



**NOAA FISHERIES**

# Council Report – 3<sup>rd</sup> Quarter, FY 2021

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**April 3, 2021 – June 1, 2021**

To Report a Violation Call  
800-853-1964

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# Introduction

NOAA Fisheries' Northeast Division (NED) of the Office of Law Enforcement (OLE) continued to conduct essential operations this spring and will continue those operations as we move into the summer months of FY 2021. 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. While some in person activity is still on hold due to COVID-19, this report reveals the high quality, difficult, and important work our group conducts every day to protect marine wildlife and habitat. All of us at NED 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.

Data included in Figures 1-4 and Tables 1-3, below, pick up where the last Council report left off in early April, 2021. Figure 5, below, is a new section we added since the last Council report. We welcome feedback on any section of this report.

## NED Enforcement Highlights

- A settlement agreement was met in which the owner of numerous vessels charged with violating the right whale ship strike reduction rule agreed to pay \$288,000 in civil penalties.
- Among numerous seaport/airport container shipment inspections so far this quarter, NOAA OLE conducted a joint International Illegal, Unreported and Unregulated (IUU) / Seafood Import Monitoring Program (SIMP) operation in Boston, MA with U.S. Customs and Border Patrol (CBP) and MA Joint Enforcement Agreement (JEA) partners in April. Support was provided by the OLE HQ Analyst team and CBP advanced targeting unit (ATU). Eight containers were inspected, five of which had SIMP related violations identified for Atlantic Cod and shrimp. These included failing to file entry properly, failing to declare the species correctly, and not submitting the required partner government agency information. Samples were taken for the Atlantic Cod as well as Scarlet Snapper from a sixth container which will be sent to the lab for species analysis. Investigations are ongoing.
- An SA facilitated an annual Stellwagen Bank National Marine Sanctuary enforcement meeting. The purpose of the meeting was to continue collaboration on Sanctuary related enforcement topics. Participants included U.S. Coast Guard (USCG) D1, MA Environmental Police, NMFS Protected Resources, Stellwagen Bank NMS and OLE.
- Leadership throughout OLE is in a transitional state. Among numerous personnel shifts currently within NED, AD Tim Donovan will retire on June 25, this month. Acting DSAC Michael Henry will step into the Acting AD role upon Tim's departure. In addition, longtime Investigative Support (VMS/IS) Program Manager William Semrau will retire July 31<sup>st</sup>. Upon his departure, Investigative Analyst Carl Lemire will act in Bill's place. NED DSAC Jeff Ray has temporarily assumed the role of acting Deputy Director at OLE headquarters. Thorough succession planning has been conducted throughout OLE. This will aid in a smooth transition to permanently fill any and all cascading vacancies as various OLE leadership positions are filled in the coming weeks and months. All vacancies within OLE will be filled competitively through USA Jobs.

- There are additional non leadership positions available within NED: A recent nationwide SA hiring effort lead to tentative offers to agents who will be placed in New Bedford, MA, Wall, NJ and Salisbury, MD. In addition, NED recently interviewed several candidates for an enforcement technician vacancy on the VMS/IS Team. A candidate has been selected and a job offer is being processed.

## Enforcement and Compliance

Since the last Council meeting, there were 9 documented patrols that included a mix of both offshore and land based patrols. 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 staff and the industry. There were also 14 instances of participation in various NOAA internal and external government partner meetings and events and 6 seaport container inspections to investigate SIMP/IUU violations. NED EOs and SAs initiated 15 investigations based on patrols and container inspections since April 3rd. Many of those investigations are ongoing following the routine field work activities such as the patrols and container inspections mentioned here.

NED participation in trade show attendance, in person expert panel and school events participation, etc. are still on hold due to ongoing COVID-19 restrictions. There is little or no impact due to COVID-19 restrictions on all other NED activities and operations.

The dockside outreach and/or industry compliance assistance listed in Figure 1, below, does not include the tremendous amount of industry communication the Investigative Support staff in the 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, patrols listed in Figure 1, below, are an estimate and multiple vessels may be boarded and multiple docks may be visited on a single patrol. Patrols may also involve dealer and vehicle inspection.

