

February 11, 2013

**NOAA Office of the General Counsel, Enforcement Section
Enforcement Actions
July 1, 2012, through December 31, 2012¹**

NOVA and/or NOPS and/or Written Warning Issued and Served²

During this time period, NOAA charged 146 civil administrative cases, as follows:³

ALASKA

1. AK1003469; F/V Reagan – Owner and operator were charged in two counts under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) for engaging in directed fishing for Pacific cod, within a Pacific cod no fishing zone in the Rootok Steller Sea Lion Protection Area. A \$26,602 NOVA was issued. [See, Settled cases, item 4, below, for resolution of this matter.]
2. AK1102181; Private vessel operator was charged under the Northern Pacific Halibut Act for operating a vessel with one or more charter vessel anglers on board that caught and retained halibut without an original valid charter halibut permit for the regulatory area in which the vessel was operating. A \$30,300 NOVA was issued.
3. AK1102931; F/V Clipper Surprise – Crewmembers were charged under the Magnuson-Stevens Act for acting in concert, forcibly assaulting, opposing, impeding, or interfering with a National Marine Fisheries Service (NMFS) fishery observer. A \$4,500 NOVA was issued.
4. AK1103368; F/V Lucky Island – Operator was charged under the Magnuson-Stevens Act for failing to have a copy of Individual Fishing Quota (IFQ) permits available for a United States Coast Guard boarding team to inspect. A written warning was issued.
5. AK1103886; F/V Catita II – Owner and operator were charged in two counts under the Northern Pacific Halibut Act for operating a vessel with one or more charter vessel anglers on board that caught and retained halibut without an original valid charter halibut permit for the regulatory area in which the vessel was operating and for possessing halibut on board a

¹ Our next report will be posted on or about August 1, 2013, reporting on civil administrative cases charged and settled for the period January 1, 2013, through June 30, 2013. Earlier reports were posted on September 1, 2010, February 1, 2011, August 1, 2011, February 6, 2012, and August 7, 2012, reporting for the period March 18, 2010, through June 30, 2012. The reports are not considered to be publications. All data is provisional.

² NOVA stands for Notice of Violation and Assessment and NOPS stands for Notice of Permit Sanction. NOVAs, NOPSs and written warnings contain the agency's allegations of violations by the respondent(s). In response to receiving a NOVA, NOPS or written warning, a respondent may challenge those allegations through means set forth in NOAA's civil procedure regulations found at 15 C.F.R. Part 904.

³ These cases are listed by file number, separated by regions.

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vessel that had been filleted, mutilated or otherwise disfigured in any manner. A \$19,750 NOVA was issued.

6. AK1200300; F/V Pacific Challenger – Owner and operator were charged in three counts under the Magnuson-Stevens Act for conducting directed fishing for Pacific cod in Western Gulf area of the Gulf of Alaska without having a License Limitation Permit. A \$325,441.76 NOVA was issued.

NORTHEAST

7. NE0800020; F/V Adventura – Owner/operator was charged in two counts under the Magnuson-Stevens Act for operating a fishing vessel without a valid commercial spiny dogfish vessel permit and for making a false statement in connection with a declaration, record or report. An \$11,000 NOVA was issued.
8. NE0801211; F/V Challenger – Company and operator were charged under the Magnuson-Stevens Act for observer interference and illegally discarding haddock. A written warning was issued.
9. NE0801422; F/V Almahrosa – Company and operator were charged under the Magnuson-Stevens Act for interfering with and harassing an observer onboard a vessel. Company and operator were charged under the Marine Mammal Protection Act for failing to report the incidental take of a marine mammal within 48 hours. A written warning was issued.
10. NE0801904; F/V Ms. Maria – Owner and operator were charged under the Magnuson-Stevens Act for entering and fishing inside the Georges Bank Seasonal Closed Area. A written warning was issued.
11. NE0801992; F/V Maria Katherine – Owner/operator was charged under the Magnuson-Stevens Act for fishing with an undersized twine top, for fishing with excessive hangers on the dredge, and for possessing an undersized twine top. A written warning was issued.
12. NE0802159 and NE0802453; F/V Karen Lynn I – Owner/operator was charged in three counts under the Magnuson-Stevens Act for fishing for Atlantic scallops in the Southern New England/Georges Bank yellowtail flounder spawning closure area, for landing Atlantic scallops over the vessel's landing limit, and for making false statements to officers about the amount of Atlantic scallops landed. A \$44,602 NOVA was issued.
13. NE0802271; F/V Conor and Michael – Owner/operator was charged under the Magnuson-Stevens Act for entering and fishing inside the Georges Bank Seasonal Closed Area. A written warning was issued.
14. NE0802672; F/V Jennifer K – Owner and operator were charged under the Marine Mammal Protection Act for fishing within the offshore closed area without pingers and charged under

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the Magnuson-Stevens Act for fishing without proper tags on gillnets. A written warning was issued.

