



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 2021

*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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II. 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 Protection¹ 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, 2021, through December 31, 2021. 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.

¹ The following agencies responded to the call for information, but had no publicly reportable enforcement actions for calendar year 2021: Department of State, Council on Environmental Quality, Department of Labor, U.S. Agency for International Development, Office of the U.S. Trade Representative, and Department of Defense.

List of Acronyms

<u>Acronym</u>	<u>Full Name</u>
ACE	Automated Commercial Environment (U.S. Customs and Border Protection)
CBP	U.S. Customs and Border Protection
CEP	Cooperative Enforcement Program
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DMWR	American Samoa Department of Marine & Wildlife Resources
DOS	Department of State
EEZ	Exclusive Economic Zone
F/V	Fishing Vessel
FDA	U.S. Food and Drug Administration
HSI	Homeland Security Investigations
ICCAT	International Commission for the Conservation of Atlantic Tunas
IFTP	International Fisheries Trade Permit
IUU	Illegal, unreported, and unregulated (fishing)
NOAA	National Oceanic and Atmospheric Administration (an agency of the Department of Commerce)
PSMA	Port State Measures Agreement
RFMO	Regional Fishery Management Organization
SIMP	Seafood Import Monitoring Program
USCG	U.S. Coast Guard
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USG	United States Government

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

January 2021

- The National Oceanic and Atmospheric Administration (NOAA) continued an investigation of two Senegalese-flagged fishing vessels concerning the suspected unlawful take, transshipment, and importation of 2,800 metric tons of tuna in 2019 and 2020. NOAA suspected that these vessels received unreported and unauthorized at-sea transshipments from other fishing vessels in contravention of International Commission for the Conservation of Atlantic Tunas (ICCAT) requirements, and fraudulently reported themselves as the harvest vessels on trade documentation accompanying the fish into the United States. The United States provided Senegal with all relevant information on the vessels in question. NOAA also worked with importers to cease further imports originating from these vessels and engaged with the International Criminal Police Organization (INTERPOL) in an effort to pursue further enforcement actions against the vessels, their operators, and beneficial owners. These activities remain ongoing, to include formal consultations with Senegal as part of its IUU fishing identification in the 2021 Report to Congress on Improving International Fisheries Management, per the Moratorium Protection Act.

April 2021

- The U.S. Coast Guard (USCG) and a NOAA Office of Law Enforcement shiprider sighted six Taiwanese-flagged fishing vessels operating on the high seas between the U.S. and Bermudian Exclusive Economic Zones (EEZs). Photo imagery depicted the vessels landing tropical tuna species. The vessels were not included in the ICCAT authorized vessel list to target tropical tuna species (which includes yellowfin and bigeye tuna). The U.S. Government (USG) sent this information, with photos, to the Taiwan Authorities, requesting authorization to board the six vessels. Taiwan denied the request and affirmed the vessels' authorization to retain tropical tuna species as bycatch. When questioned by the USCG, the captain of one of the vessels, the F/V *Full Always*, reported that the vessel was engaged in longline fishing and possessed 190 tons of tuna onboard. The captain reported having approximately 20 tons of yellowfin and a larger, undetermined amount of bluefin tuna.

At NOAA's request, port officials monitored the F/V *Full Always*'s offload, which was in the Republic of Trinidad and Tobago. This was Trinidad and Tobago's fish port inspection consistent with ICCAT requirements and the Port State Measures Agreement (PSMA). The inspection occurred in a privately-run customs-bonded port that had previously denied access to fisheries officials. NOAA analyzed the Trinidad and Tobago reports to ICCAT and concluded the vessel was targeting bigeye tuna. Taiwan Authorities conveyed to the USG that the master had inaccurately reported its catch to the USCG and incorrectly documented the catch in its logbook. Taiwan stated there were no ICCAT violations and the catch was legal.

