

Council Report – Third Quarter, FY 2024



April 1, 2024 – June 30, 2024

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, conducted essential operations this spring through summer. All OLE staff strive daily to support our mission objectives. Enforcement Officers (EOs) and Special Agents (SAs) maintain a presence in our fishing ports across the Northeast Division. They initiate and pursue investigations, provide education, and offer compliance assistance when needed. OLE's Administrative and Investigative Support Program (ISP) staff work behind the scenes to assist with ongoing investigations and operations.

This report reveals the high quality work NED staff performs 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 1-2, below, include third quarter, FY 2024 data from NED. Please keep in mind OLE does not release specific information on any ongoing or open investigations. We welcome feedback on any section of this report.

NED Enforcement Highlights

Third Quarter, FY 2024 Enforcement and Compliance

Our third quarter, FY 2024 LE efforts continued to focus on two main priorities: Enforcing laws critical to North Atlantic Right Whale (NARW) survival and collaborating with the Northeast Fisheries Observer Program (NEFOP). Our third quarter enforcement efforts to protect and conserve the NARW population are outlined in a dedicated section of this report starting on page 5. Our collaboration with NEFOP aims to reduce the overall number of observer related cases and help encourage observer retention. We outlined our third quarter work in support of NEFOP starting on page 10. A third priority is our Seafood Import Monitoring Program (SIMP) and to counter [illegal, Unreported, and Unregulated seafood](#) from entering commerce.

Emphasis on our top three priorities does not mean we stopped enforcing other important living marine resource focused laws under our jurisdiction, such as those associated with the Magnuson Stevens Fishery Conservation and Management Act (MSFCMA), the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA), and many others. We reported the conclusion of the trial involving the F/V Western Sea in our last report to the Council. Sentencing on that case is now complete and concluded a multi-year investigation involving the misreporting of herring and tax evasion. The subjects were collectively sentenced to \$206,000 in fines, over \$143,000 in federal tax restitution, 144 months of probation, and 150 hours of community service.

In addition, we reported to the Council last year that the jury trial involving owner/operator Chris Winkler of the FV New Age concluded last October, 2023. As a result of that trial, conducted in the Eastern District of New York, Mr. Winkler was convicted of Conspiracy, Mail and Wire Fraud and Falsifying Federal Records and was recently sentenced to 30 months incarceration. The scheme, which occurred from early 2015 through February of 2017, involved the illegal and unreported

¹ Both OLE and the US Coast Guard (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 New York to Virginia. Similarly and overlapping this area is USCG Northeast Division 1, covering from New York to Maine, and USCG Mid Atlantic Division 5, covering from New Jersey to North Carolina.

harvest of nearly 220,000 pounds of summer flounder and black sea bass with a combined wholesale value of nearly \$800,000.

The following metrics do not showcase the full performance of NED, but rather highlight priority and more impactful activities. In the third quarter, FY 2024, there were approximately 16 high priority operations and/or patrols that occurred either on land or at sea. There were 20 documented instances of more impactful dockside outreach and/or industry compliance assistance in the field, allowing critical face-to-face interaction between our field staff and industry members. There were 43 instances of staff participation in significant NOAA internal and external government partner meetings/events. Our agents and officers also conducted 5 container shipment inspections (including related operations) to monitor seafood imports. NED EOs and SAs initiated at least 16 investigations based on previously conducted high priority operations, patrols, and container inspections. Many of those investigations are ongoing.

Enforcement Field Work and Outreach Effort Summary

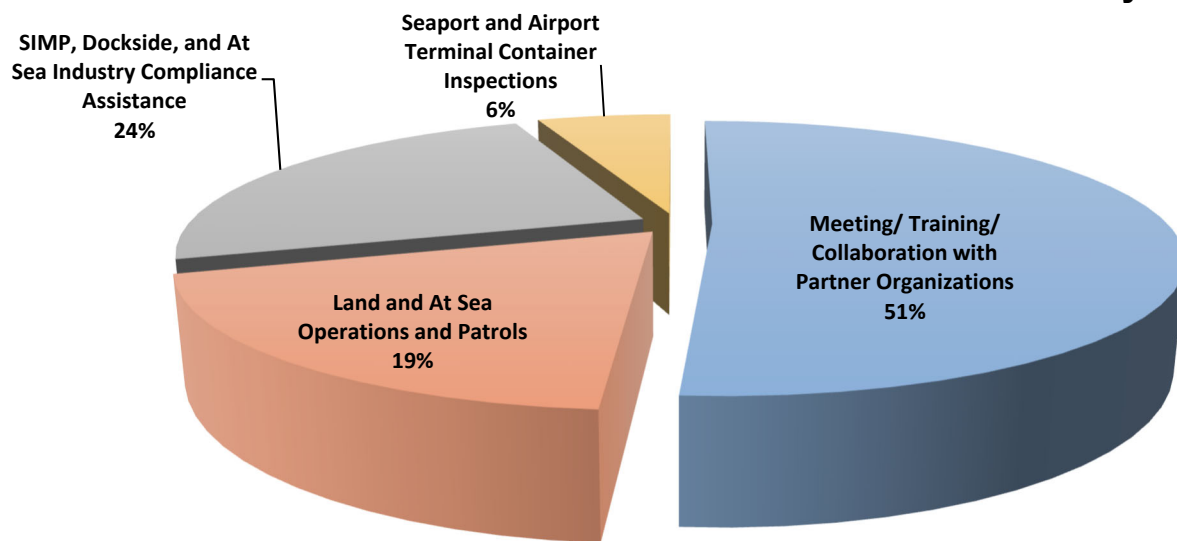


Figure 1: NED took part in roughly 84 high priority events between and April 1 and June 30, 2024. The figure is broken down by land and at sea operations and patrols, meetings, training events, and collaborative efforts with partner organizations, dockside and at sea outreach and industry compliance assistance, and seaport and airport terminal container inspections.