15. NE0802832; F/V Merlin – Owner/operator was charged under the Magnuson-Stevens Act for failing to have valid Federal trap tags attached to lobster gear. A written warning was issued.
16. NE0803013; F/V Western Sea – Operator was charged under the Magnuson-Stevens Act for failing to report Atlantic herring on Interactive Voice Response system in a timely manner. A written warning was issued.
17. NE0803120; F/V Lady Lynn – Owner/operator was charged under the Magnuson-Stevens Act for fishing lobster traps within the Exclusive Economic Zone (EEZ) without a Federal permit. A written warning was issued.
18. NE0803310; F/V Toots – Owner/operator was charged under the Magnuson-Stevens Act for exceeding dogfish possession limit and for having berried female lobsters and a mutilated lobster. A written warning was issued.
19. NE0804479; F/V Gannet – Owner/operator was charged under the Magnuson-Stevens Act for fishing in Federal waters without a valid permit. A written warning was issued.
20. NE0804667 – Company was charged under the Lacey Act for failing to file required documents, for submitting false commercial invoices for cans labeled bonito and Thunnus Thynnus imported into the United States from Peru, and falsely labeling cans of tuna as bonito. A written warning was issued.
21. NE0804915; F/V Christy – Owner, operator, and crewmembers were charged under the Magnuson-Stevens Act for fishing for, possessing or landing Atlantic scallops from the Elephant Trunk Closed Area. A written warning was issued.
22. NE0805083; F/V Miss Trish II – Owner/operator was charged under the Magnuson-Stevens Act for fishing with rollers/rockhoppers in excess of 12 inches inside the Inshore Roller Gear Area. A written warning was issued.
23. NE0805090; F/V Grace Marie – Owner/operator was charged under the Magnuson-Stevens Act for fishing with rollers/rockhoppers in excess of 12 inches inside the Inshore Roller Gear Area. A written warning was issued.
24. NE0805091; F/V Princess Laura – Operator was charged under the Magnuson-Stevens Act for fishing with rollers/rockhoppers in excess of 12 inches inside the Inshore Roller Gear Area. A written warning was issued.
25. NE0900213; F/V Lori B – Owner/operator was charged under the Magnuson-Stevens Act for possessing and landing monkfish in excess of the vessel's "days-at-sea" allowance. A \$5,633 NOVA was issued.

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26. NE0900216; F/V Sea Dancer – Owner and operator were charged under the Magnuson-Stevens Act for possessing and landing monkfish in excess of the vessel’s “days-at-sea” allowance. A \$9,150 NOVA was issued.
27. NE0900988 – Owner/operator was charged under the Magnuson-Stevens Act for fishing within the EEZ without a valid Federal fisheries permit. A written warning was issued.
28. NE0901038; F/V Dona Martita – Operator was charged under the Magnuson-Stevens Act for submitting false reports of Atlantic herring on Interactive Voice Response reports. A written warning was issued.
29. NE0901084; F/V Miss Maddy – Owner and operator were charged under the Magnuson-Stevens Act for possessing fish caught with net mesh smaller than minimum size. A written warning was issued.
30. NE0901120; F/V Galaxy – Company and operator were charged under the Magnuson-Stevens Act for fishing without carrying an observer as required. A written warning was issued.
31. NE0901203; F/V Lilli Mae – Operator was charged under the Magnuson-Stevens Act for failing to accurately report “days-at-sea” in the Interactive Voice Response system. A written warning was issued.
32. NE0901238; F/V Courtney Elizabeth – Owner/operator was charged under the Marine Mammal Protection Act for failing to report whale takes in the course of commercial fishing. A written warning was issued.
33. NE0901682; F/V Enterprise – Operator was charged under the Magnuson-Stevens Act for failing to report or underreporting Atlantic herring on Interactive Voice Response reports. A written warning was issued.
34. NE0901947; F/V Joanne H – Owner/operator was charged under the Magnuson-Stevens Act for entering and fishing in Closed Area II. A written warning was issued.
35. NE0902180; F/V Second Wind – Owner and operator were charged under the Magnuson-Stevens Act for fishing within closed portion of United States/Canada Management Area. A written warning was issued.
36. NE0902341; F/V Rachel T – Operator was charged under the Magnuson-Stevens Act for fishing inside the Gulf of Maine Rolling Closed Area IV and for fishing with an expired Federal operator permit. A written warning was issued.
37. NE0902455; F/V Lady Barbara – Owner and operator were charged under the Magnuson-Stevens Act for possessing short lobsters and egg-bearing lobsters. A written warning was issued.

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38. NE0902878; F/V My Way II – Owner/operator was charged under the Magnuson-Stevens Act for possessing undersized lobsters and giving a false statement. A written warning was issued.
39. NE0903573 – Company owners were charged under the Magnuson-Stevens Act for failing to comply with dealer reporting requirements by failing to report purchases of herring. A written warning was issued.
40. NE0903992; F/V Aaron & Melissa II – Operator was charged under the Magnuson-Stevens Act for failing to carry an observer onboard a vessel and for impeding an observer by preventing the observer from sampling a marine mammal. Operator was charged under the Marine Mammal Protection Act for failing to report marine mammal takes within 48 hours. A written warning was issued.
41. NE0904013; F/V Bailey Boy – Owner/operator and crewman were charged under the Magnuson-Stevens Act for impeding, harassing and interfering with a NMFS fishery observer. A \$17,500 NOVA was issued.
42. NE0904118; F/V Freebird – Owner/operator was charged under the Magnuson-Stevens Act for fishing for failing to submit Fishing Vessel Trip Reports in a timely manner. A written warning was issued.
43. NE0904120; F/V Anne Marie – Owner/operator was charged under the Magnuson-Stevens Act for fishing for failing to submit Fishing Vessel Trip Reports in a timely manner. A written warning was issued.
44. NE0904232; F/V Voyager – Owner and operator were charged under the Magnuson-Stevens Act for failing to retain and report incidentally caught haddock. A written warning was issued.
45. NE0904330 – Company was charged under the Atlantic Tunas Convention Act for not submitting dealer landing reports within 24 hours after receipt of an Atlantic bluefin tuna. A written warning was issued.
46. NE0904457; F/V Maria Joann – Owner and operator were charged under the Magnuson-Stevens Act for fishing in Restricted Gear Area 2 with trawl gear during a time when the area was closed to all vessels using mobile gear. A written warning was issued.
47. NE1000032; F/V Miss Tamara – Owner and operator were charged in two counts under the Magnuson-Stevens Act for fishing for and landing Atlantic scallops from the DelMarVa Closed Area and for maintaining a falsified Fishing Vessel Trip Report. A \$47,800 NOVA was issued.
48. NE1000110; F/V Mayflower – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the cod possession limit. A written warning was issued.

