



**NOAA FISHERIES**

#11a

# Council Report – 2<sup>nd</sup> Quarter, FY 2021

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**January 19, 2020 – April 5, 2021**

To Report a Violation Call  
800-853-1964

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# Introduction

NOAA Fisheries' Northeast Division (NED) of the Office of Law Enforcement (OLE) continued to conduct essential operations last winter and will continue those operations as we move through the spring, FY 2021. NED strives daily to support our mission objectives. This includes our Enforcement Officers (EOs) and Special Agents (SAs) continuing investigations and maintaining a presence in our crucial fishing ports and our Administrative and Investigative Support Team (IST) staff working behind the scenes. While some in person activity is still on hold due to COVID-19, this report reveals the high quality, difficult, and important work our group conducts every day to protect marine wildlife and habitat. All of us at NED work hard every day to ensure not only our nation's precious marine resources, but our global Living Marine Resources are available for future generations.

Data included in Figures 1-4 and Tables 1-3, below, pick up where the last Council report left off in late January, 2021.

## NED Enforcement Highlights

- An Enforcement Officer assisted in the seizure of 294 mitten crabs and approximately 160 pounds of blood clams from China, which were manifested as plastic storage bags. The crabs and clams were imported into JFK Airport along with cartons of illegal duck tongues. The mitten crabs were seized by US Fish and Wildlife Service and the blood clams were destroyed by NY Department of Environmental Conservation. Mitten crabs are invasive species that burrow causing damage to embankments and clog drainage systems and blood clams are known to carry Hepatitis A, typhoid, and dysentery.

There are other recent port inspection efforts that have led to the halt of thousands of pounds of illegally imported Seafood Import Monitoring Program species. For instance, an EO and U.S. Customs and Border Protection Officers conducted the first SIMP and Seafood inspection at the Detroit Port of Entry. While those investigations are ongoing and cannot currently be mentioned in greater detail, these efforts will expand NED's effort to combat international IUU.

- NED is collaborating with the Stellwagen Bank National Marine Sanctuary office on a demonstration project to alert vessel operators of sensitive wreck sites and encourage their avoidance while fishing. This project involves sending automated messages through OLE's vTrack system. The vTrack system is currently programmed to send out emails automatically to vessels traveling at fishing speeds when they are detected entering a programmed, geofenced area. That area is around 4 shipwrecks just south of the Western Gulf of Maine Closed Area.
- Emerging technologies: Pilot Remote Operated Vehicle operations in the fixed gear lobster fishery will become operational this summer; a procurement package to purchase our own ROV is nearly complete. That ROV will be compatible for deployment on US Coast Guard and Joint Enforcement Agreement partner vessels. We are also in the early stages of development of an acoustic program on Stellwagen Bank, a mobile radar unit in the Great Lakes region, and utilization of drones in enforcement operations.

- SA Anthony “Tony” Forestiere retired at the end of March, 2021 after 30 years and 7 months of federal service. Thank you for your service Tony and good luck in your retirement!
- There are numerous staff changes within NED: Tentative offers for Special Agents in Wall, NJ and Salisbury, MD have been accepted. The New Bedford, MA SA billet was filled internally by an EO. That leaves a vacant EO position that will be filled with a national EO hiring effort. Another SA and an Investigative Analyst also recently departed and will need to be backfilled. Deputy Special Agent in Charge Jeff Ray is still on detail with the USCG. Assistant SAC Michael Henry stepped in and continues to fill in admirably as Acting NED DSAC.

## Enforcement and Compliance

Since the last Council meeting, there were 5 documented patrols that included a mix of both offshore and dockside patrols. There were 9 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 18 instances of participation in various NOAA internal and external government partner meetings and events, and 6 seaport container inspections to investigate violations such as those against SIMP. Across NED, EOs and SAs are in the middle of about 20 ongoing investigations. Where NED participation in trade show attendance, expert panel participation, school events, etc. is still on hold during COVID-19, all other NED activities continue as before.

The dockside outreach and/or industry compliance assistance listed in Figure 1, below, does not include the tremendous amount of industry communication the Investigative Support staff in the VMS Program, the Compliance Liaison, and administrative staff within NED conduct on a daily basis. In addition, this figure does not fully capture the regular interaction our agents, officers, and support staff have with industry. Specifically, patrols listed in Figure 1, below, are an estimate and multiple vessels may be boarded and multiple docks may be visited on a single patrol.