May 2021

- NOAA investigated a seafood dealer for importing fraudulently marked packages containing species subject to the Seafood Import Monitoring Program (SIMP). These imports entered the U.S. market without the required International Fisheries Trade Permit (IFTP) or proper reporting. NOAA identified additional reporting and record keeping violations after further investigation. The case is pending civil prosecution with the NOAA Office of General Counsel Enforcement Section.

June 2021

- NOAA took enforcement action against an importer who used IFTPs belonging to other parties and imported 32 separate shipments.

July 2021

- NOAA led a joint agency operation with the Virginia Marine Police and U.S. Customs and Border Protection (CBP) in the Port of Norfolk. The operation focused on conducting on-site inspections of inbound seafood imports regulated under SIMP. During the operation, the joint agency team found chain of custody documentation related to six containers to be incomplete. NOAA provided compliance assistance to the relevant subjects.

September 2021

- Operation *North Pacific Guard* (NPG) is an annual USCG operation designed to detect and deter IUU fishing activity on the high seas of the North Pacific Ocean. During NPG 2021, the USCG patrolled for 51 days, covered 27,000 nautical miles, completed 27 boardings on foreign flagged vessels, and found 42 potential violations. NOAA joined NPG 2021 during a 21-day, 4,800 nautical mile patrol from Yokosuka, Japan, to Honolulu, Hawaii.

As part of NPG 2021, and in support of the multi-agency Operation *Jade Spear*, People's Republic of China (PRC) flagged fishing vessels owned by Pingtan Marine Enterprise Ltd (PME) were priority targets for boardings. PME has a history of illicit activity, including human rights and IUU fishing violations. After completing five boardings on PRC vessels, the USCG found four alleged violations, including two serious alleged violations. PRC-flagged fishing vessels denied further boardings. The North Pacific Fisheries Commission is the relevant RFMO authority for the patrol area. The USCG recorded 12 boarding denials in total.

III. ENFORCEMENT ACTIONS PERTAINING TO IUU FISHING

January 2021

- NOAA, CBP, the U.S. Department of Agriculture (USDA), and Maryland Natural Resources Police inspected eight shipments in the Port of Baltimore and at Baltimore/Washington International Thurgood Marshall Airport (BWI). USDA seized 30 pounds of illegally-imported catfish subject to embargo and a shipment of fish balls that lacked required labeling.

February 2021

- NOAA assisted CBP in the seizure of 294 live mitten crabs and approximately 160 pounds of blood clams imported into JFK Airport from China. The shipper falsely listed the crabs and clams as plastic storage bags on the manifest. The U.S. Fish and Wildlife Service (USFWS) seized the mitten crabs and the New York State Department of Environmental Conservation's (NYSDEC) Bureau of Shellfisheries destroyed the blood clams. It is illegal to import live mitten crabs into the United States as they are listed as an "injurious species" under the Lacey Act. Further, imports of fresh shellfish from countries without a valid Memorandum of Understanding with the U.S. Food and Drug Administration (FDA), such as China, are inadmissible. Blood clams can carry Hepatitis A, typhoid, and dysentery.
- A USFWS wildlife inspector intercepted and seized 22 kg of silky shark (*Carcharhinus falciformis*) fins coming from Mexico, in violation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), at the Port of Anchorage. The shipper declared the shipment as "ALETA SECA," which translates to "dry fin" and contained an expired CITES permit. In addition, the consignee and importer did not match the shipper or the receiver of the package.
- NOAA and CBP inspected a shipment of catfish imported into the Detroit Wayne County International Airport from Nigeria. USDA prohibits these products from entering the United States. NOAA notified the USDA Food Safety Inspection Service Investigators (FSIS). The USDA FSIS contacted the importer, which voluntarily abandoned the shipment, and USDA FSIS scheduled it for destruction.
- A USFWS wildlife inspector intercepted and seized 72 kg of shark fins coming from Mexico, at the Port of Memphis. The shipper declared the import as "*Prionace glauca* skirt", or, "blue shark skirt." The shipment was found to also contain silky shark (*Carcharhinus falciformis*) and great hammerhead shark (*Sphyrna mokarran*) fins; both species are listed under CITES Appendix II and require a permit.
- NOAA took enforcement action against an importer for importing suspected bluefin tuna and albacore tuna declared to CBP as bonito. CBP required the importer to re-file the entry with the correct Harmonized Tariff Schedule codes. CBP staff from California, Pennsylvania, and New Jersey assisted with this case.

