



REPORT TO CONGRESS

REPORT OF THE MARITIME SECURITY AND FISHERIES ENFORCEMENT ACT INTERAGENCY WORKING GROUP ON IUU FISHING REGARDING EFFORTS TO INVESTIGATE, ENFORCE, AND PROSECUTE ILLEGAL, UNREPORTED, AND UNREGULATED FISHING IN 2022

*Developed pursuant to: Maritime Security and Fisheries Enforcement Act, 2019
(Public Law No. 116-92)*

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THE MARITIME SECURITY AND FISHERIES ENFORCEMENT ACT (PUBLIC LAW
116- 92) INCLUDED THE FOLLOWING LANGUAGE:

SEC. 3551. INTERAGENCY WORKING GROUP ON IUU FISHING.

(a) IN GENERAL.—There is established a collaborative interagency working group on maritime security and IUU fishing (referred to in this subtitle as the “Working Group”).

(b) MEMBERS.—The members of the Working Group shall be composed of—

(1) 1 chair, who shall rotate between the Secretary of the Department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, the Secretary of State, and the National Oceanographic and Atmospheric Administration, acting through the Administrator, on a 3-year term;

(2) 2 deputy chairs, who shall be appointed by their respective agency heads and shall be from a different Department than that of the chair, from—

- (A) the Coast Guard;*
- (B) the Department of State; and*
- (C) the National Oceanic and Atmospheric Administration;*

(3) 12 members, who shall be appointed by their respective agency heads, from—

- (A) the Department of Defense;*
- (B) the United States Navy;*
- (C) the United States Agency for International Development;*
- (D) the United States Fish and Wildlife Service;*
- (E) the Department of Justice;*
- (F) the Department of the Treasury;*
- (G) U.S. Customs and Border Protection;*
- (H) U.S. Immigration and Customs Enforcement;*
- (I) the Federal Trade Commission;*
- (J) the Department of Agriculture;*
- (K) the Food and Drug Administration; and*
- (L) the Department of Labor;*

(4) 1 or more members from the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), who shall be appointed by the Director of National Intelligence; and

(5) 5 members, who shall be appointed by the President, from—

- (A) the National Security Council*
- (B) the Council on Environmental Quality;*
- (C) the Office of Management and Budget;*

- (D) the Office of Science and Technology Policy; and*
- (E) the Office of the United States Trade Representative.*

(c) RESPONSIBILITIES.—The Working Group shall ensure an integrated, Federal Government-wide response to IUU fishing globally, including by—

(1) improving the coordination of Federal agencies to identify, interdict, investigate, prosecute, and dismantle IUU fishing operations and organizations perpetrating and knowingly benefitting from IUU fishing;

(2) assessing areas for increased interagency information sharing on matters related to IUU fishing and related crimes;

(3) establishing standards for information sharing related to maritime enforcement;

(4) developing a strategy to determine how military assets and intelligence can contribute to enforcement strategies to combat IUU fishing;

(5) increasing maritime domain awareness relating to IUU fishing and related crimes and developing a strategy to leverage awareness for enhanced enforcement and prosecution actions against IUU fishing;

(6) supporting the adoption and implementation of the Port State Measures Agreement in relevant countries and assessing the capacity and training needs in such countries;

(7) outlining a strategy to coordinate, increase, and use shiprider agreements between the Department of Defense or the Coast Guard and relevant countries;

(8) enhancing cooperation with partner governments to combat IUU fishing;

(9) identifying opportunities for increased information sharing between Federal agencies and partner governments working to combat IUU fishing;

(10) consulting and coordinating with the seafood industry and nongovernmental stakeholders that work to combat IUU fishing;

(11) supporting the work of collaborative international initiatives to make available certified data from state authorities about vessel and vessel-related activities related to IUU fishing;

(12) supporting the identification and certification procedures to address IUU fishing in accordance with the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.); and

(13) publishing annual reports summarizing nonsensitive information about the Working Group's efforts to investigate, enforce, and prosecute groups and individuals engaging in IUU fishing.

THIS REPORT RESPONDS TO THE ACT'S REQUIREMENT UNDER SEC. 3551(c)(13).

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I. EXECUTIVE SUMMARY

The National Oceanic and Atmospheric Administration (NOAA) submits this report in accordance with the Maritime Security and Fisheries Enforcement Act (Public Law No. 116-92; Maritime SAFE Act) which became law on December 20, 2019. Part II of the Maritime SAFE Act calls for the establishment of a collaborative interagency working group to strengthen maritime security and combat illegal, unreported, and unregulated (IUU) fishing. NOAA chairs the Interagency Working Group on IUU Fishing, with deputy chairs from the Department of State and the U.S. Coast Guard. The Working Group brings together 21 agencies for an integrated, federal government-wide response to global IUU fishing.

Section 3551(c)(13) directs the Working Group to publish annual reports summarizing non-sensitive information about the Working Group members' efforts to investigate, enforce, and prosecute groups and individuals engaging in IUU fishing. NOAA, U.S. Coast Guard, U.S. Department of Justice, U.S. Fish and Wildlife Service, U.S. Immigration and Customs Enforcement, and U.S. Customs and Border Protection contributed to this report.