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49. NE1000320; F/V Bonansa – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the cod possession limit. A written warning was issued.
50. NE1002611; F/V Julia and Carly – Owner/operator was charged under the Magnuson-Stevens Act for providing false information on a permit application. A written warning was issued.
51. NE1002967; F/V Andy Two – Owner and operator were charged under the Magnuson-Stevens Act for fishing with illegally configured Turtle Excluder Devices (TED) on both port and starboard scallop dredges. A written warning was issued.
52. NE1003144; F/V Miss Tamara – Owner and operator were charged in two counts under the Magnuson-Stevens Act for fishing for and landing Atlantic scallops from the DelMarVa Closed Area and for holding a limited access general category scallop permit and fishing for Atlantic scallops using an undersized dredge twine top mesh. A \$22,500 NOVA was issued.
53. NE1101691; F/V Dinah Jane – Operator was charged in two counts under the Magnuson-Stevens Act for landing scallops in excess of the general category scallop permit limit and for interfering, obstructing, delaying and/or preventing the investigation, search, and seizure relating to the landed scallop overage. A \$51,600 NOVA was issued.
54. NE1103161A – Company was charged under the Antarctic Marine Living Resources Convention Act for illegally importing frozen Patagonian toothfish. A \$6,500 NOVA was issued.
55. NE1103161B – Company was charged under the Antarctic Marine Living Resources Convention Act for illegally re-exporting frozen Patagonian toothfish. A \$6,500 NOVA was issued.

NORTHWEST

56. NW1101601; F/V Steve C – Owner and operator were charged under the Magnuson-Stevens Act for operating a vessel registered to a limited entry permit with a trawl endorsement and trawl gear on board within the trawl Rockfish Conservation Area. A \$20,153 NOVA was issued. [See, Settled cases, item 8, below, for resolution of this matter.]
57. NW1102664; F/V Lady Cecelia – Owner and operator were charged in three counts under the Magnuson-Stevens Act for failing to maintain safe conditions on the vessel for the protection of observers, by failing to maintain a proper look-out, for failing to notify observers at least 15 minutes before fish are brought on board to allow sampling the catch, and for interfering with or biasing the sampling procedure employed by an observer including either mechanically or manually sorting or discarding catch before sampling. An \$11,500 NOVA was issued.

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58. NW1102834; F/V Jamie K – Owners and operator were charged in two counts under the Magnuson-Stevens Act for harassing a groundfish observer by conduct that created an intimidating, hostile, or offensive environment. A \$26,000 NOVA was issued.

PACIFIC ISLANDS

59. PI1101249; F/V Ocean Conquest – Owner and operator were charged under the Marine Mammal Protection Act for taking a marine mammal species upon the high seas, by knowingly setting purse seine fishing gear on a whale. An \$11,000 NOVA was issued.

60. PI1101523; F/V Pacific Ranger – Owner and operators were charged in five counts under the Marine Mammal Protection Act for taking a marine mammal species upon the high seas, by knowingly setting purse seine fishing gear on a whale. Owner and operator were charged under the Western and Central Pacific Fisheries Convention Implementation Act for setting a purse seine around a Fish Aggregating Device. A \$149,250 NOVA was issued.

61. PI1103224; F/V American Eagle – Owner and operator were charged in two counts under the Marine Mammal Protection Act for taking a marine mammal species upon the high seas, by knowingly setting purse seine fishing gear on a whale. A \$20,500 NOVA was issued.

62. PI1104729; F/V Nguyen TJ II – Owner/operator was charged in four counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$6,375 NOVA was issued.

63. PI1105072; F/V Cape Breton – Owner and operator were charged in two counts under the Magnuson-Stevens Act for fishing for Pacific pelagic management unit species inside the American Samoa Large Vessel Prohibited Area without an exemption and for submitting false or inaccurate information that is required to be submitted, reported, communicated, or recorded. A \$33,750 NOVA was issued.

64. PI1201207; F/V Cape May – Owner and operator were charged under the Magnuson-Stevens Act for fishing for Pacific pelagic management unit species inside the American Samoa Large Vessel Prohibited Area without an exemption. An \$80,000 NOVA was issued.

SOUTHEAST

65. SE0900649; F/V Weis Guy – Owner/operator was charged under the Magnuson-Stevens Act for exceeding a bag or possession limit for mangrove snapper. A written warning was issued.

66. SE0900667; Florida State registered vessel – Owner/operator was charged under the Magnuson-Stevens Act for exceeding a bag or possession limit for greater amberjack, for failing to maintain amberjack, red snapper, and Goliath grouper intact through offloading

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ashore, for fishing in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closure of the recreational fishery for red snapper, and for fishing for, harvesting, or possessing prohibited Goliath grouper. A written warning was issued.

67. SE0902144; F/V Blue Heron II, F/V Blue Heron 101, and F/V Miss Blue Heron – Owners were charged under the Magnuson-Stevens Act for failing to submit accurately and timely fishing records. A written warning was issued.
68. SE0902469; F/V Southern Sons – Owner and operator were charged in three counts under the Magnuson-Stevens Act for failing to comply with protected species conservation measures for sea turtles, for using reef fish as bait, and for failing to comply with any provision related to a Vessel Monitoring System (VMS). An \$8,000 NOVA was issued.
69. SE0903109; F/V Elljo, Inc. – Company and owner/operator were charged under the Magnuson-Stevens Act for landing IFQ red snapper at an unapproved location in violation of time constraints and/or transporting fish without an approval code. A written warning was issued.
70. SE0903183; F/V Hornet – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
71. SE0903249; F/V Miss Amber – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
72. SE0903251; F/V Dianie – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
73. SE0903392; F/V Fishful Thinking – Owner and operator were charged under the Magnuson-Stevens Act for failing to comply with any provision related to the Gulf red snapper IFQ program. A \$5,000 NOVA was issued.
74. SE0903479; F/V Kazan – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
75. SE0903572; F/V S & C – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
76. SE0903671; F/V Sea Roach – Owner, operator, and crewmembers were charged under the Magnuson-Stevens Act for fishing in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closure of the recreational fishery for red snapper. A written warning was issued.
77. SE0904431; F/V Jacob Doan – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.

