

August 2016

NOAA Office of the General Counsel, Enforcement Section
Enforcement Actions
January 1, 2016, through June 30, 2016¹

Charged Cases²

During this reporting period, NOAA charged 45 civil administrative cases, as follows:³

ALASKA

1. AK1201773; F/V Susan - Owner and operator were charged under the Endangered Species Act (ESA) for allowing the vessel to approach within 3 nautical miles of the Stellar sea lion rookery site located off of Marmot Island. A \$1,250 NOVA was issued. [See, Settled Cases, item 1, below, for resolution of this matter.]
2. AK1300970; F/V Lone Fisherman - Operator was charged in two counts under the Northern Pacific Halibut Act (Halibut Act) and Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) for making false entries in the operator's International Pacific Halibut Commission logbook and submitting false information on a state fish ticket/landing report by misreporting the area of harvest of halibut and of sablefish. A \$114,153 NOVA was issued.
3. AK1305027; F/V Aleutian Sable - Owner and operator were charged in eight counts under the Magnuson-Stevens Act for failing to maintain a wheel watch on the vessel; for harassing observers, having the purpose or effect of interfering with the observers' work performance, or otherwise creating an intimidating, hostile or offensive environment; for failing to notify the observers, on multiple occasions, at least 15 minutes before fish were brought on board to allow the observers to sample the catch; and for retaining Individual Fishing Quota (IFQ) halibut on board the vessel in excess of the total amount of unharvested IFQ halibut applicable to the vessel category and Regulatory Area 4A in which the vessel deployed fixed gear, and in excess of the IFQ that was currently held by all permit holders aboard the vessel. A \$156,091 NOVA was issued.

¹ The next report is anticipated to be posted in February 2017, reporting on civil administrative cases charged and settled for the period July 1, 2016, through December 31, 2016. Earlier reports were posted on September 1, 2010; February 1, 2011; August 1, 2011; February 6, 2012; August 7, 2012; February 11, 2013; August 2, 2013; February 2014; August 2014; March 2015; September 2015; and February 2016, reporting for the period March 18, 2010, through December 31, 2015. The reports are not considered to be publications. All data is provisional.

² Charged cases have had a NOVA and/or NOPS and/or written warning issued and served. 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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4. AK1401070; F/V Collier Brothers - Owner and operator were charged in two counts under the Magnuson-Stevens Act for submitting inaccurate information to the National Marine Fisheries Service (NMFS) by reporting on an Alaska Department of Fish & Game fish ticket that the operator harvested pollock in statistical area 640 when the operator actually harvested it in statistical area 630. A \$30,000 NOVA was issued. [See, Settled Cases, item 4, below, for resolution of this matter.]
5. AK1401705; F/V Wonderworker - Operator was charged under the Halibut Act for retaining IFQ halibut on the vessel in Regulatory Area 3A in excess of the total amount of unharvested IFQ applicable to that regulatory area held by all IFQ permit holders aboard. A \$17,500 NOVA was issued.
6. AK1402001; F/V Saint Peter - Owner, operator, and individuals were charged under the Halibut Act for retaining halibut in Regulatory Area 4A in an amount that exceeded the total amount of unharvested IFQ currently held by all IFQ permit holders aboard the vessel for the regulatory area in which the vessel was deploying fixed gear. A \$61,781 NOVA was issued. [See, Settled Cases, item 7, below, for resolution of this matter.]
7. AK1500564; F/V Alaskan Leader - Individual was charged under the Magnuson-Stevens Act for tampering with an observer's personal effects without the express consent of the observer. A \$2,000 NOVA was issued. [See, Settled Cases, item 8, below, for resolution of this matter.]
8. AK1500918 - Individual was charged under the Halibut Act for inaccurately reporting the number of halibut kept and retained by the individual's charter fishing clients on the Saltwater Sport Fishing Charter Trip Logbook page for that date. A written warning was issued.
9. AK1502237; F/V High Voltage - Individual was charged under the Halibut Act for retaining Pacific halibut in Regulatory Area 2C without a valid IFQ permit. A \$1,000 NOVA was issued.
10. AK1502307; F/V Arica - Owner and operator were charged under the Magnuson-Stevens Act for failing to submit a Vessel Activity Report to the NOAA Fisheries Office of Law Enforcement before crossing the seaward boundary of the Exclusive Economic Zone (EEZ) off Alaska into Russian waters. A \$2,000 NOVA was issued. [See, Settled Cases, item 9, below, for resolution of this matter.]
11. AK1502657; F/V Peregrine - Owner and operator were charged under the Magnuson-Stevens Act for retaining IFQ sablefish on board the vessel in excess of the total amount of unharvested IFQ applicable to the vessel category and Regulatory Area SE in which the vessel deployed fixed gear, and in excess of the IFQ that was currently held by all permit holders aboard the vessel. A \$9,472 NOVA was issued.
12. AK1503261; F/V Janis M - Owner/operator was charged under the Halibut Act for setting fixed gear and retaining IFQ halibut on the vessel in Regulatory Area 2C in excess of the total amount of unharvested IFQ applicable to that regulatory area held by all IFQ permit holders aboard the vessel, resulting in an overage of halibut. A \$1,000 NOVA was issued. [See, Settled Cases, item 11, below, for resolution of this matter.]