### Enforcement Field Work and Outreach Effort Summary

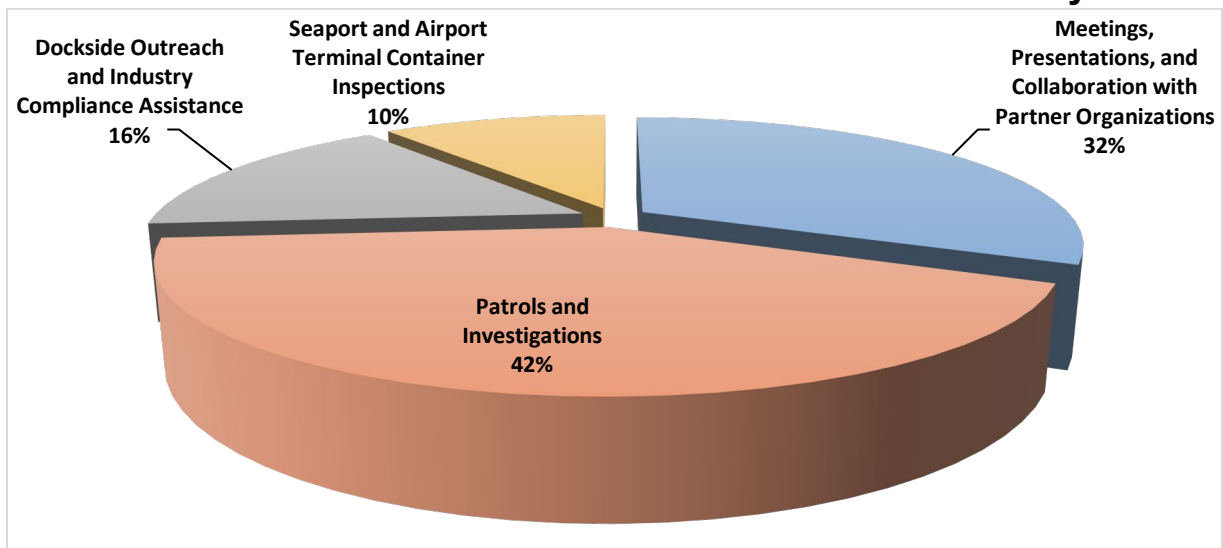


Figure 1: Roughly 57 events took place between January 23<sup>rd</sup>, 2021 and April 2<sup>nd</sup>, 2021. The figure is broken down by patrols and investigations, internal government meetings/presentations/collaborations with partner

organizations, dockside outreach/industry compliance assistance, and Seaport and Airport Terminal Container Inspections.