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78. SE0904480; F/V Justin Callais – Operator and crewmember were charged under the Magnuson-Stevens Act for failing to maintain fish intact through offloading ashore. A written warning was issued.
79. SE1000163; F/V Morning Lord – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
80. SE1000622; F/V Miss Rita – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
81. SE1000623; F/V Wayward Wind – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
82. SE1001727; F/V Capt. Michael II – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
83. SE1001778; F/V Blue Heron II – Owner and operator were charged under the Magnuson-Stevens Act for engaging in an activity for which a valid Federal permit, license, or endorsement is required. A \$17,500 NOVA was issued. [See, Settled cases, item 15, below, for resolution of this matter.]
84. SE1002279; F/V Hermosa Cruz – Owner and operator were charged under the Magnuson-Stevens Act for possessing red snapper during a closed season and/or for possessing over-the-limit cobia. A written warning was issued.
85. SE1002354 – Company was charged under the Marine Mammal Protection Act for disturbing marine mammals by operating in close proximity to them. A written warning was issued.
86. SE1002497; F/V Lady Lisa – Owner and operator were charged under the Magnuson-Stevens Act for possessing red snapper during the recreational closure. A written warning was issued.
87. SE1003080; F/V Rei of Sun – Owner, operator, and crewmember were charged under the Magnuson-Stevens Act for exceeding a bag or possession limit for red grouper and/or for failing to maintain fish intact through offloading ashore. A written warning was issued.
88. SE1003137; F/V Capt. Nico – Owner and operator were charged under the Magnuson-Stevens Act for possessing red snapper during the recreational closure. A written warning was issued.
89. SE1003787; F/V Elljo, Inc. – Company and owner/operator were charged in three counts under the Magnuson-Stevens Act for failing to comply with any provision related to the Gulf red snapper IFQ program. A \$14,000 NOVA was issued.

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90. SE1004290; F/V Lyn – Owner and operator were charged under the Magnuson-Stevens Act for failing to comply with protected species conservation measures for sea turtles. A \$2,000 NOVA was issued. [See, Settled cases, item 19, below, for resolution of this matter.]
91. SE1004296; F/V Angela C – Owner was charged under the Magnuson-Stevens Act for failing to comply with protected species conservation measures for sea turtles. A \$3,000 NOVA was issued. [See, Settled cases, item 20, below, for resolution of this matter.]
92. SE1100321; F/V Juma – Co-owners and operator were charged under the Magnuson-Stevens Act for failing to comply with protected species conservation measures for sea turtles. A \$2,000 NOVA was issued. [See, Settled cases, item 21, below, for resolution of this matter.]
93. SE1101509; F/V Los Nietos – Owner and operator were charged under the Magnuson-Stevens Act for possessing red snapper during the recreational closure. A written warning was issued.
94. SE1101824; Florida State registered vessel – Owner and operator were charged under the Magnuson-Stevens Act for fishing in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closure of the recreational fishery for red snapper. A written warning was issued.
95. SE1102065; F/V Miss Agnes – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
96. SE1102167; F/V Margie T – Owner and operator were charged under the Magnuson-Stevens Act for failing to comply with protected species conservation measures for sea turtles and for failing to comply with the species-specific limitations regarding a Gulf reef fish venting tool. A \$10,000 NOVA was issued.
97. SE1102194; F/V H & R – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
98. SE1102515; Vessel Tsing Ma Bridge – Owner and operator were charged in thirteen counts under the Endangered Species Act and Marine Mammal Protection Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$74,750 NOVA was issued.
99. SE1102518; Vessel Prestige Ace – Owner and operator were charged in four counts under the Endangered Species Act and Marine Mammal Protection Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$23,000 NOVA was issued. [See, Settled cases, item 26, below, for resolution of this matter.]
100. SE1102519; Vessel Suomigracht – Owner and operator were charged in fourteen counts under the Endangered Species Act and Marine Mammal Protection Act for violating speed

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restrictions to protect endangered North Atlantic Right whales. An \$80,500 NOVA was issued. [See, Settled cases, item 27, below, for resolution of this matter.]

101. SE1102520; Vessel Dionysos Leader – Owner and operator were charged in seven counts under the Endangered Species Act and Marine Mammal Protection Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$40,250 NOVA was issued. [See, Settled cases, item 28, below, for resolution of this matter.]
102. SE1103336; F/V St. Peter – Owner and owner/operator were charged in four counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. An \$8,500 NOVA was issued.
103. SE1103340; F/V Orchid Lady III – Owner and operator were charged in four counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. An \$11,750 NOVA was issued. [See, Settled cases, item 29, below, for resolution of this matter.]
104. SE1103986; F/V Ocean One – Owner and operator were charged under the Magnuson-Stevens Act for fishing in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closures. A \$12,500 NOVA was issued.
105. SE1104079; Florida State registered vessel – Operator and passenger were charged under the National Marine Sanctuaries Act for fishing within the Sombrero Key Sanctuary Preservation Area (SPA), in the Florida Keys National Marine Sanctuary. A \$900 NOVA was issued. [See, Settled cases, item 32, below, for resolution of this matter.]
106. SE1104083; F/V Stanley Boy – Owner and operator were charged under the Magnuson-Stevens Act for fishing in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closures. A \$12,500 NOVA was issued.
107. SE1104084; F/V Jimmy & Charlie Jr. – Owner and operator were charged under the Magnuson-Stevens Act for having nets deployed in that part of the Gulf EEZ off of Texas that was closed to fishing for shrimp. A written warning was issued.
108. SE1104155; Vessel Mol Endurance – Owner and operator were charged in fifteen counts under the Endangered Species Act and Marine Mammal Protection Act for violating speed restrictions to protect endangered North Atlantic Right whales. An \$86,250 NOVA was issued.
109. SE1104180; Vessel Runaway Bay – Owner and operator were charged in six counts under the Endangered Species Act and Marine Mammal Protection Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$34,500 NOVA was issued. [See, Settled cases, item 34, below, for resolution of this matter.]

