NOAA Response to Secretariat of the Commission for Environmental Cooperation

REQUEST FOR INFORMATION

for the preparation of a factual record regarding submission

SEM-21-003 (*North Atlantic right whale*)

(Modified from original Secretariat request where responses would either not be feasible or not be appropriate (e.g., due to lack of available information, pre-deliberative, confidential))

Information Related to Enforcement of the Vessel Speed Rule

Procedures employed by NOAA to identify potential violators of the Speed Restrictions to Protect North Atlantic Right Whales (50 C.F.R. § 224.105; hereinafter "Vessel Speed Rule").

NOAA and USCG collaborate on Vessel Speed Rule patrols and operations, including analysis of Automatic identification system (AIS) data, which can be used to evaluate vessel speed. USCG also refers potential speed rule violations, identified on independent patrols, to NOAA. Additionally, USCG provides information to inform NOAA investigations, including vessel ownership and any previous contact with vessels that potentially have exceeded the speed rule.

Charging or declination decisions from 2008 to present involving alleged or apparent violations of the Vessel Speed Rule

> The NOAA Office of General Counsel Enforcement Section (GCES) coordinates and implements the NOAA General Counsel's delegated authority as NOAA's civil prosecutor. Since 2008, GCES has made approximately 185 charging or declination decisions in cases alleging violations of the Vessel Speed Rule. GCES charged 177 and declined 8 of these cases.

Overview of the types of evidence relied upon in making those decisions.

> In making charging decisions, GCES relies on all available evidence collected by OLE, the USCG, and state law enforcement partners. In typical cases involving violations of the Vessel Speed Rule OLE prepares a case file which generally includes:
>
> - Documentation of the characteristics of the vessel, including size;
> - Records of the vessel's ownership and management;
> - Charts showing the location and speed of the vessel (often from AIS);
> - Any relevant vessel logbooks; and
> - Records of contacts with representatives of the vessel, including any prior letters sent to the vessel's representatives regarding compliance with the Vessel Speed Rule.

Criteria NOAA uses to decide whether to issue a written warning or a Notice of Violation and Assessment of penalty (NOVA)

> In all civil administrative cases since 2011, including cases involving violations of the Vessel Speed Rule, NOAA has applied its Policy for the Assessment of Civil Administrative Penalties and Permit Sanctions (Penalty Policy) in deciding whether to issue a written warning or assess a monetary penalty. Current and former penalty policies are available here: https://www.noaa.gov/general-counsel/gc-enforcement-

section/penalty-policy-and-schedules Since 2008, NOAA has issued approximately 177 NOVAs in cases involving violations of the Vessel Speed Rule.

Civil administrative penalty cases for Vessel Speed Rule violations during which a North Atlantic Right Whale was struck

Violations of the Vessel Speed Rule do not require a strike. Often, NOAA does not have evidence to prove a specific vessel struck a whale, unless the strike was voluntarily reported, in which case the strike would be investigated as a take under the Endangered Species Act and Marine Mammal Protection Act. None of the approximately 177 NOVAs that NOAA issued for violations of the Vessel Speed Rule have alleged a vessel strike.

Referrals made by NOAA to a U.S. Attorney's Office for criminal prosecution for violations of the Vessel Speed Rule.

NOAA has referred one case to the Department of Justice for criminal prosecution for violations associated with the Vessel Speed Rule. The referral was in 2014 and involved allegations of false vessel logbook entries.

Overview of the incorporation of speed rule operations in Joint Enforcement Agreements between the federal government and state authorities.

NOAA collaboratively develops priorities for each JEA with the relevant partners, which vary by region and state. The following states have Speed Restriction Funding in the JEA's: RI, MA, NY, NJ, DE, MD, and VA. NOAA conducts joint SMA speed operations with our JEA partners on a regular basis.

