



NOAA FISHERIES

Council Report – 2nd Quarter, FY 2022



February 4th – March 31, 2022

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 2¹ continued to conduct essential operations last winter into early spring and will continue those operations as we move into warmer months. 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. A March 25th Department of Commerce letter indicated a 30 day return to in office activity with updated COVID-19 guidance. The last 2 years of COVID have impacted us all, but this new guidance will largely impact those staff based out of the Gloucester, MA office.

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 1-5 and Tables 1-3, below, pick up where the last Council report left off in early December, 2021. We welcome feedback on any section of this report.

NED Enforcement Highlights

- In support of a new NED priority to reduce the overall number of observer-related incidents, we plan to increase our involvement at observer training events and partner with United States Coast Guard and Joint Enforcement Agreement (state enforcement) partners to increase vessel operator and crew awareness of observer activities during waterfront ops. Organized training events with industry are also being considered to help in this effort. 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 continue to field observer program related enforcement violations as will be outlined in more detail in Table 3, below.
- NED also positioned assets to prioritize recent changes to the Atlantic Large Whale Take Reduction Plan (ALWTRP). While not directly impacting Mid-Atlantic ports, there are now and will be significant impacts to lobster fishermen fishing from Rhode Island, north. NED has engaged in a comprehensive campaign to provide compliance assistance to lobster fishermen commercially permitted to fish in federal waters. This campaign to aid North Atlantic Right Whale (NARW) conservation is two pronged:
 - 1) NED staff are visiting ports of interest such as the many lobster focused ports located in ME and directly engaging with fishermen on the water to discuss their ability to comply with the regulations. These visits are not advertised formally, but in a couple of instances, while coordinating with Maine Marine Patrol, we have advertised our presence in specific locations so fishermen in the vicinity could come to our locations and engage in discussions. Most of these discussions involve aspects of the ALWTRP changes going into effect on May 1, but also the newly added Restricted Gear Areas, part of the new plan changes already in effect. Active enforcement in those areas is

¹ 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.

ongoing. We are in the early stages of planning similar compliance assistance efforts in NJ related to the Harbor Porpoise Take Reduction Plan (HPTRP).

2) We are also participating in GARFO, PRD led gear training workshops alongside JEA partners and USCG D1. We aided in the scheduling of 10 workshops held between Old Lyme, CT and Ellsworth, ME. The last workshop in this series will conclude on April 14th. These training events are 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.

- With GARFO in the middle of the permit renewal season, multiple vessels have been denied permits for VMS non-compliance. Staff with the Investigative Support Program and the Compliance Liaison have assisted numerous vessel owners with obtaining their permits. Vessels have been issued Letters of Exemption (LOE) for VMS units to be powered off, or the owners have resolved the VMS non-reporting issue by simply restarting their systems. This process happens every year and the ISP works closely with the GARFO Permit office to notify them when a vessel becomes compliant with VMS requirements.
- An EO conducted a three day Seafood Import Monitoring Program (SIMP) Operation at the Chicago O'Hare International Airport with the U.S. Fish and Wildlife Service and the U.S. Food and Drug Administration. Multiple inspections were conducted on seafood imports and the EO identified six SIMP entries that warrant further investigation. The EO has requested the chain of custody documents for these entries and the investigations are ongoing.
- Last February, an SA and an EO met with NY State JEA and discussed future JEA priorities, answered questions about Magnusson Stevens Act related enforcement, and networked with new Conservation Officers.
- A couple of patrols have been conducted involving NED staff in the last month:
 - In mid-March NED officers accompanied New Jersey JEA on a vessel patrol from Atlantic City to Cape May. Lobster Management Area 2 and several Special Management Zones were patrolled and fixed gear was inspected. No federal violations were detected.
 - The next week, 2 EOs and 2 MA Environmental Police Officers conducted a joint ROV/NARW speed enforcement patrol involving the deployment of OLE's new ROV for underwater gear inspections and the monitoring of vessel speeds within the speed restriction zone. Again, no violations were observed.
 - The same week, An EO conducted a joint-patrol with the USCG to inspect fixed gear for ALWTRP compliance out of U.S. Coast Guard Station Woods Hole. Two sets of gear appeared to be out of compliance and the EO is working with JEA officers to identify the owners.
 - This week (week of Monday, April 4), scallop patrols off of Gloucester, MA continue to monitor the start of the Northern Gulf of Maine scallop season. So far, regulatory compliance has been high.