This report describes the Working Group members' efforts to investigate groups and individuals engaged in IUU fishing; to enforce federal laws, including those implementing treaties, and regional fishery management organization (RFMO) conservation and management measures related to IUU fishing; investigate violations of treaties and RFMO measures committed outside U.S. jurisdiction; and prosecute groups and individuals engaging in IUU fishing from January 1, 2022 through December 31, 2022. The report is organized by section into investigations, enforcement actions, and prosecutions; due to the progressive nature of these cases, these actions do not always fit neatly into one category. While this report does not specifically include enforcement activities for crimes associated with IUU fishing, such as forced labor, it does include cases where associated crimes were identified as part of an IUU fishing investigation.

List of Acronyms

<u>Acronym</u>	<u>Full Name</u>
ACE	Automated Commercial Environment (U.S. Customs and Border Protection)
CBCS	Canadian Border & Customs Services
CBP	U.S. Customs and Border Protection
CDFW	California Department of Fish and Wildlife
CFIA	Canadian Food Inspection Agency
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DFO	Canada's Department of Fisheries and Oceans
DMWR	American Samoa Department of Marine & Wildlife Resources
DOJ	Department of Justice
DOS	Department of State
EEZ	Exclusive Economic Zone
F/V	Fishing Vessel
FDA	U.S. Food and Drug Administration
FWC	Florida Fish and Wildlife Conservation Commission
HSBI	High Seas Boarding Inspection
HSI	Homeland Security Investigations
ICCAT	International Commission for the Conservation of Atlantic Tunas
IFTP	International Fisheries Trade Permit
IUU	Illegal, unreported, and unregulated (fishing)
LEDET	USCG Law Enforcement Detachment
NGO	Non-Governmental Organization
NOAA	National Oceanic and Atmospheric Administration
NPFC	North Pacific Fisheries Commission
OFAC	Office of Foreign Assets Control
PCR	Polymerase chain reaction
PGA	Partner Government Agency
PRC	People's Republic of China
PSMA	Port State Measures Agreement
RFMO	Regional Fishery Management Organization
SIMP	Seafood Import Monitoring Program
SPRFMO	South Pacific Regional Fisheries Management Organisation
TPWD	Texas Parks and Wildlife Department
TTVP	Tuna Tracking and Verification Program
USCG	U.S. Coast Guard
USFWS	U.S. Fish and Wildlife Service
USG	United States Government
VMS	Vessel Monitoring System
WCPCF	Western and Central Pacific Fisheries Commission

II. 2022 WORKING GROUP MEMBERS' EFFORTS TO INVESTIGATE GROUPS AND INDIVIDUALS ENGAGED IN IUU FISHING

February

- A National Oceanic and Atmospheric Administration (NOAA) investigation of shipments of smoked shrimp from The Gambia identified multiple shipments originating from the same importer who changed company names and engaged in port avoidance by redirecting subsequent shipments away from ports where products had been held for inspection. Shipments were found to contain both undeclared and declared shrimp products. The Gambia is not authorized to export shrimp to the United States under Department of State Section 609 of Public Law 101-162 (Sec 609). The matter was referred to U.S. Customs and Border Protection (CBP) for further investigation against the importer and to identify the ultimate beneficial owner of the company.
- NOAA led a joint agency operation with the Virginia Marine Police and CBP in the Port of Norfolk, Virginia. Two container inspections of imported shrimp products were conducted as part of CBP Operation ICY WATERS. There were no fisheries violations detected.
- NOAA conducted joint IUU fishing Operation Lone Star with the Texas Parks and Wildlife Department (TPWD) and U.S. Coast Guard (USCG) intelligence personnel at the Veterans Point of Entry in Brownsville, Texas. During the 3-day operation, officers and agents examined over 20,000 pounds of red snapper imported from Mexico, completed two IUU fishing patrols in the Gulf of Mexico Exclusive Economic Zone (EEZ), and completed six Port State Measures Agreement (PSMA) boardings of Mexican-flagged fishing vessels. On one of the underway IUU fishing patrols, TPWD intercepted a Mexican fishing boat known as a “lancha,” which illegally possessed over 350 pounds of red snapper. The lancha and its crew were subsequently transferred to the USCG for further processing and enforcement action.
- NOAA investigated a complaint that alleged a Taiwanese-flagged fishing vessel had conducted illegal fishing inside of the U.S. EEZ around Johnston Atoll. NOAA worked with the USCG to obtain aerial photos that were taken from a C-130 patrol. The case was referred to Taiwanese authorities and the vessel owner was fined over \$200,000.
- The U.S. Fish and Wildlife Service (USFWS) conducted Operation Mitten Catcher from September 2021 to February 2022. This operation targeted all inbound cargo shipments and passengers transporting live mitten crabs from China to consignees in California or New York that were misdeclared as “plastic” or other non-wildlife terms. The operation resulted in the seizure of 15,181 specimens in over 47 shipments through the ports of Los Angeles, Louisville, and New York. The National Targeting Center targeted 131 shipments of which 47 contained live mitten crab.

