

Council Report – Third Quarter, FY 2023



April 1, 2023 – June 30, 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 2,ⁱ conducted essential operations so far this summer and will continue those operations as we move into fall. All our staff strive daily to support our mission objectives. Enforcement Officers (EOs) and Special Agents (SAs) maintain a presence in our crucial fishing ports. Our EOs and SAs initiate and pursue investigations and provide outreach and compliance assistance when needed, while our 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 we performed to protect marine wildlife and habitat. We all 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 1-9 and Tables 1 and 2, below, include our third quarter, FY 2023 enforcement data. Please keep in mind we do not release information on any ongoing or open investigations. We welcome feedback on any section of this report.

NED Enforcement Highlights

Our third quarter, FY 2023 law enforcement efforts continued to focus on two main priorities: Enforcing laws critical to the survival of the North Atlantic Right Whales (NARWs) and amplifying our collaboration with the Northeast Fisheries Observer Program (NEFOP). Our collaboration with NEFOP aims to reduce the overall number of observer related incidents 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, the Atlantic Coastal Fisheries Cooperative Management Act, and others.

Our third quarter enforcement efforts to protect and conserve the NARW population are outlined in a dedicated section of this report starting on page 4. Similarly, we outlined our third quarter work in support of NEFOP starting on page 11.

Enforcement and Compliance

The following metrics highlight our higher priority and most impactful activities. For instance, roughly 1 in 4 of the patrols we conducted make it to that report. We compile these metrics from a weekly internal NED report. Those the metrics in this section of the report are not precise, they break down our personnel resource allocations and efforts that resulted in more meaningful work products.

In the third quarter, FY 2023, there were approximately 14 high priority operations and/or patrols that occurred either on land or at sea. There were 10 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 33 instances of

ⁱ Both OLE and U.S. Coast Guard (USCG) separate out areas of specific geographic coverage by "Division". For NED, our 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.

participation in various, significant, NOAA internal and external government partner meetings/events. There were also 6 seaport container inspections and inspection operations to monitor seafood imports. Inspection operations may cover multiple days and typically involve multiple enforcement partners. Our EOs and SAs initiated at least 20 high priority investigations based on previously conducted patrols and container inspections.

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 our ISP staff, Compliance Liaison, and administrative staff 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. As mentioned above, these metrics only capture a subset of our total work products. Multiple vessels may be boarded and multiple docks may be visited across multiple days on a single operation or patrol,ⁱⁱ such as listed in Figure 1. Land based operations and patrols may also involve dealer and vehicle inspections.

Enforcement Field Work and Outreach Effort Summary

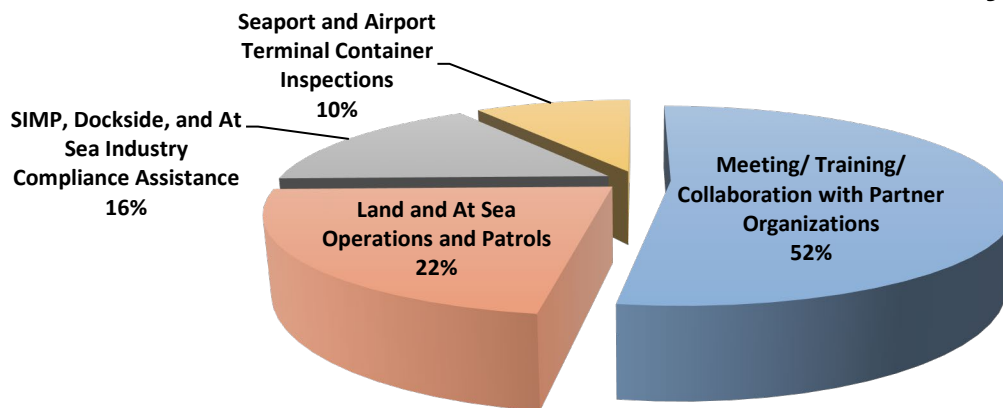


Figure 1: Roughly 63 events took place between and April 1, 2023 and June 30, 2023. The figure is broken down by land and at sea operations and patrols, internal government meetings, training events and collaborative efforts with partner organizations, dockside and at sea outreach and industry compliance assistance, and seaport and airport terminal container inspections.

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 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 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.

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

Vessel Speed Rule Enforcement

Multiple [Seasonal Management Areas](#) (SMAs) are in place along the eastern seaboard from November through July to reduce lethal vessel strikes. During these times of year, most vessels 65 feet or longer are required to reduce their speeds to 10 knots or slower while transiting the designated areas. These speed restrictions help reduce the lethality of strikes, allow boaters more time to sight and respond to nearby whales, and allow whales more time to move away from oncoming vessels.

We are 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:

- Automatic Identification System (AIS) to detect speeding;
- Portable radar units to detect speeding by vessels not carrying AIS (such as the M2 unitⁱⁱⁱ);
- Active patrolling of Seasonal Management Areas (specialized equipment allows us to measure ocean current speed to determine if a deviation from the speed limit is warranted);
- Industry and public outreach to help stop violations before they happen.

We do our best to provide the public with the information they need to comply with the regulations. Since November, 2021, we have instructed hundreds of vessel owners along the Atlantic coast about the current vessel speed rule and the potential penalties for violations. In addition, reacting in near-real time and leveraging satellite-based technologies, we sent 225 alerts to vessels operating in close proximity to NARWs in the first three quarters of FY 2023. Our ISP helps support operations with real time alerts for SAs and EOs in the field. We will continue to evaluate our efforts to maximize our ability to enforce the speed rule.

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, but recreational pleasure craft in particular. Our EOs and SAs along with GCES staff continue to investigate these types of violations.

