

# Council Report – Fourth Quarter, FY 2022

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**July 1, 2022 – September 30, 2022**

To Report a Violation Call  
800-853-1964

# Table of Contents

<b>Introduction .....</b>	<b>3</b>
<b>NED Enforcement Highlights.....</b>	<b>3</b>
Enforcement and Compliance.....	3
<b>North Atlantic Right Whale Enforcement .....</b>	<b>5</b>
Vessel Speed Enforcement .....	5
Atlantic Large Whale Take Reduction Plan Enforcement.....	6
<b>NEFOP Enforcement Collaboration.....</b>	<b>9</b>
<b>Incident Information .....</b>	<b>11</b>
<b>Summary of Incidents Involving OLE Partners.....</b>	<b>14</b>
<b>Overview of Summary Settlements.....</b>	<b>15</b>
<b>Northeast VMS Program .....</b>	<b>17</b>
<b>Cases sent to NOAA General Counsel Enforcement Section (GCES).....</b>	<b>18</b>

# Introduction

NOAA Fisheries' Northeast Division (NED) of the Office of Law Enforcement (OLE), Division 1 and Division 2<sup>i</sup>, conducted essential operations last summer and this fall and will continue those operations as we move into winter. All OLE staff strive daily to support our mission objectives. This includes, among other things, initiating investigations and maintaining a presence in crucial fishing ports by our Enforcement Officers (EOs) and Special Agents (SAs) and working behind the scenes to assist with ongoing investigations and operations by our Administrative and Investigative Support Team (IST) staff.

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 fourth quarter, FY 2022 data from NED. We welcome feedback on any section of this report.

## NED Enforcement Highlights

Our fourth quarter law enforcement efforts continued to focus on two main priorities: Enforcing laws critical to the survival of the North Atlantic Right Whales (NARWs) and engaging in new efforts to aid the Northeast Fisheries Science Observer Program (NEFOP). Our new efforts to aid NEFOP aim to reduce the overall number of observer related incidents and help encourage observer retention. 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, the Magnuson Stevens Fishery Conservation and Management Act, and many others.

Our enforcement efforts to protect and conserve the NARW population are carefully outlined in a dedicated section of this report starting on page 5. Similarly, we outlined our fourth quarter work in support of NEFOP starting on page 9.

## Enforcement and Compliance

The following metrics do not showcase the full performance of NED. We compile these metrics from the weekly NED highlights reports (OLE internal only). Those reports showcase our higher priority and most impactful activities. For instance, roughly 1 in 4 of the patrols conducted make it to that report. While not precise with regard to total counts, the following metrics do an excellent job breaking down our personnel resource allocations and efforts that resulted in more meaningful work products.

From our highlights reports in the fourth quarter, FY 2022, there were approximately 19 operations and/or patrols that occurred either on land or at sea.<sup>ii</sup> There were 16 documented

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<sup>i</sup> 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.

<sup>ii</sup> We conducted 297 patrols total in FY 22.

instances of 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 22 instances of participation in various NOAA internal and external government partner meetings/events. There were also 5 seaport container inspections to monitor seafood imports. NED EOs and SAs initiated at least 16 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, Figure 1 and the metrics mentioned above do not fully capture the regular interaction our agents, officers, and support staff have with industry. Specifically, operations and patrols<sup>iii</sup> 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.

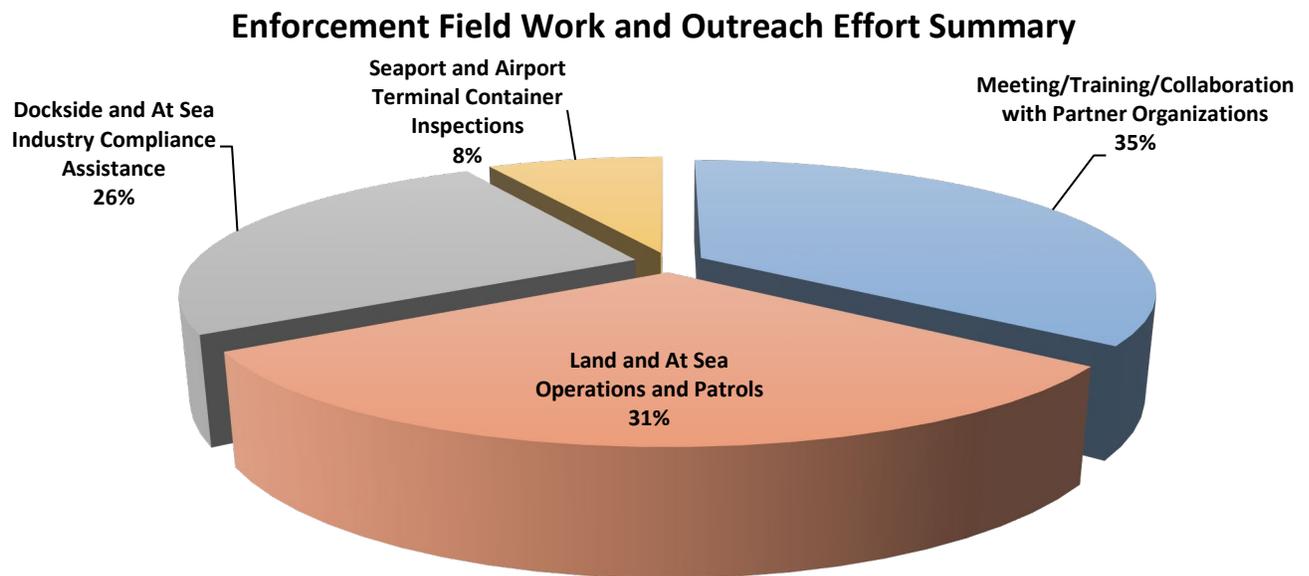


Figure 1: Roughly 62 events took place between and including July 1, 2022 and September 30, 2022. The figure is broken down by land and at sea operations and patrols, internal government meetings, training events, and collaborative efforts with partner organizations, dockside and at sea outreach and industry compliance assistance, and Seaport and Airport Terminal Container Inspections.