## 2<sup>nd</sup> Quarter, FY 2021 Incident Information

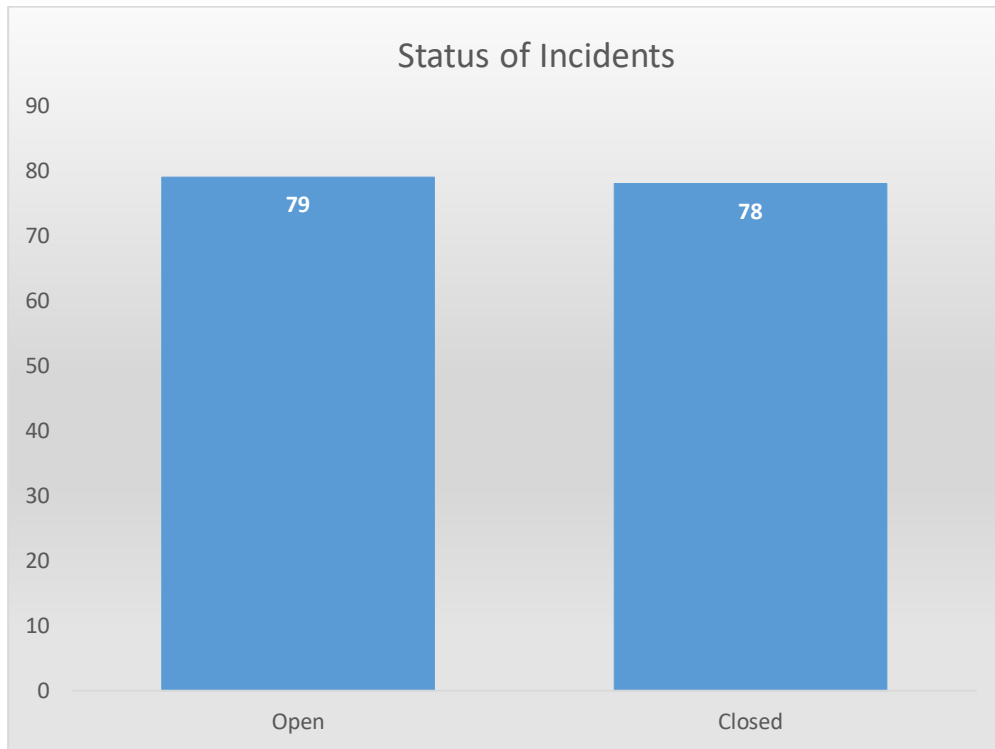


Figure 2. Status of incidents from January 20, 2020 – April 2, 2021 (78 closed, 79 open).

Table 1: 2<sup>nd</sup> Quarter, FY21, summary of incidents by law/regulation

Law/Regulation/Program	Incident Totals
ACFCMA	27
Endangered Species Act	9
MSFCMA	96
HMS	3
State Law/Regulation	3
Lacey Act	4
Marine Mammal Protection Act	7
Other Federal Law/Regulation	8
<b>Total</b>	<b>157</b>

### 2nd Quarter FY 21 Incidents by Law/Regulation

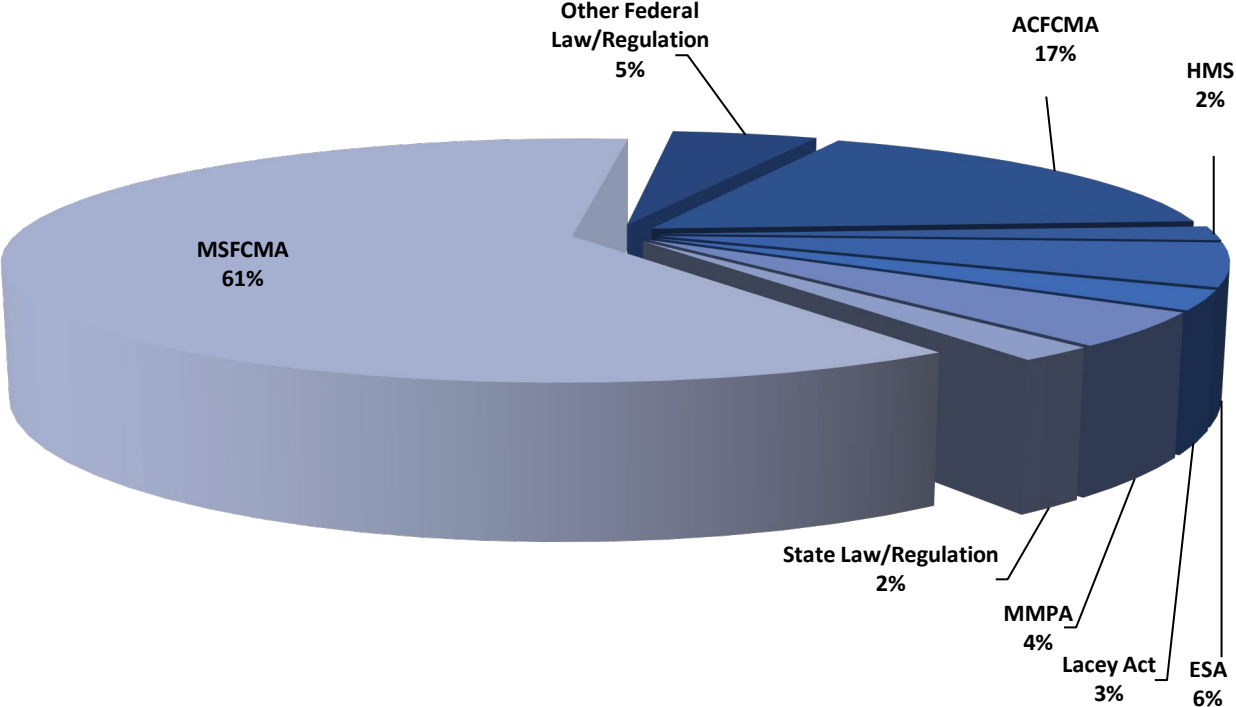


Figure 3: Incidents in Trident between January 20, 2021 and April 2, 2021.