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13. AK1600744; F/V Alaska Spirit and Catch-A-Lot Charters - Owner/operator and company were charged in two counts under the Halibut Act for exceeding the daily sport bag limit for halibut; and for failing to comply with the charter vessel logbook requirements by entering inaccurate information. A \$6,000 NOVA was issued.
14. AK1600927; F/V Cormorant Isle - Owners, operator, company, and individual were charged under the Magnuson-Stevens Act for retaining IFQ sablefish on the vessel in excess of the total amount of unharvested IFQ applicable to the vessel category and IFQ Regulatory Area CG in which the vessel deployed fixed gear, and that was currently held by all permit holders aboard the vessel, without an observer aboard. A \$42,306.70 NOVA was issued.

NORTHEAST

15. NE1401038; F/V Janaya & Joseph - Owner and operator were charged under the Magnuson-Stevens Act for negligently and without authorization removing lobster traps owned by another person located in the EEZ. A \$2,000 NOVA was issued.
16. NE1403707; F/V Paulo Marc - Individual was charged under the Magnuson-Stevens Act for harassing an observer. A \$30,000 NOVA was issued.
17. NE1500642; Fundy Bay Seafood, Ltd. - Company was charged under the Magnuson-Stevens Act for shipping and transporting undersized lobsters in foreign commerce -- Canada. A \$7,000 NOVA was issued. [See, Settled Cases, item 19, below, for resolution of this matter.]
18. NE1500645; East Side Fisheries, Ltd. - Company was charged in two counts under the Magnuson-Stevens Act and Lacey Act for shipping and transporting undersized lobsters in foreign commerce -- Canada; and for attempting to transport in interstate commerce wildlife possessed in violation of State law -- Maine. A \$5,500 NOVA was issued. [See, Settled Cases, item 20, below, for resolution of this matter.]
19. NE1500858; F/V Ryan William - Owner and operator were charged under the Magnuson-Stevens Act for failing to comply with gear restrictions that apply to an owner or operator of a vessel issued a Northeast (NE) multispecies permit. A \$23,575 NOVA was issued.
20. NE1500917; F/V Crystal Girl B - Owner and operator were charged in two counts under the Magnuson-Stevens Act for entering an area closed to fishing -- Closed Area I; and for entering and fishing in an area closed to fishing -- Closed Area I. A \$42,500 NOVA was issued. [See, Settled Cases, item 21, below, for resolution of this matter.]
21. NE1501081; F/V Elizabeth & Jessica - Owner and operator were charged in two counts under the Magnuson-Stevens Act for operating without a required permit -- Atlantic sea scallop. A \$35,000 NOVA was issued.
22. NE1501170; Chad Brown Seafood, Inc. - Company was charged under the Magnuson-Stevens Act for transporting and selling undersized and berried lobsters in foreign commerce -- Canada. A \$3,500 NOVA was issued. [See, Settled Cases, item 23, below, for resolution of this matter.]

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23. NE1501743; F/V Haylee Louise - Owner/operator was charged under the Magnuson-Stevens Act for fishing without a required permit -- Atlantic halibut. A \$5,130 NOVA was issued. [See, Settled Cases, item 24, below, for resolution of this matter.]
24. NE1502365; F/V Enterprises LLC - Owner and operator were charged in two counts under the Magnuson-Stevens Act for fishing for surf clams in a closed area -- New York Bight polluted area and waste disposal site. A \$27,000 NOVA was issued.
25. NE1502882; New York state registered vessel - Owner/operator was charged under the Magnuson-Stevens Act for landing or possessing more than the pound limit on cod per trip for vessels issued a valid open access NE multispecies handgear permit. A \$1,361.18 NOVA was issued.
26. NE1503270; F/V Sandi Lynn - Owner/operator was charged under the Magnuson-Stevens Act for fishing for scallops on a limited access general category vessel with a dredge having more than seven rows of non-overlapping steel rings unobstructed by netting or any other material between the terminus of the dredge (club stick) and the net material on the top of the dredge (twine top). A \$2,000 NOVA was issued.

