

# Council Report – First Quarter, FY 2023

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**October 1, 2022 – December 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 2<sup>i</sup>, conducted essential operations last fall and will continue those operations as we move through the remaining winter months. 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 1-5 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 first 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 efforts to aid NEFOP aim to reduce the overall number of observer related incidents and help encourage observer retention. A third priority is our Seafood Import Monitoring Program (SIMP). Emphasis on these three priorities does not mean we stopped enforcing other important Living Marine Resource laws such as those associated with the Magnuson Stevens Fishery Conservation and Management Act, the Atlantic Coastal Fisheries Cooperative 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 largely 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 26 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 21 instances of participation in various NOAA internal and external government partner meetings/events. There were also 8 seaport container inspections to monitor seafood imports. NED EOs and SAs initiated at least 20 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 and officers 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.

### Enforcement Field Work and Outreach Effort Summary

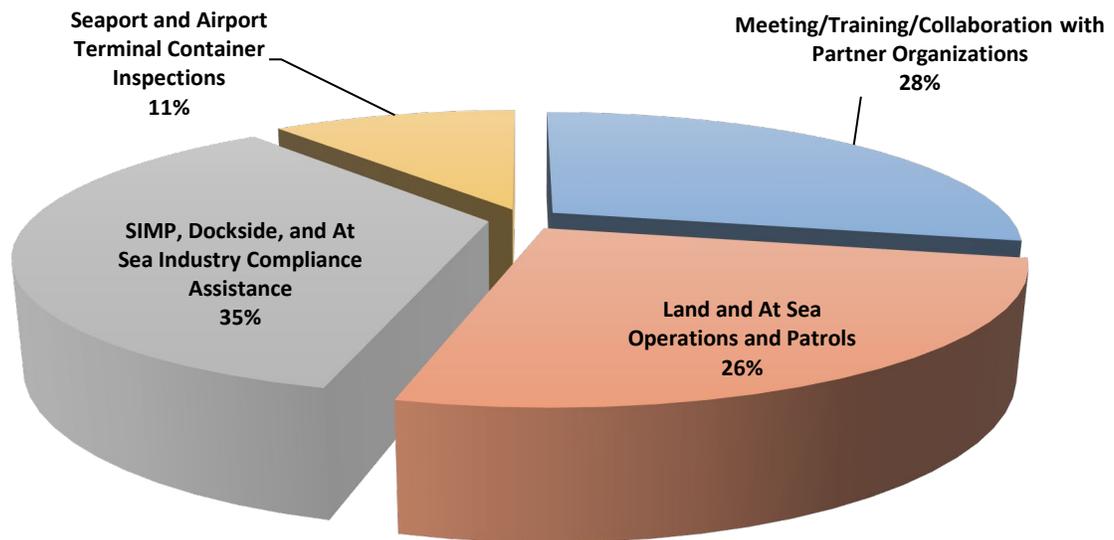


Figure 1: Roughly 74 events took place between and October 1, 2022 and December 31, 2022. The figure is broken down by land and at sea operations and patrols, internal government meetings, training events, and collaborative efforts with partner organizations, dockside and at sea outreach and industry compliance assistance, and Seaport and Airport Terminal Container Inspections.

A proposed rule to modify the existing SIMP program recently published. A 90 day public comment period will conclude on March 28, 2023. In addition to the 13 species/groups listed under the current rule, the new rule proposes to expand to single species currently listed to larger species groups to minimize the risk of mislabeling and product substitution to bypass SIMP requirements. Those are snapper and tuna. In addition, 5 new species are also proposed to be added due to IUU fishing and/or seafood fraud concerns. Those are cuttlefish and squid, octopus, eels, queen conch,

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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.

and Caribbean spiny lobster. In addition to other changes to the existing rule, the proposed rule would result in 18 individual species and species groups listed under SIMP, if finalized, as is.