April

- NOAA, Florida Fish and Wildlife Conservation Commission (FWC), and USCG, along with several local law enforcement agencies, conducted a joint-agency Bahamian IUU fishing patrol operation in South Florida. NOAA led all fishery investigations and provided on-scene training to the other agencies throughout the patrol. Two NOAA vessels were utilized during the operation to conduct vessel stops, while FWC and USCG provided vessel and aircraft assets. No fisheries violations were detected.
- NOAA conducted a multi-day operation with CBP and the Food and Drug Administration (FDA) at the Saint Thomas airport and seaport in the U.S. Virgin Islands to inspect commercial seafood shipments coming from outside the United States. Several inspections of cargo from the Dominican Republic were conducted with the assistance of a CBP agricultural specialist. Multiple violations of CBP, FDA, and NOAA regulations were identified. The investigation is ongoing.
- NOAA, Georgia Department of Natural Resources, and a NOAA forensic scientist examined a cargo container of imported salmon at the Port of Savannah, Georgia. A Biomeme field-testing instrument, which uses real-time polymerase chain reaction (PCR) testing, was used to analyze DNA to identify the specific salmon species suspected to be mislabeled. Results from the Biomeme equipment can be used to further detain suspect shipments for more intensive sampling and submission to the forensic laboratory. A NOAA forensic geneticist technician contractor provided officers with training and tested the use of the equipment in the field. No violations were identified.
- NOAA conducted a Multi-Agency Strike Force Operation in conjunction with USCG and CBP in the Port of Tacoma and Seattle, Washington. Approximately 40 containers were inspected over 2 days, four of which contained imported seafood. No fisheries violations were identified.
- NOAA conducted an investigation involving a Taiwanese-flagged fishing vessel that allegedly conducted illegal fishing operations inside the Pacific Remote Islands Marine National Monument near Johnston Atoll in the U.S. EEZ. A letter was sent to the Taiwan Fisheries Agency requesting further investigation into the matter. NOAA was provided with the outcome of Taiwan's investigation, along with vessel position reports. Taiwan determined that the vessel was fully compliant, and there was no opportunity for the vessel to engage in illegal fishing activity. NOAA is working to substantiate those conclusions based on the results of Taiwan's investigation. The investigation is ongoing.
- Homeland Security Investigations (HSI), in coordination with the CBP Office of Trade, CBP Regulatory Audit, and NOAA, are investigating exporters, importers, and vessels associated with the illegal harvesting, export, and importation of shrimp harvested in the Upper Gulf of California into the United States. To prevent the incidental mortality or serious injury of vaquita, the endangered porpoise, the importation of shrimp from

Mexico caught with large trawl vessels in the Upper Gulf of California has been prohibited under the provisions of the Marine Mammal Protection Act since April 3, 2020. This investigation is ongoing.

June

- NOAA conducted IUU fishing Operation Yellowfin at Veteran's Point of Entry in Brownsville, Texas. During the 3-day operation, officers conducted nine examinations of species subject to Seafood Import Monitoring Program (SIMP) (over 30,000 pounds of yellowfin tuna, 22,000 pounds of shrimp, 1,500 pounds of red snapper, 500 pounds of grouper, and 500 pounds of crab). Several of the shipments were referred to NOAA's SIMP audit team to ensure compliance with SIMP requirements. Additionally, samples of processed crab meat were collected and sent to the NOAA Forensics Laboratory for species identification. There were no fisheries violations detected.
- NOAA participated with multiple local, state, and federal law enforcement agencies inspecting a large number of international shipments at the Port Huron, Michigan, Port of Entry. There were no fisheries violations detected; however, the inspection identified violations of partner agency statutes.
- USCG Cutter *Mohawk* patrolled West Africa and the Gulf of Guinea in support of U.S. Africa Command's (AFRICOM) Africa Marine Law Enforcement Partnership from June to September 2022. *Mohawk* embarked four shipriders from Senegal, The Gambia, and Sierra Leone to conduct 24 fishing vessel inquiries, boardings, and inspections using partner nation authorities to facilitate the host nation's domestic fisheries enforcement. While in Sierra Leone's EEZ, *Mohawk* overheard marine radio communications directing the entire fishing fleet to proceed to anchorage and to not resume fishing until USCG departed the area. HSI's Liaison to U.S. AFRICOM also provided capacity building during this exercise.
- USCG Cutter *Munro* supported Operation North Pacific Guard on the high seas of the North Pacific Ocean and completed 11 at-sea boardings in the Western and Central Pacific Fisheries Commission (WCPFC) and North Pacific Fisheries Commission (NPFC) convention areas. *Munro* identified 12 potential violations, which included seven boarding denials by People's Republic of China (PRC) vessels. USCG C-130s provided aerial surveillance in patrolling the convention areas for 48 hours and identified 12 potential violations. This operation improved information and intelligence sharing between the United States, Canada, Japan, and South Korea, while also facilitating more efficient and focused targeting procedures. NOAA provided enforcement support during the operation as well.

July

- NOAA investigated a Connecticut-based importer who submitted inaccurate Partner Government Agency (PGA) datasets for imported shipments of Pacific cod mislabeled as Atlantic cod. DNA samples were collected for species identification. The

investigation is ongoing.

- NOAA received information from USFWS and CBP that an entry coming from Mexico with fresh seafood for consumption was being held at the Port of Tampa, Florida, for lack of required entry documents. Three of the line items required certificates of admissibility, but only one was provided. A detailed review of the entry in the International Trade Data System was conducted and it was determined that incorrect tariff codes were chosen. The broker was able to provide bills of lading and additional documentation for the entry. The codes were corrected and an updated entry was submitted. NOAA will continue to monitor future imports with the local dealer.