Data collected or generated by NOAA and USCG to assess vessel traffic patterns in SMAs

NOAA receives AIS data from an interagency agreement with the Department of Transportation's Volpe Center. While these exact data are not publicly available, AIS data from the same U.S. Coast Guard National AIS network, which constitutes the bulk of the AIS data NOAA uses, are available via https://marinecadastre.gov/accessais/. In addition to these data, through our agreement with the Volpe Center, we rely on the following database: https://www.spglobal.com/market-intelligence/en/solutions/products/sea-web-vessel-search. to enhance our information on vessel characteristics (e.g., vessel size, type, etc., note this data source is not publicly-available, it is a fee-based, third-party database). The methodology used in the 2020 Vessel Speed Rule Assessment can all be found within the document itself and the supporting appendices https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales#right-whale-speed-rule-assessment. While not the data used directly for monitoring enforcement, if more raw and technical data are of interest, the supporting data for Blondin, H., Garrison, L.P., Adams, J.D. et al. "Vessel strike encounter risk model informs mortality risk for endangered North Atlantic right whales along the United States east coast. Sci Rep 15, 736 (2025)" can be found at: https://doi.org/10.1038/s41598-024-84886-z as well as in the github repository: https://github.com/SEFSC/VesselStrikeRiskModel/tree/main.

Vessels that are known or suspected to have invoked the safety deviation improperly or inordinately from 2008 to present

NOAA generally maintains cases files for civil administrative enforcement actions for 10 year, pursuant to the NOAA Records Schedules adopted under the Federal Records Act. We reviewed 119 closed enforcement case files where NOVAs were issued going back to 2015. We assessed whether the respondents raised issues related to the safety

deviation in these cases. Respondents raised safety deviation issues in 39 of the 119 cases. 24 cases involved pleasure vessels; ten involved ocean-going vessels in the shipping industry; Two involved charter/fishing vessels; one involved a ferry; one involved a crew transfer vessel; and one involved a sailing vessel.

In each case involving the safety deviation, GCES evaluates the available evidence to determine whether the safety deviation applies. If evidence of a potential safety deviation is available before charging, GCES may decline to charge certain transits if the available evidence supports use of the safety deviation. If evidence of a safety deviation is not available until after charging, GCES may dismiss or amend certain counts, if use of the safety deviation was justified. If the use of a safety deviation is not justified, GCES will prosecute or settle the case in accordance with applicable law and NOAA policy.

All charged parties have a right to a hearing before an administrative law judge, and may raise the safety deviation as a defense, in which case the administrative law judge would independently evaluate whether the use of the deviation was justified.

Communications expressing concern about vessels improperly invoking or misusing the safety deviation from staff at NOAA, USCG or other agencies or submitted by members of the public (including non-profit advocacy groups) from 2008 to present.

NMFS' North Atlantic Right Whale (Eubalaena glacialis) Vessel Speed Rule Assessment (June 2020) provides:

- The agency currently lacks data on the full extent of vessels' reliance on the safety deviation but there are indications that some vessels may be claiming severe maneuverability constraints without reasonable grounds. There is no efficient mechanism by which the agency can collect such data from the logbook entries required for use of the safety deviation. To aid enforcement of the speed rule, and to better understand the extent of safety impacts, NMFS should investigate modifications to the regulatory language including possible contemporaneous electronic notification of safety deviations.

- Vessels in certain SMAs exceed 10 knots at disproportionately high levels, especially OGVs in channel entrances. OGVs entering southern ports under pilotage, represent an outsized proportion of vessels traveling at excess speed. Additionally, container ships and pleasure vessels disproportionately operate at speeds in excess of 12 knots. Enforcement and outreach targeted to these industry sectors is needed to ensure compliance and meaningful vessel strike risk reduction across all vessel types.

  Releasing any specific reports from the public of unlawful activity would discourage reporting and undermine environmental enforcement. Any such reports are therefore confidential under the Environment Cooperation Agreement (ECA).