Enforcement and Compliance

Since the last Council meeting, there were approximately 13 operations and/or patrols that occurred either on land or at sea. There were 7 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 21 instances of participation in various NOAA internal and external government partner meetings/events, which includes the group of ALWTRP change related enforcement partner training events indicated in the highlights, above. There were also 4 seaport container inspections to monitor seafood imports. NED EOs and SAs initiated at least 10 investigations based on previously conducted patrols and container inspections. Many of those investigations are ongoing.

With the return to in office conditions as described previously, we do not expect recently modified COVID-19 restrictions (e.g., imposed mask mandates if local case numbers spike past a certain level) to have any negative impact on NED activities and operations. Apart from complying with proper safety equipment, safe distancing, and vaccine requirements, there has been little or no impact of COVID-19 on the operations of our sworn staff (EOs and SAs) since the pandemic began.

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 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 are an estimate and multiple vessels may be boarded and multiple docks may be visited across multiple days on a single patrol. Land based patrols may also take place over multiple days and may involve dealer and vehicle inspections.

Enforcement Field Work and Outreach Effort Summary

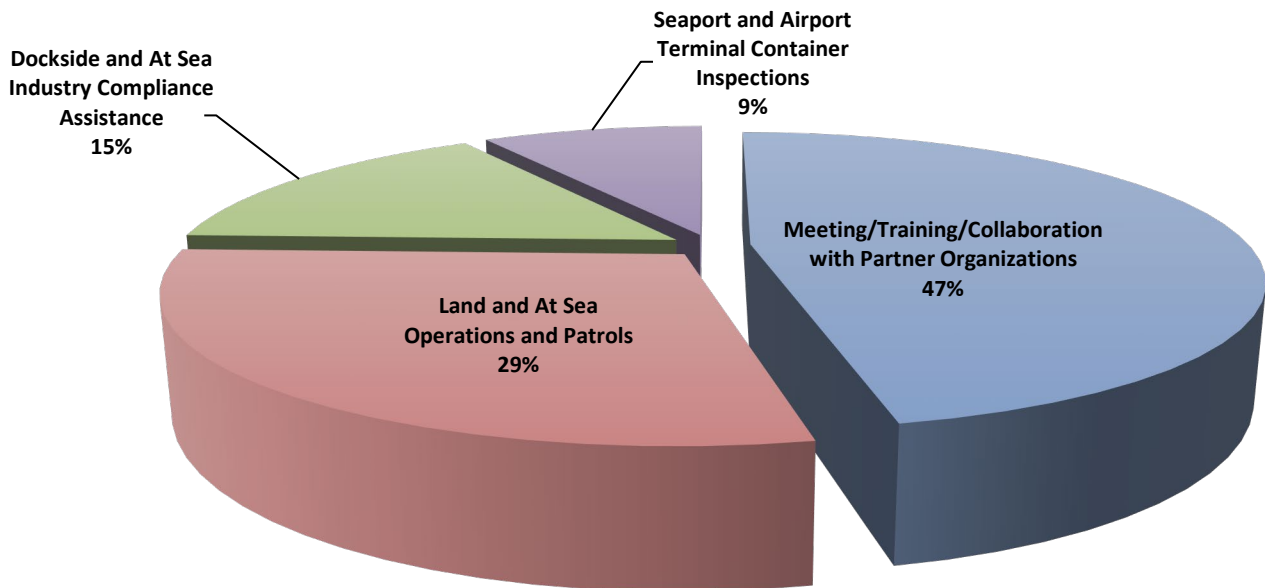


Figure 1: Roughly 45 events took place between February 4th, 2021 and March 31st, 2022. The figure is broken down by land and at sea operations and patrols, internal government meetings, training events, and collaborative efforts with partner organizations, dockside and at sea outreach and industry compliance assistance, and Seaport and Airport Terminal Container Inspections.