August

- NOAA, CBP, and Michigan State Police conducted joint inspections at DHL facilities in Detroit and Grand Blanc, Michigan. The operations targeted seafood imports entering the United States. No violations were identified.
- NOAA conducted a 3-day SIMP-focused operation at the Los Angeles International Airport air cargo facilities. Twelve entries were inspected containing multiple containers of seafood. One incident involving the shipment of live turtles was referred to the California Department of Fish and Wildlife (CDFW), and another incident involving yellowtail tuna was referred to CBP.
- USCG completed a 1-year biometrics collections pilot program to gather biometrics and identity information for approximately 300 Mexican fishermen interdicted for illegally fishing in the U.S. EEZ. This information was then sent to the Department of Homeland Security's National Targeting Center database for analysis. The goal of the program was to enhance both officer safety and situational awareness, and spur investigations for crimes beyond illegally fishing in the U.S. EEZ.

September

- NOAA initiated an investigation into a fraud scheme in which seafood products were mislabeled as higher-valued species that are regulated under SIMP. The scheme facilitated the sale of the product at a large markup. DNA testing results from collected samples confirmed the mislabeling scheme involving a large nationwide supermarket chain. A criminal investigation is ongoing in coordination with the Department of Justice (DOJ).
- NOAA conducted an investigation of a multinational firm for systemic reporting discrepancies of SIMP records as part of its customs entry filings, as well as incomplete chain of custody records. The investigation was initiated from SIMP audit referrals. The case is pending civil prosecution with the NOAA Office of General Counsel, Enforcement Section.
- NOAA completed IUU fishing Operation Ocean Harvest at the Houston Seaport, Texas. Two SIMP inspections were conducted on containers holding over 70,000

pounds of farm-raised shrimp from Indonesia. Samples were taken and sent to NOAA Forensics Laboratory to ensure compliance with federal regulations. No violations were identified.

- NOAA, CBP, and Delaware State officers inspected shrimp imports in the Port of Wilmington, Delaware. No violations were identified.
- NOAA conducted inspections at the John F. Kennedy International Airport air cargo facilities. No violations were identified.
- NOAA conducted a patrol of Fulton Fish Market in Bronx, New York. Domestic fisheries and international seafood were inspected. No violations were identified.
- NOAA, USFWS, and CBP inspected international parcels entering the United States at the DHL hub in Grand Blanc, Michigan. A large number of packages were inspected with some containing a variety of seafood. No fisheries violations were identified; however, the inspection identified violations of partner agency statutes.
- NOAA conducted a container inspection in the Port of Newark, New Jersey. Entry filings and seafood products were examined and confirmed through DNA analysis. No violations were identified.
- NOAA conducted IUU fishing Operation Red Tide, a joint operation involving TPWD, USCG, CBP, and USFWS. The focus of the operation was to combat IUU fishing in the U.S. EEZ near the Texas-Mexico border, and to conduct Port of Entry inspections of aquatic products making entry into the United States. During the operation, the team completed seven at-sea boardings of recreational, commercial, and charter/headboat vessels resulting in one Highly Migratory Species violation, two minor Turtle Excluder Device violations, and the removal of over 10 miles of illegal gillnets and longline gear used to catch fish illegally by Mexican fishing vessels. Additionally, the team completed five SIMP inspections of shipments containing 15,500 pounds of yellowfin tuna, 1,900 pounds of grouper, 1,050 pounds of red snapper, and 3,200 pounds of processed crab.

October

- NOAA assisted the Canada Department of Fisheries and Oceans (DFO) by identifying the owners of several hundred U.S. lobster traps that were found fishing illegally within Canadian waters. DFO seized and commenced forfeiture proceedings of the gear within Canadian courts. The owners were identified as commercial fishermen operating under Maine state licenses and Passamaquoddy tribal members operating under tribal licenses.
- NOAA, CBP, and USFWS inspected a shipment containing sea cucumber at the Detroit, Michigan, Port of Entry. No violations were identified.

- NOAA, CBP, and FDA inspected parcels entering the United States at the DHL and UPS hubs at the Detroit, Michigan, Port of Entry. No violations were identified.

November

- NOAA and CBP conducted joint inspections of parcels entering the United States in Port Huron, Michigan. No violations were identified.

December

- NOAA concluded a year-long joint investigation with the Canadian Food Inspection Agency (CFIA), Canadian Border & Customs Services (CBCS), HSI, and CBP. The investigation identified the importation of Baltic herring by a U.S. firm, which removed country of origin markings and sold the product to Canadian-owned firms in the United States. These firms then exported the product to Canada and falsely declared to CBCS a U.S. origin for the herring. The transshipment of the product through the United States ensured bait supply to the Canadian lobster fishery and circumvented a Canadian import ban on the product due to its susceptibility to hemorrhagic septicemia virus. This disease is of concern because, while not deadly to humans, it is deadly to over 50 marine and freshwater fish species. The investigation led to CFIA seizing herring with an estimated value of \$85,000, as well as additional enforcement actions against Canadian firms for submitting false declarations. Additionally, Canada modified its regionalization agreement with the United States by temporarily prohibiting the importation of herring until an inspection protocol was established with the NOAA Seafood Inspection Program and FDA to certify the U.S. origin of herring exported to Canada.
- In support of Operation Blue Pacific 2022, the USCG conducted 41 WCPFC high seas boardings and identified 11 potential violations. The USCG conducted 18 bilateral shiprider boardings (14 with Fiji and four with Palau), seven of which resulted in fishery violations.
- NOAA and CBP officers conducted a joint agency IUU fishing and SIMP inspection of two containers of seafood products at the Port of Tampa, Florida; samples from one container were taken for forensic testing. Test results showed a match between what was declared on entry documents and the seafood product contained in the shipment. No violations were identified.