In addition to highlights outlined above, the last operator involved in the Carlos Rafael settlement agreement completed their probation period on August 19. In total, 17 operators were monitored for the settlement requirements, which included notifying OLE when sailing, increased 15-minute VMS reporting, and submitting two catch reports per day.

Last, NED leadership hosted our annual “In Service” training the week of Monday, September 12, in Freeport, ME. This was an opportunity for all NED sworn and mission support staff to collaborate in an in-person training environment, as many staff in our division do not regularly

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<sup>iii</sup> Operations can be more complex than patrols and involve multiple partner enforcement vessels over several days, often targeting specific vessel activity.

interact in person or otherwise. Director Landon also addressed the division in one of the training sessions.

## North Atlantic Right Whale Enforcement

[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. Work on this technology may benefit all large whale species, but current right whale conservation priorities drive this effort. 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 1. On September 15, NOAA Fisheries announced an extension of the Proposed Rule comment period for an additional 30 days, ending October 31, 2022. This extension provided a total of 90 days for public input. NOAA Fisheries received a very large amount of comments on the Proposed Rule. We do not yet have an update on the timeline to implement the final rule or what revisions, if any, will be included.

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

- Automatic Identification Systems (AIS) to detect speeding;
- Portable radar units to detect speeding by vessels not carrying AIS;
- Active patrolling of SMAs

Thanks to our investigative work, NOAA has assessed \$218,500 in penalties across 19 cases for violations during the 2021–2022 season. In addition to these cases, other speeding violations are being actively investigated and may be subject to potential [civil penalties](#). We would also like to extend our gratitude to USCG Station Delaware Bay for their aid contacting numerous vessels, identified in their vicinity by VHF, in violation of the speed rule to remind them of speed rule restrictions. This aid occurred throughout the fourth quarter.

Beyond enforcement, we also 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 have sent more than 100 alerts to vessels operating in close proximity to right whales. NED's IST helps support

operations with real time alerts for agents and officers in the field. OLE and GCES staff involved with right whale speed rule case processing are reviewing our speed enforcement effort during the last SMA season. We will continue to evaluate our efforts to maximize our ability to enforce the speed rule.

OLE work on speed enforcement conducted in the fourth quarter, FY 22:

- Various OLE staff collaborated with GCES on coast wide coordination of right whale speed enforcement in the second week of July. Topics covered during the meeting were the proposed changes to the vessel speed rule, updates on cases referred to GCES, additional actions being taken to warn vessels of the speed rules, and ongoing investigations into additional violations which occurred within the Seasonal Management Areas (SMAs) during the last seasonal speed restriction. Similar coordination meetings are typically held monthly during the SMA season.
- Also from NED's IST group, in the last week of July, staff created analysis pre-packages, research, and case documentation along with chart layouts from ArcGIS PRO to aid agents assigned to various speed violation cases.
- In the beginning of August, an SA conducted investigations into three vessels documented as violating the whale strike reduction speed rule. By analyzing data provided by the IST, the SA was able to confirm the violations, conduct an interview of the owners/managers of the vessels, and compile a case package for prosecution. The same week an SA completed a Right Whale Speed Rule investigation involving a whale watching vessel.
- An SA completed a Right Whale Speed Rule investigation involving a recreational vessel in Maryland. This case was submitted to the ASAC for review the second week of August. In addition, the same week, IST staff contributed GIS charts on request from GCES to aid in the case and researched ownership information for another NARW speed investigation involving subjects from the Cayman Islands.
- Later in August, at the request of an SA to support an ongoing Right Whale Speed Rule investigation, IST staff created another GIS chart to document excessive vessel speeds while inside an active SMA.
- Early in September, NED received our recently purchased M2 Mobile Radar Unit.<sup>iv</sup>
- In September, IST staff compiled GIS charts, investigative reports, and general vessel data for 8 additional right whale speed rule cases.
- At the end of September, an SA submitted a case involving a research vessel that exceeded the 10 knot speed limit in an SMA.

## 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 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](#)

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<sup>iv</sup> The unit will be used for speed enforcement operations in the FY 23 SMA season and other law enforcement operations. Parked strategically on land, the unit can complement land and at sea speed patrols and operations by independently identifying vessel, location, length, and speed. In addition, there is a camera mounted on a telescoping tower that can photograph suspect vessels to gather identifying features such as USCG Hull ID or State Registration numbers.

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.

The following list describes the fourth quarter ALWTRP (Phase 1) focused patrols that OLE EOs and SAs participated in, chronologically, and in detail:

- An EO conducted a joint patrol with MA EP on July 7. 5 vessels were inspected. No violations were identified on 2 vessels and 3 vessels were provided compliance assistance for improper line marking.
- An EO conducted a land patrol targeting trap and gillnet vessels for ALWTRP compliance on July 12. Three vessels were inspected and no ALWTRP violations were detected.
- 2 EOs participated in a joint patrol with NH Fish and Game officers in LMA 1 on July 13. Gear from one vessel was inspected and compliance assistance was provided for a buoy lacking any marking, and improper line markings.
- An EO patrolled at sea with RI DEM to inspect lobster gear for ALWTRP compliance on July 14. No ALWTRP violations were detected.
- On July 20, 2 EOs conducted a joint patrol with MA EP. Patrol effort focused on following up on complaints of vessels fishing untagged gear and gear non-compliant with ALWTRP requirements. Officers boarded one vessel and provided compliance assistance for failure to mark surface buoys.
- 2 EOs conducted an at sea patrol/demo of Edgetech Side Scan sonar for ALWTRP gear enforcement on July 26 on board the OLE D1 patrol vessel. The patrol targeted ALWTRP violations from Ipswich Bay to Mass Bay. It also involved coverage in Mass Bay in response to the surge of humpback activity off Plymouth, MA. No ALWTRP violations were identified.
- An EO conducted a joint patrol with RI DEM officers in RI waters on August 2. 2 sets of gear were identified and inspected with no ALWTRP violations identified.
- 2 EOs conducted a joint patrol with RI DEM officers in RI waters on August 4. Again, 2 sets of gear were identified and inspected with no ALWTRP violations identified.
- The following week, 2 EOs and 3 RI JEA officers conducted an at-sea ALWTRP patrol using an ROV and gear hauling equipment. 3 sets of gear were inspected resulting in the documentation of line marking and trap tag violations.
- NED conducted 3 Lobster Management Area 3 (LMA3) Remote Operated Vehicle (ROV) patrols last summer and early fall, all in the EEZ on board the M/V RACHEL GOODWIN. Across the three patrols, various combinations of 2 man crews composed of EOs and an SA inspected a total of 61 trawls between Southern New England, Georges Bank, and the Gulf of Maine. A total of 47 trawls contained at least one of the following ALWTRP violations: non-compliant surface system and buoy line color markings, floating ground line, and unmarked buoys/high fliers. The NED crew also identified Atlantic States Fisheries Conservation and Management Act violations such as untagged lobster traps and non-compliant trap construction. Additional details of the three patrols are as follows:

- An EO and SA deployed on the first of three related patrols on August 25 and returned August 30.
- Two EOs conducted our second ROV patrol for the year beginning August 31, returning September 6. They investigated a total of 20 lobster sets, including 52 traps, and identified 97 violations. In response to this patrol, 4 vessels are under investigation and we offered a summary settlement to a fifth vessel. Three successful ROV dives were conducted as part of this patrol.
- Two EOs conducted the final related patrol beginning September 27, ending October 1. They completed gear inspections on approximately 22 sets.

Figure 2 below illustrates our patrol efforts in the fourth quarter that focused on ALWTRP compliance. In the fourth quarter, about 79% of all inspected vessels were compliant with no observed ALWTRP non-compliance. Out of about 596 vessels inspected by boarding officers, 473 had no observed ALWTRP violations. Figure 3, also 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 and conducted 5 without a participating enforcement partner. OLE and our enforcement partners continued ALWTRP patrols into the start of FY 2023.

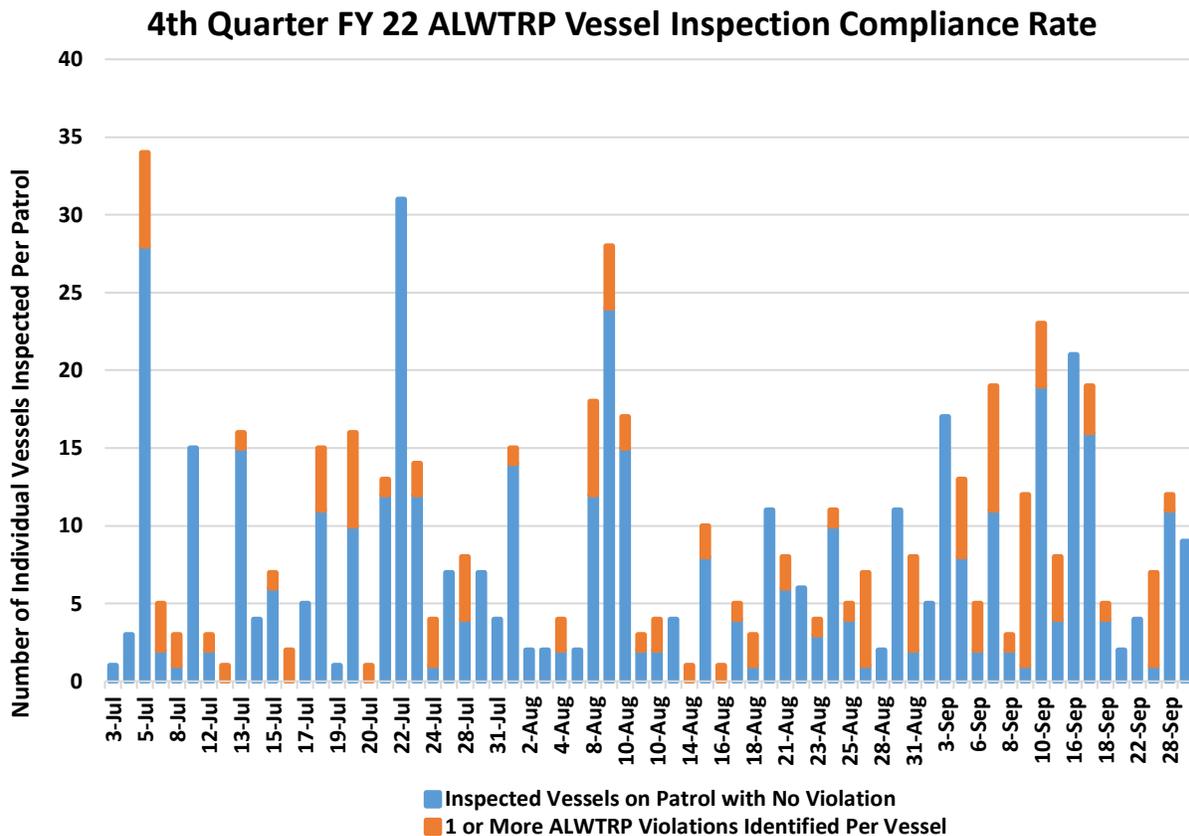


Figure 2<sup>v</sup>: Shown here is the compliance rate observed on individual patrols conducted by OLE and state enforcement partners from RI to ME. Each bar represents an individual patrol and the color within each bar represents the total number of compliant and/or non-compliant vessels per patrol. Combined, enforcement

<sup>v</sup> 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.

partners inspected approximately 596 separate vessels for compliance with ALWTRP regulations between and including July 1 and September 30, 2022.