2nd 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.

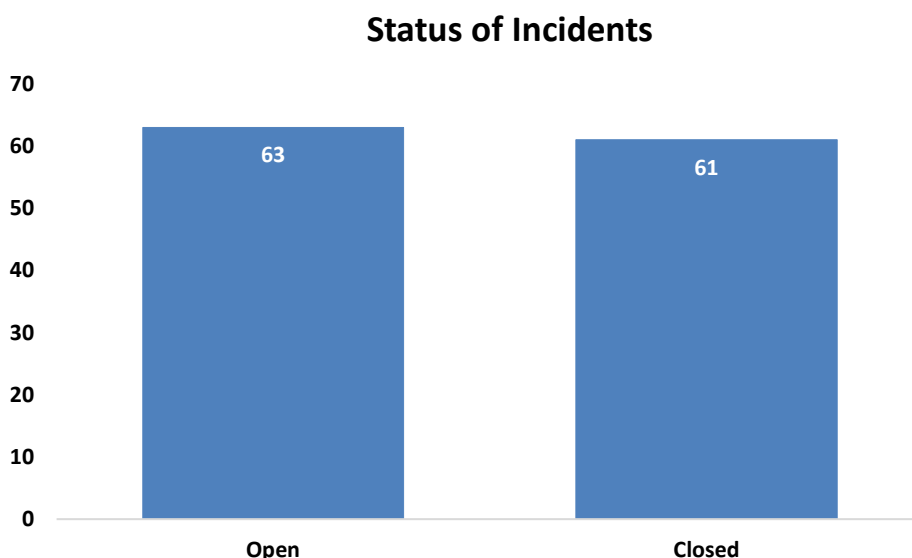


Figure 2. Status of incidents from December 1, 2021 – January 24, 2022 (61 closed, 63 open).

Table 1: 1st Quarter, FY22, summary of incidents by law/regulation

Law/Regulation/Program	Incident Totals
ACFCMA	4
Endangered Species Act	3
MSFCMA	73
HMS	3
State Law/Regulation	2
Marine Mammal Protection Act	8
International Trade Program	8
Lacey Act	14
Other Federal Law/Regulation	9
Total	124