Third Quarter, FY 2023, Vessel Speed Rule Enforcement Activity

The following list includes related work we conducted, in chronological order:

- In the first week of April, an EO and SEO conducted a three day NARW speed rule operation in the port of New York with NY Department of Environmental Conservation (NYS DEC) and USCG Investigative Service. A total of 15 vessel speeds were checked utilizing AIS and handheld and Doppler radar. No violations were observed. In support of the operation, ISP staff set up AIS alerts in Proteus, a U.S. Navy run ship tracking software program, that were then sent to EOs conducting the operation. Proximity alerts were also set up for this operation with a geofence^{iv} around a NY Joint Enforcement Agreement (JEA)^v patrol vessel.

iii Please read the April edition of the [NOAA Fisheries Navigator insert to the Commercial Fisheries News](#) (page 3) for more information on our M2 mobile radar unit.

iv A geofence is a virtual fence or perimeter around a physical location.

v We often refer to individual state enforcement partners as our JEA partners. We have JEA agreements in place with all coastal states in our area of coverage. The basic premise of a JEA agreement is that federal funds are distributed to a state enforcement partner as a “force multiplier” so that state enforcement officers may help enforce federal fisheries regulations.

- Again in the first week of April, ISP staff sent 31 Vessel Monitoring System (VMS) messages to multiple vessels that staff identified to be fishing in the vicinity of sighted NARWs.^{vi} Based on surveys at the time, NARWs were spotted within Cape Cod Bay, south of Nantucket, and the east side of Cape Cod.
- The next week, an EO alongside Massachusetts Environmental Police (MEP) conducted a patrol in part to enforce speed restrictions inside the Cape Cod Bay SMA. No violations were identified.
- Separately, on April 10, 11 and 13, an EO conducted patrols alongside NYS DEC to enforce speed rule restrictions from Shinnecock, NY to the Block Island SMA. No violations were documented.
- Again in the second week of April, an SA investigated two private vessels for allegedly violating the speed rule. The vessels were documented by AIS to allegedly be in excess of speed restrictions while transiting various SMAs. Case packages were submitted to GCES and resulted in the issuance and payments of \$6,750 and \$22,950 fines, respectively.
- Continuing in the second week of April, ISP staff created five charts illustrating speed rule non-compliance for the 2022-2023 SMA season to support ongoing case processing and sent out messages to another 44 vessels identified to be in the vicinity of NARWs. Surveys this week spotted NARWs within and near to Cape Cod Bay and the east side of Cape Cod.
- In the third week of April, an SA presented at a bi-annual Living Marine Resources workshop for the Cape Cod Air Station pilots and air crew. The topics covered best practices for capturing mark on top positions and photography as well as SMAs and the use of aerial radar to capture vessel speeds.
- Again in the third week in April, an SA coordinated an interagency speed rule enforcement operation in the Cape Cod Bay and Off Race Point SMAs. The operation coincided with the presence of NARWs in Cape Cod Bay. USCG Station Cape Cod Canal, Station Provincetown, Air Station Cape Cod, and MEP dedicated 43 vessel/aircraft patrol hours over three days in support of the operation. An SA participated in an air patrol with USCG during the operation as well. No violations were documented.
- In the last week of April, ISP staff finalized an investigative report to help support a potential ship strike investigation. A whale drift Hindcast^{vii} model and SMA, AIS, and VMS data were compiled into ArcGIS Pro for analysis. Staff analyzed vessels by speed over ground, speed patterns, and anomalous behavior to narrow down potential targets from over 50 vessels. Separately, an ISP staff member compiled a list of vessels that potentially violated the speed rule. ISP staff researched owners for each vessel and then sent compliance letters to each owner.
- In the second week of May, our EOs and an SA conducted a multiday speed rule operation targeting the Cape Cod Bay SMA. An SA conducted an at sea patrol with USCG Station Cape Cod Canal in support of the operation. In addition, an EO and an MEP officer conducted a speed rule patrol inside the SMA. Last, an EO and SA conducted a speed rule patrol with MEP in Cape Cod Bay. No violations were observed on any of the supporting patrols. Education and outreach was provided to one vessel owner/operator transiting from MD to ME.
- The next week, an SA participated in a virtual meeting with a member of the NOAA Integrated Ocean Observing System and a member of private industry to gather information on the use of existing technology and infrastructure as a potential tool to combat speed rule violations.
- In the last week of May, an SA participated in a virtual meeting with several members of USCG Sector NY to discuss utilizing USCG intel resources to help detect areas of vessel presence (vessel clusters: non-VMS/AIS) for patrol planning in SMAs. The SA provided a chart of the

vi Our policy is to broadcast VMS messages to any VMS equipped vessels entering within a 20 nm radius of a confirmed NARW sighting for the following 48 hours.

vii Hindcast is a National Ocean Service model designed to predict debris/oil movement. We used it to predict where a whale carcass could have traveled from based on landing/sighting location date/time and environmental conditions (tide, wind, current).

NY/NJ and Block Island SMAs for use in developing a sample work product. Further discussions will be held to evaluate the viability of this technology for use as an enforcement tool within SMAs, once a related sample work product is complete.

- In the second week of June, ISP staff passed eight case packages to SAs and an EO for follow-up investigation related to alleged speed rule violations. The packages include entries in the NOAA Enforcement Information System (NEIS), investigative reports, vessel ownership documentation, USCG documentation, Geographic Information System charts of the transits, spreadsheets of AIS data, and copies of prior compliance letters sent.
- In the last week of June, in preparation for an upcoming speed rule operation, ISP staff compiled data to aid staff in better visualizing where activity historically occurs inside the SMA. Prior to the start of the operation, they passed along more related information on current activity to the EO planning the operation.

We will be able to provide a status update on case processing (number of cases and total charged value) thus far from the 2022-2023 SMA season in our fourth quarter report to the Council.

Atlantic Large Whale Take Reduction Plan 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 enforces ALWTRP laws to reduce the risk of large whale entanglement in fixed gear fisheries. 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.