## 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.

Included in the following are highlights of our FY 2023, first quarter North Atlantic right whale speed and ALWTRP enforcement activities. Please keep in mind OLE does not release information on any ongoing or open investigations.

### 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<sup>iv</sup> to further reduce risk of vessel strikes.

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 over \$200,000 in penalties across 25 cases for violations during the 2021–2022 season, 23 of which have settled. In addition to these cases, other speeding violations are being actively investigated such as those in the current SMA season. Those also may be subject to potential [civil penalties](#).

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

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<sup>iv</sup> 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.

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, including 19 in the first quarter, FY 2023. 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 first quarter, FY 23:

- An SA completed a subject interview in mid-October with a vessel owner/operator related to a North Atlantic Right Whale speed rule case. The operator is charged with violating the 10kt speed rule on multiple occasions in seasonal management areas from NY to GA.
- The second week of November, an SA contacted a vessel manager to request information and supporting documentation that will be used in furtherance of an ongoing Right Whale Speed Rule investigation.
- Also in the second week of November, an SA submitted a case involving a vessel that exceeded the 10 kt speed restriction multiple times in an SMA.
- An EO ran an SMA operation out of the Port of New York City that ran from November 14 through 18.
  - The same EO attended in person a USCG Sector New York, Harbor Operations Committee Meeting in early December, where this operation was addressed by multiple participants from within various NOAA Fisheries divisions and USCG sectors as well as NY/NJ container ship pilots. An SEO on the call also helped answer questions and clarify SMA enforcement.
- In late November, an SA conducted an interview with the manager of a vessel under investigation for violating the ship strike reduction rule. The vessel was documented by AIS to allegedly be in excess of speed restrictions while transiting various U.S. Seasonal Management Areas (SMAs).
- In the first week of December, an SA submitted a case package for GCES review related to a speed rule investigation. During the investigation, the suspect ship's management company representatives admitted to exceeding the SMA speed limit and also indicated that based on this infraction that they have implemented safety and mitigation measures to ensure their vessels are in compliance moving forward.
- Separately, but also in the first week of December, a NOVA was issued to a vessel for violating the Right Whale Speed Rule in an SMA. A \$15,000 penalty was assessed to the vessel which had 3 separate counts of violating the speed rule.
- Again in the first week of December, we conducted the first SMA speed operation of the year off of NY, targeting NY's main shipping channel. Our officers identified multiple violations and those cases are currently ongoing. This SMA operation was also the first we have conducted in the main NY shipping channel.
  - Following the operation, we were invited to the USCG Sector NY, NY Harbor Operations Planning Safety Steering Committee meeting held the second week of December to discuss our ongoing speed operations. An EO, in attendance at the meeting held in Staten Island, was well received by the committee members and others in attendance.
- As of the second week in December, NED's newly purchased M2 mobile radar unit was up and running covering shipping and vessel traffic along Chesapeake Bay.
- SED speed rule compliance assistance letters were mailed out on December 21. There were 84 letters in total, 5 of which were international.

## 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](#) 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 last year.

The following list describes the first quarter, FY 2023 ALWTRP focused patrols that OLE EOs and SAs participated in, chronologically, and in detail:

- An EO input six vessels and 11 violations into the NOAA Enforcement Information System (NEIS) the second week of October, which were the result of an LMA 3 gear compliance patrol conducted in the fourth quarter, FY 2022.
- Also in the second week of October, An EO and the acting AD, attended the in-person NOAA Take Reduction Team (TRT) meeting at the University of Southern Maine (USM) in Portland, ME. The meeting was highly attended by members of the public and industry, attended by Maine's Governor and members of the Congressional Delegation, and covered by regional press associations. NOAA officials provided a scoping presentation on further modifications to the Atlantic Large Whale Take Reduction Plan (ALWTRP). Dozens of public comments were received in response. Verbal hostility from some commenters was directed at PRD - TRT staff but no direct threats to NOAA staff were observed. Some industry members openly stated that they will not comply with further TRT measures.
- Also following the prior quarter's LMA 3 patrols, An EO issued the owner of a LMA 3 lobster vessel a \$500 summary settlement in the third week of October for failing to properly mark buoys, as required, and another vessel a \$1250 summary settlement for failing to properly mark buoys, obstructing ghost panels, and failing to attach a valid trap tag.
- On November 2, an EO conducted a joint patrol with MA JEA in MA state waters targeting fixed gear. Compliance assistance was provided to one gear owner for failing to properly mark surface buoys.
- In the first week of December, an EO collaborated with ISP staff to prepare an LMA1 offshore lobster vessel activity analysis supporting and enhancing coordination with USCG Sector Northern New England (NNE) small boat station and cutter resources for targeted LMA1 vessel enforcement. USCG efforts in NNE will also support collection of ascertainable Intel regarding lobster fishing vessel activity in the vicinity of the ALWTRP LMA1 Restricted Area through January 31, 2023.
- In the second week of December, again following the LMA 3 patrols last summer and fall, An EO concluded an investigation involving a vessel that was inspected on three different patrols, resulting in a total of 19 violations for primarily surface gear markings and failure to use high flyer and radar reflectors, as well as other ALWTRP violations. The owner stated that he does not intend to have any of his vessels comply with surface marking requirements. The case was referred to GCES for NOVA consideration.

The first quarter FY 2023 ALWTRP patrol data, similar to what we provided the Council in our last two quarterly reports, is not yet available. We will provide the Council with detailed ALWTRP related patrol data for the first quarter, FY 2023 in advance of the April Council meeting.

# 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 first quarter FY 2023 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 through [Amendment 23](#) 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 in the last year. We plan to accomplish 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:

- Two SAs presented at two northeast fisheries industry training workshops on harassment. These workshops were organized by the Fisheries Monitoring Operations Branch (FMO), in partnership with the NOAA Office of Law Enforcement (OLE), involving members of the Northeast groundfishery. FMO and OLE conducted these voluntary workshops for groundfish industry members to further support observers in the field and to support industry in understanding observer harassment and sexual assault/sexual harassment (SASH). The workshops suggested ways for captains to talk to crew members about these topics as well as best practices if they witness unacceptable behavior at sea. Workshops planned in January will target broader participation such as by industry members from all fisheries.
- In addition to quarterly meetings held between FMO and OLE staff to discuss ongoing observer related cases, observer related issues, and brainstorming new ideas for collaboration within our groups, we 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.
- An SA participated in two observer training events for new observers. The SA participates in two separate training agenda items at each observer training event for new observers. The first agenda item is a general presentation on OLE geared towards helping new observers understand how OLE supports them. The other agenda item is a more recent addition. That is, an SA participates on an observer support panel which consists of OLE, USCG, and FMO staff. Similar to the general presentation OLE provides, the support panel offers another venue for new observers to hear from enforcement staff and FMO staff involved in alerting enforcement staff of a potential observer related violation. Both the presentation and the panel agenda items also offer opportunities for new observer staff to ask OLE and others enforcement related questions.

While a goal of this priority is to help encourage observer retention, please understand 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 first quarter observer related violations in Table 1, below. From October 1 through December 31, 2022, the NOAA Observer Program deployed on 867 trips for 2,801 sea days. We initiated 7 investigations based on Incident Reports received this quarter. 99% of all selected or observed trips were completed without an enforcement referral/investigation<sup>v</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	Two refusal investigations related to vessels sailing without an observer after being selected were received. Those cases are ongoing.
Assault	None
Harassment/Intimidation	Two observer harassment/intimidation complaints were received and both closed with compliance assistance.
Interference	One observer interference complaint was received. That was closed with compliance assistance.
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
Groundfish Catch Handling	One case was received and that is ongoing.
Other	One case was received and closed with compliance assistance.
Miscellaneous	Please see all bullets listed starting on page 8, above.