March 2021

- A USFWS wildlife inspector intercepted and seized 30 kg of silky shark (*Carcharhinus falciformis*) fins coming from Mexico, in violation of CITES, at the Port of Anchorage. The shipment was found in December 2020 and was declared to contain “*Prionace glauca* skirt” (“blue shark skirt”). Upon intercepting the package, the wildlife inspector learned Hong Kong Customs held three additional packages from the same shipper with the same declaration.

April 2021

- NOAA and CBP worked together to refuse an import from Mexico without the required NOAA Certificate of Admissibility. This shipment included croaker, which requires a Certificate of Admissibility due to that fishery’s risk to the vaquita dolphin population in the Upper Gulf of California.

May 2021

- NOAA took enforcement action against an importer for importing shrimp labeled as crayfish. The NOAA Forensic Laboratory used DNA analysis to confirm that the product was crayfish.

June 2021

- CBP assisted NOAA with returning 17,782 lb of yellowfin tuna to Spain. The product, composed of 750 containers of Panamanian caught yellowfin tuna, violated an embargo implemented under the International Dolphin Conservation Program Act.
- CBP targeted a shipment of dried fish filets at the Port of Otay Mesa. An examination revealed 45 totoaba fish bladders, commingled with the filets. Totoaba are protected under the Endangered Species Act and CITES. The totoaba fish live only in the Sea of Cortez in Baja California, Mexico, and are illegally poached using gillnets. The bladders were turned over to USFWS which estimated their value to be \$450,000.
- NOAA, U.S. Immigration and Customs Enforcement, Homeland Security Investigations (HSI), and CBP conducted a joint wildlife trafficking operation at the Honolulu International Airport targeting the illegal international trafficking of giant clam meat and sea cucumbers. NOAA seized vacuum-sealed packages of giant clam meat, along with plastic water bottles and Ziploc storage bags containing fresh sea cucumbers. Three subjects were investigated for violations of Title 50 Code of Federal Regulations Part 23 implementing U.S. obligations under CITES.
- NOAA worked with CBP at the Port of Everglades to detain a shipment containing mislabeled abalone imported from Chile. An importer used an improper Harmonized Tariff Code to classify the product, thereby circumventing the trigger in the Automated

Commercial Environment (ACE)/International Trade Data System to report the required SIMP data. An investigation revealed that the importer did not possess a valid IFTP and may have engaged in similar conduct in the past. The importer voluntarily abandoned the product to NOAA.

- NOAA took enforcement action against an importer for violations of the Marine Mammal Protection Act related to importation of embargoed yellowfin tuna and failure to file a Fisheries Certificate of Origin.

July 2021

- NOAA responded to the Honolulu International Airport after CBP found a foreign national in possession of giant clam meat without a CITES permit. The subject abandoned the evidence to NOAA. NOAA addressed the violation through compliance assistance.
- NOAA participated in Operation *Clean Sweep* – a CBP-led multi-agency seaport Regional Coordinating Mechanism (ReCom) to inspect foreign container ship *CMA CGM Georgia*. Participating agencies included CBP, USCG, NOAA, HSI, Coast Guard Investigative Service, and the Honolulu Police Department. The multi-agency team inspected 133 inbound cargo containers. NOAA referred one of these containers for further examination for possible SIMP violations. NOAA found no violations during the secondary examination.
- NOAA and CBP discovered a shipment of blood and razor clams that were falsely labeled as cell phones and imported into JFK International Airport. CBP destroyed the shipment.