### 2nd Quarter FY 21 Incident Dispositions

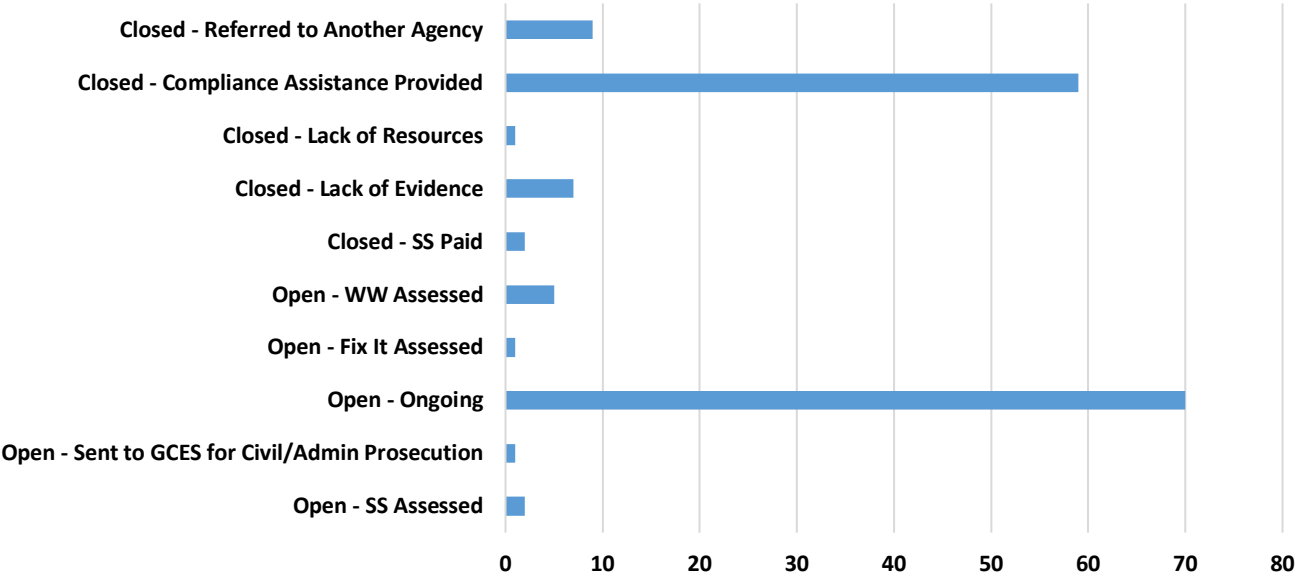


Figure 4. Incident dispositions for incidents in Trident between January 20, 2021 and April 2, 2021.

## 2<sup>nd</sup> Quarter, FY 2021 Overview of Summary Settlements

A total of 25 violations were associated with 17 Incidents with Summary Settlements issued between January 20 and April 2, 2021 at a value of \$22,450.00.

Law	Violation	SS Amount	State
HMS	Illegal HMS Possession	\$500.00	NJ
ACFCMA	Improperly Marked Lobster Trap Gear	\$2,500.00	NJ
ACFCMA	Lobster Trap Gear Construction Violation	\$5,500.00	NJ
MSFCMA	SIMP Documentation Violation	\$500.00	MD
MSFCMA	Import without Valid IFTP	\$500.00	MD
HMS	Failure to maintain Atlantic HMS in specified form	\$750.00	MD
MSFCMA	Observer Safety Violation	\$1,000.00	MA
ACFCMA	Possession of Egg Bearing Lobster	\$600.00	MA
ACFCMA	Maximum Lobster Size Violation	\$600.00	MA
ACFCMA	Fish for Atlantic striped Bass in the EEZ	\$125.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$125.00	NJ
ACFCMA	Fish for Atlantic striped Bass in the EEZ	\$125.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$125.00	NJ
HMS	Fish Without Valid Atlantic HMS Permit	\$1,000.00	NC
MSFCMA	Fishing Without an Operator's Permit	\$250.00	NJ
MSFCMA	Invalid VTR	\$250.00	NJ
ACFCMA	Possession of Egg Bearing Lobster	\$1,125.00	ME
ACFCMA	Possession of V-Notch Lobster	\$1,125.00	ME
HMS	Failure to Maintain Atlantic HMS in Specified Form	\$750.00	NY
ACFCMA	Fish for Atlantic striped Bass in the EEZ	\$125.00	NJ
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$125.00	NJ
MSFCMA	SIMP Documentation Violation	\$1,500.00	VA
MSFCMA	Import without Valid IFTP	\$1,500.00	VA
ACFCMA	Possess Atlantic Striped Bass in the EEZ	\$750.00	NY
MSFCMA	SIMP Documentation Violation	\$1,000.00	NJ
<b>Total</b>		<b>\$22,450.00</b>	<b>-</b>

Table 2: Individual Violations Associated with Summary Settlements Issued.