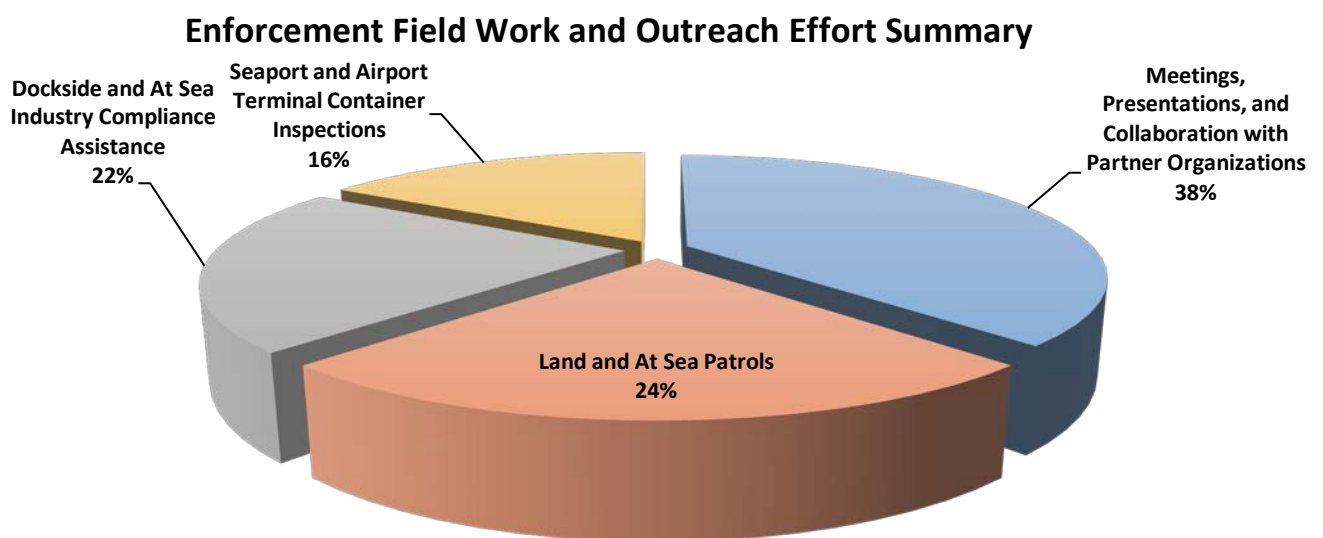


Figure 1: Roughly 33 events took place between April 3<sup>rd</sup>, 2021 and June 1<sup>st</sup>, 2021. The figure is broken down by land and at sea patrols, internal government meetings/presentations/collaborations with partner organizations, dockside (and at sea) outreach and industry compliance assistance, and Seaport and Airport Terminal Container Inspections.

# 3<sup>rd</sup> Quarter, FY 2021 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 listed in Trident and shown here include investigations and complaints originating from external parties such as JEA and federal enforcement partners as well as the general public. They also include all VMS 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. As events that result in incidents created here, 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.