Figure 1, above, does not fully include the tremendous amount of industry and enforcement partner communication the ISP and Mission Support 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 such as while on patrols not captured in this report, and multiple vessels may be boarded and multiple docks may be visited across multiple days on a single operation or patrol². Land based operations and patrols may also involve dealer and vehicle inspections. In support of our priorities, NED also capitalizes on “force multiplication”. That is, operations and patrols involving regulations under our jurisdiction may incorporate or be conducted independent of OLE by one or more of our enforcement partners. However, all operation and patrol metrics referenced in this section directly involve NED EOs and/or SAs.

² Operations can be more complex than patrols and involve multiple enforcement partners over several days, often targeting specific vessel activity.

North Atlantic Right Whale Enforcement

[NARWs](#) inhabit coastal waters, making them particularly vulnerable to [vessel strikes](#) and entanglement in fixed fishing gear. These are the two human activities responsible for the majority of NARW deaths and serious injuries. We enforce the speed rule in [Seasonal Management Areas](#) (SMAs) and other regulations that protect these whales to reduce death and serious injury resulting from vessel collision and gear entanglement, respectively.

By enforcing both of these regulatory strategies, we play an instrumental role in protecting not only NARWs, but all large whales along the Atlantic coast. We also participate in the development of on-demand (or ropeless) technology. Work on this technology may benefit all large whale species, but current NARW conservation priorities drive this effort. In addition, we are an important marine mammal stranding event partner. We provide vessel owners and operators, as well as the general public, with the information they need to remain in compliance with federal regulations.

The following are highlights of our third quarter FY 2024, NARW speed rule, Marine Mammal Protection Act (MMPA)/Atlantic Large Whale Take Reduction Plan (ALWTRP), and marine mammal response enforcement activities.

Vessel Speed Enforcement

From November to July each year, multiple SMAs go into effect on the East Coast. During these times, most vessels 65 feet or longer are required to reduce their speeds to 10 knots or slower while transiting the designated areas. Since 2008, these areas have reduced the threat of vessel strikes to NARWs in their feeding and calving grounds and on their migratory routes. These speed restrictions help reduce the lethality of strikes by allowing boaters more time to sight and respond to nearby whales and also allowing whales more time to move away from oncoming vessels.

NOAA's Office of Law Enforcement is charged with enforcing these regulations and helping the public comply with the rules. From 2022 to 2024, NOAA's Office of General Counsel assessed \$1,444,556 in civil penalties across 88 cases for speed rule violations. We also deploy a number of technologies and strategies to enforce the speed rule, including:

- Industry and public outreach to help prevent violations before they happen
- Automatic Identification Systems (AIS) to detect speeding
- Portable radar units to detect speeding by vessels not carrying AIS
- Active patrolling of Seasonal Management Areas

Related to outreach, starting in 2018, we began sending compliance letters to vessel owners in violation of the speed rule to support and enhance speed rule compliance. Since then, we have sent almost 1,950 letters to vessel owners across multiple industries.

In addition, we continue to leverage satellite-based technologies to send Vessel Monitoring System (VMS) alerts to vessels operating in close proximity to NARWs. Once ISP staff program geofences around areas of confirmed whale presence, we strive to alert vessels of the confirmed NARW presence nearby for up to 48 hours to remind them to go slow, keep a minimum distance of 500 yards, and if sighted to please report the sighting at 866-755-6622 or the WhaleAlert App.

Our strategy to provide the impacted vessel community with compliance assistance and outreach to better accompany related case work is constantly evolving. Our hope is that our cumulative efforts will help curb the number of violations committed by all vessel types.

Third Quarter, FY 2024 - Vessel Speed Enforcement Activity

The following is a list of vessel speed enforcement work conducted in chronological order by NED staff in the third quarter, FY 2024³:

- In the first week of April, ISP staff set up geofenced areas based on confirmed NARW sightings in vTrack⁴ that triggered 48 VMS messages to vessels entering the areas.
- In the second week, based on more confirmed NARW sightings, ISP staff programed additional geofences and vessels entering those areas received 344 more VMS messages.
- Continuing in the third week of April, ISP staff set up another NARW sighting based geofence that triggered another 193 VMS messages to vessels entering that area.
- An EO and New York Department of Environmental Conservation (NY DEC) officer conducted a speed patrol in the NY/NJ SMA. Nine vessels 65' or greater were checked and found to be in compliance with the 10 Knot speed rule.
- In the last week of April, an EO carried out two speed patrols alongside JEA partners within the Delaware Bay SMA. Compliance assistance was provided to one vessel. On these patrols, participating officers monitored eleven vessels that were 65' in length and above for speed rule compliance.
- Also in late April, four EOs, two SAs, six Massachusetts Environmental Police (MEP) officers, and a USCG D1 small boat team conducted a three day speed operation in the Off Race Point and Cape Cod Bay SMAs. Four vessels greater than 65' were observed and checked for speed rule compliance. Participating officers provided compliance assistance to one vessel found in violation of the speed rule.
- In the first week of May, ISP staff set up a geofence based on confirmed NARW sightings that triggered 63 VMS messages to vessels entering the area.
- In the second week of June, an SA presented to several USCG pilots, Intel/operations analysts, and others at the USCG Air Station Cape Cod on best practices for evidence collection and speed rule enforcement during aerial surveillance operations. Additional NED SA's and an ISP staff member were also in attendance. The excellent open dialogue between the two agencies at this meeting fostered productive discussion.
- In the first half of June, an SA began working with NOAA's Unmanned Aircraft Systems Division to develop an Unmanned Aerial Surveillance program within OLE. While it is a new program, it may have a number of enforcement applications beyond aiding speed operations/patrols. One step we hope to accomplish early on with the program is to be able to identify non-AIS signaling vessels during speed operations/patrols.
- In the third week of June, based on confirmed NARW sightings primarily in Canadian waters, ISP staff set up geofenced areas in vTrack. No alert messages were triggered for this effort.