September 2021

- NOAA took enforcement action against a Canadian company that submitted incorrect SIMP data for a shipment of Atlantic cod imported at the Buffalo, NY Port of Entry. The importer listed the Atlantic cod as a product of hatchery-based aquaculture from China, while the chain of custody documents showed the cod was wild-caught by Russian vessels and processed in China.
- NOAA participated, alongside agents from USFWS and the Environmental Protection Agency, in Operation *Net Loss* – a joint operation in the San Diego area. The operation targeted several subjects actively involved in the illegal transport and trade of sea cucumbers and totoaba fish bladders. The three-day operation documented illegal sales of several totoaba bladders.
- NOAA led a multi-agency operation focused on wildlife trafficking. Partner agency personnel from USFWS, HSI, CBP, and California Department of Fish and Wildlife inspected shipments for compliance with the Lacey Act, Marine Mammal Protection Act, and Endangered Species Act. Inspections took place at the Los Angeles International

Airport, San Ysidro Land Port of Entry, and Otay Mesa Land Port of Entry. The partner agency team made approximately 750 contacts, over 500 vehicle inspections, and 46 packages/luggage inspections. Those inspections identified 118 violations of partner agency statutes. There were no violations of NOAA's statutes.

- FDA returned a shipment to Canada after an importer attempted to import mislabeled fish into the United States. NOAA worked with CBP and FDA to place a hold on and inspect the shipment of fish. The importer labeled the shipment as kingfish steaks with the scientific name *Thyrsites atun*. FDA lab results confirmed that the fish was *Thyrsites atun*; however, the acceptable common name is barracouta or gemfish, not kingfish.
- NOAA issued a civil penalty to an importer who shipped illegal lobsters into Puerto Rico from the Dominican Republic. NOAA conducted an initial inspection of the lobster, which revealed undersized and egg-bearing lobsters, and then requested CBP to place a hold on the cargo in order to conduct a full inspection. NOAA and Puerto Rico Department of Natural and Environmental Resources officers inspected 1,856 whole lobsters and found 899 to be illegal. The violations involved undersized carapace, presence of egg-bearing lobsters, and pleopods removed. NOAA took custody and seized the entire shipment, which was later abandoned by the importer.
- NOAA worked with CBP at the Port of Everglades to detain a container of shrimp from Venezuela. The U.S. Department of State (DOS) recommended that NOAA and CBP deny entry of the shipment after deficiencies were noted in the documentation required for shrimp importation. NOAA examined the documents and container, and took samples from the shipment to confirm species identification. NOAA recommended CBP deny entry based on the DOS's findings of non-compliance with the Section 609 program, which prohibits the importation of shrimp or products from shrimp that have been harvested with commercial fishing technology that may affect adversely sea turtles. The shrimp were valued at \$110,368 and were re-exported due to the deficiencies.

October 2021

- CBP officers inspected a suspicious shipment labeled "frozen fish" and discovered totoaba fish bladders in two of the 10 boxes within the shipment. CBP linked the shipment to a transnational network responsible for smuggling totoaba bladders and shark fins from Mexico via the United States to Hong Kong, China, and other destinations in Asia. The examination revealed 45 totoaba fish bladders, weighing 10.24 kg, commingled with fish. CBP turned the bladders over to USFWS, which estimated their value to be \$491,520.
- NOAA took enforcement against an importer who shipped un-manifested yellowfin snapper and silky shark in a container laden in Venezuela. The NOAA forensic lab confirmed that one box contained mislabeled yellowfin snapper and six others, labeled ground meat product, contained silky shark. Silky shark is a CITES-protected species.
- NOAA took enforcement against an importer who submitted incomplete SIMP chain of

custody records and incorrectly categorized the harvest vessel. The importer categorized the import as a small vessel harvest. For a SIMP import product to be categorized in this manner, the harvesting vessel must be less than 12 meters in length or less than 20 gross tons; this vessel was 21 meters in length. In addition, the product form was listed inconsistently throughout the paperwork and in ACE.

