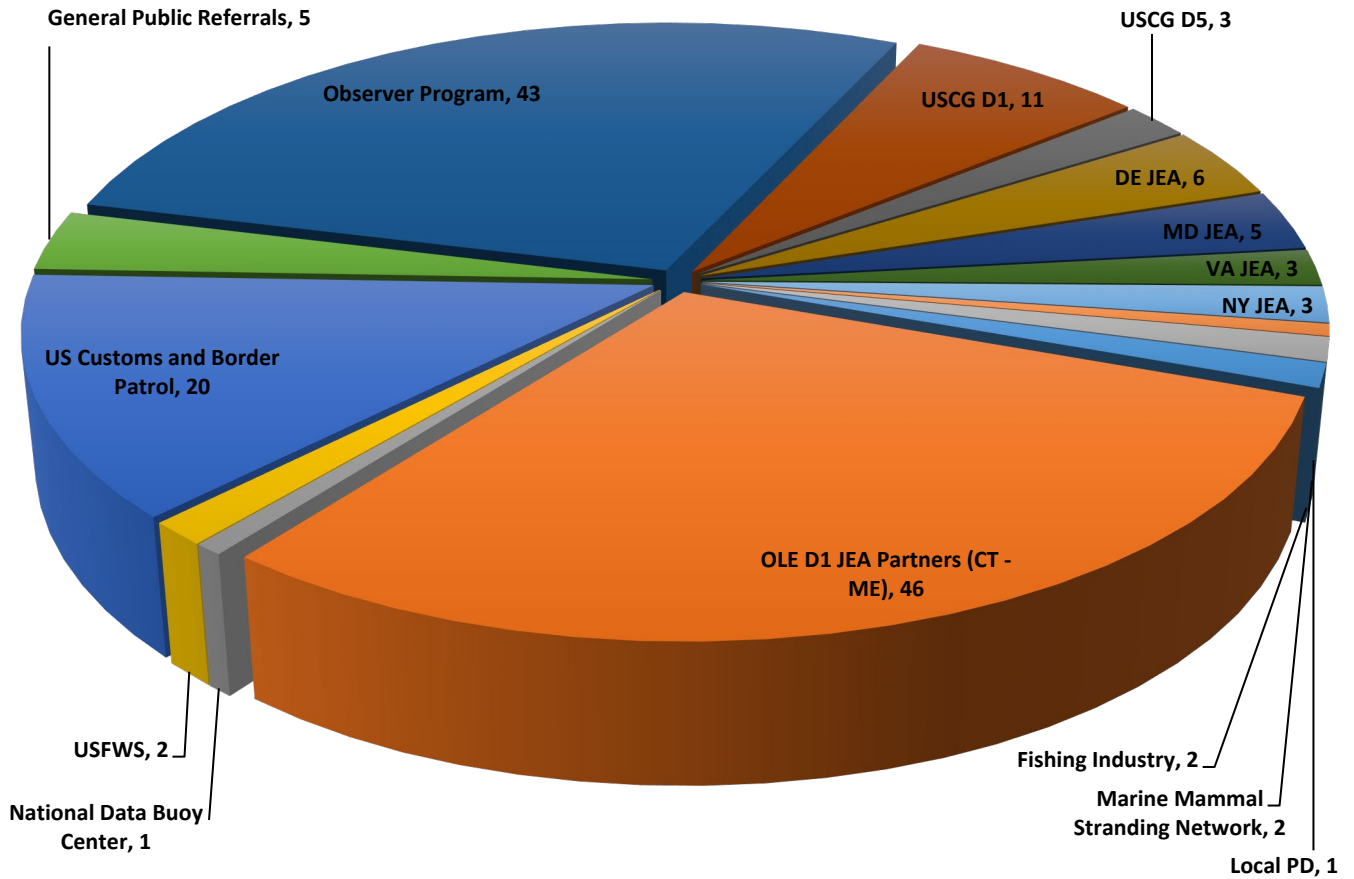


Figure 7. Incidents entered into Trident between April 01, 2022 and June 30, 2022 where one or more international, federal, or state enforcement partner collaborated with NED staff (the number of collaboration events with a specific enforcement partner is listed by “Enforcement Partner, XX”). Observer program related referrals are included here, but all other NOAA internal referrals are not.

3rd Quarter, FY 2022 Overview of Summary Settlements

A total of 18 violations were associated with 13 Incidents with Summary Settlements issued between and including April 1, 2022 and June 30, 2022 at a value of \$16,200.00. Data included in this section also comes from OLE’s case management system, Trident.

Table 3: Individual Violations Associated with Summary Settlements Issued.