ALWTRP 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 collectively known as the Atlantic Large Whale Take Reduction Team (ALWTRT). 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 ALWTRT, OLE enforces ALWTRP laws to reduce the risk of large whale entanglement in fixed gear fisheries. Most recently, NOAA Fisheries added significant [regulatory changes in 2021](#) to address NARW entanglement in Northeast lobster and Jonah crab trap/pot gear. Those changes included new [Restricted Gear Areas](#)

³ For specific charging information on all NOAA Fisheries cases, including those involving NARW speed rule violations, please see the GCES web page for [Enforcement Charging Information](#) and click on the appropriate month a defendant was charged.

⁴ VMS application used by LE and NMFS for tracking vessel positions and other regulatory requirements.

(RGAs) impacting fixed lobster and crab pot and trap gear. The new RGAs went into effect in late 2021. In addition, gear modification requirements included in those regulations went into effect on May 1, 2022.

We offer our support at ALWTRT meetings to help ensure the enforceability of any new proposed changes to the Plan.

Third Quarter, FY 2024 - ALWTRP Enforcement Activity

Figures 2 and 3, below, illustrate our estimated ALWTRP compliance and patrol efforts, respectively, in the third quarter, FY 2024. Most ALWTRP enforcement data illustrated below involves the northeast lobster and crab, pot and trap fishery.

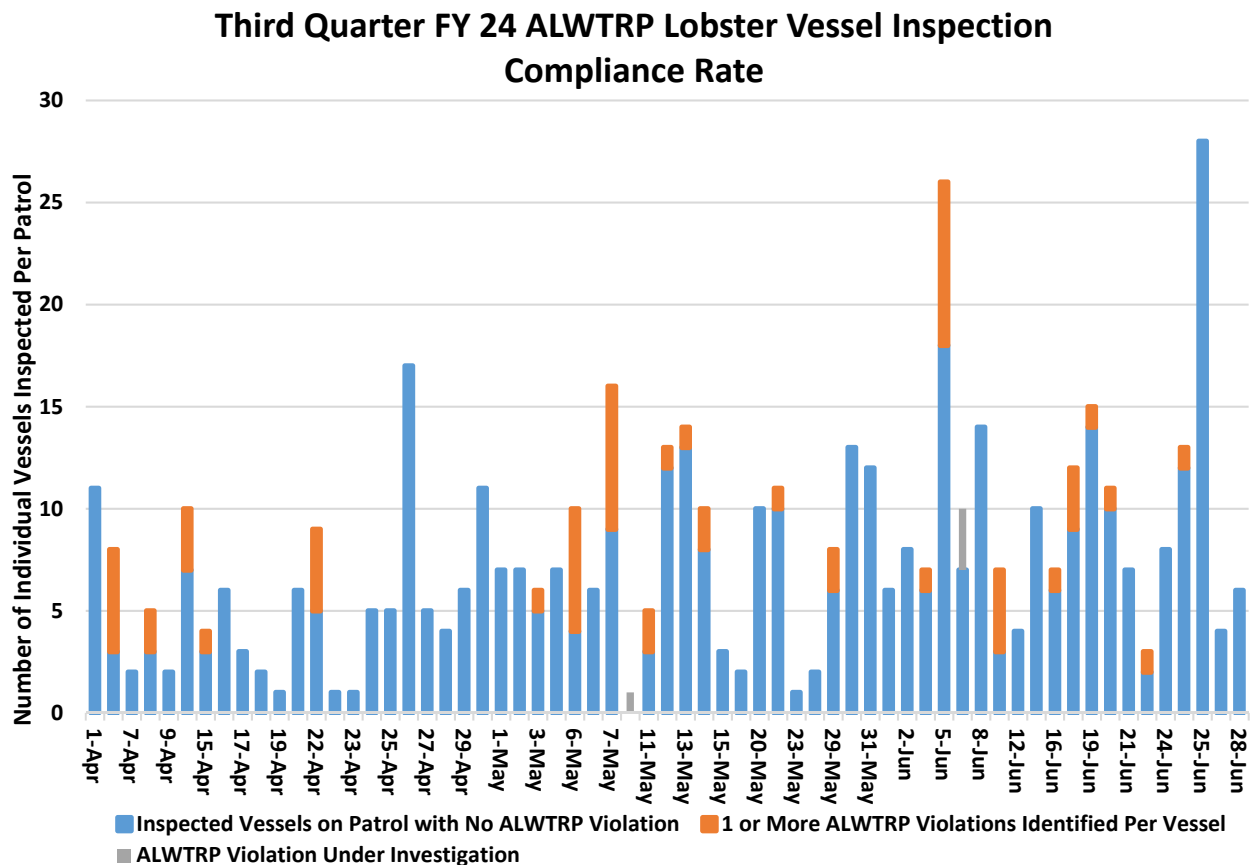


Figure 2: Shown here is the compliance rate observed on individual ALWTRP lobster gear focused patrol days conducted by NED and our enforcement partners. Each bar represents an individual patrol and the blue and/or orange color within each bar represents the total number of compliant and/or non-compliant vessels, respectively, per patrol day. Bar sections shaded in gray correspond to investigations still underway. Combined, NED, MMP, MEP, and the NJ Department of Environmental Protection (NJ DEP) inspected approximately 494 separate vessels for compliance with ALWTRP regulations between April 1 and June 30, 2024. Multiple trawls from the same vessel may be inspected on the same day. In order for a vessel to be “Inspected... with No ALWTRP Violation” in this figure, all of the vessels’ trawls on that day must be ALWTRP compliant.