III. 2022 ENFORCEMENT ACTIONS PERTAINING TO IUU FISHING

March

- NOAA conducted a site visit to the address of an International Fisheries Trade Permit (IFTP) permit holder in Toms River, New Jersey. The permit holder failed to respond to requests for information during a SIMP audit. NOAA identified that the IFTP permit holder had traveled overseas and failed to update its contact information. The IFTP holder was contacted and provided compliance assistance to correct its permit contact information.

- USCG Law Enforcement Detachment (LEDET) 103 deployed on USS *Hershel Williams* and detected two PRC-flagged fishing vessels illegally transshipping fish at sea within Sierra Leone's EEZ. A combined boarding party led by two Sierra Leone shipriders and LEDET 103 conducted an inspection of the ship's cargo and documentation, revealing violations under the Sierra Leone Fisheries and Aquaculture Act of 2018. Nearly \$6 million in financial sanctions were assigned to the vessel, and a return to port order was issued. The vessel of interest remains under Sierra Leone custody pending further judicial decision.

March-May

- HSI conducted IUU fishing and human trafficking outreach to major U.S.-based seafood importers. The outreach was initiated by HSI Attaché Canberra, Australia, and coordinated through HSI domestic offices across the United States. The outreach focused on IUU fishing activities in the south, western, and central Pacific.

May

- CBP and NOAA targeted a shipment from The Gambia that was suspected to contain unmanifested and inadmissible shrimp, per Department of State Section 609 of Public Law 101-162 (Sec 609). The examination revealed inadmissible shrimp under Sec. 609 and red snapper in violation of 50 CFR 300.325(b) and 50 CFR 300.325(c). The shrimp and red snapper were subsequently seized and turned over to USFWS.
- CBP and NOAA targeted a shipment from The Gambia manifested as fresh fish. Upon examination, the shipment was determined to be wild-caught shrimp and inadmissible per Sec. 609. The shipment was refused and re-exported.

June

- NOAA issued a written warning to a New Jersey importer for importing SIMP-regulated species without accurately submitting the required SIMP PGA data during its entry filing.
- NOAA and CBP Chicago's Trade Exam Team inspected two SIMP imports, which identified inaccurate SIMP data within the entry filing and incomplete chain of custody records for SIMP-regulated species. NOAA issued a \$3,000 Summary Settlement to address the violation.
- NOAA conducted a multi-agency operation at Los Angeles/Long Beach, California, with CBP, CDFW, and the FDA. Eight entries containing imported seafood were inspected. A violation for an expired permit was closed with compliance assistance provided.
- Based on HSI and CBP intelligence analysis, supported by HSI Attaché offices and foreign law enforcement, HSI and CBP targeted an in-bound shipment from Mexico, destined for Thailand, manifested as frozen hake fish at the Port of Otay Mesa,

California. An examination revealed 94 totoaba fish bladders, commingled within the frozen blocks of fish. Totoaba are protected under the Endangered Species Act and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The totoaba fish live only in the Sea of Cortez in Baja California, Mexico, and are illegally poached using gillnets. The bladders were seized by HSI and turned over to USFWS, who estimated their value to be \$1.4 million.

July

- NOAA issued a written warning to a Virginia-based importer that submitted inaccurate SIMP PGA data as part of its entry filing.
- NOAA provided compliance assistance to a New Bedford, Massachusetts, and Michigan-based importer following a non-compliant SIMP audit. The date of unloading and harvest weight of the fish that was entered into the CBP's Automated Commercial Enterprise (ACE) database was not supported by information documented on the chain of custody records.
- NOAA inspected a container imported into the Port of Miami, Florida, from The Gambia. The container contained 125 kg of red snapper and 65 kg of wild-caught shrimp imported from The Gambia by a Colorado-based company in violation of SIMP permitting and data reporting requirements. The shrimp shipment violated import regulations that prohibit the importation of wild-caught shrimp from any nation or fishery without a certification or determination. CBP seized the import and the importer was issued a \$1,500 Summary Settlement for importing species without a valid IFTP.