# Northeast VMS Program (2<sup>nd</sup> Quarter Summary, FY 2021)

\*Updated April 5<sup>th</sup>, 2021

## NE-Approved VMS Vendors and Units:

SkyMate - I1500 & M1600

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

Woods Hole Group - Thorium Leo & Thorium Triton

AddValue - Wideye iFleetONE

Orolia OmniCom

## NE VMS Unit Population:

- 939 registered vessels
  - McMurdo.....21\*
  - SkyMate.....445
  - Woods Hole Group.....468
  - Network Innovations.....3
  - AddValue.....0
  - Orolia.....2
- 8 vendor test units (installed at NED OLE)
- 1 Canadian Transshipment vessel (see 'Significant VMS Issues' below)
- 8 vendor test units (installed at NED OLE)

\*On NOAA-approved PowerDown Exemption.

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

607	Ocean Quahog (OQ-6)
606	Surfclam (SF-1)
487	Scallop General Category (LGC-A,B,C)
375	Multispecies (MUL-A,D,F)
336	Scallop Limited Access (SC-2,3,5,6,7,8)
226	Longfin Squid (SMB-1A)
129	Herring (HER-A,B,C,E)
126	Mackerel (SMB-T1,T2,T3)
69	Illex Squid (SMB-5)
49	Longfin Squid (SMB-1B)
47	Combination (MUL-E)
15	Monkfish (MNK-F)
10	Maine Mahogany Quahog (OQ-7)

## Groundfish Sector/Common Pool:

There are 299 groundfish sector vessels and 122 common pool vessels registered to the NE VMS Program.

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

A total of 82 VMS-equipped vessels are on a NMFS -approved power down exemption; of these, the owners of 28 vessels have deactivated their VMS with their vendor during the LOE period. Additionally, there are 21 vessels with LAGC scallop permits on a Power Down declaration in port.



### Industry Contact Log Report:

The NE Investigative Support (IS) Team addressed 467 industry issues in this quarter and closed 364 issues or 78%. The most-frequently reported issues were (1) Eforms Compliance, (2) Non-Reporting, and (3) Declarations/Forms Assistance.

### Significant VMS Issues:

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

North Atlantic Right Whale Speed Restriction: NED submitted a specification to HQ OLE on March 5, 2021 for a cost estimate from the VMS contractor, Visma, for vTrack SQL reports on AIS activity in the Seasonal Management Areas. The reports would provide information on AIS-equipped vessels exceeding OLE's speed threshold in the SMAs.

Enforcement Technician Vacancy: NED posted a vacancy announcement for a ZS-1802 Band IV/V enforcement technician in USAJobs from March 18 through March 31, 2021. The position is to fill an Investigative Support Technician vacancy on NED's IS Team. The incumbent transferred to the NE Science Center.

## Observer Program Highlights (2<sup>nd</sup> Quarter Summary, FY 2021)

From January 1 through March 31, 2021, the observer program deployed on 364 trips for 1541 sea days. 4 investigations were initiated based on Incident Reports NED received during this quarter. 99% of all selected or observed trips were completed without an enforcement referral or investigation<sup>1</sup>. The summary below provides additional details.

Table 3: Summary of Observer Program complaints and status

Type of complaint	Number of complaints and status
Refusal	One report was received and the investigation is ongoing.
Assault	None
Harassment/Intimidation	One report was received and the investigation is ongoing.
Interference	None
Vessel Safety	None
Observer Safety	None
Failure to provide reasonable assistance	Two reports were received and the investigations are ongoing.

<sup>1</sup> In some instances a single Incident Report contained multiple complaints and in other instances, multiple Incident Reports were received covering the same reported violation.

Failure to provide equal accommodations	None
Observer gear/sample tampering	None
Observer program notification	None
Miscellaneous	NSTR

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

NED forwarded 3 cases to GCES between January 22<sup>nd</sup> and April 4<sup>th</sup>. 2 cases involve alleged fishing vessel violations concerning improper landings and falsifying VTRs. 1 involves an alleged violation of a restaurant acting as a federal dealer without a federal dealer permit.