Second and Third Quarter ALWTRP Enforcement

Because of a time delay, we were not able to include second quarter, FY 2023 ALWTRP enforcement patrol and compliance data to the Council in our written second quarter report that was submitted to the Council in advance of this year's June meeting. Figures 2 and 3, below, illustrate our estimated ALWTRP compliance and patrol efforts, respectively, in the second quarter, FY 2023. Figures 4 and 5, starting on page 10, illustrate our third quarter estimated ALWTRP compliance and patrol efforts, respectively, in the third quarter, FY 2023. All ALWTRP enforcement data illustrated below involves the northeast lobster and crab pot and trap fishery.

Second Quarter ALWTRP Enforcement:

Between January 1 and March 31, about 78% of all inspected vessels were compliant with no observed ALWTRP non-compliance. This is down from 88% compliance for the previous quarter (first quarter, FY 2023). This is primarily due to Maine Marine Patrol (MMP) efforts to identify wet storage violations, which increase in number in the winter months, as well as improved efforts targeting non-compliant vessels. Out of about 254 vessels inspected by boarding officers, 199 had no observed ALWTRP violations.

The vast majority of second quarter, FY 2023 ALWTRP patrol efforts were carried out independently by MMP. Our EOs and SAs often conduct land and sea based patrols independent of an enforcement partner and all MEP and USCG D1 patrols listed in Figure 3, below, were partner patrols with us. We partnered on or conducted independently, 13 land and sea patrols, in addition to 1 air patrol with USCG D1.

Second Quarter FY 23 ALWTRP Lobster Vessel Inspection Compliance Rate

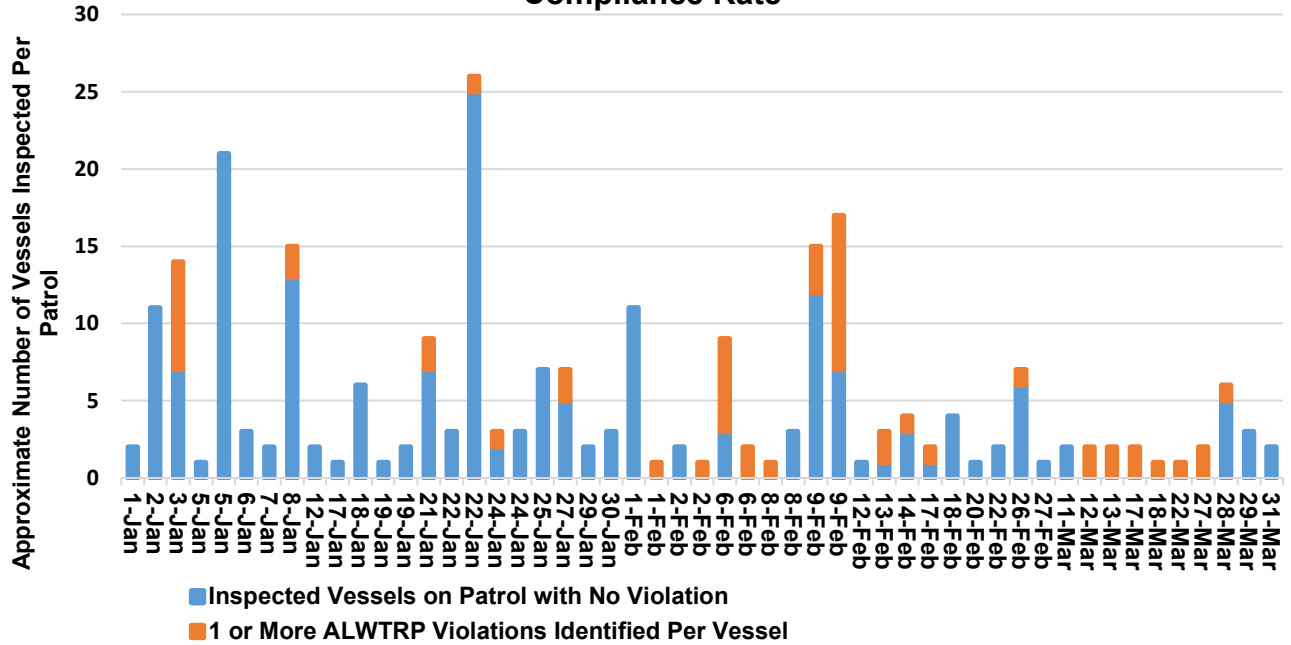


Figure 2^{viii}: Shown here is the compliance rate observed on individual patrols conducted by OLE and our state enforcement partners from MA to ME. Each bar represents an individual patrol and the blue and/or orange color within each bar represents the total number of compliant and/or non-compliant vessels, respectively, per patrol. Combined, enforcement partners inspected approximately 254 separate vessels for compliance with ALWTRP regulations between January 1 and March 31, 2023.

Second Quarter FY 2023 ALWTRP Lobster Patrols

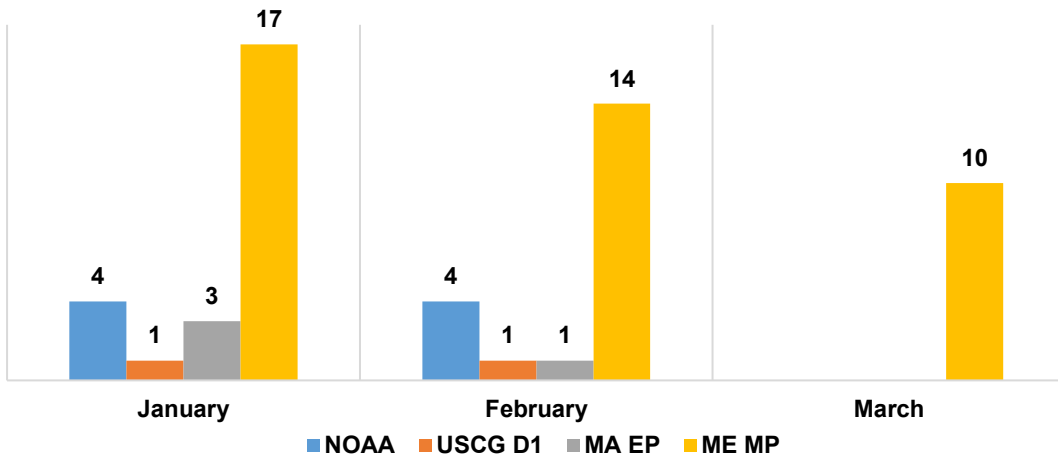


Figure 3: This figure shows a breakdown, by month and enforcement partner, of the number of patrols between January 1 and March 31, 2023. OLE and our enforcement partners conducted an aggregate of 54 ALWTRP patrols in this time period.