August

- NOAA conducted an inspection of Atlantic cod imports by a Massachusetts-based importer. The inspection identified inaccurate SIMP records in its customs entry filing due to foreign-supplied chain of custody records that contained erroneous or inaccurate information. NOAA addressed the violation through compliance assistance.
- NOAA inspected a Maryland importer who was found to be using the incorrect 3-alpha species code for mangrove crab imports, which caused multiple shipments to falsely appear to contain SIMP-regulated species. NOAA addressed the violation with compliance assistance.
- NOAA provided compliance assistance to a Florida-based importer who imported a shipment of Pacific cod through the Port of Detroit, Michigan, using the incorrect 3-alpha species code.
- CBP and NOAA targeted a shipment of shrimp from Myanmar. Under Sec. 609, Myanmar is not a certified country for importations of wild-caught shrimp into the United States. The examination confirmed the shrimp was wild-caught and the shipment was refused and re-exported.
- The USCG conducted Operation Southern Shield to combat IUU fishing in the South

Pacific Regional Fisheries Management Organisation (SPRFMO) convention area. Utilizing the United Nations Fish Stock Agreement's high seas boarding inspection (HSBI) provisions, USCG Cutter *James* conducted two HSBI of SPRFMO registered fishing vessels and received three HSBI denials from three other vessels, including one Panamanian vessel. The Panamanian government ordered its flagged vessel to return to port, revoked its fishing license, issued a substantial fine, ordered pier-side inspection before the catch offload, and ultimately de-flagged the vessel. Panama conducted a follow-up investigation that resulted in the de-flagging of an additional 31 vessels.

September

- NOAA, USCG, and DFO conducted a joint operation in response to illegal fishing by U.S. fishing vessels within Canadian waters in the Northwest Atlantic. The operation resulted in the identification of several U.S. fishermen's gear in Canadian waters and the apprehension of one U.S. vessel by DFO, which was transferred to the USCG for prosecution by NOAA. A resolution is pending.
- NOAA inspected seafood imports by a Massachusetts-based importer and identified several minor reporting violations and recordkeeping violations. NOAA addressed the matter with compliance assistance.
- NOAA provided compliance assistance to two importers identified by SIMP auditors to have failed to submit complete data in their customs entry filings. A Rochester, New York, importer was found to have incomplete records about the harvest weight, date of unload, area fished, and name of the first receiver of the fish; and a Shrewsbury, Massachusetts, importer was found to have incomplete records about the harvest weight and the name of the first receiver.
- Based on HSI and CBP intelligence analysis, supported by HSI Attaché offices and foreign law enforcement, HSI and CBP targeted an in-bound shipment from Mexico, destined for Malaysia, manifested as frozen fish at the Port of Otay Mesa, California. An examination revealed 320 totoaba fish bladders, commingled within the frozen blocks of fish. This seizure is the largest seizure of totoaba fish bladders in the United States to date. The bladders were seized by HSI and turned over to USFWS, who estimated their value to be \$4.8 million.

October

- NOAA issued a written warning to a Rhode Island-based importer for submitting inaccurate information in an entry filing and for failure to provide a complete SIMP chain of custody for the import of Atlantic cod.
- NOAA issued a written warning to a Massachusetts-based importer who failed to submit required SIMP data in its entry filing and failed to provide a complete set of chain of custody documents during a SIMP audit.
- NOAA provided compliance assistance to five SIMP importers following non-

compliant SIMP audits about inaccurate SIMP PGA data during entry filing and minor recordkeeping issues about unload dates, fishing area, fishing gear used for harvest, harvest weights, port of landing, misuse of small harvest vessel exemption, and the name of the first receiver of the fish. The importers were located in Saco, Maine; Wakefield, Massachusetts; Long Island City, New York; Bayshore, New York; and Narragansett, Rhode Island.

November

- NOAA addressed five importers located in Hackensack, New Jersey; Long Island City, New York; Jericho, New York; New Bedford, Massachusetts; and Boston, Massachusetts, who were found to be non-compliant during SIMP audits due to incomplete chain of custody records and inaccurate SIMP data in entry filings about vessel name and flag, fishing area, harvest weights, landing dates, landing port, and identity of the first receiver. NOAA provided compliance assistance to address the violations.
- NOAA escorted a container of Patagonian toothfish from Miami to Tampa, Florida. The shipment was seized upon entry into the United States, as NOAA had denied the pre-approval notice required for toothfish to be imported. The shipment, upon forfeiture, was donated to feed the victims of Hurricane Ian.

December

- NOAA issued a written warning to a Gloucester, Massachusetts-based importer for misreporting the 3-alpha species code for cod within its entry filing.
- NOAA provided compliance assistance to a New York City -based importer following a non-compliant SIMP audit due to inaccurate PGA data and incomplete chain of custody records about fishing area, port of landings, and use of small vessel harvest exception.
- NOAA provided compliance assistance to a Maine-based SIMP importer following a non-compliant SIMP audit for failing to provide a complete set of chain of custody documents.
- NOAA provided compliance assistance to a seafood importer who recently was found to be non-compliant during a SIMP audit for inaccurate PGA data and incomplete chain of custody records. This was the company's first SIMP audit and the IFTP holder is taking the necessary steps to ensure compliance with the SIMP import regulations for all future imports.
- NOAA conducted the arrest, per indictment, of two defendants following a Lacey Act false labeling investigation involving the purchase of large quantities of live spiny lobster from foreign Caribbean countries, importing the live lobster into the United States, then repackaging and relabeling the live lobster as a product of the United States, and exporting the live lobster to Hong Kong, for distribution in China. The

subjects were transported and processed by the U.S. Marshals Service and Federal Bureau of Prisons in Miami, Florida.