- NOAA partnered with CBP to seize three containers of shrimp imported from Venezuela and declared as an aquaculture product. The NOAA Forensic Laboratory tested samples of the shrimp, collected from each of the three containers for DNA analysis. The lab results indicated the shrimp were a different species than reported by the importer and were suspected of being wild caught. Venezuela is decertified to export wild caught shrimp under U.S. Section 609 of Public Law 101-162.

November 2021

- The USCG conducted the counter -IUU fishing patrol Operation *Southern Shield* to strengthen international relationships between the United States and Central and South American partners through collaborative detection, deterrence, and information sharing of IUU fishing activity. During the 21-day patrol, the USCG Cutter *Stone* embarked NOAA Office of Law Enforcement personnel, two Costa Rican Coast Guard Officers, one Panamanian Coast Guard Officer, and one member of the Aquatic Resources Authority of Panama. Information sharing during the onboard planning meeting led to the discovery of two Costa Rican commercial fishing vessels fishing in a closed protected region of the Panamanian EEZ. The USCG provided photographs and location data to both the Costa Rican Coast Guard and the Panamanian authorities to prosecute the violations. The Cutter *Stone* also helped direct the Ecuadorian Coast Guard Patrol Boat, *La Isla Pinta*, to a commercial fishing vessel suspected of tying off to a Deep-ocean Assessment and Reporting of Tsunamis (DART) buoy.

December 2021

- A NOAA investigation resulted in the identification of a mislabeled tuna shipment coming from Fiji through the Port of Oakland. A total of 115 cases (4,600 cans) of tuna, worth approximately \$18,000, were seized. The same importer previously acknowledged it did not declare another shipment of 60 cases (2,880 cans) of canned tuna or submit the NOAA 370 Form to CBP. The importer agreed to abandon both shipments, which have a retail value of approximately \$26,000.
- Throughout 2021, a significant number of fishing vessel incursions by Mexican lancha vessels into the U.S. EEZ in the Gulf of Mexico continued to occur. The USCG detected 160 Mexican lancha vessels illegally fishing in the U.S. EEZ of the Gulf of Mexico; the USCG interdicted 75 vessels. Of the 326 detained Mexican nationals, 71 percent were repeat offenders. U.S. Department of Justice received one case for prosecution because the vessel occupants refused to allow boarding. This case resulted in a sentence of 12 months imprisonment and 2 years' probation for the vessel operator.

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. NOAA's biennial report to Congress on Improving International Fisheries Management describes this long-standing issue.

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) was the first binding international agreement to target IUU fishing. Its objective is to prevent, deter, and eliminate IUU fishing by preventing vessels engaged in IUU fishing from using ports and landing their catches. The PSMA sets minimum standards for exercising port state controls over foreign vessels seeking entry into ports, and over those vessels' activities while in port. NOAA is the main agency responsible for implementing and enforcing the PSMA in the United States.

- NOAA conducted 45 PSMA inspections in 2021. This was a joint effort between NOAA and other federal, state and territorial partner agencies, including CBP, HSI, Coast Guard Investigative Service, USCG Sector Boarding Team, the Hawaii State Sheriff, American Samoa Department of Marine & Wildlife Resources (DMWR), and the Guam Customs and Quarantine Agency Maritime Interdiction Task Force. The majority of the foreign fishing and fishing support vessels entering the United States enter ports in American Samoa and Guam. Examples of such inspections are below:
 - On July 2, 2021, NOAA and Cooperative Enforcement Program (CEP) partners from the DMWR conducted a PSMA Inspection boarding of a Taiwan-flagged longline fishing vessel. During the inspection, the captain claimed he could not open the E-fishing log on his computer. NOAA contacted the Taiwan inspector based in American Samoa for assistance. The Taiwan inspector arrived promptly, and was able to open the E-Log and provide the fishing log information to NOAA. The log showed that the vessel harvested 23 metric tons of tuna and wahoo. NOAA completed the boarding without incident and no violations were found.
 - On August 20, 2021, NOAA and CEP partners from DMWR in American Samoa conducted a boarding of a Taiwan-flagged longline vessel. NOAA and CEP partners inspected fishing logs, gear, and EEZ authorization permits for compliance with RFMO conservation and management measures. Their inspection revealed that all buoys were missing required markings. NOAA advised the captain and ship's agent about the discrepancies. The Taiwan fisheries inspector in American Samoa reported that he had relayed NOAA's findings to Taiwan.