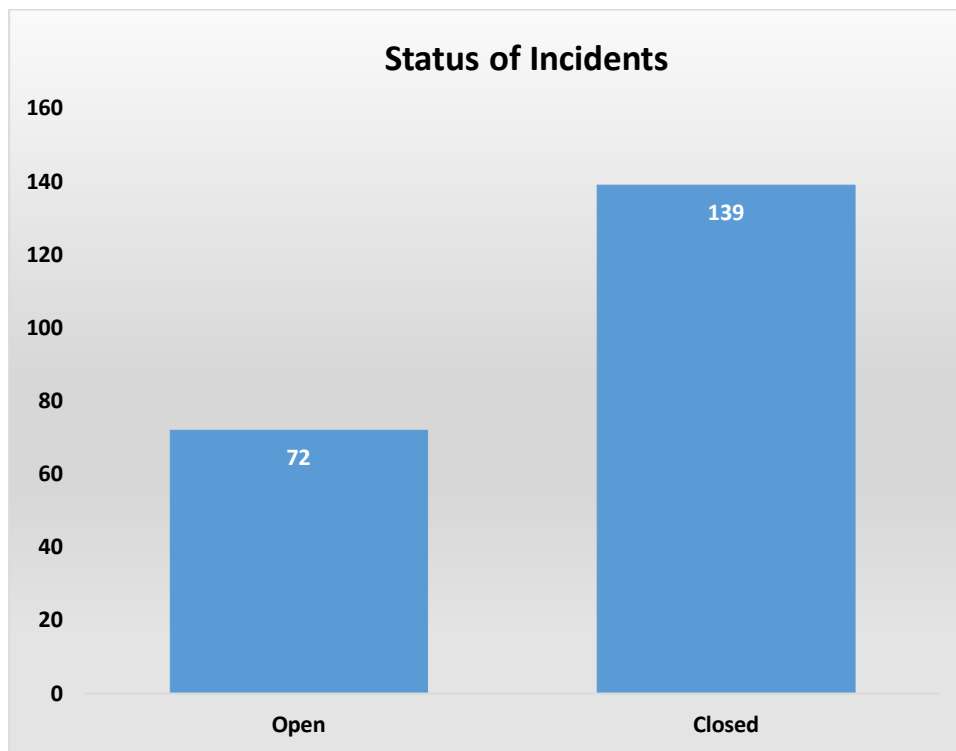


Figure 2. Status of incidents from April 3, 2020 – June 1, 2021 (139 closed, 72 open).

Table 1: 3<sup>rd</sup> Quarter, FY21, summary of incidents by law/regulation

Law/Regulation/Program	Incident Totals
ACFCMA	9
Endangered Species Act	3
MSFCMA	127
HMS	12

State Law/Regulation	5
High Seas Fisheries Compliance Act	1
Marine Mammal Protection Act	12
Other Federal Law/Regulation	42
<b>Total</b>	<b>211</b>

### 3rd Quarter Incidents by Law/Regulation

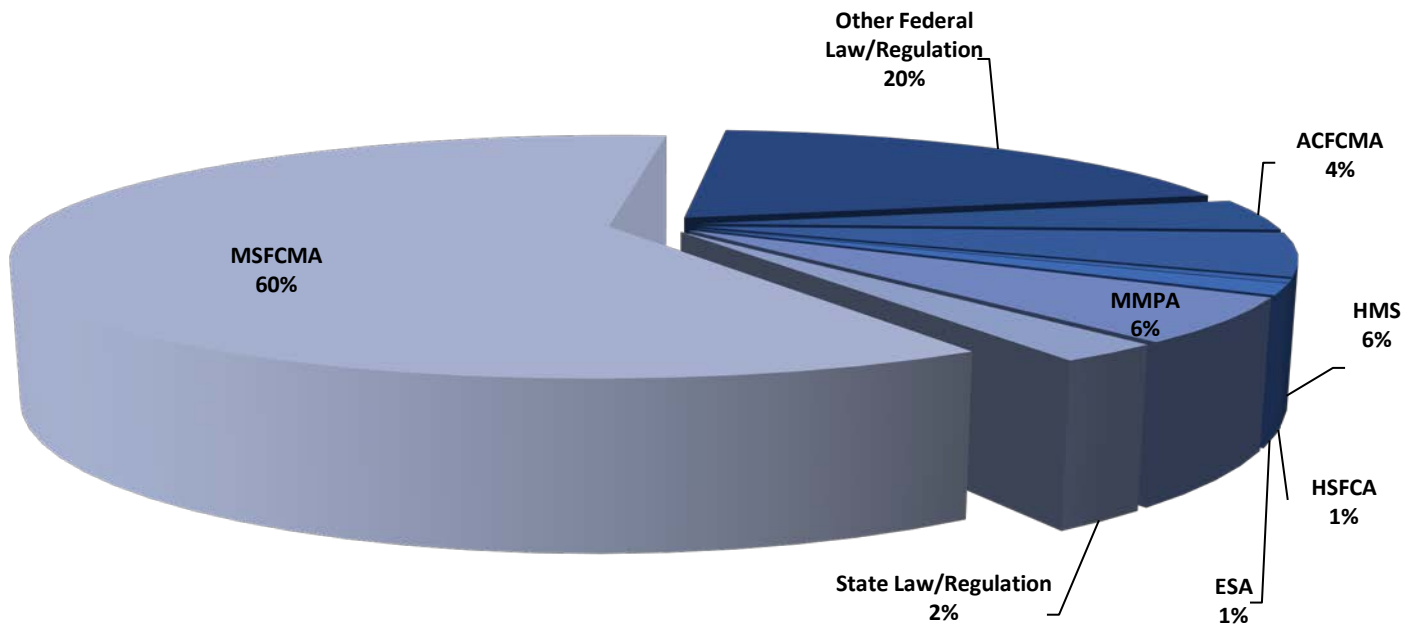


Figure 3: Incidents in Trident between April 3, 2021 and June 1, 2021.