2nd Quarter, FY22 Incidents by Law/Regulation

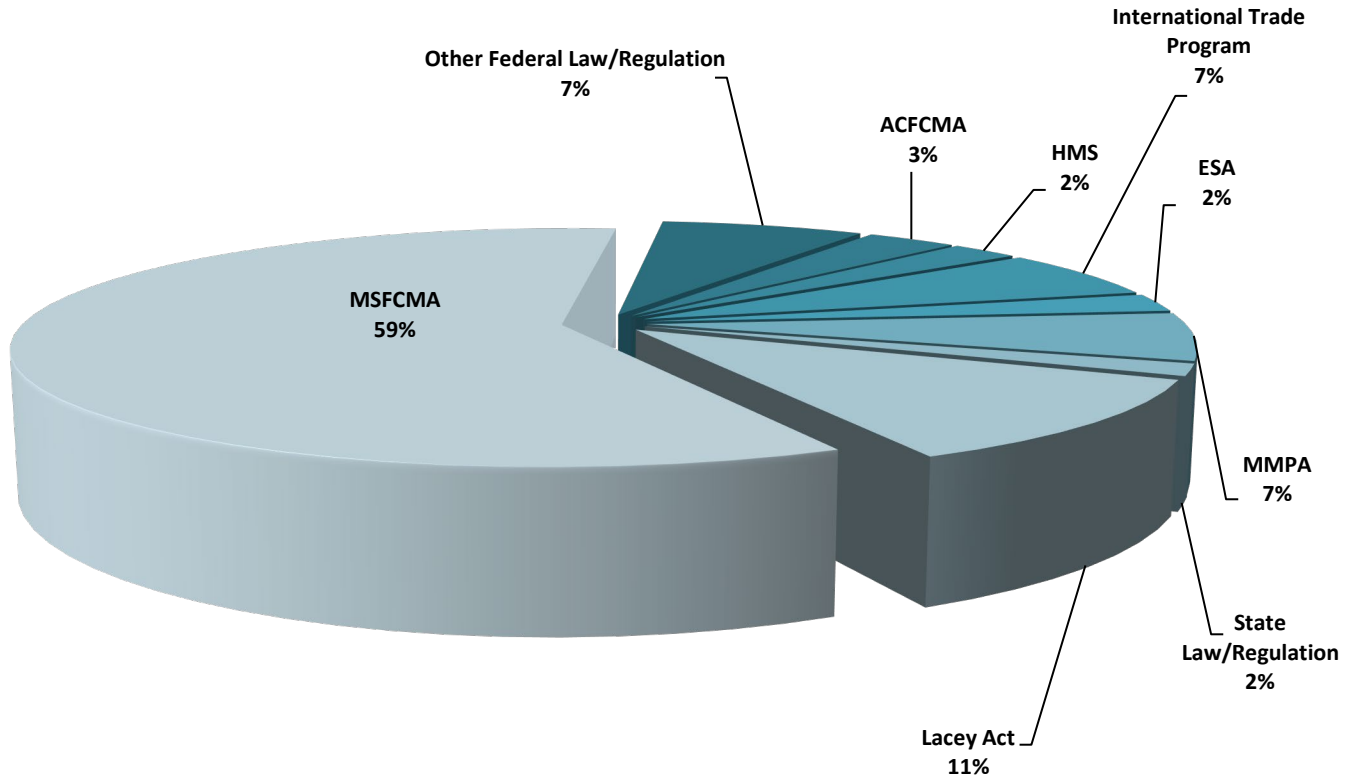


Figure 3: Incidents in Trident broken down by specific law or program violation between January 24, 2022 and March 30, 2022

2nd Quarter, FY 22 Incident Dispositions

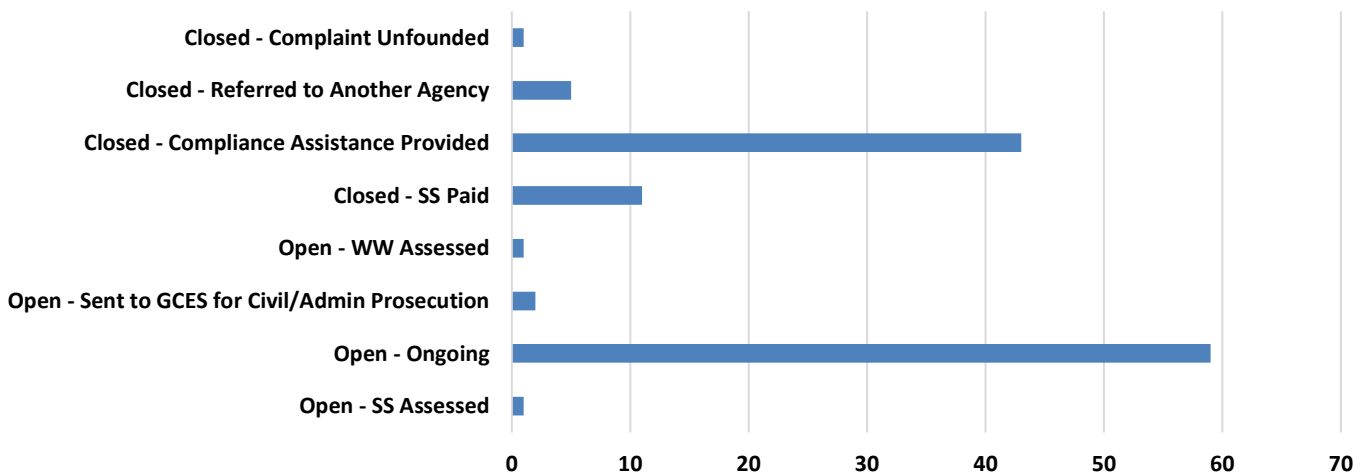


Figure 4. Incident dispositions for incidents in Trident between January 24, 2022 and March 30, 2022.