## Incident Information

Incidents listed in this section come directly from NEIS<sup>vi</sup>, OLE's new electronic case management system. NEIS recently replaced Trident as OLE's case management system in late

<sup>v</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. For complaints reporting multiple potential violations, the most significant issue is the one tracked for case reporting statistics.

<sup>vi</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.

September, 2022. 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 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 NED activity in the first quarter, FY 2023, not a precise account of all activities that have occurred during that time.

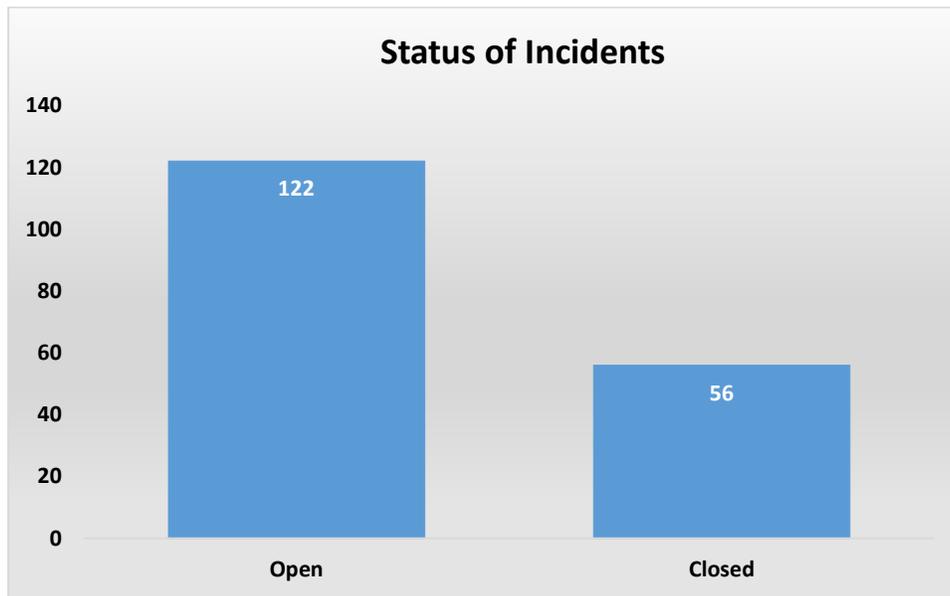


Figure 2. Status of incidents entered in NEIS between and including October 1, 2022 and December 31, 2022 (56 closed, 122 open).

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

Law/Regulation/Program	Incident Totals
ACFCMA	6
Marine Mammal Protection Act	18
MMPA and ACFCMA	15
Endangered Species Act	4
MSFCMA	63
HMS	32
State Law/Regulation	1
National Marine Sanctuaries Act	2
Atlantic Tunas Convention Act	4
International Trade Program	27