## Fourth Quarter FY 22 ALWTRP Focused Patrols by Enforcement Partner

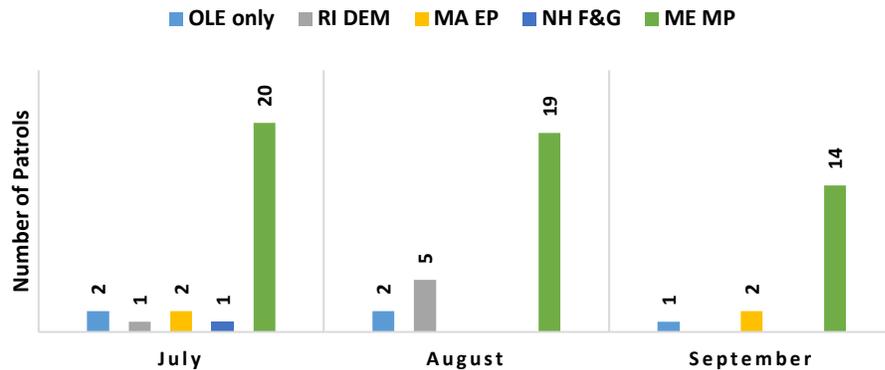


Figure 3: This figure shows a breakdown by month, of the number of patrols, by enforcement partner, in the fourth quarter, FY 2022. Enforcement partners conducted an aggregate of 69 ALWTRP focused patrols in this time period. 9 of OLE's enforcement partner patrols listed here were joint with OLE.

## 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. NOAA Fisheries staff involved in this priority agree there is inherent connectivity between efforts to reduce the number of observer related incidents and increased observer retention. Our fourth quarter efforts in support of this priority involved close collaboration with staff from the Fisheries Monitoring Operations Branch (FMO) of the Northeast Fisheries Science Center (NEFSC) and industry members.

We recognize that observer retention is a challenge even under ideal circumstances. More recently, the observer program faced and continues to face additional adversity negatively impacting observer retention 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 (and 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 except related to scallop and groundfish FMP related coverage rate increases. We plan to accomplish this goals under this priority by working more closely with both industry members, members of the observer program, and our enforcement partners. Our enforcement of observer related violations remains unchanged.

Our activities in support of our NEFOP priority are as follows:

- OLE staff continued on work with FMO staff that began in the third quarter on port specific “round table” events. OLE staff met with FMO staff and observers in Wanchese, NC in the beginning of August and then again on September 22 in Montauk, NY. Those appear to be beneficial to all

participants in support of our goal to help ensure observer retention. More are planned in the coming months. In all events, OLE staff ensured observers in attendance that their safety<sup>vi</sup> is our top priority.

- In addition to quarterly meetings held between the FMO branch and OLE staff to discuss ongoing observer related cases, observer related issues, and brainstorming new ideas for collaboration within our groups, FMO and OLE collaborate monthly to identify issues where compliance assistance and outreach may be provided to individual vessels or at individual ports. This effort ensures a clear path for FMO to elevate issues to OLE 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.
- NED staff accompanied FMO staff on two port specific outreach events to work with both FMO and fishermen on observer related compliance. The NED Compliance Liaison met with various FMO staff, observer provider staff, and members of the fishing community in Chatham, MA on July 13. In addition, an SEO met with FMO staff in Wanchese, NC on August 2 and helped to provide observer related compliance assistance to several fishermen. Special agents also provided enforcement trainings to new training classes of observers and participated in At-Sea Monitor Safety Panel discussions in the fourth quarter.
- OLE, GARFO, and Center staff collaborated to organize a SASH related training for vessel owners/industry in the groundfishery. Alaska based SA Jaclyn Smith will help deliver the 3 training events scheduled in the first Quarter, FY 2023.

The purpose of this priority is to help encourage observer retention, but 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 us at the following numbers:

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

We included a summary of our fourth quarter observer related violations in Table 1, below. From July 1 through September 30, 2022, the NOAA Observer Program deployed on 1168 trips for 3,156 sea days. We initiated 11 investigations based on Incident Reports received this quarter. 99% of all selected or observed trips were completed without an enforcement referral/investigation<sup>vii</sup>. The summary below and the attached spreadsheet provide additional details.