^{viii} Figure 2 does not include patrols listed in Figure 3 where no vessels were located during the patrol.

Third Quarter ALWTRP Enforcement:

The following list includes related work conducted by our EOs and SAs, in chronological order:

- In the second week of April, an EO conducted an at-sea patrol with MEP, as mentioned above, in part to look for illegally set lobster gear inside the Massachusetts RGA and Wedge Area.^{ix}
- In the second week of May, an EO conducted an ALWTRP focused land patrol in Portsmouth, NH. The EO provided related outreach and compliance assistance to three vessels.
- Also in the first week of June, several D1 and D2 EOs/SAs and Stellwagen Bank National Marine Sanctuary (SBNMS) staff attended a two day training program on a recently acquired side scan sonar (SSS) unit. OLE discussed multiple uses for SSS including locating lobster trap trawls without surface gear, identifying floating vs. sinking ground line, as well as recovering jettisoned trawl or dredge gear.
- In the second week of June, an EO partnered with MEP on an ALWTRP focused patrol inside and adjacent to MA state waters, including inside SBNMS. No violations were documented.
- In mid to late June, our Compliance Liaison (CL) collaborated with the Greater Atlantic Regional Fisheries Office's (GARFO) Sustainable Fisheries and Protected Resources Divisions as well as the Northeast Fisheries Science Center's (NEFSC's) Protected Species Branch on the classroom component of a ropeless gear workshop. The workshop involved mostly GARFO staff and was designed to help increase participant's familiarity with ropeless technology available to the fixed gear lobster/jonah crab fishery currently through an Experimental Fishing Permit. The CL delivered an enforcement related discussion on all three days of the workshop. NH Sea Grant helped administer the workshops alongside multiple GARFO staff. Participants included GARFO's Regional Administrator.

Between April 1 and June 30, about 87% of all inspected vessels were compliant with no observed ALWTRP non-compliance. This up from 78% compliance for the previous quarter (second quarter, FY 2023), as mentioned above. Out of about 312 vessels inspected by boarding officers, 270 had no observed ALWTRP violations.

ix The "Wedge" is an area offshore of Massachusetts that was temporarily closed to trap/pot buoy lines in both 2022 and 2023.

3rd Quarter FY 2023 ALWTRP Lobster Vessel Inspection Compliance Rate

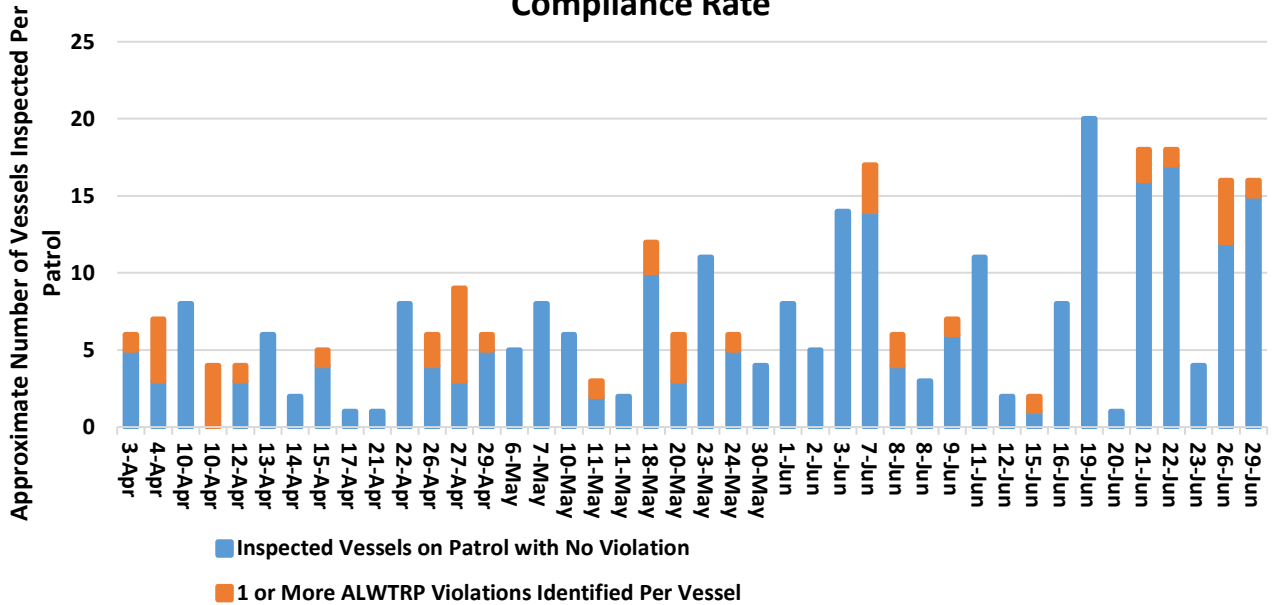


Figure 4^x: Shown here is the compliance rate observed on individual patrols conducted by OLE and our state enforcement partners from MA to ME. Each bar represents an individual patrol and the blue and/or orange color within each bar represents the total number of compliant and/or non-compliant vessels, respectively, per patrol. Combined, enforcement partners inspected approximately 312 separate vessels for compliance with ALWTRP regulations between April 1 and June 30, 2023.