Lacey Act	1
Other Federal Law/Regulation	1
<b>Total</b>	<b>178</b>

### First Quarter, FY23 Incidents by Law/Regulation

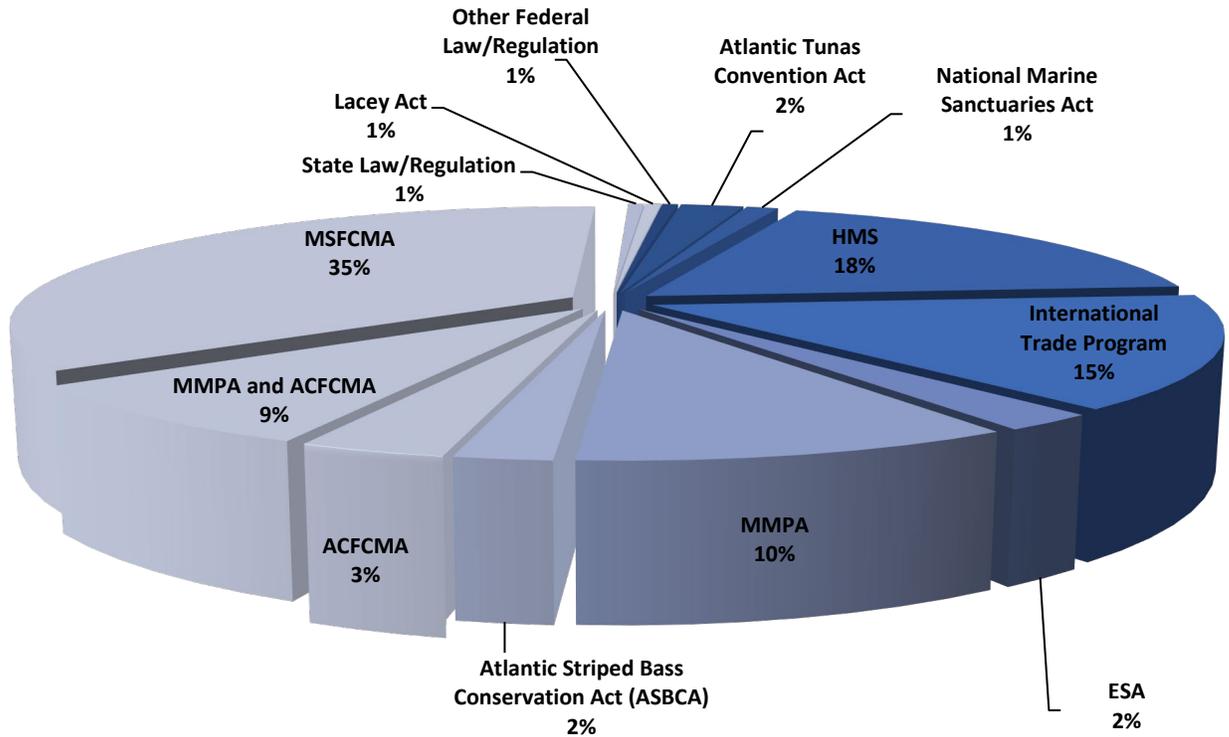


Figure 3: Incidents in NEIS broken down by specific law or program violation from October 1, 2022 through December 31, 2022

### First Quarter, FY 23 Incident Dispositions

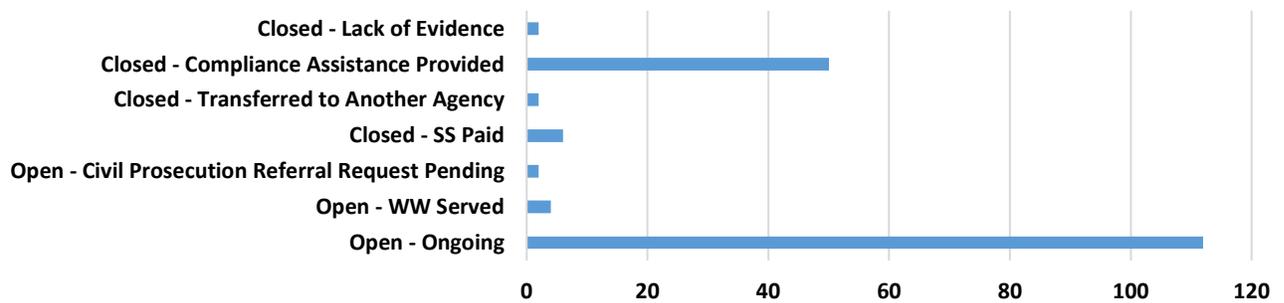


Figure 4. Incident dispositions from October 1, 2022 through December 31, 2022.

# Summary of Incidents Involving OLE Partners

A total of 110<sup>vii</sup> incidents entered into NEIS from October 1 through December 31 of this year involved NED collaboration with at least one other federal or state enforcement partner. Figure 5, below, shows incidents where NED staff in OLE partnered with a state and/or federal enforcement partner on patrols or seaport and/or airport terminal container inspections, or referred case packages.