  NOAA is aware that several advocacy groups (for example, Maritime Whale (https://www.maritimewhale.com/)) have publicly expressed concerns about vessels misusing the safety deviation, particularly large ocean going vessels entering southern ports. Conversely, the American Pilots Association, has commented that it should come as no surprise that large ocean going vessels often need to exceed 10 knots to maintain maneuverability in "offshore, narrow,

federally-maintained dredged channels where two-way traffic and cross currents, seas and winds greatly impact safe navigation." chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://cms3.revize.com/revize/americanpilots/APA_Right%20Whale_Assessment_Comments_Final_3-25-21.pdf

Strategies undertaken to identify when the safety deviation has been improperly invoked as a defense.

In evaluating whether the safety deviation clause applies to a particular transit, GCES evaluates all available evidence, including vessel logbooks, statements from the captain and crew, oceanic, atmospheric, and meteorological data, and vessel characteristics. GCES has retained vessel masters in specific cases to serve as expert witnesses during settlement negotiations and provide an objective evaluation of whether the specific conditions and circumstances on a given transit justify use of the safety deviation to inform settlement negotiations.

The NOAA Office of Law Enforcement (OLE) conducts operations at sea to detect violations of the Vessel Speed Rule. As part of these operations, OLE collects evidence regarding conditions which may support use of the safety deviation. For example, OLE has used an Acoustic Doppler Current Profiler to collect data on currents in navigational channels during patrols. This information can be used, in conjunction with other information, to assess whether using the safety deviation was appropriate.

Strategies from 2008 to present to improve data collection regarding the number of safety deviations and the circumstances in which they occur.

Safety deviations are investigated thoroughly by OLE and addressed on a case by case basis. Any safety deviation claims are investigated utilizing a variety of data including but not limited to NOAA weather buoy data, USCG hails, interviews and vessel logbook entries.

To further investigate NARW speed violations OLE is developing an Unmanned Aircraft Systems program that uses drones to survey vessels transiting Seasonal Management Areas. Combined with radar equipment the UASs will allow OLE to identify vessels, monitor weather conditions inside SMAs in real time, and capture video of the vessels transit.

Geographic distribution of letters NOAA has sent to potential violators of the Vessel Speed Rule to encourage voluntary compliance from 2008 to present.

Compliance with Vessel Speed Rule is mandatory, not voluntary. Compliance letters are issued to subject vessels exceeding the 10 knot speed rule to inform them of the regulations and promote future compliance. OLE began the compliance letter program in 2018, and have mailed approximately 2,200 letters to increase awareness of the rule and seek future compliance.

Information Related to the National Environmental Policy Act Process for Amending the Atlantic Large Whale Take Reduction Plan (ALWTRP) Regulations

Rationale for the scope of the cumulative impact analysis in the Environmental Impact Statement (EIS) for Amending the Atlantic Large Whale Take Reduction Plan regulations

Cumulative impacts are neither defined nor required by the National Environmental Policy Act (NEPA). The scope of the cumulative impact analysis was previously defined

in regulations by the Council of Environmental Quality as to include an analysis of the impact of the actions in conjunction with other factors that affect the physical, biological, and socioeconomic resource components of the affected environment. Those regulations have since been rescinded.

Additionally, current Supreme Court direction would suggest the NEPA effects analysis be limited to effects of this action within the United States. The agency, nevertheless, exceeded that standard by considering whale mortalities in Canadian waters. In Chapter 8 of FEIS Volume 1, we examined these Valued Ecosystem Components: Large whales frequently entangled in ALWTRP fisheries, other protected species, habitat, and human communities. Our analysis and most of the actions considered were focused on the Northeast Region Trap/Pot Management Area (Northeast Region) of the ALWTRP. This includes waters from the U.S./Canada border south to a straight line from Watch Hill Point, Rhode Island to 40° 00′ N. latitude bounded on the west by land or the 71°51.5′ W. longitude line, and on the east by the eastern edge of the Exclusive Economic Zone (EEZ). This is an area subject to the requirements of the ALWTRP and includes the seawater and sea bottom of the Atlantic Ocean within U.S. jurisdiction. We also considered serious injury and mortality that is occurring in Canadian waters as a result of human activities (primarily entanglement and vessel strikes) because of the magnitude of impact this is having on the North Atlantic right whale population (see Section 8.3.3.10).