Third Quarter FY 2023 ALWTRP Lobster Patrols

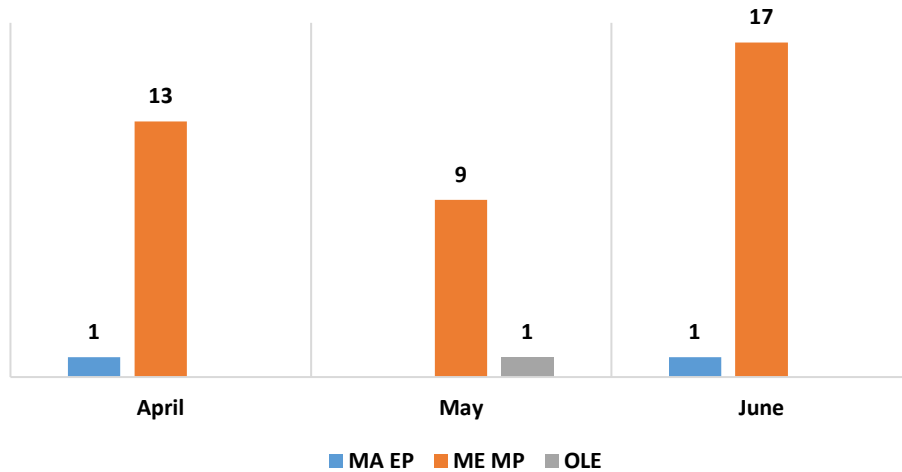


Figure 5: This figure shows a breakdown, by month and enforcement partner, of the number of patrols between April 1 and June 30, 2023. OLE, MEP, and MMP conducted an aggregate of 42 ALWTRP patrols in this time period.

^x Figure 2 does not include patrols listed in Figure 3 where no vessels were located during the patrol.

Third Quarter Whale Stranding Activity

We continue to respond to, participate in, and investigate large whale stranding events any place they may tragically occur within our two divisions' ranges of coverage. In the third quarter, FY 2023, we responded to the following three whale stranding events:

- In the second week in May, an EO collaborated with NYS DEC, U.S. Department of Interior (USDOI) Park Rangers, marine mammal responders, and USCG D1 to assist with a stranded minke whale in Moriches Bay, NY. Marine mammal responders conducted a necropsy prior to local authorities burying the whale on site.
- In mid-May, an EO assisted marine mammal responders with a stranded, rare, offshore beaked whale at a popular beach in MA. Responders were able to relocate the whale to an out of the way location for further investigation. The EO assisted with crowd control and education while a necropsy was conducted. Further analysis showed no signs of human interaction.
- In the first week of June, an EO partnered with NYS DEC officers and marine mammal responders on a patrol to locate a deceased whale off Long Island. Patrol participants photographed the whale and took DNA samples. They also attached a tracking device to it. On a separate, related patrol on the same day, the EO collaborated with Southampton Marine Patrol and a marine mammal responder to tow to shore and successfully beach the whale.

NEFOP Enforcement Collaboration

In support of our priority to aid NEFOP, our goals are to reduce the overall number of observer related incidents and help encourage observer retention. Our third quarter FY 2023 efforts in support of this priority involved close collaboration with staff from NEFSC's Fisheries Monitoring Operations Branch (FMO) and industry members.

We recognize that observer retention is a challenge even under ideal circumstances. Although industry concern over COVID-19 transmission due to observer requirements may be waning, those with pre-existing health conditions may still have related concerns to carrying observers. Recent increases in coverage rates in the northeast groundfishery and the Northern Gulf of Maine (NGOM) scallop fishery have also placed additional strain on the observer program and industry. Full implementation of [Amendment 23](#) last January increased At Sea Monitoring (a form of observer coverage) coverage rates and NGOM scallop permit holders^{xi} must call into the [Northeast Industry-Funded Scallop Observer Program](#) as of April 1, 2022. NEFOP's inability to provide vessels with suitable life rafts to accommodate observers past June 30, 2023 may also complicate observer relations with industry and is a topic we now regularly address with industry and observers.

We plan to accomplish goals, such as increased observer retention, under this priority by working more closely with industry members, members of the observer program, and our enforcement partners. We will also encourage best practices and standards of behavior among industry and the observers. Our enforcement of observer related violations remains unchanged.

Our more significant third quarter, FY 2023 activities in support of our NEFOP priority are as follows:

- D2 SAs and EOs attended an observer roundtable meeting at the OLE Field Office in Wall, NJ, in the first week of April. Topics covered included OLE response and how the cases flow to OLE, recent issues encountered, difficult parts of the job, how we handle requests for assistance from OLE to conduct outreach at ports, the NEFSC's Vessel of Concern list, and more.

xi Limited Access General Category (LAGC) NGOM permit holders were included in industry funded scallop observer program call in requirements by the implementation of Amendment 21 to the scallop FMP.

- In the third week of April, an SA attended an Advanced Sexual Assault Investigations training hosted by the Plainville, MA Police Department and presented by [SRR Training](#). Attendees of this Advanced Sexual Assault Investigations training enhanced their knowledge on a wide range of topics such as learning about the various types of rapists, identifying and dealing with each of them, re-interviewing a victim, and tactfully working with the victim to find the truth. The class also covered trauma-informed investigations which helps ensure the safety and wellbeing of the reporter.
- On four occasions in the third quarter, FY 2023, an SA was an active participant of the Observer Support Panels for Base + NEFOP Training events. The sessions included members of the Observer Support Team who are a part of the safety culture that supports all observers. The goal of the panels are to present and describe the support system that exists for observers, should conflict or incidents at sea arise.

If you have questions on this topic, you may contact us at the following numbers:

- NED 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

From April 1 through June 30, 2023, the NOAA Observer Program deployed on 1168 trips for 3,697 sea days. We initiated five investigations based on Incident Reports we received this quarter. Ninety-nine point six percent of all selected or observed trips were completed without an enforcement referral/investigation^{xii}.