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110. SE1104238; Vessel Asteria Leader – Owner and operator were charged in two counts under the Endangered Species Act and Marine Mammal Protection Act for violating speed restrictions to protect endangered North Atlantic Right whales. An \$11,500 NOVA was issued. [See, Settled cases, item 35, below, for resolution of this matter.]
111. SE1104242; Vessel Eridanus Leader – Owner and operator were charged in two counts under the Endangered Species Act and Marine Mammal Protection Act for violating speed restrictions to protect endangered North Atlantic Right whales. An \$11,500 NOVA was issued. [See, Settled cases, item 36, below, for resolution of this matter.]
112. SE1104306; Vessel Overseas Antigmar – Owner and operator were charged under the Endangered Species Act and Marine Mammal Protection Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$5,750 NOVA was issued. [See, Settled cases, item 37, below, for resolution of this matter.]
113. SE1104307; Vessel Pichincha – Owner and operator were charged in three counts under the Endangered Species Act and Marine Mammal Protection Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$17,250 NOVA was issued. [See, Settled cases, item 38, below, for resolution of this matter.]
114. SE1104907; F/V Mr. Irvin – Owner and operator were charged in two counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$22,200 NOVA was issued.
115. SE1200075; Florida State registered vessel – Owner/operator was charged under the Magnuson-Stevens Act for exceeding a bag or possession limit for South Atlantic black sea bass and/or for harvesting or possessing Atlantic red drum in the EEZ. A \$1,000 NOVA was issued. [See, Settled cases, item 44, below, for resolution of this matter.]
116. SE1200078; Florida State registered vessel – Operator was charged under the Magnuson-Stevens Act for fishing for, harvesting, or possessing South Atlantic red snapper and/or for exceeding a bag or possession limit for South Atlantic black sea bass. A \$1,000 NOVA was issued.
117. SE1200089; F/V Varon – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
118. SE1200119; Florida State registered vessel – Co-owners and passenger were charged under the Magnuson-Stevens Act for exceeding a bag or possession limit for South Atlantic black sea bass. A \$1,000 NOVA was issued. [See, Settled cases, item 45, below, for resolution of this matter.]
119. SE1200261; Florida State registered vessel – Owner/operator and passengers were charged under the Magnuson-Stevens Act for fishing for, harvesting, or possessing South Atlantic red snapper, and/or for fishing in violation of the prohibitions, restrictions, and

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requirements applicable to the South Atlantic vermilion snapper seasonal closure, and/or for exceeding a bag or possession limit for South Atlantic black sea bass. A \$1,000 NOVA was issued. [See, Settled cases, item 47, below, for resolution of this matter.]

120. SE1200279; F/V AWOL – Owner was charged under the Magnuson-Stevens Act for failing to carry an observer. A written warning was issued.
121. SE1200443 and SE1200444; F/V Nastasia – Operator was charged under the National Marine Sanctuaries Act for operating a vessel in such a manner to cause prop-scarring in the vicinity of Tom’s Harbor Keys Channel, and Northwest Channel, in the Florida Keys National Marine Sanctuary. An \$18,000 NOVA was issued.
122. SE1200635; F/V Queen B – Owner/operator was charged in two counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$7,000 NOVA was issued.
123. SE1200787; F/V Miss Bertha – Owner was charged under the Magnuson-Stevens Act for fishing without an observer when the vessel was required to carry an observer. A \$12,500 NOVA was issued.
124. SE1200825; F/V Miss Stephanie – Owner and operator were charged under the Magnuson-Stevens Act for failing to comply with protected species conservation measures for sea turtles. A \$5,000 NOVA was issued.
125. SE1200947; M/V Charger – Owner and crewmembers were charged under the Magnuson-Stevens Act for fishing in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closures for the recreational fishery for red snapper and/or for failing to maintain red snapper and snowy grouper intact through offloading ashore. A \$2,000 NOVA was issued.
126. SE1200966; F/V Catch Dog – Owner and operator were charged under the Magnuson-Stevens Act for failing to comply with protected species conservation measures for sea turtles. A \$5,000 NOVA was issued.
127. SE1201038; F/V H & R – Owner and operator were charged under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$3,500 NOVA was issued. [See, Settled cases, item 48, below, for resolution of this matter.]
128. SE1201135; Florida State registered vessel – Owner/operator and passenger were charged under the Magnuson-Stevens Act for fishing for, harvesting, or possessing South Atlantic red snapper, and/or for fishing in violation of the prohibitions, restrictions, and requirements applicable to the South Atlantic vermilion snapper seasonal closure, and/or for exceeding a bag or possession limit for South Atlantic black sea bass. A \$2,200 NOVA was issued.