Between April 1 and June 30 of this year, about 87% of all inspected vessels were compliant with ALWTRP laws, the exact compliance rate found in the previous quarter (second quarter, FY 2024). Out of about 494 vessels inspected by boarding officers, 431 had no observed ALWTRP

violations. There are 4 vessels listed with investigations pending. If no violations are identified in those cases, the compliance rate will increase in the third quarter to 88%.

Similar to previously conducted ALWTRP focused patrols involving the northeast lobster and crab, pot and trap fishery, the vast majority of third quarter, FY 2024 ALWTRP patrol efforts were carried out independently by Maine Marine Patrol (MMP). NED EOs participated in all other enforcement partner patrols illustrated in Figures 2 and 3, below, as well as one alongside MMP. OLE and our enforcement partners combined to inspect 513 individual trawls.

Third Quarter FY 2024 ALWTRP Lobster Gear Patrol Days

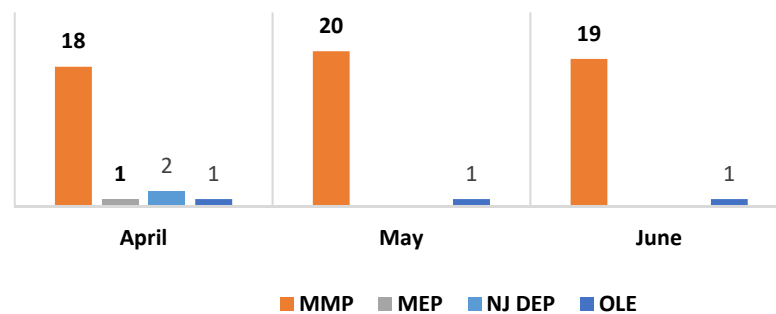


Figure 3: This figure shows a breakdown, by month and enforcement partner, of the number of patrol days conducted between April 1 and June 30, 2024. NED and our enforcement partners conducted an aggregate of 63 ALWTRP focused patrol days in this time period.

The following list primarily includes ALWTRP enforcement work in the northeast lobster and crab, pot and trap fishery conducted in chronological order by NED staff in the third quarter, FY 2024:

- The NED CL presented on ropeless (On-Demand) enforcement activities to the NEFMC Law Enforcement Committee at a meeting held last April 2 and then engaged in related discussions with the Committee. OLE and the Committee members resolved to pursue JEA enforcement workshops to better familiarize state Law Enforcement (LE) with aspects of ropeless fishing that various management bodies are considering to implement (make operational) in the Northeast EEZ. Chairman Patrick Kelleher (also the Maine Department of Natural Resources Commissioner) specifically recommended OLE coordinate with Maine Marine Patrol on ropeless enforcement at a workshop. The workshop took place on September 18. There were over 100 participants on the webinar held last April.
- Also on April 2, an EO conducted a joint patrol with Massachusetts Division of Marine Fisheries (DMF) and MEP utilizing a DMF Research Vessel to conduct lobster trap gear inspections focused on ALWTRP compliance. Nineteen trawls were inspected and participating EOs detected 11 violations, all closed with compliance assistance.
- Again in the first week of April, NED EOs interviewed the identified owner of lobster gear set in the South Islands Restricted Area (SIRA). The owner admitted that the gear was his, and was adamant that it was lost last fishing year. The owner took immediate action to locate a cooperating vessel at sea to retrieve the gear and return it to shore by the end of the day. We closed the investigation with compliance assistance.
- On April 16, the northern “sliver” portion of Closed Area 1 opened up to groundfishing. Northeast Fisheries Science Center (NEFSC) gear research staff identified a gear conflict threat to

fishermen participating in an experimental ropeless fishery who previously set gear in the area. ISP staff and the D1 ASAC worked with gear research staff to investigate ropeless gear conflicts in the area. ISP staff utilized various virtual gear marking tools to help identify fishing vessels that were in the area and then quickly programmed in a geofence to alert vessels where the experimental gear was set.

- Part of the two speed rule patrols mentioned above and conducted in late April within the Delaware Bay SMA, participating EOs inspected two vessels for ALWTRP compliance.
- Also in the last week of April, two EOs conducted the first of three mid-range contracted ALWTRP gear hauling patrols conducted last spring. The EOs focused hauling efforts on this patrol in federal waters northeast of Gloucester MA. Thirteen individual trap trawls from nine unique vessels were inspected for ALWTRP and ACFCMA compliance. The EOs then provided compliance assistance to four vessels found to have ALWTRP violations.
- In the first week of May, two EOs conducted the second of three contracted mid-range ALWTRP gear hauling patrols conducted last spring. EOs focused hauling efforts in federal waters off of Ipswich Bay and east of the NH / ME border. EOs hauled 20 individual trap trawls from 16 unique vessels to the first trap and inspected them for compliance with ALWTRP and ACFCMA regulations. They found ALWTRP violations on eight of the trawls from seven unique vessels.
- In the third week of May, an EO closed a case with compliance assistance following a JEA referral for a NJ based commercial fishing vessel found in violation of ALWTRP regulations.
- Again, in the last week of May, an EO closed a case with compliance assistance following a JEA referral for a MD based commercial fishing vessel found in violation of weak link ALWTRP regulations.
- In the last week of June, two EOs conducted the third and final mid-range contracted fixed gear ALWTRP focused patrol. EOs hauled 16 trawls from 13 unique vessels to the first trap. 93% of vessels inspected on this patrol were compliant with the marking and breakaway requirements.
- Also in the last week of June, an EO conducted a joint gear hauling patrol with MMP focusing on ALWTRP and ACFMCA regulations successfully inspecting 11 trawls. Several ACFMCA violations and one ALWTRP violation were documented.