Incident Information

Incidents listed in this section come directly from NEIS,^{xiii} OLE's electronic case management system. Incidents referenced here include investigations and patrols mentioned in the NED Enforcement Highlights section, 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. They also include ISP and other NOAA staff indicated non-compliance events. Many of our staff 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 NEIS. As incidents created in NEIS, such as investigations, occurred prior to the date of entry into NEIS, the information presented in this section is meant to present an accurate snapshot of our activity in the third quarter, FY 2023, not a precise account of all activities that have occurred during that time.

xii 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.

xiii On September 15, 2022 we transitioned from Trident, our former case management system, to NEIS, our current system. All case information that was available in Trident, is now in NEIS. Beginning on September 16, OLE staff nationwide began entering in all new case information in NEIS.

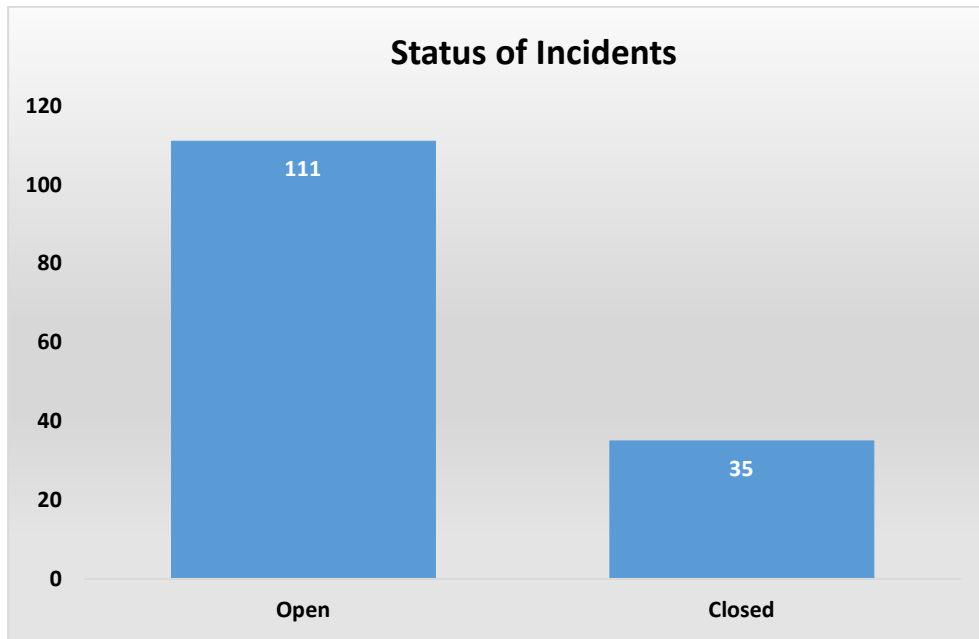


Figure 6. Status of incidents entered in NEIS between and including April 1 and June 30, 2023 (35 closed, 111 open).

Table 1: Third Quarter, FY 2023, summary of incidents by law/regulation

Law/Regulation/Program	Incident Totals
Marine Mammal Protection Act	44
ACFCMA	5
Endangered Species Act	3
MSFCMA	55
HMS	12
International Trade Program	16
Lacey Act	2
ESA/Lacey Act/Shark Fin Sales Ban	1
Atlantic Striped Bass Conservation Act	5
National Marine Sanctuaries Act	2
Other Federal Law/Regulation	1
Total	146

Third Quarter, FY 2023 Incidents by Law/Regulation

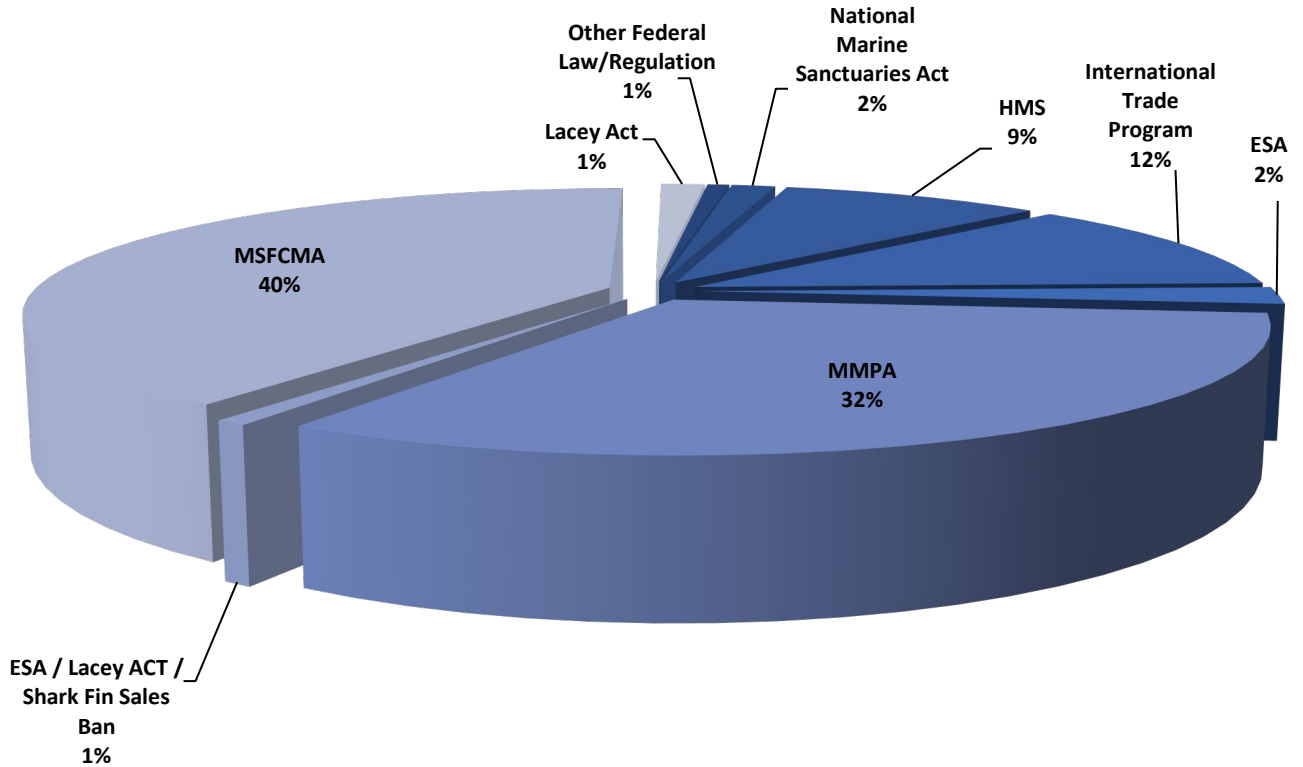


Figure 7: Incidents in NEIS broken down by specific law or program violation from April 1 through June 30, 2023.