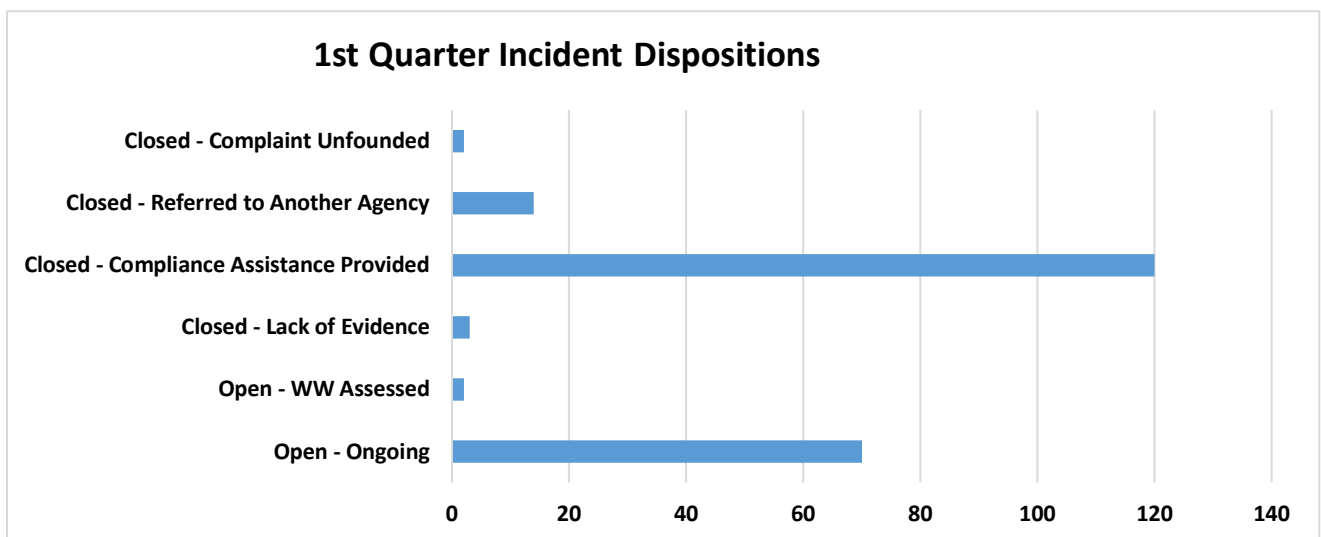


Figure 4. Incident dispositions for incidents in Trident between April 3, 2021 and June 1, 2021.

# 3<sup>rd</sup> Quarter, FY 2021 Summary of Incidents Involving OLE Partners

A total of 106 incidents entered into Trident between April 3<sup>rd</sup> and June 1<sup>st</sup> of this year involved collaboration with at least one other federal enforcement partner or a state enforcement partner. Figure 5, below, shows incidents where NED staff in OLE partnered with a state and/or federal enforcement partner on patrols or seaport and/or airport terminal container inspections. The figure also includes cases referred to NED by state or federal enforcement partners..