Table 1: Summary of Observer Program Complaints and Status

Type of complaint	Number of complaints and status
Refusal	Four refusal investigations related to vessels sailing without an observer after being selected were received. Two were investigated collectively and closed with compliance assistance and two

vi We listed the number of safety complaints OLE received in the fourth quarter in Table 1. One complaint involved a head injury an observer received while on board a vessel in the third week of August. OLE recognizes the inherent dangers involved in fishing and observers are vulnerable to those hazards while at sea. This event reinforces our observer priority and the effort we put into ensuring commercial fishing safety equipment and vessel decals are up to date. While that doesn't guarantee accidents won't happen, we can, in partnership with the NEFSC, help ensure vessels are following the USCG mandated safety requirements for commercial vessels active in the EEZ.

vii 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.

	investigated collectively resulted in the issuance of a Summary Settlement Offer.
Assault	None
Harassment/Intimidation	Four observer harassment/intimidation complaints were received and are ongoing.
Interference	Two observer interference complaints were received. OLE investigated the incidents collectively which resulted in the issuance of a Summary Settlement Offer.
Vessel Safety Equipment/Certification	None
Observer Safety	None
Failure to provide reasonable assistance	None
Failure to provide equal accommodations	None
Observer gear/sample tampering	One (1) gear tampering incident was received and forwarded to the USCG.
Observer program notification	None
Miscellaneous	Please see all bullets listed starting on page 9, above.

## Incident Information

Incidents listed in this section come directly from the NOAA Enforcement Information System (NEIS)<sup>viii</sup>, OLE's new electronic case management system. NEIS recently replaced Trident as OLE's 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 NEIS. As incidents created in either NEIS or Trident, such as investigations, occurred prior to the date of entry into either NEIS or Trident, the information presented in this section is meant to present an accurate snapshot of NED activity in the fourth quarter, FY 2022, not a precise account of all activities that have occurred during that time.

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<sup>viii</sup> September 15 was the internal cutoff date for our transition from Trident, our former case management system, to NEIS. 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.

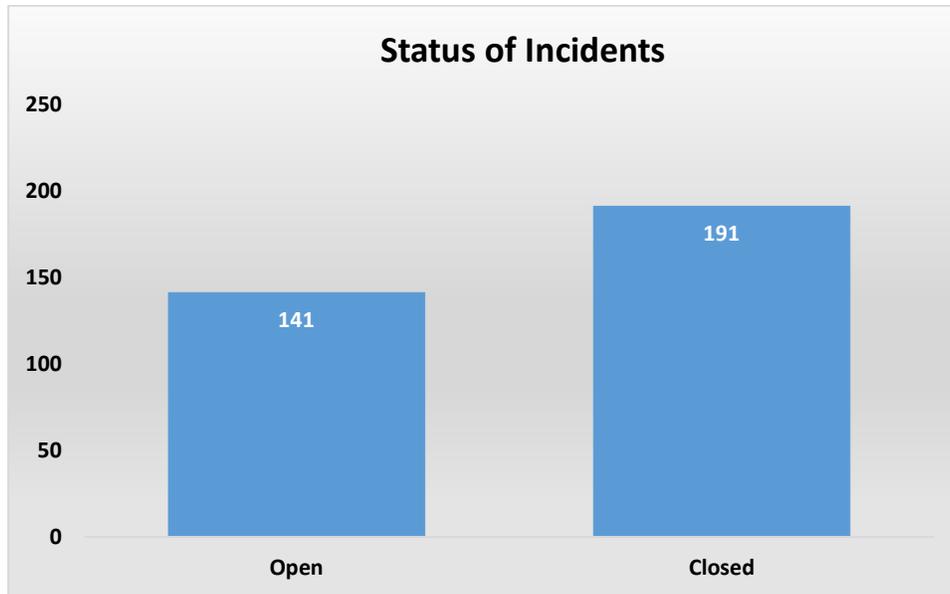


Figure 4. Status of incidents entered in Trident between and including July 1, 2022 and September 30, 2022 (191 closed, 141 open).

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

Law/Regulation/Program	Incident Totals
ACFCMA	9
Endangered Species Act	3
MSFCMA	143
HMS	67
State Law/Regulation	1
National Marine Sanctuaries Act	6
Atlantic Tunas Convention Act	3
Marine Mammal Protection Act	56
International Trade Program	39
Lacey Act	1
Other Federal Law/Regulation	4
<b>Total</b>	<b>332</b>