Third Quarter, FY 2023 Incident Dispositions

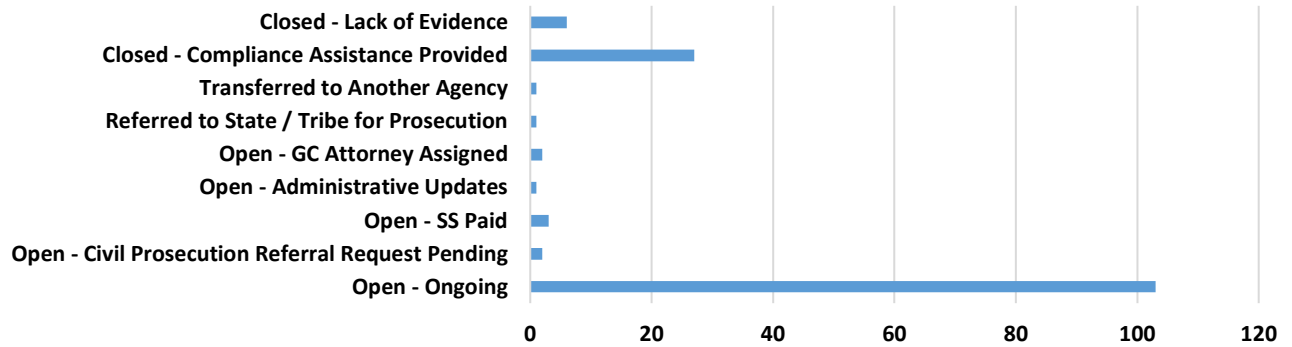


Figure 8. Incident dispositions from April 1 through June 30, 2023.

Summary of Incidents Involving OLE Partners

A total of 72^{xiv} incidents entered into NEIS between April 1 and June 30 of this year involved our (NED) collaboration with at least one other federal, state, or other enforcement partner^{xv}. Figure 9, below, tallies the total number of occasions where we collaborated with an enforcement partner on patrols, seaport and/or airport terminal container inspections, whale stranding events, or referred case packages.

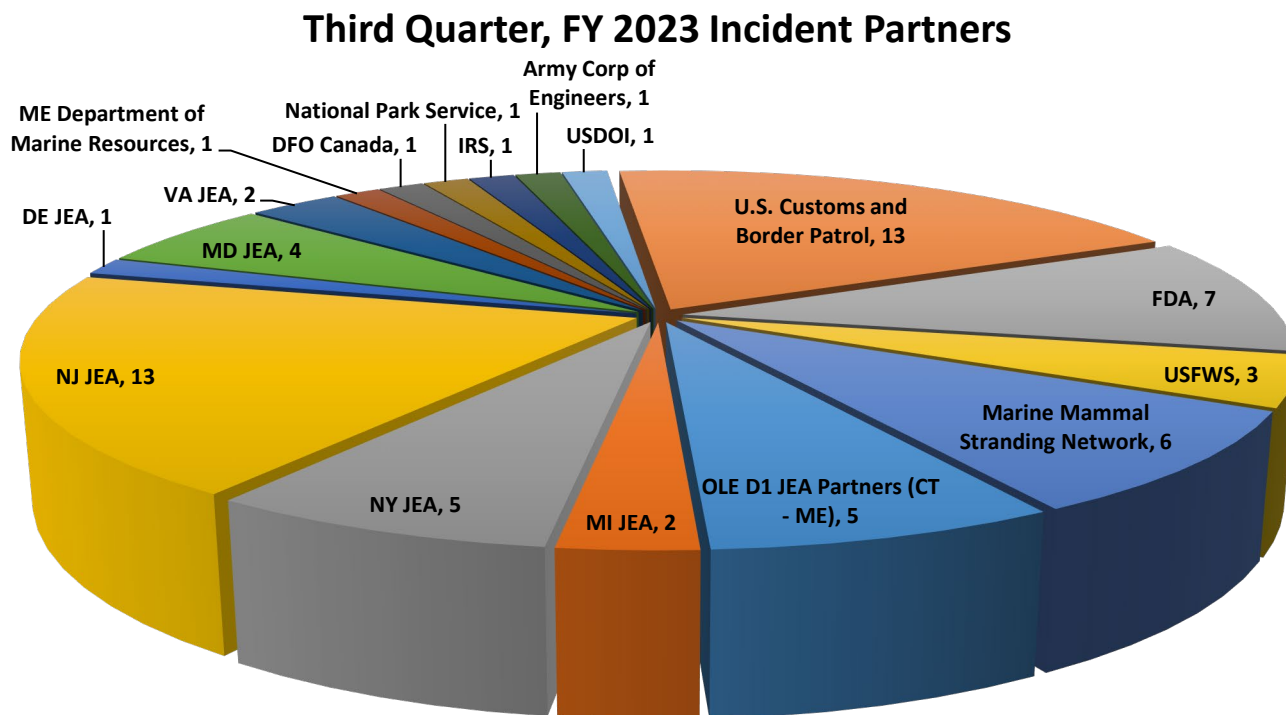


Figure 9. Incidents entered into NEIS between April 1 and June 30, 2023 where one or more federal, state, or local enforcement partners collaborated with our staff (the number of collaboration events with a specific enforcement partner is listed by “Enforcement Partner, XX”). Observer program related referrals are included here, but all other NOAA internal referrals are not.