- CBP and NOAA targeted a shipment of shrimp from Vietnam suspected of containing inadmissible wild-caught shrimp. The examination confirmed the shrimp were wild-caught and inadmissible per Sec. 609. This shipment was refused and re-exported.
- Throughout 2022, the USCG detected 177 Mexican lancha vessels illegally fishing in the U.S. EEZ in the Gulf of Mexico and interdicted 70 of them. Of the 257 detained Mexican nationals, 88 percent were repeat offenders. NOAA, DOS, Office of the U.S. Trade Representative, and USCG continue to work with the Government of Mexico to encourage increased efforts to address this issue, which persists despite USCG enforcement efforts and reported Mexican legal actions.
- Throughout 2022, the USCG detected 10 incursions committed by two Russian-flagged fishing vessels in U.S. EEZ off the coast of Alaska. USCG did not have an asset on-scene to visually confirm or photograph the vessels actively fishing at the time of the incursions. The USCG provided the Russian Border Guard with electronically sourced data on the incursions. In response, the Russian Border Guard issued fines to one of the fishing vessels.

Port State Measures Agreement Inspections

The Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (also known as the Port State Measures Agreement or PSMA) is an international treaty. It seeks to prevent IUU fishing through the adoption and implementation of effective port state measures, such as restrictions to port access and use, as a means of ensuring the long-term conservation and sustainable use of marine life. The PSMA sets minimum standards for exercising port state controls over foreign-flagged fishing and fishing-support vessels seeking entry into ports, and over those vessels' activities while in port. NOAA is the primary agency responsible for enforcement of the Agreement as implemented by the PSMA Act. NOAA works closely with partners at the U.S. Coast Guard as well as other federal and state/territorial partners to carry out the requirements of the Act. In 2022, NOAA and the American Samoa Department of Marine and Wildlife Resources (DMWR), operating under a Cooperative Enforcement Agreement, conducted 75 PSMA inspections. Examples of such inspections are provided below:

- In January 2022, NOAA, in conjunction with the American Samoa DMWR, conducted a dockside PSMA boarding of a foreign-flagged longline fishing vessel. NOAA conducted an inspection of the electronic logbook, required permits, and VMS. DMWR inspected the fishing gear for correct size requirements, the fish holds, and turtle entanglement gear. The gear inspection found the buoys to be completely devoid of any markings. NOAA instructed the captain and the vessel agent to mark the buoys before their departure on the next fishing trip. No additional violations were identified.

- In February, NOAA and American Samoa DMWR conducted a dockside PSMA boarding of a foreign-flagged longline fishing vessel at the Port of Pago Pago. The vessel was boarded and the required permits and authorizations were checked. All authorizations and permits were valid and up to date. The team also inspected the VMS unit and obtained the vessel particulars, crew manifest, and preliminary catch species and quantities. The transshipment receipts were photographed. Inspections were also conducted of the protected species mitigation gear, the fish holds, various compartments, and the fishing gear. Part of the fishing gear was not covered and the buoys were found to have no visible markings on them. The vessel's captain and the agent were notified of these deficiencies and informed to have them fixed before departure. The fishing gear was covered while the boarding team was still on the vessel. No additional violations were identified.
- In February 2022, NOAA and American Samoa DMWR conducted a dockside PSMA boarding of a foreign-flagged purse seine fishing vessel at the Port of Pago Pago. The boarding team inspected the required permits and authorizations to ensure validity. All authorizations and permits are valid and up to date. The team also inspected the VMS unit and no issues were noted. The boarding team obtained the Pacific Islands Foreign Fisheries Agency Regional Purse Seine log sheet, vessel particulars, crew manifest, and fish hold conditions. The inspection of the protected species gear found that the vessel did not have a turtle net. No other violations were identified during this inspection.
- In May 2022, NOAA and American Samoa DMWR Enforcement Officers conducted eight joint dockside PSMA boardings. All of the vessels boarded were foreign-flagged longline fishing vessels. All of the required permits were inspected and were found to be valid and up to date. The VMS units were also inspected. The boarding team obtained the crew manifest, inspected hold conditions, catch quantities, species list, and fishing logs. The various compartments were inspected and fishing gear was observed properly stowed. Two of the fishing vessels were noted and reported to be transiting through the Pacific Remote Islands Marine National Monument Rose Atoll (PRIMNM-Rose Atoll) at speeds that could indicate illegal fishing within the monument. NOAA boarded and searched both vessels, interviewed captains, and checked electronic log books while DMWR searched for the fish holds and crew quarters. It was discovered during the interviews that one of the vessels encountered engine problems and was towed back to Pago Pago Harbor by the second vessel. Their transit path was through the PRIMNM-Rose Atoll. No violations were identified during the inspections.
- In September 2022, NOAA and American Samoa DMWR conducted a joint dockside PSMA boarding of a foreign-flagged longline fishing vessel. The

fishing vessel attempted to obtain port services (fuel) on September 19, 2022, and was denied services by the American Samoa Port Authority due to the vessel's failure to submit requests for port clearances and to the USCG Ship Arrival Notice System. The fishing vessel offloaded its catch in Samoa and refueled in American Samoa before heading out to fish. This was the first time this fishing vessel visited American Samoa and the vessel did not have a local agent on the island. NOAA obtained permits and other pertinent vessel information from a vessel agent on the island who stepped in to facilitate port clearances. NOAA and DMWR boarded and inspected permits, authorizations, fish holds, and vessel spaces. No violations were identified.