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129. SE1201240; F/V Fish III – Owner and operator were charged under the Magnuson-Stevens Act for fishing in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closures for the recreational fishery for gag grouper and/or for failing to maintain gag grouper intact through offloading ashore. A \$1,000 NOVA was issued.
130. SE1201277; F/V Lady Geneva – Owner and operator were charged in four counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$14,000 NOVA was issued.
131. SE1201470; F/V Double Vision – Co-owners and operator were charged under the Magnuson-Stevens Act for failing to comply with protected species conservation measures for sea turtles. A \$5,000 NOVA was issued.
132. SE1201650; F/V Mary Brent – Owner/operator was charged in two counts under the Magnuson-Stevens Act for failing to comply with any provision related to the Gulf red snapper IFQ program. A \$10,000 NOVA was issued.
133. SE1201768; F/V Sun Hippie – Owners and operator were charged under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$1,250 NOVA was issued.
134. SE1201858; F/V Miss Loraine – Owner and operator were charged in three counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$2,750 NOVA was issued. [See, Settled cases, item 49, below, for resolution of this matter.]
135. SE1201876; F/V Rosa Lee – Owner and operator were charged in two counts under the Magnuson-Stevens Act for failing to comply with any provision related to the Gulf red snapper IFQ program and for engaging in an activity for which a valid Federal Gulf reef fish commercial vessel permit is required. A \$4,500 NOVA was issued.
136. SE1202101; F/V Si Se Puede – Owner and operator were charged under the Magnuson-Stevens Act for fishing in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closures and in four counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$13,500 NOVA was issued.
137. SE1202102; F/V Master JMP – Owner and operator were charged under the Magnuson-Stevens Act for fishing in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closures. A \$12,500 NOVA was issued. [See, Settled cases, item 50, below, for resolution of this matter.]
138. SE1202104; F/V Miro – Owner and operator were charged under the Magnuson-Stevens Act for fishing in violation of the prohibitions, restrictions, and requirements applicable to

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seasonal and/or area closures and in two counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$13,750 NOVA was issued.

139. SE1202168; F/V Angelina – Owner and operator were charged under the Magnuson-Stevens Act for fishing in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closures. A \$14,000 NOVA was issued.
140. SE1202170; F/V Miz Shirley – Owner and operator were charged under the Magnuson-Stevens Act for fishing in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closures. A \$12,500 NOVA was issued.
141. SE1202622; F/V Stephanie Dann – Owner and operator were charged under the National Marine Sanctuaries Act for operating a tank vessel or a vessel greater than 50 meters in registered length in an Area to be Avoided, in the Florida Keys National Marine Sanctuary. A \$6,000 NOVA was issued. [See, Settled cases, item 51, below, for resolution of this matter.]
142. SE1202847; Florida State registered vessel – Owner/operator and passengers were charged under the National Marine Sanctuaries Act for fishing in Western Sambo Ecological Reserve, in the Florida Keys National Marine Sanctuary. A \$1,000 NOVA was issued. [See, Settled cases, item 52, below, for resolution of this matter.]
143. SE1203248; F/V Endless Summer III – Owner was charged under the Magnuson-Stevens Act for exceeding a bag or possession limit for South Atlantic vermilion snapper. A \$1,000 NOVA was issued. Operator was charged under the Magnuson-Stevens Act for exceeding a bag or possession limit for South Atlantic vermilion snapper. An \$800 NOVA was issued. [See, Settled cases, item 53, below, for resolution of this matter against the operator.]
144. SE1203476; F/V Father & Son – Owner and operator were charged under the Magnuson-Stevens Act for engaging in fishing without a valid Gulf reef fish permit is required. A \$2,000 NOVA was issued. [See, Settled cases, item 54, below, for resolution of this matter.]

SOUTHWEST

145. SW0904416; F/V Kathryn H – Owner and operator were charged under the Magnuson-Stevens Act for operating a vessel inside the Rockfish Conservation Area (RCA) while having non-trawl gear onboard, not being registered to a limited entry permit, while retaining groundfish, and not continuously transiting the RCA. A \$12,538 NOVA was issued.
146. SW1003280; F/V Cheryl M. – Owner and operator were charged under the Magnuson-Stevens Act for falsifying or failing to make and/or file reports of management unit species landings as required by California state law. A \$13,950 NOVA was issued.

Agreed Disposition or Settlement Agreement

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During this time period, there were settlements in 59 civil administrative cases, as follows:

ALASKA

1. AK0900424; F/V Blue Ace – Magnuson-Stevens Act \$72,200 NOVA settled for \$72,200, with \$14,440 suspended for one year. [See, Charged cases, item 3, from February 6, 2012, posting for initial charging information.]
2. AK0902691; F/V Nautilus Explorer – Endangered Species Act and the Marine Mammal Protection Act \$2,500 NOVA settled for \$2,450. [See, Charged cases, item 6, from August 7, 2012, posting for initial charging information.]
3. AK1000471; F/V Alaska Dawn – Magnuson-Stevens Act case settled for \$130,326 in forfeited proceeds. Owners and operator were charged in twenty-eight counts for exceeding the maximum retainable groundfish amount and for conducting any fishing contrary to notification of inseason action closure, or adjustment, for pollock and Pacific cod. The original assessment was for \$925,000 and a 210 day permit sanction. After a hearing, an Administrative Law Judge reduced the assessment and settlement followed.
4. AK1003469; F/V Reagan – Magnuson-Stevens Act \$26,602 NOVA settled for \$26,602. [See, Charged cases, item 1, above, for initial charging information.]
5. AK1200005; F/V Ificiency – Magnuson-Stevens Act \$2,000 NOVA settled for \$2,000. [See, Charged cases, item 13, from August 7, 2012, posting for initial charging information.]

NORTHEAST

6. NE0701577; F/V Endorphan – Magnuson-Stevens Act \$8,000 NOVA settled for \$4,000. Owner and operator were charged in two counts for failing to have onboard an operational VMS unit that provided accurate hourly position transmissions and for fishing for, catching, harvesting or landing regulated tilefish in or from the EEZ, without a valid and appropriate permit.
7. NE1102977; Antarctic Marine Living Resources Convention Act \$6,500 NOVA settled for \$6,500. [See, Charged cases, item 12, from February 6, 2012, posting for initial charging information.]