Third Quarter, FY 2024 - NED Marine Mammal Response

NED staff continue to respond to, participate in, and investigate whale stranding events any place they may occur within our range of coverage from ME to VA. We also respond to whale related violations under the MMPA such as harassment. In the third quarter, FY 2024, NED participated in the following whale related activities and stranding events, listed in chronological order:

- In mid-May, an SA investigated a report of a low flying aircraft that circled over approximately 20 NARWs feeding in Cape Cod Bay. The SA contacted the pilot and provided compliance assistance to him regarding the Endangered Species Act (ESA) 500 yard approach regulations for NARWs and cautioned him not to fly low over hauled out seals as well.
- Also in mid-May, an EO collaborated with NY DEC involving a deceased sei whale that was found lodged and deceased in the bow structure of a docked cruise ship. The case was closed after investigation with no violations documented.
- Again in mid-May, an EO aided local police and marine mammal stranding network partners to provide security for a stranded fin whale found washed up at a DE park beach. Again, no violations were documented.
- In late May, following a social media generated report, an SA investigated a report of a live bottlenose dolphin stranded in a NJ creek. While there were unsubstantiated reports of private citizens attempting to aid the animal in violation of the MMPA, the SA documented no violations. Unfortunately, marine mammal stranding network partners authorized to handle marine mammals were not able to safely return the animal to sea. They retrieved the animal post mortem.

- In early June, an EO collaborated with MMP and GARFO's Protected Resources Division regarding a humpback stranding in a mackerel weir in ME that resulted in a mortality. The case was closed with no violations documented.
- Multiple EOs received separate Hotline complaints of vessels harassing pods of dolphin off NJ and MD in June. While one case was closed with lack of evidence, an EO was able to provide compliance assistance to another subject.
- In late June, an EO responded to a report of a deceased dolphin on Revere Beach in MA. While there were signs of human interaction, the case was closed with no violations documented.
- In response to a NARW mortality that occurred last March, an SA received a report from a Virginia based marine mammal stranding network partner that the whale died from blunt force trauma. The SA investigated potential vessels identified contemporaneously to be in the vicinity of the whale at the time of death, but the case was ultimately closed with lack of evidence.

NEFOP Enforcement Collaboration

In support of our enforcement priority to aid NEFOP, our goals are to reduce the overall number of observer related cases and help encourage observer retention. Our third quarter FY 2024 efforts in support of this priority involved close collaboration with staff from the Fisheries Monitoring Operations Branch (FMO) of NEFSC and industry members. We recognize that observer retention is a challenge even under ideal circumstances.

From an industry perspective we understand there are inherent challenges to collaborating with an observer in close quarters on board a fishing vessel. We try to keep that in mind during all of our interactions with industry members related to our observer priority. Among the observer community, our support of this priority aims to ensure that we have observer's safety and best interest in mind to help ensure a continued flow of the critical fishery dependent data NEFOP provides. We work to accomplish goals under this priority by working more closely with both industry members, members of the observer program, and our enforcement partners.

From April 1 through June 30, 2024, NEFOP observers deployed on 1,126 trips for 3,503 sea days. We initiated four investigations based on incident reports we received in the third quarter, FY 2024. We closed two of those investigations and two remain open. Both closed investigations involved refusals. We resolved one of those cases with compliance assistance and the other was closed with a written warning. 99.6 percent of all selected or observed trips were completed without an enforcement investigation⁵.

Our third quarter FY 2024 activities in support of our NEFOP priority (roughly in chronological order) are as follows:

- An observer interference report from late last January was closed in the third week of April after an SA provided compliance assistance to the captain.
- The last week of April, the OLE Observer Liaison (OL) SA provided enforcement training to a new training class of observers for the April 2024 Base + NEFOP Training. He discussed various topics including, but not limited to, an introduction to OLE, responsibilities of vessel owners and operators to observers, the role of the observer when encountering a problem or possible violation, the role of NOAA OLE in providing observer support and observer conduct.

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.

- Again on June 12, the OLE OL SA provided enforcement training to another new training class of observers for the June 2024 Base + NEFOP Training. Again, he discussed various topics including, but not limited to, an introduction to OLE, responsibilities of vessel owners and operators to observers, the role of the observer when encountering a problem or possible violation, the role of NOAA OLE in providing observer support and observer conduct.
- The OLE OL SA met with FMO three times to discuss case updates, for the purpose of information sharing and to address any questions and provide feedback.

We will continue to focus our efforts on both industry members and members of the observer community in support of our priority to aid NEFOP and we will encourage best practices and standards of behavior among industry and the observers. If you have questions on this topic, you may contact us at the following numbers:

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

General Case Information

OLE compiles case information from investigations and patrols mentioned above, referrals from external parties such as state and federal enforcement partners, as well as complaints and reports from industry, Non-Government Organizations, and the general public. Data presented in this section also includes ISP and other NOAA staff indicated non-compliance events. Many NED staff members contributed to the case information presented here.

The query used to generate the data displayed in this section is based on the date EOs and SAs began processing cases and should capture a very accurate snapshot of NED activities that occurred in the third quarter, FY 2024.