### Fourth Quarter, FY22 Incidents by Law/Regulation

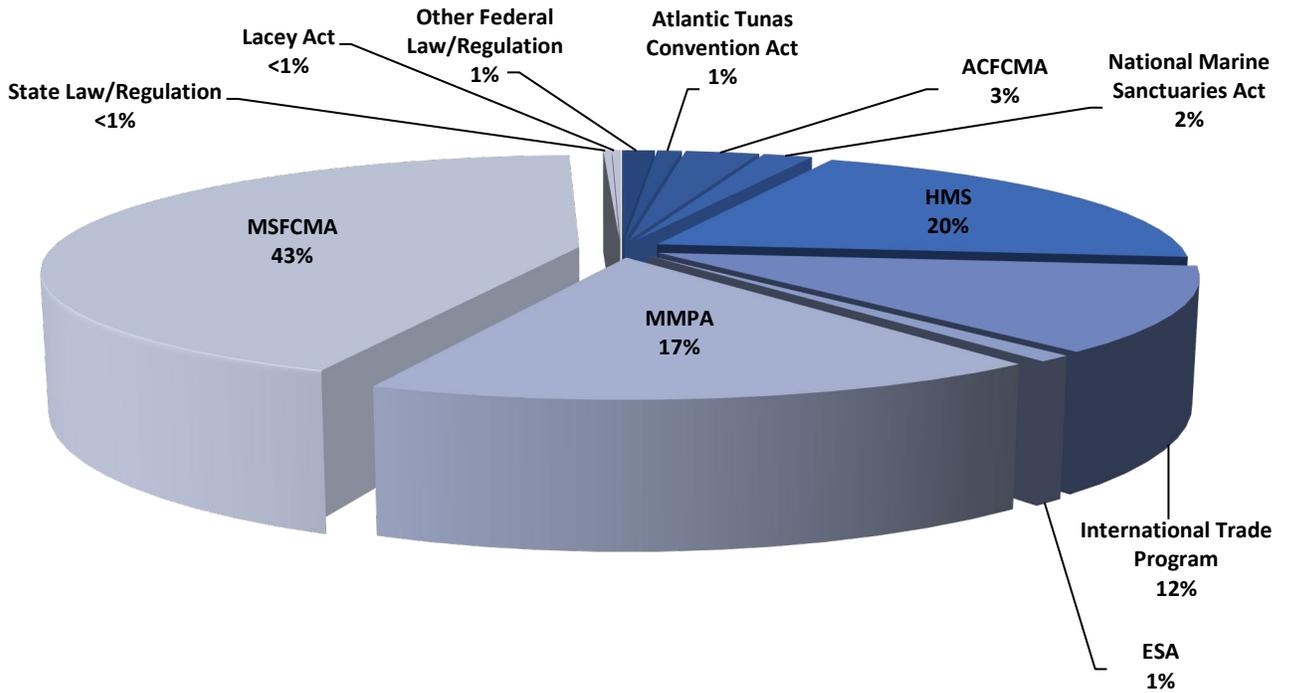


Figure 5: Incidents in Trident broken down by specific law or program violation from July 1, 2022 through September 30, 2022

### Fourth Quarter, FY 22 Incident Dispositions

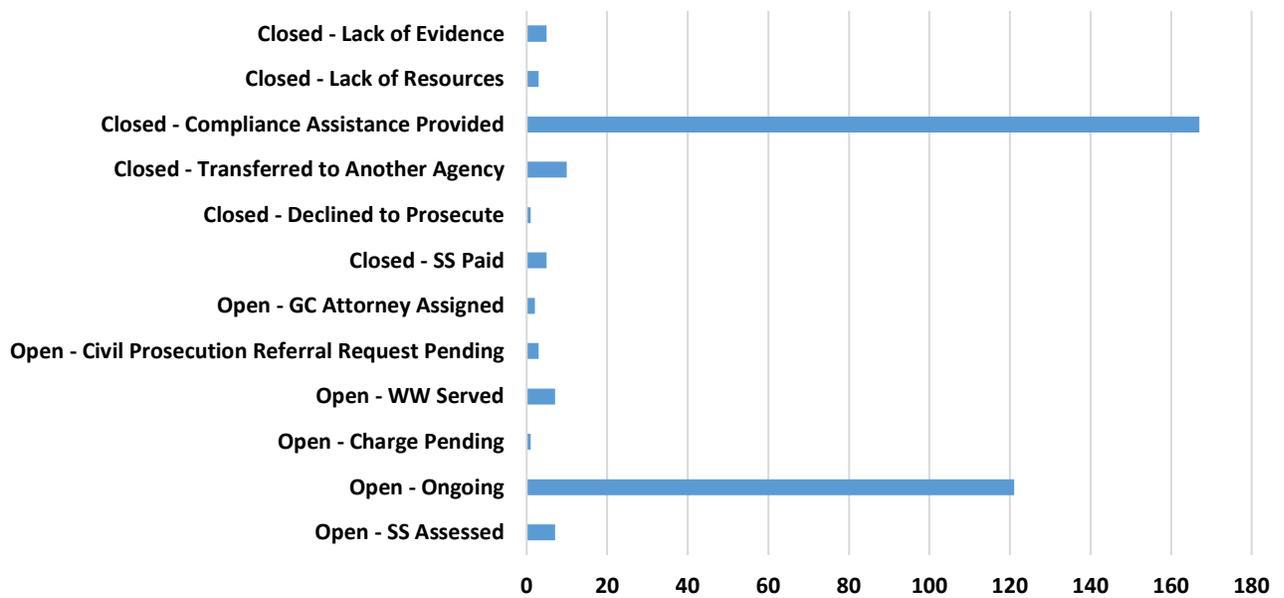


Figure 6. Incident dispositions from July 1, 2022 through September 30, 2022.

# Summary of Incidents Involving OLE Partners

A total of 155<sup>ix</sup> incidents entered into NEIS from July 1 through September 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 and/or federal enforcement partner on patrols, seaport and/or airport terminal container inspections, or referred case packages.