## First Quarter, FY 2023 Incident Partners

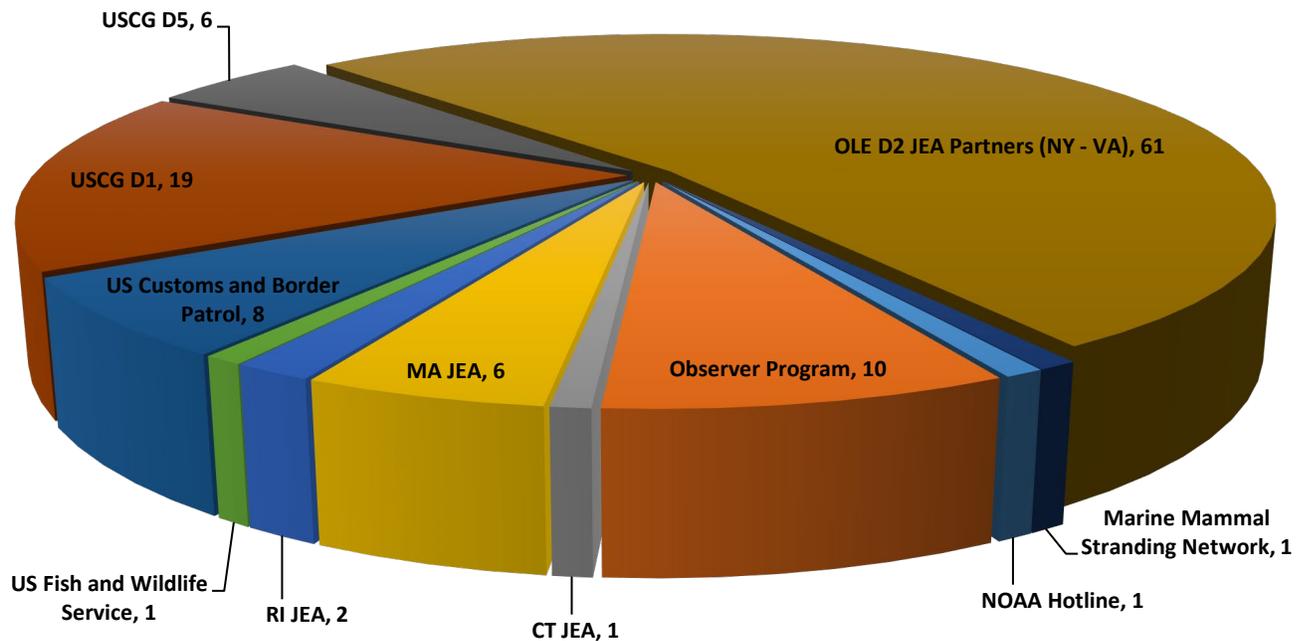


Figure 5. Incidents entered into NEIS between October 1, 2022 and December 31, 2022 where one or more federal, or state enforcement partner collaborated with NED staff (the number of collaboration events with a specific enforcement partner is listed by “Enforcement Partner, XX”). Observer program related referrals are included here, but all other NOAA internal referrals are not.

## Overview of Summary Settlements

A total of 21 violations were associated with 18 Incidents with Summary Settlements issued between and including October 1, 2022 and December 31, 2022 at a value of \$19,250. Data included in this section also comes from OLE’s case management system, NEIS.

vii 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 5 is greater than the 110 incidents referenced in this data set. Where multiple enforcement partners collaborated on a single incident, those partners were tallied separately in Figure 5.

Table 3: Individual Violations Associated with Summary Settlements Issued.