The temporal scope of the analysis varied by resource. In all instances, the analysis took into account past (primarily the past two decades), present, and reasonably foreseeable future actions (within five years) that could affect valuable physical, biological, or socioeconomic resources. The discussion focused on impacts of management actions as well as the direct impact of potential stressors: interactions with commercial and recreational fisheries, vessel strikes, pollution, noise, climate change, renewable energy development, oil and gas development, harmful algal blooms, and prey availability.

Rationale for not considering specific alternatives raised by the Submitter in their comments on the Draft EIS. Specifically, alternatives related to trap reductions, enhanced weak line requirements, static area closures, gear marking requirements, and dynamic area management strategies.[1]

We received 171,213 comments on the Proposed Rule and the Draft Environmental Impact Statement (DEIS) through the comment portal, including the specific comments presented in the 102-page document provided in the link (Comments submitted by John Rousakis, Oceana).

Because of the large number of comments, and because many of the comments were duplicative or substantially similar in nature, we did not address each comment individually, but rather grouped them by topic.

In the Final Environmental Impact Statement, Regulatory Impact Review, and Final Regulatory Flexibility Analysis for Amending the Atlantic Large Whale Take Reduction

[1] Available at: https://www.regulations.gov/comment/NOAA-NMFS-2020-0031-0799

Plan: Risk Reduction Rule, Volume II, responses to each of the topics raised by the submitter are included.

Specifically, trap reductions are addressed in Comment 5.14 (p. 19), Comment 6.1 (p. 21), and Comment 6.3 (p. 22); weak lines are addressed in Comment 12.9 (p. 56), and Section 1.1.14 (pp 57-59); static area closures are addressed in Comment 7.6 (p. 26), Comment 7.7 (p 27), Comment 7.8 (p. 27), Comment 9.1 (p. 39), Comment 9.7 (p. 41), Comment 9.11 (p. 42), Comment 9.15 (p. 43), and Comment 9.23 (p. 45); gear marking is addressed in section 1.1.5 (pp. 12-15) as well as in Comment 1.1 (p. 4); dynamic management is addressed in Comment 5.9 (p. 17), Comment 5.16 (p. 19), Comment 9.2 (p. 39), Comment 9.10 (p. 42), Comment 9.19 (p. 45), and Comment 11.9 (p. 53).

Information Related to Enforcement of the Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA), and Atlantic Large Whale Take Reduction Plan Regulations (50 C.F.R. § 229.32; hereinafter "ALWTRP regulations")

Procedures employed by NOAA to detect potential violations of the ALWTRP regulations,

OLE hauls and inspects commercial fishing gear, including traps and pots, for compliance with ALWTRP regulations. OLE conducts ALWTRP inspections (patrols and operations) independently and alongside state and federal enforcement partners. These occur primarily at sea on platform patrol vessels (OLE or enforcement partner), but can also include land based patrols where agents or officers meet vessels at the dock to inspect gear. The latter would most likely result in compliance assistance if a potential violation was observed. Violations identified at sea could involve a more formal penalty.

Our ALWTRP enforcement efforts heavily leverage force multiplication provided by our l enforcement partners, in particular our state enforcement partners. I ME Marine Patrol conducts the majority of fixed gear patrols in the Northeast lobster/crab trap/pot fishery. The northeast lobster/crab trap/pot fishery is the fishery with most of the fixed gear that must be ALWTRP compliant and the majority of that gear is found in ME. However, NH, MA, and RI all conduct related fixed gear patrols and all have fixed gear hauling capable platform enforcement patrol vessels.

Between April 2022 and October 2024, OLE conducted sixty four (64) lobster /crab gear hauling patrols aboard State law enforcement partner vessels or contracted hauling vessels

- Since 2022, OLE and its network of Joint Enforcement Agreement (JEA) state partners have conducted:
- Fiscal year 2022 – Eight hundred and twenty three (823) ALWTRP gear inspections.
- Fiscal year 2023 – One thousand three hundred and forty six (1,346) ALWTRP gear inspections.