2nd Quarter, FY 2022 Summary of Incidents Involving OLE Partners

A total of 71² incidents entered into Trident between January 24th, 2022 and March 30th of this year involved NED collaboration with at least one other international, federal, or state enforcement partner. Figure 5, 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.

2nd Quarter, FY 2022 Incident Partners

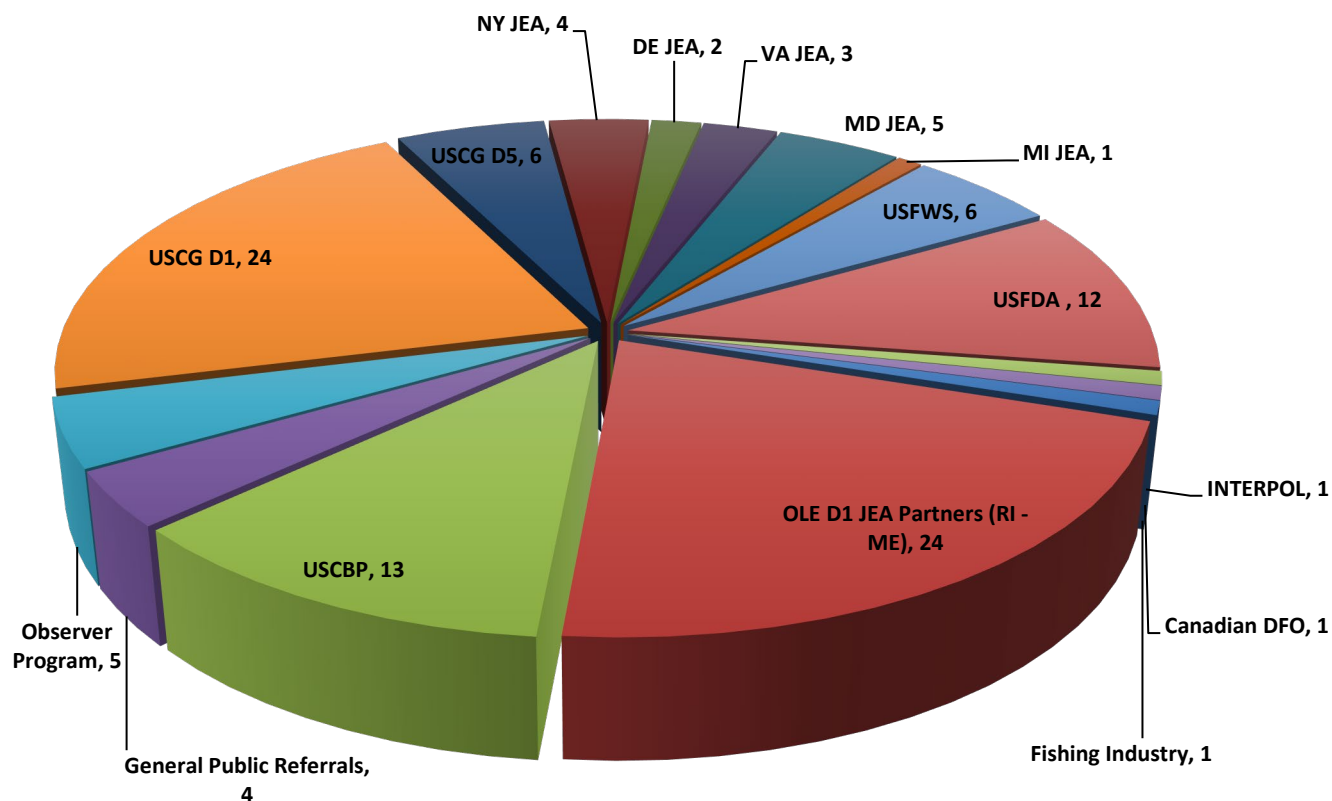


Figure 5. Incidents entered into Trident between January 24, 2022 and March 30, 2022 where one or more international, federal, or state enforcement partner collaborated with NED staff (the number of collaboration events with a specific enforcement partner is listed by "Enforcement Partner, XX"). Observer program related referrals are included here as well.