NORTHWEST

27. NW1200668B; F/V Ceres - Operator was charged under the Magnuson-Stevens Act for taking, retaining, possessing, or landing more than a single cumulative limit of a particular species -- sablefish -- per vessel, per applicable cumulative limit period. A \$12,496.56 NOVA was issued.
28. NW1403271; F/V C Robin - Owner/operator was charged under the Magnuson-Stevens Act for fishing for, landing, or processing fish without observer overage when a vessel is required to carry an observer. A \$12,424.75 NOVA was issued.
29. NW1504088; F/V Golden Chalice - Co-owners and operator were charged under the Magnuson-Stevens Act for fishing in more than one IFQ management area on the same fishing trip. A \$6,000 NOVA was issued.

PACIFIC ISLANDS

30. PI1403859; F/V Pacific Ranger - Owners, operator, and individual were charged in eight counts under the Marine Mammal Protection Act for taking a marine mammal on the high seas. An \$88,000 NOVA was issued. [See, Settled Cases, item 26, below, for resolution of this matter.]
31. PI1502758; F/V Fetuolemoana - Owner and operator were charged with three counts under the Magnuson-Stevens Act for conducting commercial fishing in the Rose Atoll National Marine Monument. A \$49,012.59 NOVA was issued.
32. PI1503479; F/V Ocean Galaxy - Owners, operators, and individual were charged in two counts under the Western and Central Pacific Fisheries Convention Implementation Act for setting a purse seine around, near or in association with a fish aggregating device. An \$87,750 NOVA was issued.

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33. PI1504008; F/V Miss Jane - Owner and operator were charged under the Magnuson-Stevens Act for removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging living or non-living Monument resources by fishing with longline gear in the Papahānaoūmokuākea Marine National Monument. A \$16,418 NOVA was issued.

SOUTHEAST

34. SE1304992; Holly Trading Corporation - Company was charged in five counts under the Magnuson-Stevens Act for importing dried shark fins without a valid International Trade Permit (ITP). A \$62,625 NOVA was issued. [See, Settled Cases, item 32, below, for resolution of this matter.]

35. SE1403529 - Individual was charged under the Magnuson-Stevens Act for exporting sharks fins without a valid ITP. A \$12,500 NOVA was issued. [See, Settled Cases, item 33, below, for resolution of this matter.]

36. SE1404078; F/V Karen J. Belle - Operator was charged under the Magnuson-Stevens Act for failing to maintain fish in or from the Gulf EEZ intact through offloading ashore. A \$7,000 NOVA was issued.

37. SE1404282; F/V Little Dipper II - Owner and operator were charged under the Magnuson-Stevens Act for failing to maintain shark in the proper form. A \$5,000 NOVA was issued.

38. SE1501606; Florida state registered vessel - Individual was charged under the Magnuson-Stevens Act for fishing for, harvesting, or possessing a prohibited species -- South Atlantic red snapper. A \$500 NOVA was issued.

39. SE1503026; Florida state registered vessel, Humbug - Co-owner/operator was charged under the National Marine Sanctuaries Act for operating a vessel in such a manner as to cause prop-scarring in the vicinity of Teatable Channel, Upper Matecumbe, Islamorada, Florida, in the Florida Keys National Marine Sanctuary. A \$1,000 NOVA was issued. [See, Settled Cases, item 36, below, for resolution of this matter.]

40. SE1503987 - Individual was charged under the Lacey Act for importing, exporting or transporting in foreign commerce any fish -- crawfish -- possessed or transported in violation of any foreign law -- Bahamas. A \$3,000 NOVA was issued.

41. SE1600565 - Individual was charged under the ESA for selling or offering for sale in interstate or foreign commerce an endangered species -- largemouth sawfish part. A written warning was issued.

42. SE1601602; F/V Lilly Anne - Owner/operator and co-owner were charged in two counts under the Magnuson-Stevens Act for fishing in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closures -- the Edges closed area; and for failing to have sufficient IFQ allocation at the time of the advance notice of landing in the IFQ vessel account or linked shareholder account at least equal to the pounds of Gulf groupers and Gulf red snapper to be landed. A \$17,000 NOVA was issued.