Overview of NED Summary Settlements

We issued Summary Settlements for 18 violations associated with 10 incidents between April 1 and June 30, 2023 totaling \$11,942.23. Data included in this section also comes from NEIS. Many

xiv The total number of instances where we collaborated with at least one other enforcement partner, as illustrated in Figure 9, is greater than the 86 incidents referenced in this data set. Where multiple enforcement partners collaborated on a single incident, those partners were tallied separately in Figure 9.

xv Activities such as patrols and operations involving our enforcement partners that did not result in an incident, are not captured in this graphic

incidents with Summary Settlements listed here predate incidents listed in the “Incident Information” section, above.

Table 2: Individual Violations Associated with Summary Settlements Issued in the third quarter, FY 2023.

Law	Violation	SS Amount	State/ Country	Commercial / Recreational / For Hire
ASBCA ^{xvi}	Striped Bass Possession in the EEZ	125.00	NJ	Recreational
ASBCA	Fish for Striped Bass in the EEZ	125.00	NJ	Recreational
ASBCA	Striped Bass Possession in the EEZ	250.00	NJ	For Hire
Lacey Act	Commercial Sale Label Fraud	250.00	MA	Commercial
MSFCMA	Vessel FVTR Reporting Failure	500.00	NJ	Commercial
HMS	HMS Possessed in Improper Form	625.00	NJ	Recreational
HMS	HMS Possession Without a Valid Permit	625.00	NJ	Recreational
HMS	Shark Possessed in Improper Form	500.00	VA	Recreational
HMS	Shark Possession Without a Valid Permit	500.00	VA	Recreational
HMS	Shark Fishing Gear Violation	500.00	VA	Recreational
MSFCMA	SIMP Non-Compliance	2000.00	MA	Commercial
Lacey Act	Illegal Lobster Transport	2000.00	Canada	Commercial
Lacey Act	Illegal Lobster Transport	2000.00	Canada	Commercial
Lacey Act	Illegal Lobster Transport	416.66	Canada	Commercial
MSFCMA	Possession of Egg Bearing Lobster	416.66	Canada	Commercial
MSFCMA	Possession of V-Notched Lobster	416.67	Canada	Commercial
MSFCMA	Scallop Fishing Without a Valid Permit	500.00	MA	Commercial
MSFCMA	Monkfish Possession Violation	192.24	CT	Commercial
Total	-	\$11,942.23		-

Northeast VMS Program

Updated July 21, 2023

NE VMS Unit Population (active):

<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):

- 935 registered vessels

^{xvi} In our prior reports to the Council, we listed striped bass cases as ACFCMA violations. Our striped bass cases and associated violations more closely fall under the authority of the Atlantic Striped Bass Conservation Act (ASBCA).

- Woods Hole Group 452
- SkyMate 477
- Network Innovations^{xvii} 1
- MetOcean^{xviii} 5
- AddValue 0
- 8 vendor test units (installed at NED)

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)
- 581 Ocean Quahog (OQ-6)
- 532 Scallop General Category (LGC-A,B,C)
- 344 Multispecies (MUL-A,D,F)
- 344 Scallop Limited Access (SC-2,3,5,6,7,8)
- 224 Longfin Squid (SMB-1A)
- 118 Herring (HER-A,B,C,E)
- 114 Mackerel (SMB-T1,T2,T3)
- 69 Illex Squid (SMB-5)
- 45 Combination (MUL-E)
- 37 Longfin Squid (SMB-1B)
- 16 Monkfish (MNK-F)
- 5 Maine Mahogany Quahog (OQ-7)

Groundfish Sector/Common Pool:

There are 264 groundfish sector vessels and 131 common pool vessels registered to the NE VMS Program. Sector vessels lost about 8 vessels since the second quarter, FY 2023 and the common pool (vessels fishing under the “Days at Sea” program) gained about 10 vessels since the last report.

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

A total of 23 VMS equipped vessels are on a NMFS approved power down LOE; of these, the owners of 9 vessels have deactivated their VMS with their vendor during the LOE period. Additionally, there are 12 vessels with LAGC scallop permits on a Power Down declaration in port.

Industry Contact Log Report:

In the third quarter of FY 2023, ISP staff and our Compliance Liaison addressed 305 industry issues. The most-frequently reported issue was VMS declaration/forms assistance and compliance. The second most frequently reported issue was VMS non-reporting and power down issues. The third most frequently reported issue was closed area and regulatory concerns and questions.

VMS Notes and Significant Events:

VMS Fleet-Wide Message

Periodically, ISP staff send VMS messages to specific VMS fleets announcing fishery closures and other news. In those messages, staff encourage vessels to monitor their VMS for all incoming messages. In third quarter, FY 2023, ISP staff sent three messages. Staff sent messages

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

xviii This number includes 3 Canadian Transshipment vessels.

for the herring Area 3 closure, the Cape Cod midwater trawl catch cap herring closure, and the NGOM scallop closure.

Monitoring of Closed Areas

For vessel owners and operators, please remember that there are no buffer zones around closed areas and that we actively monitor VMS for closed area compliance. ISP staff encourage industry to keep onboard electronics updated with the correct closed area boundaries. Industry should monitor their VMS for any incoming messages sent from us.

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. In the third quarter, ISP staff sent 90 messages were sent for 10 different sighting events. Also in the third quarter, in support of the speed rule, staff sent 179 compliance notification letters to vessel owners across multiple industries.

SBNMS Shipwreck Avoidance

ISP staff send VMS messages to vessels that enter specific areas to notify owners and operators of known shipwreck locations inside SBNMS. In the third quarter, staff sent 1,576 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.

Cases sent to NOAA General Counsel Enforcement Section (GCES)

We (NED) forwarded 16 cases to GCES between April 1 and June 30, 2023. Four cases involve NARW speed rule (SMA) violations. The other 12 include, but are not limited to: HMS violations, false data submissions, permit violations, closed area violations, and violations of the Shark Fin Sales Elimination Act.