² The total number of instances of collaboration with at least one other federal enforcement partner or a state enforcement partner is greater than the 71 incidents illustrated here where there was collaboration outside of OLE. In addition, where multiple enforcement partners collaborated on a single incident, those partners were tallied separately in Figure 5, above.

2nd Quarter, FY 2022 Overview of Summary Settlements

A total of 33 violations were associated with 27 Incidents with Summary Settlements issued between January 24th, 2022 and March 30th, 2022 at a value of \$31,847.02. Data included in this section also comes from OLE’s case management system, Trident.

Table 2: Individual Violations Associated with Summary Settlements Issued.

Law	Violation	SS Amount	State	Commercial / Recreational / For Hire
ACFCMA	V-Notch and Undersized Lobster Possession	\$575.00	ME	Commercial
ACFCMA	V-Notch Lobster Possession	\$1,500.00	ME	Commercial
ACFCMA	V-Notch and Undersized Lobster Possession	\$550.00	ME	Commercial
ACFCMA	V-Notch and Undersized Lobster Possession	\$2,500.00	ME	Commercial
ACFCMA	Atlantic Striped Bass Possession in the EEZ	\$500.00	RI	Recreational
ACFCMA	V-Notch and Undersized Lobster Possession	\$1,016.67	ME	Commercial
ACFCMA	Egg Bearing Lobster Possession	\$1,016.66	ME	Commercial
HMS	Failure to Report BFT	\$250.00	RI	Recreational
HMS	Illegal HMS Possession	\$333.34	NY	For Hire
HMS	No HMS Permit	\$333.33	NY	For Hire
Lacey Act	Illegal Lobster Import	\$575.00	ME	Commercial
Lacey Act	Illegal Lobster Import	\$550.00	ME	Commercial
Lacey Act	V-Notch Lobster Possession	\$1,000.00	ME	Commercial
Lacey Act	V-Notch and Undersized Lobster Possession	\$2,750.00	ME	Commercial
Lacey Act	Illegal Lobster Import	\$1,016.66	ME	Commercial
Lacey Act	V-Notch Lobster Possession	\$750.00	ME	Commercial
MSFCMA	Vessel Failure to Report Scallops	\$500.00	MA	Commercial
MSFCMA	Scallop Vessel Possession Overage	\$2,518.19	MA	Commercial
MSFCMA	Scallop Vessel Possession Overage	\$1,422.00	MA	Commercial
MSFCMA	Vessel FVTR Reporting Failure	\$500.00	NY	Commercial
MSFCMA	Scallop Vessel Possession Overage	\$1,143.04	NJ	Commercial
MSFCMA	SIMP Violation	\$1,000.00	MI	Commercial
MSFCMA	Scallop Vessel Possession Overage	\$513.80	MA	Commercial
MSFCMA	Observer Refusal	\$2,500.00	RI	Commercial
MSFCMA	Failure to Report Scallop Pre-land	\$100.00	MA	Commercial
MSFCMA	Multispecies Gear Violation	\$500.00	VA	Commercial
MSFCMA	Vessel FVTR Reporting Failure	\$500.00	RI	Commercial
MSFCMA	SIMP Violation	\$1,500.00	MI	Commercial
MSFCMA	SIMP Violation	\$1,000.00	NJ	Commercial
MSFCMA	Fishing Without Valid For Hire Permit	\$333.33	NY	For Hire
MSFCMA	Observer Refusal	\$2,500.00	VA	Commercial
MSFCMA	Failure to Report Scallop Pre-land	\$100.00	MA	Commercial
Total		\$31,847.02		-

Northeast VMS Program (2nd Quarter, FY 2022)

Updated April 5, 2022

NE-Approved VMS Vendors and Units:

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

NE VMS Unit Population:

- 928 registered vessels
 - Woods Hole Group 466
 - SkyMate 454
 - Network Innovations³ 1
 - MetOcean⁴ 7
 - AddValue 0
- 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):

- 588 Ocean Quahog (OQ-6)
- 587 Surfclam (SF-1)
- 453 Scallop General Category (LGC-A,B,C)
- 351 Multispecies (MUL-A,D,F)
- 332 Scallop Limited Access (SC-2,3,5,6,7,8)
- 218 Longfin Squid (SMB-1A)
- 118 Herring (HER-A,B,C,E)
- 115 Mackerel (SMB-T1,T2,T3)
- 69 Illex Squid (SMB-5)
- 47 Combination (MUL-E)
- 44 Longfin Squid (SMB-1B)
- 14 Monkfish (MNK-F)
- 8 Maine Mahogany Quahog (OQ-7)

Groundfish Sector/Common Pool:

There are 278 groundfish sector vessels and 120 common pool vessels registered to the NE VMS Program.

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

A total of 60 VMS equipped vessels are on a NMFS approved power down LOE; of these, the owners of 29 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.

³ No longer approved for use or installs in the NE. One Alaskan vessel that holds GAR permits currently is equipped with this unit.

⁴ This number includes 3 Canadian Transshipment vessels.

Industry Contact Log Report:

In the 2nd quarter of FY22, the NE Investigative Support Team addressed 156 industry issues and closed 114 issues or 73%. The most-frequently reported issues in order of greatest frequency were VMS Non-Reporting and Power Down issues, VMS Declaration/Forms Assistance and Compliance, and Regulatory questions.

Significant VMS Issues:

VMS Software Update

At the end of December, a VMS software update was pushed to the fleet over the air. The update was needed for the calendar 2022 to be entered on VMS eForms, such as catch and preland reports. If a vessel’s software was not updated, the VMS vendor should be notified to receive the update.

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 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. This quarter, one fleet-wide message was broadcast announcing the Herring Area 3 closure.

VMS Personnel

Ricky Chidsey was hired to fill a vacant position on the VMS/IS team. Ricky started on March 14 and will help with VMS support for the squid, mackerel, and herring fleets.

Type Approval Testing

The VMS team will begin testing a VMS unit from vendor Integrated Monitoring. The FleetOne based broadband system will be tested for functionality and the NE VMS software components.

Observer Program (2nd Quarter Summary, FY 2022)

From January 1 through March 31, 2022, the NOAA Observer Program deployed on 506 trips for 1,905 sea days. Five investigations were initiated based on Incident Reports received this quarter. 99.7% of all selected or observed trips were completed without an enforcement referral/investigation⁵. The summary below and the attached spreadsheet provide additional details.

Table 3: Summary of Observer Program complaints and status

Type of complaint	Number of complaints and status
Refusal	Three refusal investigations related to vessels that sailed without an observer after being selected were received. One was closed with compliance assistance, one will be closed with a Written Warning,

⁵ 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.

	and the third resulted in the issuance of a Summary Settlement penalty.
Assault	None
Harassment/Intimidation	One observer harassment complaint was received and after investigation was forwarded to GCES.
Interference	One observer interference complaint was received. Additional information has been requested from the observer program prior to forwarding on for investigation.
Vessel Safety Equipment/Certification	None
Observer Safety	None
Failure to provide reasonable assistance	None
Failure to provide equal accommodations	None
Observer gear/sample tampering	None
Observer program notification	None
Miscellaneous	A special agent provided enforcement training to a new training class of observers.

Cases sent to NOAA General Counsel Enforcement Section (GCES)

NED forwarded 19 cases to GCES between January 29th and April 4th. 10 cases involve alleged fishing vessel violations which include but are not limited to: HMS violations, Atlantic Striped Bass Conservation Act violations, failure to report, etc. 1 case involves a SIMP violation, 6 cases involve speed restriction violations to protect North Atlantic Right Whales, and 2 cases involve observer harassment.