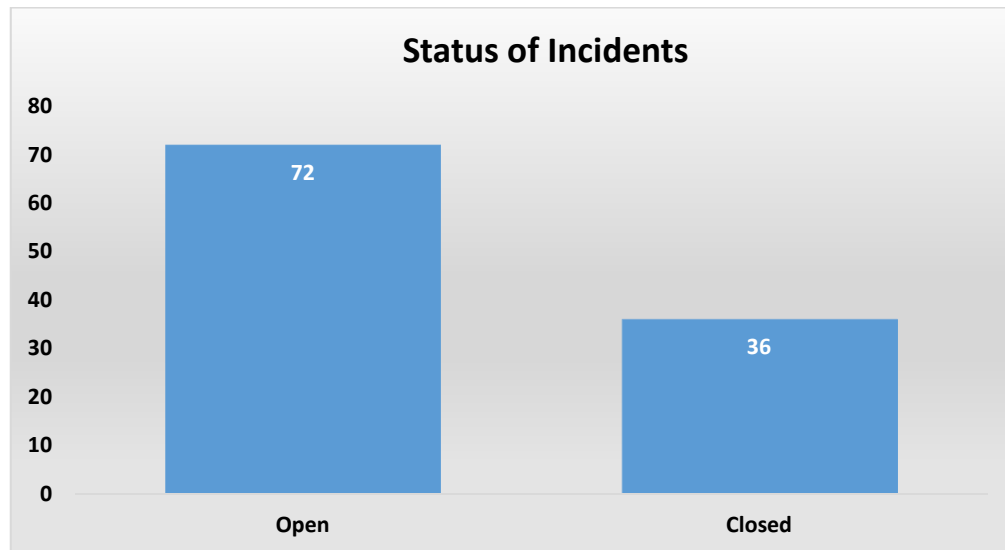


Figure 2: Status of NED case processing between April 1 and June 30, 2024 (36 closed, 72 open).

Table 1: Third Quarter, FY 2024, summary of cases by law/regulation

Law/Regulation/Program	Case Totals
MMPA	36

ACFCMA	8
ESA	7
MSFCMA	37
MMPA/ ESA	8
HMS	5
International Trade Program	5
Lacey Act	1
State Law	1
Total	108

Third Quarter, FY 2024 Incidents by Law/Regulation

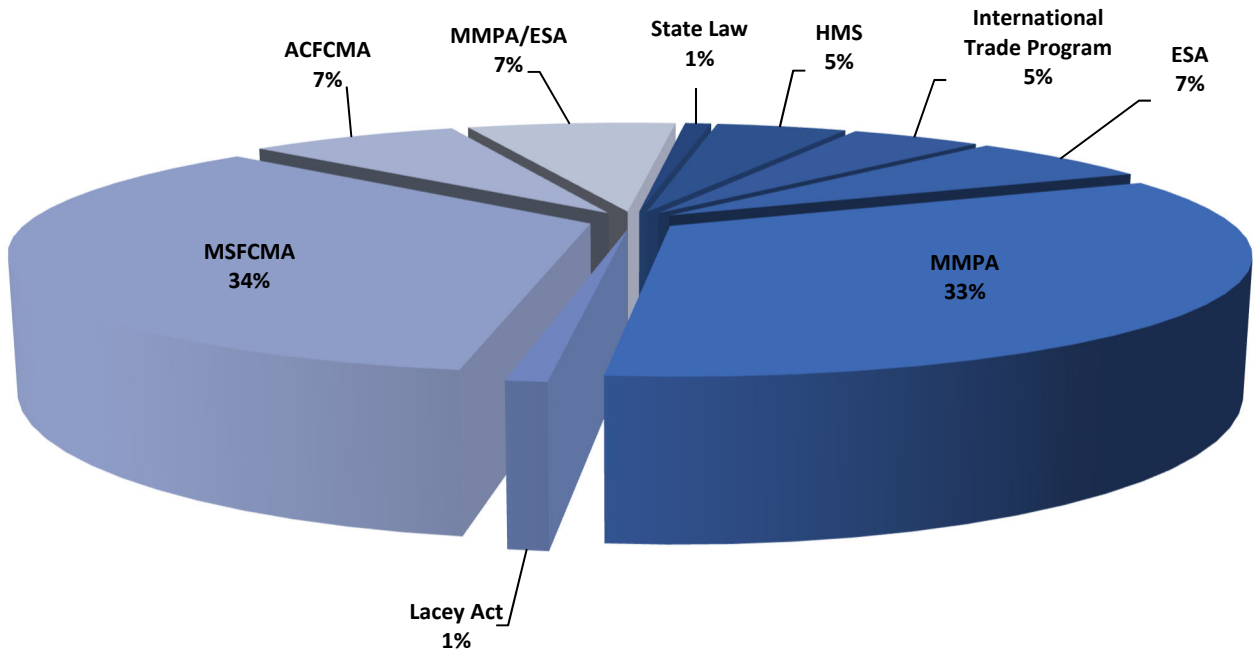


Figure 3: NED cases broken down by specific law or program violation from April 1 through June 30, 2024.