Law	Violation	SS Amount	State	Commercial / Recreational / For Hire
MSFCMA	IFTP Requirements Non-Compliance	\$1,000	MA	Commercial
MMPA	ALWTRP Gear Violation	\$1,500	MA	Commercial
ACFCMA	Lobster Trap Tag/Gear Violation	\$625	MA	Commercial
MMPA	ALWTRP Gear Violation	\$625	MA	Commercial
MSFCMA	Vessel FVTR Reporting Failure	\$750	MA	Commercial
MSFCMA	No Valid Dealer Permit	\$750	MA	Commercial
HMS	Atlantic HMS Vessel Permit Non-Compliance	\$500	MD	Recreational
MSFCMA	Fishing Without a Valid Vessel Permit	\$500	NC	For Hire
MMPA	ALWTRP Gear Violation	\$500	NH	Commercial
MMPA	ALWTRP Gear Violation	\$1,000	NH	Commercial
MSFCMA	Observer Refusal	\$2,500	NH	Commercial
HMS	Vessel Failure to Report BFT	\$250	NJ	For Hire
ACFCMA	Atlantic Striped Bass Possession in the EEZ	\$1,000	NJ	Recreational
MMPA	ALWTRP Gear Violation	\$250	NJ	Commercial
MSFCMA	IFTP Requirements Non-Compliance	\$1,000	NY	Commercial
ACFCMA	Atlantic Striped Bass Possession in the EEZ	\$1,500	NY	For Hire
HMS	Atlantic HMS Possessed in Improper Form	\$750	RI	For Hire
ACFCMA	Atlantic Striped Bass Possession in the EEZ	\$500	RI	Recreational
HMS	Vessel Failure to Report BFT	\$1,375	RI	For Hire
HMS	Vessel Failure to Report BFT	\$1,375	RI	For Hire
MSFCMA	IFTP Requirements Non-Compliance	\$1,000	VA	Commercial
<b>Total</b>		<b>\$19,250.00</b>		-

## Northeast VMS Program

Updated January 13, 2023

### 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):

- 907 registered vessels
  - Woods Hole Group 446
  - SkyMate 454

- Network Innovations<sup>viii</sup> 1
- MetOcean<sup>ix</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):

- 580 Ocean Quahog (OQ-6)
- 579 Surfclam (SF-1)
- 520 Scallop General Category (LGC-A,B,C)
- 340 Multispecies (MUL-A,D,F)
- 340 Scallop Limited Access (SC-2,3,5,6,7,8)
- 218 Longfin Squid (SMB-1A)
- 120 Herring (HER-A,B,C,E)
- 117 Mackerel (SMB-T1,T2,T3)
- 66 Illex Squid (SMB-5)
- 44 Combination (MUL-E)
- 40 Longfin Squid (SMB-1B)
- 14 Monkfish (MNK-F)
- 8 Maine Mahogany Quahog (OQ-7)

**Groundfish Sector/Common Pool:**

There are 268 groundfish sector vessels and 118 common pool vessels registered to the NE VMS Program. Sector vessels lost 7 vessels since the fourth quarter, FY 22 report and common pool remained at the same number of registered vessels.

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

A total of 40 VMS equipped vessels are on a NMFS approved power down LOE; of these, the owners of 8 vessels have deactivated their VMS with their vendor during the LOE period. Additionally, there are 7 vessels with LAGC scallop permits on a Power Down declaration in port.

**Industry Contact Log Report:**

In the fourth quarter of FY22, the NE Investigative Support (IS) Team addressed 124 industry issues.<sup>x</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 1, one fleet-wide message was broadcast announcing the Herring Area 1A closure. So far in quarter 2, two messages were sent for the Herring Area 1B and 3 closures.

Monitoring of Closed Areas

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

ix This number includes 3 Canadian Transshipment vessels.

x In addition, the NED Compliance Liaison fielded and resolved about 25 calls from industry members in the first quarter, FY 23.

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 3 cases to GCES between October 1 and December 31. 1 case involved speed restriction violations to protect North Atlantic Right Whales and the other two were criminal referrals.