IV. INVESTIGATIONS THAT LED TO PROSECUTIONS IN 2021

February 2021

- An individual was sentenced in the District of Puerto Rico to a year and a day in prison, two years of supervised release, 120 community service hours, and a ban from collecting or procuring marine life. The individual unlawfully harvested *Ricordea* and zoanthid corals from the waters of Puerto Rico and sold them in interstate and foreign commerce. He was charged with violating the wildlife trafficking and false labeling sections of the Lacey Act. USFWS and NOAA investigated this case as part of Operation *Rock Bottom* and Operation *Borinquen Chisel*.
- A complaint was filed in the Southern District of New York charging the defendants with participating in a conspiracy to smuggle banned catfish into the United States. All four defendants pleaded guilty and are scheduled for sentencing in July 2022. The defendants implemented a scheme to disguise the import and distribution of banned catfish by listing them as other species of fish in the customs documentation and in the commercial invoices provided to customers. HSI led the investigation in collaboration with NOAA, USDA, and CBP, which resulted in the seizure of multiple shipping containers with banned catfish.
- NOAA conducted a joint investigation with the USFWS and Fisheries and Oceans Canada into a serial fish and wildlife offender from British Columbia. The investigation revealed numerous falsified documents and sea cucumbers that had been illegally retained by the subject and his co-conspirators in Canada. The subject was charged under multiple separate cases in Canada, which are pending disposition.
- A defendant was sentenced in the District of Puerto Rico to two months incarceration followed by three years supervised release, a \$10,000 fine, \$15,000 in restitution, and 300 hours of community service for export smuggling and two Lacey Act felonies. The defendant illegally harvested, collected, purchased, falsely labeled, and shipped protected marine invertebrate species, including *Ricordea*. The retail value of illegally shipped *Ricordea* was approximately \$90,000. USFWS and NOAA investigated this case as part of Operation *Rock Bottom* and Operation *Borinquen Chisel*.
- NOAA issued a civil penalty to a Canadian corporation that fraudulently obtained an IFTP by using a U.S. address despite not having a physical presence within the United States or a resident agent. Their fraudulent application allowed the corporation to obtain an IFTP and subsequently import 52 seafood entries into U.S. commerce. In addition to the permit violation, NOAA identified recordkeeping violations and 487 reporting violations.
- NOAA issued a civil penalty to a vessel flagged to the Republic of Marshall Islands. NOAA detected the foreign fishing vessel inside the U.S. EEZ around Howland and Baker Islands.

- NOAA completed an investigation involving a Vanuatu-flagged purse seine vessel conducting fishing activities adjacent to a NOAA Weather Buoy in the Western and Central Pacific Ocean. In response to NOAA's official request to conduct an investigation into this matter, the Vanuatu Fisheries Department fined the vessel owner 5,000,000 VUV (\$46,000 USD).
- Operation *Fish Bait* targeted seafood imports from Mexico to look for possible alterations in a certificate's admissibility. Over a 4-day time period, CBP Port of Miami and NOAA reviewed 65 entries for discrepancies such as an importer reusing previously signed certificates. The inspection discovered 38 shipments with various discrepancies or requiring additional documentation. Nine of those were forwarded to NOAA and are pending enforcement actions.

July 2021

- The USFWS investigated the international smuggling of American eels from the United States to China due to the continued foreign demand for the export of live juvenile American eels. The illegal harvest and sale of glass eels to overseas buyers has damaged American eel populations and their long-term viability. Since 2014, the International Union for the Conservation of Nature has listed the American eel as "Endangered." The main target of the investigation pleaded guilty to felony smuggling charges. He was sentenced in December 2021 in U.S. District Court in Hartford, Connecticut, to approximately eight months of imprisonment.