Third Quarter, FY 2024 Incident Dispositions

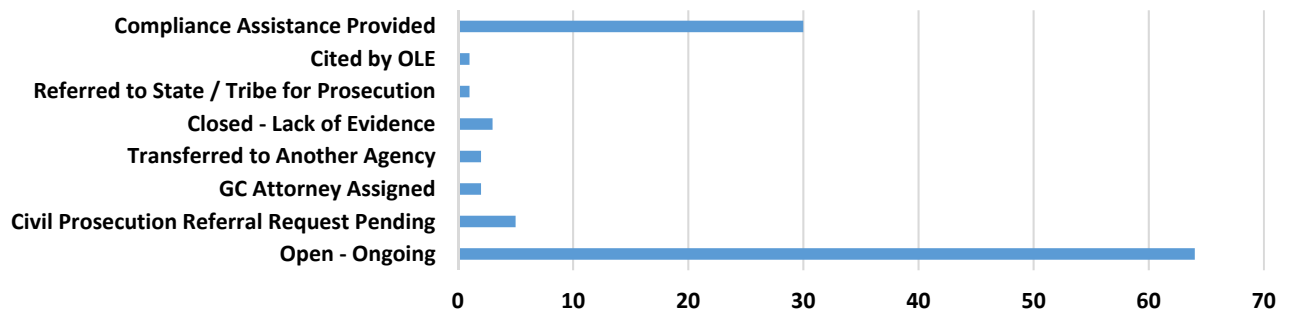
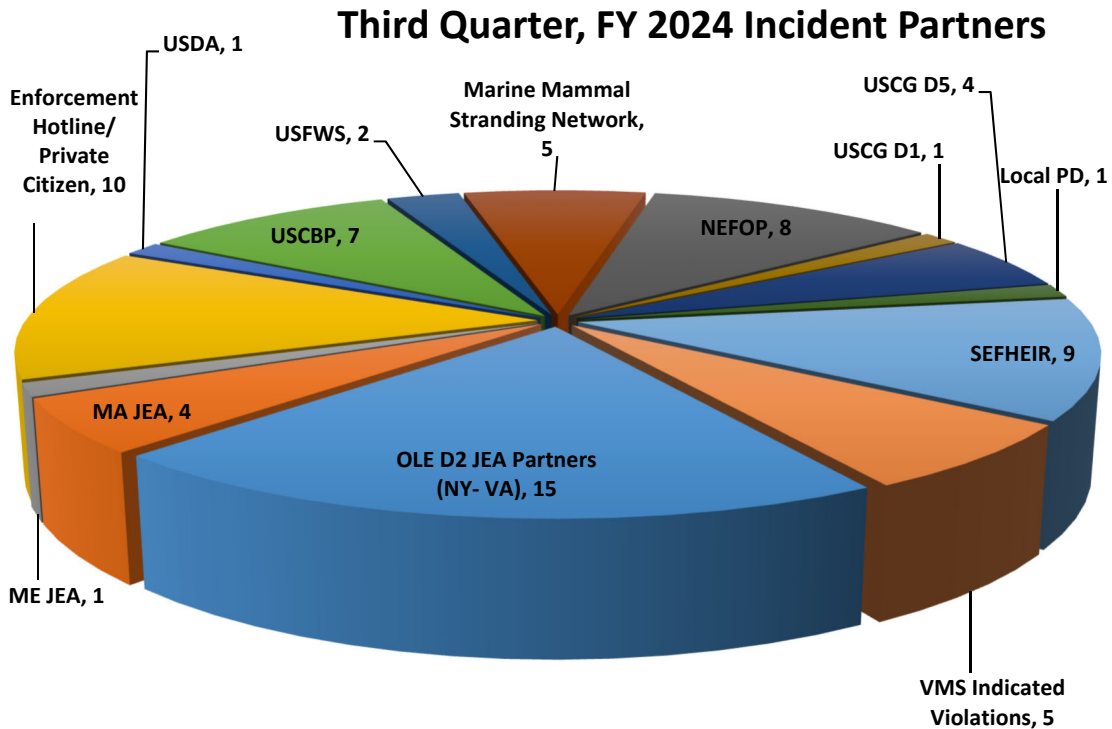


Figure 4: Case dispositions from April 1 through June 30, 2024.

Summary of Cases Involving OLE Partners



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Figure 5: NED case processing between April 1 and June 30, 2024 where one or more federal, state, or local enforcement partners collaborated with NED staff (the number of collaboration events with a specific enforcement partner is listed by “Enforcement Partner, XX”). Observer program, VMS indicated violations from our Investigative Support Program and [Southeast For-Hire Integrated Electronic Reporting \(SEFHIER\)](#) program referrals are included here, but all other NOAA internal referrals are not.

NED SAs and EOs began processing a total of 63⁷ cases between April 1 and June 30, 2024, which involved NED collaboration with at least one other federal, state, or other enforcement partner⁸. There were also 5 cases initiated from VMS data. Figure 7, above, shows cases where NED staff collaborated with an enforcement partner on patrols, seaport and/or airport terminal container inspections, whale stranding events, or referred case packages. Not included in Figure 7, above, are activities such as large whale focused patrols that did not involve a violation. NED may

⁶ We included SEFHIER referrals from OLE’s Southeast Enforcement Division (SED) in Figure 7, above, because of the relatively large number of SED referrals to NED in the third quarter, FY 2024. Fishers issued Southeast Fishery Permit Office permits must satisfy SEFHIER program reporting requirements. Typically SEFHIER program noncompliance cases fall under SED jurisdiction, but NED follows up on SEFHIER program noncompliance cases identified north of the North Carolina/Virginia border.

⁷ The total number of instances of collaboration between OLE and at least one other enforcement partner illustrated in Figure 7 is greater than the 63 cases referenced in this data set. Where multiple enforcement partners collaborated on a single case, those partners were tallied separately in Figure 7.

⁸ Activities such as patrols and operations involving our enforcement partners that did not result in a case are not captured in this graphic.

collaborate on activities with various enforcement partners such as USCG D1 and D5 where no violations are documented. Those activities may not be captured in Figure 7, above, either.

Overview of Summary Settlements

NED staff issued Summary Settlements (SSs) for 26 violations associated with 20 cases between April 1 and June 30, 2024 totaling \$22,708.00. Many cases with SSs listed here predate cases listed in the “General Case Information” section, above.

Table 2: Individual violations associated with SSs issued in the third quarter, FY 2024.