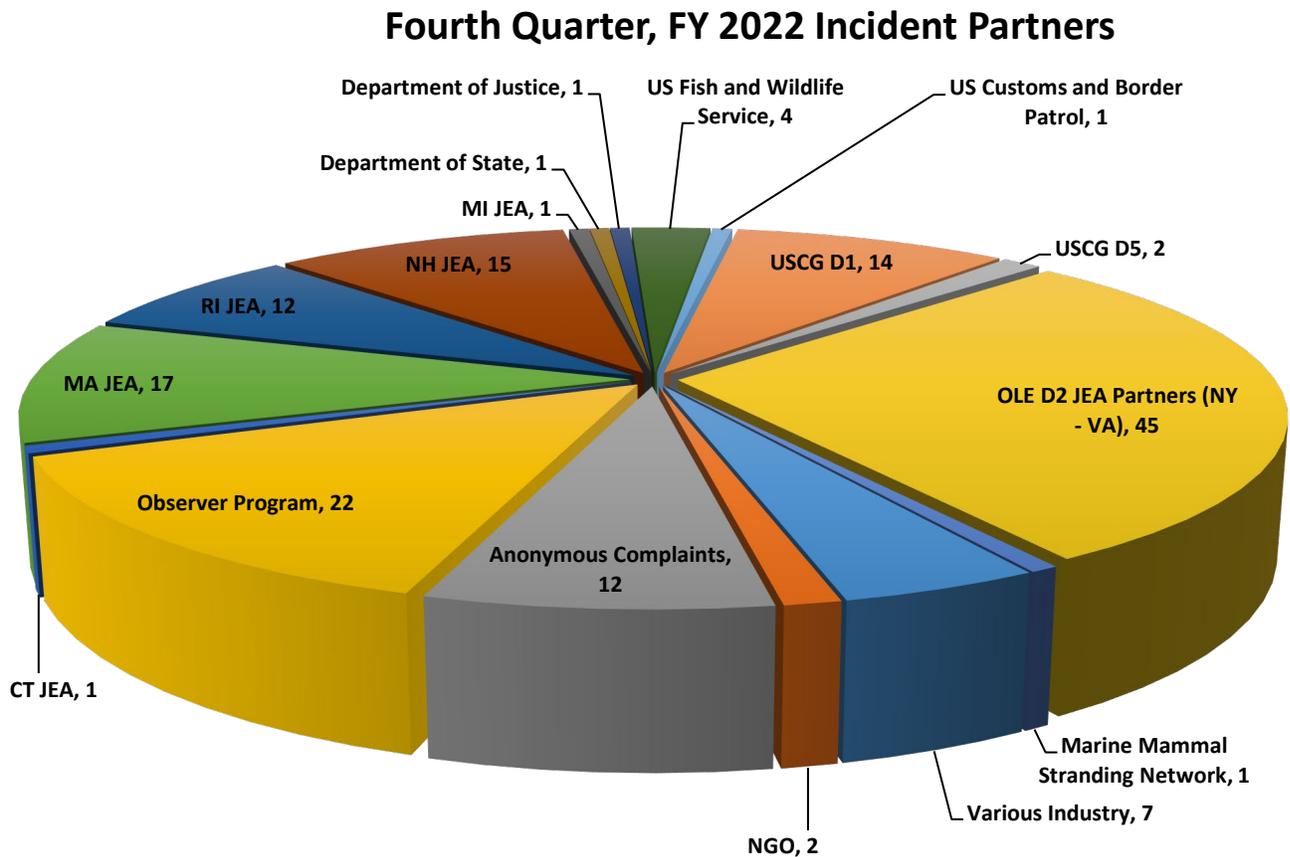


Figure 7. Incidents entered into Trident between July 01, 2022 and September 30, 2022 where one or more federal, or state enforcement partner collaborated with NED staff (the number of collaboration events with a specific enforcement partner is listed by “Enforcement Partner, XX”). Observer program related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

<sup>ix</sup> 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 155 incidents referenced in this data set. Where multiple enforcement partners collaborated on a single incident, those partners were tallied separately in Figure 7.

# Overview of Summary Settlements

A total of 63 violations were associated with 44 Incidents with Summary Settlements issued between and including July 1, 2022 and September 30, 2022 at a value of \$38,800.00. Data included in this section also comes from OLE's new case management system, NEIS.

Table 3: Individual Violations Associated with Summary Settlements Issued.

Law	Violation	SS Amount	State	Commercial / Recreational / For Hire
MSFCMA	Fishing Without Valid Operator Permit	\$500.00	DE	Commercial
MSFCMA	Vessel FVTR Reporting Failure	\$500.00	DE	Commercial
MSFCMA	Fishing Without a Valid Vessel Permit	\$500.00	DE	For Hire
MSFCMA	Fishing Without Valid Operator Permit	\$500.00	DE	For Hire
MSFCMA	Failure to Report Atlantic HMS	\$1,250.00	DE	Recreational
MSFCMA	Atlantic HMS Vessel Permit Non-Compliance	\$1,250.00	DE	Recreational
HMS	Atlantic HMS not Maintained in Specified Form	\$750.00	MA	Recreational
HMS	Illegal BFT Possession	\$500.00	MA	Recreational
HMS	Vessel Failure to Report BFT	\$1,000.00	MA	Commercial
HMS	Vessel Safety Violation	\$2,000.00	MA	Commercial
HMS	Vessel Failure to Report BFT	\$500.00	MA	Recreational
MSFCMA	Illegal Release of BFT	\$1,000.00	MA	Commercial
MSFCMA	IFTP Requirements Non-Compliance	\$1,000.00	MA	Commercial
HMS	Vessel Failure to Report Atlantic HMS	\$500.00	MD	Commercial
HMS	Atlantic HMS Vessel Permit Non-Compliance	\$500.00	MD	Recreational
MSFCMA	Fishing Without Valid Operator Permit	\$916.66	MD	Commercial
MSFCMA	Fishing With Illegal Dredge Gear	\$916.66	MD	Commercial
MSFCMA	Turtle Dredge Chain Mat Non-Compliance	\$916.67	MD	Commercial
MSFCMA	Fishing Without Valid Operator Permit	\$500.00	MD	Commercial
MSFCMA	Observer Interference	\$1,000.00	ME	Commercial
ACFCMA	Fishing Without Valid Operator Permit	\$250.00	NJ	Recreational
ACFCMA	Atlantic Striped Bass Possession in the EEZ	\$250.00	NJ	Commercial
ACFCMA	Fishing Without Valid Commercial Permit	\$250.00	NJ	Commercial
ACFCMA	Illegal Fish Harvest in the EEZ	\$125.00	NJ	Recreational
ACFCMA	Vessel FVTR Reporting Failure	\$125.00	NJ	Recreational
ACFCMA	ALWTRP Gear Violation	\$250.00	NJ	Recreational
HMS	Lobster Trap Tag Violation	\$750.00	NJ	Recreational
HMS	Lobster Trap Gear Violation	\$750.00	NJ	Recreational
HMS	Atlantic HMS not Maintained in Specified Form	\$750.00	NJ	Recreational
HMS	Failure to Report BFT	\$500.00	NJ	Recreational