Law	Violation	SS Amount	State	Commercial / Recreational / For Hire
MSFCMA	Fishing Without Valid Commercial Permit	\$500.00	MA	Commercial

MSFCMA	Fishing Without Valid Operator's Permit	\$916.66	MD	Commercial
MSFCMA	Gear With Undersized Twine Top	\$916.67	MD	Commercial
MSFCMA	Fishing Without Chain Mat West of 71 Degrees N Longitude	\$916.67	MD	Commercial
HMS	Illegal BFT Possession	\$500.00	RI	Recreational
MSFCMA	Vessel Failure to Report Scallops	\$500.00	MA	Commercial
MSFCMA	Illegal Dolphin Fish Possession	\$350.00	DE	Recreational
MSFCMA	Fishing Without Valid For Hire Permit	\$500.00	NJ	For Hire
MSFCMA	Improper Vertical End Line Marking	\$500.00	DE	Commercial
MSFCMA	Improper Surface Buoy Marking	\$500.00	DE	Commercial
MSFCMA	Fishing Without Valid Operator's Permit	\$500.00	DE	Commercial
HMS	Failure to Report BFT	\$2,500.00	DE	Commercial
MSFCMA	Fishing Without Valid Commercial Permit	\$500.00	NY	Commercial
MSFCMA	Observer Refusal	\$2,500.00	RI	Commercial
MSFCMA	Vessel FVTR Reporting Failure	\$533.33	MA	Commercial
MSFCMA	Halibut Retention Limit Violation	\$533.33	MA	Commercial
MSFCMA	Minimum Halibut Size Violation	\$533.34	MA	Commercial
MSFCMA	Observer Refusal	\$2,500.00	MA	Commercial
Total		\$16,200.00		-

Northeast VMS Program (3rd Quarter, FY 2022)

Updated August 2, 2022

NE-Approved VMS Vendors and Units:

<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 Unit Population (active):

- 913 registered vessels
 - Woods Hole Group 453
 - SkyMate 453
 - Network Innovations^{viii} 1
 - MetOcean^{ix} 6
 - AddValue 0

viii No longer approved for use or installs in the NE. One Alaskan vessel that holds GAR permits currently is equipped with this unit.

ix This number includes 3 Canadian Transshipment vessels.

- 8 vendor test units (installed at NED OLE)

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

- 577 Ocean Quahog (OQ-6)
- 577 Surfclam (SF-1)
- 527 Scallop General Category (LGC-A,B,C)
- 343 Multispecies (MUL-A,D,F)
- 334 Scallop Limited Access (SC-2,3,5,6,7,8)
- 215 Longfin Squid (SMB-1A)
- 119 Herring (HER-A,B,C,E)
- 117 Mackerel (SMB-T1,T2,T3)
- 68 Illex Squid (SMB-5)
- 42 Combination (MUL-E)
- 41 Longfin Squid (SMB-1B)
- 14 Monkfish (MNK-F)
- 8 Maine Mahogany Quahog (OQ-7)

Groundfish Sector/Common Pool:

There are 277 groundfish sector vessels and 115 common pool vessels registered to the NE VMS Program.

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

A total of 46 VMS equipped vessels are on a NMFS approved power down LOE; of these, the owners of 15 vessels have deactivated their VMS with their vendor during the LOE period. Additionally, there are 14 vessels with LAGC scallop permits on a Power Down declaration in port.

Industry Contact Log Report:

In the 3rd quarter of FY22, the NE Investigative Support (IS) Team addressed 225 industry issues and closed 175 issues or 78%^x. The most-frequently reported issues were (1) VMS Declaration/Forms Assistance and Compliance (2) VMS Non-Reporting and Power Down issues (3) Closed Area issues and regulatory questions.

Significant VMS Issues:

eVTR and VMS Software

With the requirement of eVTRs, vessels that are required to submit reports (i.e. catch and preland) through the VMS should know that the VTR field on the VMS does allow for 14 digits. A complete VTR number should be submitted with each VMS form. VMS forms software is on version 17. If the updated software is needed, the industry is encouraged to contact their VMS provider.

Monitoring of Closed Areas

Vessels are reminded that there are no buffer zones around closed areas and that VMS is actively monitored for closed area compliance. Industry is encouraged to keep onboard electronics updated with the correct closed area boundaries.

VMS Fleet-Wide Message

Periodically, VMS messages will be sent to specific VMS fleets announcing fishery closures and other news. Industry is encouraged to monitor their VMS for all incoming messages. In quarter 3

^x In addition, the NED Compliance Liaison fielded and resolved about 50 calls from industry members.

and 4, two fleet-wide message were broadcast announcing the NGOM scallop closure and Trimester 2 Longfin Squid closure. Last, as mentioned under the Vessel Speed Enforcement section on pages 6-7, above, messages announcing the presence of Right Whales were broadcast to vessels fishing off the Northern New England Coast this spring.

Cases sent to NOAA General Counsel Enforcement Section (GCES)

NED forwarded 8 cases to GCES between and including April 1 and June 30. One case involves an Atlantic Striped Bass Conservation Act violation; two cases involve speed restriction violations to protect NARWs; one case involves fishing without an observer; two cases involve seafood import violations; and two cases were requests for criminal referrals to the Department of Justice.