IV. INVESTIGATIONS THAT LED TO PROSECUTIONS IN 2022

February

- In June 2021, an individual was arrested by USFWS with assistance from HSI at the U.S. border port of Otay Mesa, California, for smuggling swim bladders from 27 totoaba. The swim bladders, wrapped in cellophane in white plastic bags, were concealed within the individual's vehicle. In February 2022, the individual pled guilty and was convicted of one count under 18 U.S.C. 545 (import smuggling). The individual was sentenced to prison "time served" (approximately 9 months), supervised release for 2 years, a court assessment of \$100, and restitution of \$3,000.
- In February 2022, an investigation initiated by CBP in May 2019 involving the smuggling of six totoaba bladders at the Calexico, California, port of entry was closed. The subject was recruited to cross the bladders from Mexicali, Mexico to Calexico, California, and deliver the bladders to an unidentified third person. The totoaba bladders were seized when the individual was inspected by CBP. The case was then transferred to the USFWS and the U.S. Attorney's Office, which subsequently declined to take the case in 2021; thus, it was closed in February 2022. While the case was declined to be prosecuted, this is a good example of a joint CBP, HSI, and USFWS investigation.

March

- NOAA reviewed a Highly Migratory Species entry, at Blaine, Washington, and noted harvest vessel permit and logbook violations when verifying SIMP and TTVP documents associated with U.S. flagged vessels. A Summary Settlement for \$500 was paid by the respondent.

June

- A Canadian firm paid a \$5,850 Notice of Violation following a NOAA investigation that identified the firm obtained an IFTP but was ineligible due to failing to maintain a legitimate U.S.-based address or by having a resident agent within the United States. The firm also failed to maintain the required SIMP records.

July

- Following a NOAA investigation, four defendants pled guilty in federal court to 18 USC 371, Conspiracy to Commit Offense or to defraud the United States in connection with a scheme to smuggle prohibited catfish species into U.S. commerce. The lead defendant was sentenced to 3 years of supervised probation, 300 hours of community service, and a \$25,000 fine. The other three defendants were sentenced to 2 years of supervised probation, 200 hours of community service, and a \$5,000 fine. The defendants also forfeited \$354,000 collectively.

August

- NOAA conducted a SIMP audit and investigation which revealed the importer violated several SIMP regulations for an entry, which consisted of an incomplete chain of custody and missing documentation for Small Vessel Harvest requirement and documentation for Harvest Events. A Summary Settlement for \$1,000 was paid by the respondent.
- NOAA participated in criminal court proceedings in the Southern District of Florida in a case involving the comingling of domestic and imported spiny lobster and shark fins in violation of the false labeling provisions of the Lacey Act for millions of dollars in product. Sentencing in this case was pending at the end of 2022.

October

- NOAA issued two summary settlement offers and a written warning to several South Florida importers. The companies all failed to submit SIMP traceability documents. This was a second violation for one of the South Florida importers, resulting in a \$2,000 summary settlement.
- NOAA issued a \$1,500 summary settlement to a Miami-based company for importing 235 pounds of Atlantic and Pacific cod caviar without possessing an ITFP. The importer also received compliance assistance for failing to submit complete and accurate information into the ACE in advance of or at the time of import. The violation is the result of a joint inspection conducted by NOAA and CBP.

November

- A Norwegian firm paid a \$7,550 Notice of Violation and Assessment after a NOAA inspection of seafood imports identified that the firm obtained an ITFP but was ineligible due to failing to maintain a legitimate U.S.-based address or by having a resident agent within the United States. The firm also failed to maintain SIMP records as required.

December

- NOAA issued a \$20,750 Notice of Violation and Assessment to a Massachusetts-based importer following an investigation that identified the firm submitted inaccurate information within its entry filings that circumvented SIMP reporting requirements, failed to submit required reporting information, and imported SIMP regulated species without a valid ITFP. The company also failed to maintain required chain of custody

records.

- Operation Jade Spear, a counter-IUU fishing operation co-led by CBP and U.S. Special Operations Command, with intelligence support provided by the USCG, HSI, and NGO partners, brought together over 17 U.S. agencies and non-profit organizations with the authorities, jurisdiction, and interest in combating IUU fishing and identifying those companies complicit in human rights and forced labor violations. The operation's focus was on the PRC-based company Pingtan Marine Enterprises (PME), which is the beneficial owner of over 137 vessels often implicated in illegal shark-finning, human rights violations, and illegal fishing. PME was ultimately sanctioned by the Treasury Department in December 2022 when Office of Foreign Assets Control (OFAC) sanctions prohibited U.S. persons from performing transactions with PME and PME-affiliated persons. Operation Jade Spear resulted in the largest OFAC designation related to IUU fishing, the first NASDAQ traded company designation, the first PRC fishing designation, and one of the biggest media and malign influence results against the PRC calling out their illicit acts. OFAC sanctioned two individuals and the networks of entities they control, including PME and Dalian Ocean Fishing Co., along with eight other affiliated entities. Additionally, this action identified over 157 PRC-flagged fishing vessels in which these entities are interested. These vessels were subsequently added to the OFAC Specially Designated Nationals list.