HMS	Undersized Atlantic HMS Possession	\$500.00	NJ	Recreational
HMS	Failure to Report BFT	\$500.00	NJ	Recreational
HMS	Failure to Maintain BFT in Specified Form	\$500.00	NJ	Recreational
HMS	Undersized Atlantic HMS Possession	\$500.00	NJ	Recreational
HMS	Undersized BFT Possession	\$500.00	NJ	Recreational
HMS	Undersized Atlantic HMS Possession	\$250.00	NJ	For Hire
MMPA	Atlantic HMS Vessel Permit Non-Compliance	\$500.00	NJ	Commercial
MSFCMA	Fishing Without Valid Operator Permit	\$500.00	NJ	Commercial
MSFCMA	Fishing Without a Valid Vessel Permit	\$500.00	NJ	For Hire
MSFCMA	Vessel FVTR Reporting Failure	\$500.00	NJ	For Hire
MSFCMA	Fishing Without Valid Operator Permit	\$500.00	NJ	For Hire
MSFCMA	Fishing Without a Valid Vessel Permit	\$166.66	NJ	For Hire
MSFCMA	Vessel FVTR Reporting Failure	\$166.66	NJ	For Hire
MSFCMA	Fishing Without Valid Operator Permit	\$166.67	NJ	For Hire
MSFCMA	Fishing Without a Valid Vessel Permit	\$333.33	NJ	For Hire
MSFCMA	Vessel FVTR Reporting Failure	\$333.33	NJ	For Hire
MSFCMA	Fishing Without Valid Operator Permit	\$333.34	NJ	For Hire
MSFCMA	VMS Reporting Non-Compliance	\$500.00	NJ	For Hire
MSFCMA	VMS Reporting Non-Compliance	\$500.00	NJ	For Hire
MSFCMA	Fishing Without Valid Operator Permit	\$500.00	NJ	For Hire
MSFCMA	Atlantic Striped Bass Possession in the EEZ	\$450.00	NJ	Commercial
MSFCMA	Atlantic Striped Bass Fishing in the EEZ	\$450.00	NJ	Commercial
MSFCMA	Vessel Failure to Report BFT	\$450.00	NJ	Commercial
MSFCMA	Atlantic Striped Bass Possession in the EEZ	\$450.00	NJ	Commercial
ACFCMA	Atlantic Striped Bass Possession in the EEZ	\$250.00	NJ	Recreational
ACFCMA	Atlantic Striped Bass Possession in the EEZ	\$750.00	NY	For Hire
HMS	Illegal Purchase of Atlantic HMS	\$875.00	RI	Commercial
HMS	Atlantic HMS Dealer Permit Non-Compliance	\$875.00	RI	Commercial
HMS	BFT Dealer Landing Violation	\$1,000.00	RI	Commercial
HMS	Charter Fishing With Invalid Captain's License	\$500.00	RI	Commercial
MSFCMA	Observer Refusal	\$2,500.00	RI	Commercial
HMS	Vessel Safety Violation	\$500.00	VA	Recreational
MSFCMA	Atlantic HMS Vessel Permit Non-Compliance	\$1,000.00	VA	Commercial
<b>Total</b>		<b>\$38,800.00</b>		<b>-</b>

# Northeast VMS Program

Updated November 4, 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):

- 911 registered vessels
  - Woods Hole Group 451
  - SkyMate 453
  - Network Innovations<sup>x</sup> 1
  - MetOcean<sup>xi</sup> 6
  - 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):

- 579 Ocean Quahog (OQ-6)
- 580 Surfclam (SF-1)
- 523 Scallop General Category (LGC-A,B,C)
- 346 Multispecies (MUL-A,D,F)
- 339 Scallop Limited Access (SC-2,3,5,6,7,8)
- 219 Longfin Squid (SMB-1A)
- 116 Herring (HER-A,B,C,E)
- 116 Mackerel (SMB-T1,T2,T3)
- 67 Illex Squid (SMB-5)
- 44 Combination (MUL-E)
- 42 Longfin Squid (SMB-1B)
- 14 Monkfish (MNK-F)
- 8 Maine Mahogany Quahog (OQ-7)

## Groundfish Sector/Common Pool:

There are 275 groundfish sector vessels and 118 common pool vessels registered to the NE VMS Program. The common pool gained 3 vessels from the sector fishery since the third quarter report.

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

A total of 58 VMS equipped vessels are on a NMFS approved power down LOE; of these, the owners of 11 vessels have deactivated their VMS with their vendor during the LOE period. Additionally, there are 20 vessels with LAGC scallop permits on a Power Down declaration in port.

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

xi This number includes 3 Canadian Transshipment vessels.

**Industry Contact Log Report:**

In the fourth quarter of FY22, the NE Investigative Support (IS) Team addressed 212 industry issues and closed 150 issues or 71% closure rate.<sup>xii</sup> 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.

**VMS Notes and Significant Events:**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 4, one fleet-wide message was broadcast announcing the Trimester 3 Longfin Squid opening.

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. Industry should monitor their VMS for any incoming messages sent from OLE.

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

NED forwarded 13 cases to GCES between July 1st and September 30th. 8 cases involve alleged fishing vessel violations which include but are not limited to: HMS violations, ALWTRP violations, fishing for scallops in closed areas, failure to report, etc. 1 case involves a seafood import violation, 3 cases involve speed restriction violations to protect right whales, 1 case was a refusal to carry an observer, and 1 case involved observer interference.

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xii In addition, the NED Compliance Liaison fielded and resolved about 50 calls from industry members in the fourth quarter, FY 22.