- Fiscal year 2024 – One thousand six hundred and twenty three (1,623) ALWTRP gear inspections.
- Fiscal year 2025 – Three hundred and twenty three (323) ALWTRP gear inspections.

OLE has only used ROV's to inspect lobster trap gear. Other forms of fixed gear, such as gillnets, pose too much risk of entangling the ROV and damaging the fishing gear. ROV inspections have been conducted in Cape Cod Bay, the Gulf of Maine, and offshore near Georges Bank.

Between April and June 2024, OLE conducted three (3) mid-range contract vessel ALTWRP gear hauling operations with a ROV. During these patrols forty nine (49) inspections occurred, all of which utilized traditional hauling methods to verify compliance.

OLE and its network of JEA State partners annually conduct patrols to restricted gear areas (RGA). Not all patrol vessels are uniquely equipped to haul trap pot gear, however surface gear inspections and limited hand hauling can allow law enforcement to identify the gear owner, and initiate follow up contact or further investigation.

Maine Marine Patrol has a hauling vessel capable of patrolling to LMA 1 RGA, and has conducted patrols of the area during the closure. To date, the only fixed gear located in the LMA1 RGA was damaged gear that appeared to be dragged or tidally moved into the area. The damaged gear was removed by Maine Marine Patrol and returned to its owner.

Massachusetts Environmental Police conducts extensive surface patrols of the Massachusetts North, MRA Wedge, and Massachusetts Restricted Area leading up to and during the closure. Due to the longstanding and predictable overlapping State and Federal prohibitions on up and down lines, compliance rates are very high.

Rhode Island Department of Environmental Protection conducts surface patrols utilizing specialized hauling vessels to the South Islands Restricted Area during the closure. Additionally, several non-government organizations and research networks conduct aerial surveys of these RGA's , and share observations of fixed gear found within them with the appropriate enforcement partners.

Potential violations of the ALWTRP regulations reported by the public to NOAA Fisheries (via the Enforcement Hotline or other reporting methods) from 2014 to present

There are no records of any ALWTRP violations reported from the public.

Civil administrative penalties and/or permit sanctions issued for violations of the ALWTRP regulations from 2014 to present.

GCES made nine charging or declination decisions in cases involving ALTWRP regulations since 2014. One case was declined, and one case was returned to OLE for issuance of a summary settlement. GCES issued NOVAs in seven cases.

Creation and implementation of NOAA's summary settlement mechanism to address violations of the ALWTRP regulations

Summary Settlements are one of the tools available for addressing violations of laws that NOAA enforces. Summary Settlements – essentially a form of "traffic ticket" that the NOAA Special Agent or Enforcement Officer issues at the scene or soon thereafter – are an expeditious means to punish and deter minor violations such as low level recreational, recordkeeping, or reporting violations; and violations that are readily apparent to law enforcement personnel at or near the time of a violation.

Summary Settlements give NOAA the capacity to charge less serious violations that may otherwise go unaddressed because of resource constraints, by providing a less-resource intensive mechanism for addressing such violations. Summary Settlements also offer "real time" enforcement that directly links a penalty to a violation, thereby increasing deterrent effect. Violators benefit from Summary Settlements by resolving their cases quickly and at an amount lower than would typically be assessed under the Penalty Policy.

Summary Settlements may be issued only for offenses contained in an approved Summary Settlement schedule. GCES, with input from OLE, relevant program offices, regional stakeholders, and other federal and state law enforcement partners, develops Summary Settlement schedules that assign fixed penalties for violations appropriate for Summary Settlement. To be operative, the Summary Settlement schedule must be approved by the NOAA General Counsel, Deputy General Counsel, or Enforcement Section Chief. Even if a violation is listed on an approved schedule, summary settlement may not be appropriate if aggravating factors are present in a case or the violator has a history of prior offenses.