NORTHWEST

8. NW1101601; F/V Steve C – Magnuson-Stevens Act \$20,153 NOVA settled for \$20,153, with \$3,500 suspended for one year. [See, Charged cases, item 56, above, for initial charging information.]

PACIFIC ISLANDS

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9. PI1004158; F/V Robin II – Western and Central Pacific Fisheries Convention Implementation Act \$22,869 NOVA settled for \$22,869, with \$17,869 suspended for two years. [See, Charged cases, item 20, from August 1, 2011, posting for initial charging information.]

SOUTHEAST

10. SE055122A; F/V Hang Em High – National Marine Sanctuaries Act \$5,000 NOVA settled for \$500. Owner and operator were charged for fishing in the Hen and Chickens SPA, in the Florida Keys National Marine Sanctuary.
11. SE0902854 – Marine Mammal Protection Act \$5,000 NOVA settled for \$5,000, with \$1,000 suspended for one year. [See, Charged cases, item 48, from August 7, 2012, posting for initial charging information.]
12. SE0904231; F/V Margie L – Magnuson-Stevens Act \$25,000 NOVA settled for \$25,000, with \$22,000 suspended for thirteen months. Owner and operator were charged in two counts for failing to comply with the restrictions that apply after closure of the Greater Amberjack fishery and for failing to comply with any provision related to a VMS.
13. SE0904440; YM Los Angeles – Endangered Species Act and Marine Mammal Protection Act \$44,000 NOVA settled for \$44,000, with \$8,800 suspended for one year. [See, Charged cases, item 45, from February 1, 2011, posting for initial charging information.]
14. SE1001468; FV Margie T – Magnuson-Stevens Act \$20,000 NOVA settled for \$5,000 against the owner and the individual in charge of operations; and for a written warning against the operator. Owner, operator, and individual in charge of operations were charged for engaging in an activity for which a valid Federal permit, license, or endorsement is required without such permit, license, or endorsement for commercial Gulf reef fish.
15. SE1001778; F/V Blue Heron II – Magnuson-Stevens Act \$17,500 NOVA settled for \$17,500, with \$3,500 suspended for one year. [See, Charged cases, item 83, above, for initial charging information.]
16. SE1002925; M/V Vega Sachsen – Endangered Species Act and Marine Mammal Protection Act \$92,000 NOVA settled for \$92,000, with \$36,800 suspended for one year. [See, Charged cases, item 54, from February 6, 2012, posting for initial charging information.]
17. SE1003031; Florida State registered vessel – Marine Mammal Protection Act \$5,000 NOVA settled for \$5,000, with \$1,000 suspended for eighteen months. Owner and operator were charged for feeding wild dolphins.

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18. SE1004107; F/V Simply Hooked – Magnuson-Stevens Act \$2,000 NOVA settled for \$2,000, with \$1,000 suspended for fourteen months. [See, Charged cases, item 54, from February 6, 2012, posting for initial charging information.]
19. SE1004290; F/V Lyn – Magnuson-Stevens Act \$2,000 NOVA settled for \$1,800. [See, Charged cases, item 90, above, for initial charging information.]
20. SE1004296; F/V Angela C – Magnuson-Stevens Act \$3,000 NOVA settled for \$3,000. [See, Charged cases, item 91, above, for initial charging information.]
21. SE1100321; F/V Juma – Magnuson-Stevens Act \$2,000 NOVA settled for \$1,800. [See, Charged cases, item 92, above, for initial charging information.]
22. SE1100881; F/V Sea Suds – Magnuson-Stevens Act \$2,450 NOVA settled for \$1,960. [See, Charged cases, item 55, from August 7, 2012, posting for initial charging information.]
23. SE1100907; F/V Koko – Magnuson-Stevens Act \$2,450 NOVA settled for \$1,960. [See, Charged cases, item 57, from August 7, 2012, posting for initial charging information.]
24. SE1101402; F/V Benjamin K – Magnuson-Stevens Act \$7,500 NOVA settled for \$7,500, with \$4,000 suspended for twenty five months. [See, Charged cases, item 59, from February 6, 2012, posting for initial charging information.]
25. SE1102321 F/V Blue Sky – Endangered Species Act \$7,000 NOVA settled for \$7,000, with \$1,400 suspended for one year. [See, Charged cases, item 66, from February 6, 2012, posting for initial charging information.]
26. SE1102518; Vessel Prestige Ace – Endangered Species Act and Marine Mammal Protection Act \$23,000 NOVA settled for \$23,000. [See, Charged cases, item 99, above, for initial charging information.]
27. SE1102519; Vessel Suomigracht – Endangered Species Act and Marine Mammal Protection Act \$80,500 NOVA settled for \$80,500. [See, Charged cases, item 100, above, for initial charging information.]
28. SE1102520; Vessel Dionysos Leader – Endangered Species Act and Marine Mammal Protection Act \$40,250 NOVA settled for \$40,250. [See, Charged cases, item 101, above, for initial charging information.]
29. SE1103340; F/V Orchid Lady III – Endangered Species Act \$11,750 NOVA settled for \$11,500, with \$2,350 suspended for one year. [See, Charged cases, item 103, above, for initial charging information.]
30. SE1103776; F/V Seagull I – Endangered Species Act \$18,500 NOVA settled for \$18,500, with \$3,700 suspended for eighteen months. [See, Charged cases, item 89, from

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February 6, 2012, posting for initial charging information.]