**3rd Quarter, FY 2021 Incident Partners**

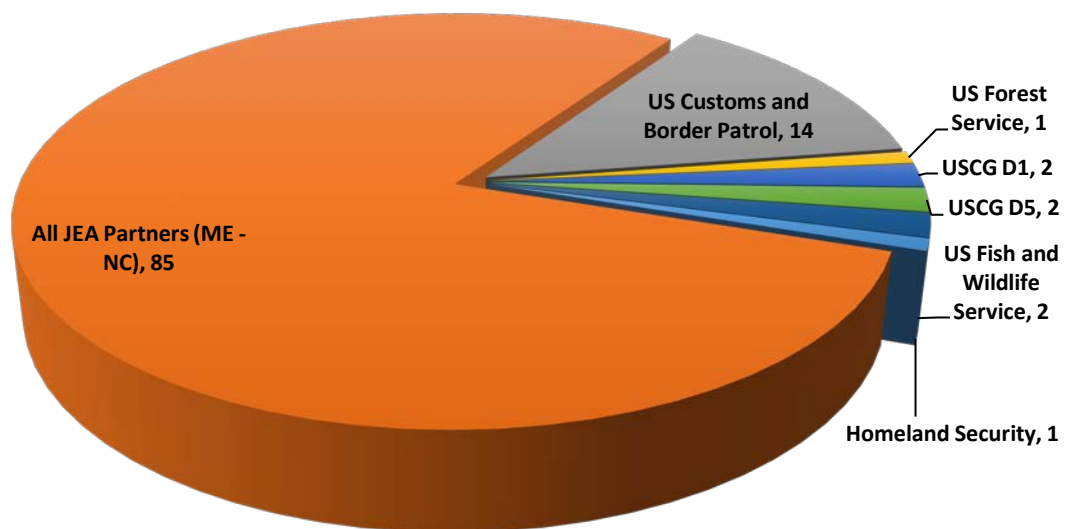


Figure 5. Incidents entered into Trident between April 3, 2021 and June 1, 2021 where NED staff collaborated with state and/or federal enforcement partners (the number of incidents involving collaboration with a specific enforcement partner is listed by “Enforcement Partner, XX”).

\*The total number of incidents listed here is greater than the 106 incidents, listed above. Where multiple state and/or federal enforcement partners collaborated on a single incident, those partnerships were tallied separately.

# 3<sup>rd</sup> Quarter, FY 2021 Overview of Summary Settlements

A total of 22 violations were associated with 19 Incidents with Summary Settlements issued between April 3<sup>rd</sup> and June 1<sup>st</sup>, 2021 at a value of \$24,600.00.

Table 2: Individual Violations Associated with Summary Settlements Issued.

Law	Violation	SS Amount	State
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HMS	Fishing Without Valid Atlantic HMS Permit	\$375.00	MA
HMS	Possession of Undersized Porbeagle Shark	\$375.00	MA
MMPA	Dolphin Take	\$100.00	MA
ACFCMA	Possession of Illegal Lobster	\$2,000.00	ME
ACFCMA	Possession of Illegal Lobster	\$2,000.00	ME
ACFCMA	Possession of V-Notched Lobster	\$2,000.00	ME
ACFCMA	Fishing Without Valid Federal Permit	\$500.00	ME
ACFCMA	Possession of V-Notched Lobster	\$2,000.00	ME
ACFCMA	Possession of Egg Bearing and Undersized Lobster	\$3,750.00	ME
Lacey Act	Illegal Lobster Import	\$5,750.00	ME
MSFCMA	Fishing Without Valid Federal Permit	\$500.00	ME
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$250.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$750.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$250.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$750.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$500.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$250.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$250.00	NJ
HMS	Fishing Without Valid Atlantic HMS Permit	\$500.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$250.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$500.00	NJ
MMPA	ALWTRP Gear Violations	\$1,000.00	NY
<b>Total</b>		<b>\$24,600.00</b>	<b>-</b>

## Northeast VMS Program (3<sup>rd</sup> Quarter Summary, FY 2021)

\*Updated June 2<sup>nd</sup>, 2021

### NE-Approved VMS Vendors and Units:

Woods Hole Group - Thorium Leo & Thorium Triton

SkyMate - I1500 & M1600

Network Innovations - Sailor Platinum (no longer approved for installation)

AddValue - Wideye iFleetONE

Orolia OmniCom

### NE VMS Unit Population:

- 944 registered vessels
 

Woods Hole Group	470
SkyMate	450
McMurdo	18*
Network Innovations	3*
Orolia	3



AddValue 0

- 2 Canadian Transshipment vessels\*
- 8 vendor test units (installed at NED OLE)

\* see the 'Significant VMS Issues' (next page)