Since at least 2016, violations of ALWTRP gear requirements have been eligible for a $500 summary settlement offer for a first offense. In 2019, NOAA expanded this provision. The applicable Summary Settlement Schedule now allows a $500 Summary Settlement for "Non-compliance with gear tending and configuration take reduction plan (TRP)" for a first offense.

Summary Settlement is not appropriate in all cases. For example, if an ALTWRP violation caused the take of a right whale or the violator refused to cooperate with NOAA, then summary settlement would not be appropriate.

Efforts undertaken by NOAA to encourage voluntary compliance with the ALWTRP regulations.

Compliance with ALWTRP regulations is mandatory, not voluntary. To assist fishermen with compliance, we have provided outreach materials and presentations to both fishermen and enforcement officials. We have also worked with states, manufacturers, and fishermen to design and source weak links and weak rope. Specifically, we have:

- Hosted an Informational webinar on ALWTRP Phase 1 Modifications for the TRT that was open to the public and is available online.
- Created state-specific, LMA 3, and Northeast region compliance guides
- Printed out specific gear marking guides and distributed to fishermen through our gear liaison

- Provide updates on approved weak rope and weak links, including where they are available
- Created and posted videos to show how to insert and use weak links
- Worked with fishermen to develop plastic weak links
- Worked with states to source weak rope and provide some amount (varied by state) to fishermen free of charge
- Provided in-person training to USGG and JEA partners in Maine, NH, Massachusetts, and Rhode Island so that they could better assist with compliance
- Conducted training for U.S. Coast Guard, First District staff to better inform enforcement personnel awareness of the ALWTRP requirements
- Publish annual reminders about ALWTRP requirements and restricted areas in the NOAA Navigator
- Send out annual reminder about ALWTRP restricted areas via gov.delivery email
- Provided subject matter expertise to the New England and Mid-Atlantic fisheries management councils to raise awareness of ALWTRP requirements.

Other Information

Capabilities of NOAA to investigate and determine which specific vessels are responsible for vessel strikes (sub-lethal and lethal) of North Atlantic right whales.

NOAA provides a hindcast model which allows us to reverse the course of a whale's carcass drift over time. This, coupled with an autopsy, allows us to identify cause of death, time frame of death and area of death. Using AIS and VMS vessel tracking we are able to look for potential vessels for questioning when there was a lethal whale strike caused by a vessel. If vessel(s) of interest are identified from hindcast modeling or other analysis, OLE initiates an investigation, attempts to conduct an interview with the owner/operator, and if available, reviews deck logs, observation reports, transit plans and other relevant information to determine if the vessel was involved in a NARW interaction. Furthermore, OLE staff analyzes atmospheric conditions through available buoy data in the area at the time of the mortality to gain insight into possible mitigating factors that would contribute to a vessel and NARW interaction.

Despite these efforts, the only NARW vessel strike cases where we know for certain the specific vessel involved are those where the vessel reported the strike event. Other events have been investigated, but none of those investigations has led to a specific vessel being identified as the source of an unreported NARW strike. Other efforts have been undertaken to evaluate the general size of a vessel involved in a strike - but none of these efforts is intended or able to identify a specific source vessel.

Means and manner in which NOAA tracks North Atlantic right whales entangled in fishing gear, including but not limited to:

Right whales entangled in fishing gear are observed through vessel, aerial, and opportunistic sightings. Dedicated vessel and aerial surveys conducted by a number of state and federal partners provide photographic images of entangled whales, and share them with NOAA staff, the Center for Coastal Studies, and the New England Aquarium, who all provide assistance in identifying individuals. The New England Aquarium maintains the North Atlantic Right Whale Catalog, and is often able to identify individuals

within hours of receiving the images from any source, including opportunistic sightings. Sometimes identifications are made within minutes.

Data on first sightings with entanglements are maintained through our Greater Atlantic Region disentanglement coordinator and our Northeast Fisheries Science Center biologist who tracks right whale deaths and serious injuries.