31. SE1104031; F/V Cougar Ace – National Marine Sanctuaries Act \$6,000 NOVA settled for \$6,000. [See, Charged cases, item 65, from August 7, 2012, posting for initial charging information.]
32. SE1104079; Florida State registered vessel – National Marine Sanctuaries Act \$900 NOVA settled for \$900. [See, Charged cases, item 105, above, for initial charging information.]
33. SE1104099; F/V Morning Lord – Endangered Species Act \$2,000 NOVA settled for \$2,000. [See, Charged cases, item 67, from August 7, 2012, posting for initial charging information.]
34. SE1104180; Vessel Runaway Bay – Endangered Species Act and Marine Mammal Protection Act \$34,500 NOVA settled for \$34,500, with \$6,900 suspended for one year. [See, Charged cases, item 109, above, for initial charging information.]
35. SE1104238; Vessel Asteria Leader – Endangered Species Act and Marine Mammal Protection Act \$11,500 NOVA settled for \$11,500. [See, Charged cases, item 110, above, for initial charging information.]
36. SE1104242; Vessel Eridanus Leader – Endangered Species Act and Marine Mammal Protection Act \$11,500 NOVA settled for \$11,500. [See, Charged cases, item 111, above, for initial charging information.]
37. SE1104306; Vessel Overseas Antigmar – Endangered Species Act and Marine Mammal Protection Act \$5,750 NOVA settled for \$5,750. [See, Charged cases, item 112, above, for initial charging information.]
38. SE1104307; Vessel Pichincha – Endangered Species Act and Marine Mammal Protection Act \$17,250 NOVA settled for \$17,250. [See, Charged cases, item 113, above, for initial charging information.]
39. SE1104625; F/V Lady Diane – Magnuson-Stevens Act \$11,250 NOVA settled with the owner for \$500. [See, Charged cases, item 76, from August 7, 2012, posting for initial charging information.]
40. SE1104897; F/V Lady Stephanie – Endangered Species Act \$11,500 NOVA settled for \$11,500, with \$9,700 suspended for eighteen months. [See, Charged cases, item 82, from August 7, 2012, posting for initial charging information.]
41. SE1105235; F/V McKenzie – Endangered Species Act \$1,250 NOVA settled for \$1,250, with \$250 suspended for one year. [See, Charged cases, item 85, from August 7, 2012, posting for initial charging information.]

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42. SE1200022; F/V Johnny Le – Magnuson-Stevens Act \$8,000 NOVA settled with the owner for \$8,000, with \$6,000 suspended for nineteen months. [See, Charged cases, item 87, from August 7, 2012, posting for initial charging information.]
43. SE1200074; F/V Capt Lam – Endangered Species Act \$3,500 NOVA settled for \$3,500. [See, Charged cases, item 88, from August 7, 2012, posting for initial charging information.]
44. SE1200075; Florida State registered vessel – Magnuson-Stevens Act \$1,000 NOVA settled for \$1,000. [See, Charged cases, item 115, above, for initial charging information.]
45. SE1200119; Florida State registered vessel – Magnuson-Stevens Act \$1,000 NOVA settled for \$1,000. [See, Charged cases, item 118, above, for initial charging information.]
46. SE1200144; Florida State registered vessel – Magnuson-Stevens Act \$1,800 NOVA settled for \$1,800. [See, Charged cases, item 89, from August 7, 2012, posting for initial charging information.]
47. SE1200261; Florida State registered vessel – Magnuson-Stevens Act \$1,000 NOVA settled for \$1,000. [See, Charged cases, item 119, above, for initial charging information.]
48. SE1201038; F/V H & R – Endangered Species Act \$3,500 NOVA settled for \$3,500, with \$700 suspended for one year. [See, Charged cases, item 127, above, for initial charging information.]
49. SE1201858; F/V Miss Loraine – Endangered Species Act \$2,750 NOVA settled for \$2,750. [See, Charged cases, item 134, above, for initial charging information.]
50. SE1202102; F/V Master JMP – Magnuson-Stevens Act \$12,500 NOVA settled for \$12,500, with \$2,500 suspended for one year. [See, Charged cases, item 137, above, for initial charging information.]
51. SE1202622; F/V Stephanie Dann – National Marine Sanctuaries Act \$6,000 NOVA settled for \$6,000. [See, Charged cases, item 141, above, for initial charging information.]
52. SE1202847; Florida State registered vessel – National Marine Sanctuaries Act \$1,000 NOVA settled for \$1,000. [See, Charged cases, item 142, above, for initial charging information.]
53. SE1203248; F/V Endless Summer III – Magnuson-Stevens Act \$800 NOVA settled for \$800. [See, Charged cases, item 143, above, for initial charging information against the operator.]
54. SE1203476; F/V Father & Son – Magnuson-Stevens Act \$2,000 NOVA settled for \$2,000. [See, Charged cases, item 144, above, for initial charging information.]

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SOUTHWEST

55. SW0800476; F/V Capt. John – Magnuson-Stevens Act \$55,959 NOVA settled for \$55,959, with \$25,959 suspended for two years. [See, Charged cases, item 102, from February 6, 2012, posting for initial charging information.]
56. SW0901327; F/V Terron – Magnuson-Stevens Act \$5,622 NOVA settled for \$4,722 and charge for failing to retain required landing receipts on board vessel was reduced to a written warning. [See, Charged cases, item 103, from February 6, 2012, posting for initial charging information.]
57. SW0902616 – Marine Mammal Protection Act \$1,125 NOVA settled for \$1,125, with \$1,125 suspended for two years. [See, Charged cases, item 109, from August 7, 2012, posting for initial charging information.]
58. SW1101731 – Marine Mammal Protection Act \$5,850 NOVA settled for \$5,850, with \$5,850 suspended for two years. [See, Charged cases, item 125, from August 7, 2012, posting for initial charging information.]
59. SW1102750; F/V Blazer II – Marine Mammal Protection Act \$11,000 NOVA settled for \$10,000, with \$7,000 suspended for two years. [See, Charged cases, item 126, from August 7, 2012, posting for initial charging information.]