Law	Violation	SS Amount	State/Country
Lacey Act	Illegal American Lobster Transport	\$533.00	Canada
ACFCMA	American Lobster Minimum Size Violation	\$533.00	Canada
ACFCMA	Egg Bearing Atlantic Lobster Possession	\$534.00	Canada
HMS	Atlantic HMS Fishing without Valid Permit	\$500.00	DE
HMS	Atlantic HMS Fishing without Valid Permit	\$500.00	DE
MSFCMA	Tilefish Fishing without Valid Permit	\$500.00	DE
MSFCMA	Observer Refusal	\$2,500.00	MA
MSFCMA	Scallop Possession Overage	\$6,008.00	MA
MSFCMA	No Bridge Watch Observer Violation	\$500.00	ME
MCFCMA	Observer Safety Violation	\$500.00	ME
MSFCMA	VMS Indicated Incursion	\$500.00	ME
HMS	BFT Possession Limit Violation	\$250.00	NJ
HMS	Atlantic HMS Possessed without Valid Permit	\$500.00	NJ
MSFCMA	Dolphinfish Possession Overage	\$250.00	NJ
ASBCA	Atlantic Striped Bass Possession in the EEZ	\$2,500.00	NJ
HMS	Atlantic HMS Possessed without Valid Permit	\$500.00	NJ
MSFCMA	Electronic VTR Reporting Failure	\$675.00	NJ
MSFCMA	VMS Reporting Violation	\$675.00	NJ
ASBCA	Atlantic Striped Bass Possession in the EEZ	\$250.00	NJ
ASBCA	Atlantic Striped Bass Possession in the EEZ	\$750.00	NJ
ASBCA	Atlantic Striped Bass Possession in the EEZ	\$1,000.00	NJ
ASBCA	Atlantic Striped Bass Possession in the EEZ	\$250.00	NJ
HMS	Atlantic HMS Minimum Size Violation	\$500.00	NY
HMS	Atlantic BFT Reporting Violation	\$250.00	NY
MSFCMA	Electronic VTR Reporting Failure	\$625.00	VA
MSFCMA	Black Sea Bass Possessed without Valid Charter Permit	\$625.00	VA
Total		\$22,708.00	

Northeast VMS Program

Updated July 24, 2024

NE VMS Unit Population (active): There are 930 registered vessels split among the vendors listed below.

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

- 585 Ocean Quahog (OQ-6)
- 583 Surfclam (SF-1)
- 528 Scallop General Category (LGC-A,B,C)
- 346 Multispecies (MUL-A,D,F)
- 345 Scallop Limited Access (SC-2,3,5,6,7,8)
- 262 Longfin Squid (SMB-1A, 1B)
- 116 Herring (HER-A,B,C,E)
- 114 Mackerel (SMB-T1,T2,T3)
- 66 Illex Squid (SMB-5)
- 46 Combination (MUL-E)
- 16 Monkfish (MNK-F)
- 6 Maine Mahogany Quahog (OQ-7)

Groundfish Sector/Common Pool:

There are 261 groundfish sector vessels and 134 common pool vessels registered to the NE VMS Program. The number of sector vessels registered has increased by 3 vessels since the second quarter, FY 2024 (there were 261 registered sector vessels in the second quarter, FY 2024 and the number of common pool vessels fishing under the “Days at Sea” program has increased by one since the last report).

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

A total of 18 VMS equipped vessels are on a NMFS approved power down LOEs; of these, owners of eight vessels have deactivated their VMS with their vendor during the LOE period. Additionally, there are 12 vessels with Limited Access General Category scallop permits on a Power Down declaration in port.

Industry Contact Log Report:

In the third quarter of FY 2024, ISP staff and the Compliance Liaison documented 260 industry contacts. The most-frequently reported issues were (1) closed area issues and other regulatory concerns and questions, (2) VMS declaration/forms assistance and compliance, and (3) VMS non-reporting and power downs.

So far in the fourth quarter of FY 2024, ISP staff and the Compliance Liaison documented another 34 industry contacts. The most-frequently reported issues were (1) closed area issues and other regulatory concerns and questions, (2) VMS declaration/forms assistance and compliance, and (3) VMS non-reporting and power downs.

VMS Notes and Significant Events:

VMS Fleet-Wide Message

VMS messages are sent to specific VMS fleets announcing fishery closures and other news. Industry is encouraged to monitor their VMS for all incoming messages. In the third quarter, FY 2024, one message was sent for the closure of the Northern Gulf of Maine Scallop Fishery. So far in fourth quarter, one message was sent for the closure of the scallop access areas for the Individual Fishing Quota fleet.

Monitoring of Closed Areas

For vessel owners and operators, please remember that there are no buffer zones around closed areas and that VMS is actively monitored for closed area compliance. We encourage industry to keep onboard electronics updated with the correct closed area boundaries.

NARW Notices

As mentioned on page 5, above, ISP staff may broadcast VMS messages to alert vessels if there are NARWs in the vicinity of their activity. Staff send messages based on whale presence identified in regional survey data. In the third quarter, FY 2024, ISP staff were responsible for sending 585 messages to VMS equipped vessels. Since May, 2023, we sent 1,319 messages to VMS equipped vessels operating in close proximity to NARWs.

Scallop Framework (FW) 38 VMS Software Update and 5-minute reporting

The latest VMS software update includes the new scallop access area options. For impacted vessel owners and operators, VMS vendors should have already pushed out the new software to you. Please contact your vendor for any further assistance.

Scallop FW 38 initiated a 5-minute VMS requirement for declared scallop trips seaward of the VMS demarcation line. We encourage industry to work with their VMS vendor to make sure they have the best service plan for their needs.

Cases Sent to NOAA General Counsel Enforcement Section (GCES)

NED forwarded 12 cases to GCES between April 1 and June 30, 2024. The cases involved, but were not limited to speed restriction violations to protect NARWs, HMS violations, and permit and reporting violations.