In the rare circumstance where NOAA is able to determine specific permit holders whose gear entangled a whale, those records are confidential and not shared with the public. We share the geographic and fishery origins through annual reports that are published on our website.

Attachment 1 to Appendix 9: Additional data on Notices of Violation and Assessment of Penalties involving violations of the Vessel Speed Rule provided by the United States in connection with its comments on the draft factual record.

Year	NOVAs Issued	Total Assessed Penalties (USD)	Paid in Full (USD)
2010	9	$346,500.00	$151,800.00
2011	9	$322,000.00	$113,850.00
2012	13	$402,500.00	$309,350.00
2013	18	$730,250.00	$596,675.00
2014	5	$59,250.00	$53,325.00
2015	3	$140,500.00	$100,575.00
2016	0	$0.00	$0.00
2017	5	$63,250.00	$26,625.00
2018	2	$115,000.00	$78,775.00
2019	6	$142,750.00	$89,475.00
2020	2	$120,000.00	$50,000.00
2021	4	$277,500.00	$385,125.00
2022	23	$300,806.00	$262,725.00
2023	35	$661,000.00	$452,300.00
2024	33	$504,250.00	$384,200.00
2025	10	$153,256.00	$54,750.00
Total NOVAs	177	$4,338,812.00	
Total Due Settlement/Default	163	$3,222,300.00	
Total PIF	152		$3,105,050.00
Total Defaults	11		
Declinations	8		
Open Cases	4		
Collections	8		
*PIF= Paid in Full			

Attachment 2 to Appendix 9: Additional data on Notices of Violation and Assessment of Penalties involving violations of the Vessel Speed Rule provided by the United States in connection with its comments on the draft factual record. This information was provided in response to a statement in the draft factual record regarding NOVAs that were not reflected as having been settled, dismissed, appealed or closed in the Enforcement Charging Information provided on NOAA's website.

Case Number	Date of NOVA	NOVA Amount (USD)	Final Amount Due (USD)	Status
SE1002589	11/21/2011	$40,250.00	$40,250.00	PIF-Default
SE1002592	11/21/2011	$51,750.00	N/A	Closed
SE1002934	11/21/2011	$23,000.00	N/A	Closed
SE1002936	11/21/2011	$23,000.00	N/A	Closed
SE1002968	11/21/2011	$11,500.00	N/A	Closed
SE1002932	11/21/2011	$46,000.00	N/A	Closed
NE1003296	3/5/2012	$5,750.00	$5,750.00	PIF-Default
SE1102515	8/20/2012	$74,450.00	$74,450.00	PIF-Settled
SE1104155	9/17/2012	$86,250.00	$17,250.00	PIF-Settled
SE1104238	9/17/2012	$11,500.00	$11,500.00	PIF-Settled
SE1102522	6/14/2013	$69,000.00	$69,000.00	PIF-Default
NE1101492	9/6/2013	$17,250.00	$17,250.00	PIF-Default
NE1701878	6/6/2018	$11,500.00	$11,500.00	PIF-Default
NE2201536	6/27/2022	$7,500.00	$7,500.00	PIF-Default
NE2203319	11/29/2022	$15,000.00	$13,500.00	PIF-Settled
NE2203327	2/22/2023	$75,000.00	N/A	Appeal Pending
NE2107875	6/5/2023	$7,500.00	$7,500.00	At U.S. Treasury for Collections
NE2300747	9/14/2023	$22,500.00	N/A	Appeal Pending
SE2303316	10/12/2023	$15,000.00	N/A	Appeal Pending
SE2314666	6/6/2024	$22,500.00	$22,500.00	PIF-Default
NE2403441	8/12/2024	$25,000.00	$22,500.00	PIF-Settled
*PIF = Paid in Full				

Note: "PIF-Default" indicates that although the case was closed with the total amount paid in full, this payment occurred after a default of the payment deadline or agreement. It does not represent an active default status.