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

595 Ocean Quahog (OQ-6)  
595 Surfclam (SF-1)  
536 Scallop General Category (LGC-A,B,C)  
360 Multispecies (MUL-A,D,F)  
346 Scallop Limited Access (SC-2,3,5,6,7,8)  
222 Longfin Squid (SMB-1A)  
126 Herring (HER-A,B,C,E)  
123 Mackerel (SMB-T1,T2,T3)  
69 Illex Squid (SMB-5)  
46 Longfin Squid (SMB-1B)  
47 Combination (MUL-E)  
15 Monkfish (MNK-F)  
9 Maine Mahogany Quahog (OQ-7)

**Groundfish Sector/Common Pool:**

There are 296 groundfish sector vessels and 124 common pool vessels registered to the NE VMS Program.

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

A total of 68 VMS-equipped vessels are on a NMFS -approved power down letter of exemption; of these, the owners of 23 vessels have deactivated their VMS with their vendor during the LOE period. Additionally, there are 22 vessels with LAGC scallop permits on a Power Down declaration in port.

**Industry Contact Log Report:**

To date, in the 3<sup>rd</sup> quarter FY21, the NE Investigative Support (IS) Team addressed 263 industry issues and closed 207 issues or 79%. The most-frequently reported issues were (1) Activation/Deactivation, (2) Declarations/Forms Assistance, and (3) E-forms Compliance.

**Significant VMS Issues:**

Canadian Salmon Transshipment: NMFS Office of International Affairs issued a foreign fishing vessel permit in December 2020 to 4 Canadian transshipment vessels for CY2021. The permit allows these vessels to enter the U.S. EEZ and Maine state waters to receive Atlantic salmon from aquaculture pens and transship them to a processing facility in New Brunswick. During this quarter, one vessel, Atlantic Bay, has taken several trips and reported their position and activities via VMS as required by their permit. A second vessel, Ronja Carrier, has activated its VMS but has yet to take its first trip.

Stellwagen Sanctuary Wreck Avoidance: At the request of the Sanctuary, the Investigative Support Team implemented the sending of automated messages by our vTrack monitoring system upon detection of vessels entering at fishing speeds in a geofenced area around 4 shipwrecks (just south of the Western Gulf of Maine Closed Area). The purpose of the messages is to alert vessel operators of sensitive wreck sites and encourage their avoidance while fishing.

North Atlantic Right Whale Speed Restriction: The Investigative Support Team submitted a specification for the development of new vTrack SQL reports that would allow users to query and identify vessels exceeding SMA speed restrictions using AIS data. HQ OLE approved the specification and we're working with the VMS contractor developing the new reports.

VMS Vendor Decertification: HQ OLE sent a letter to Network Innovations notifying the vendor that the Sailor Platinum VMS will no longer be certified in the Greater Atlantic Region effective November 1, 2021. The vendor has not been able to keep pace with the required changes to the Northeast VMS reporting software. Only a few vessels have these units installed. The vessel owners were notified by certified letter that they must replace their VMS by October 31, and that they may be eligible for reimbursement even if they had previously received a reimbursement.

McMurdo Omnitrac Replacement: The Omnitrac was decertified in March 2020. Of the original 700+ vessels with this VMS, only 18 vessels have yet to replace their unit with an approved VMS. Their power down letters of exemption ended on May 1, 2021, requiring the owners to activate an approved VMS before their permits can be renewed.

## **Observer Program Highlights (3<sup>rd</sup> Quarter Summary, FY 2021)**

There are no updates since the 2<sup>nd</sup> Quarter, FY 2021 data included in the last OLE report presented at the April NEFMC meeting. A 3<sup>rd</sup> Quarter, FY 2021 summary will be available at the September meeting.

## **Cases sent to NOAA General Counsel Enforcement Section (GCES)**

NED forwarded 17 cases to GCES between April 5th and June 3rd. 5 cases were criminal case referrals. 11 cases involve alleged fishing vessel violations and 1 case involves transiting through two Mid-Atlantic Seasonal Management Areas at excessive speeds. They include but are not limited to: HMS violations, false data submissions, observer harassment, SMA violations, permit violations, and closed area violations.