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43. SE1602323; F/V Father & Son - Owner and operator were charged under the Magnuson-Stevens Act for using Gulf reef fish as bait, a prohibited method of fishing, and possessing undersized red grouper. A \$4,000 NOVA was issued.

SOUTHWEST

44. SW1401534; F/V Michele Ann - Owner and operator were charged in two counts under the Magnuson-Stevens Act for fishing in more than one IFQ management area on the same fishing trip. A \$10,000 NOVA was issued.
45. SW1500659; Mark Foods, Inc. - Company was charged under the Antarctic Marine Living Resources Convention Act for importing a shipment of frozen toothfish without preapproval from the NMFS. A \$4,700 NOVA was issued.

Settled Cases

During this reporting period, NOAA settled 36 civil administrative cases, as follows:

ALASKA

1. AK1201773; F/V Susan - Endangered Species Act \$1,250 NOVA settled for \$1,125. [See, Charged Cases, item 1, above, for initial charging information.]
2. AK1201797 - Marine Mammal Protection Act \$8,000 NOVA settled for \$8,000, with \$8,000 suspended for two years, based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, item 3, from February 2016 posting, for initial charging information.]
3. AK1300421; F/V Nature - Magnuson-Stevens Act \$9,873.84 NOVA settled with the operator for the \$7,373.84, the issued Summary Settlement offer. Once paid, charges against the owners will be dismissed. [See, Charged Cases, item 4, from February 2016 posting, for initial charging information.]
4. AK1401070; F/V Collier Brothers - Magnuson-Stevens Act \$30,000 NOVA settled for \$27,000. [See, Charged Cases, item 4, above, for initial charging information.]
5. AK1401072; F/V Leslie Lee - Magnuson-Stevens Act \$15,000 Amended NOVA settled for \$15,000. In the Amended NOVA, owner and operator were charged for negligently submitting inaccurate information the NMFS by reporting on an Alaska Department of Fish & Game fish ticket that the operator harvested pollock in statistical area 640 when the operator actually harvested it in statistical area 630. [See, Charged Cases, item 5, from February 2016 posting, for initial charging information.]
6. AK1401073; F/V Marathon - Magnuson-Stevens Act \$17,500 NOVA settled for \$13,500. [See, Charged Cases, item 6, from February 2016 posting, for initial charging information.]

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7. AK1402001; F/V Saint Peter - Halibut Act \$61,781 NOVA settled for \$49,000. [See, Charged Cases, item 6, above, for initial charging information.]
8. AK1500564; F/V Alaskan Leader - Magnuson-Stevens Act \$2,000 NOVA settled for \$1,800. [See, Charged Cases, item 7, above, for initial charging information.]
9. AK1502307; F/V Arica - Magnuson-Stevens Act \$2,000 NOVA settled for \$1,800. [See, Charged Cases, item 10, above, for initial charging information.]
10. AK1502314; Alaska Adventures, LC - Halibut Act \$1,000 Amended NOVA settled for \$1,000. In the Amended NOVA, company and individual were charged for engaging in a guided charter halibut fishing trip with charter vessel anglers on board in Regulatory Area 2C without an original valid charter halibut permit on board the vessel for the regulatory area in which the vessel was operating. [See, Charged Cases, item 10, from February 2016 posting, for initial charging information.]
11. AK1503261; F/V Janis M - Halibut Act \$1,000 NOVA settled for \$900. [See, Charged Cases, item 12, above, for initial charging information.]

NORTHEAST

12. NE0800020, NE0902700, and NE0904003; F/V Adventura - Magnuson-Stevens Act \$11,000 NOVA, \$20,000 NOVA, and \$6,000 NOVA settled for \$22,000 total, in a global settlement agreement. Both counts were dismissed in NE0800020 and one count was dismissed in NE0904003. [For NE0800020, see, Charged Cases, item 7, from February 11, 2013 posting, for initial charging information. For NE0902700, see, Charged Cases, item 12, from February 2014 posting, for initial charging information. For NE0904003, owner and operator were charged in three counts under the Magnuson-Stevens Act for not having a valid permit onboard the vessel; for failing to comply with the gillnet requirements and restrictions; and for possessing winter flounder onboard the vessel. A \$6,000 NOVA and written warning were issued.]
13. NE0801030; F/V American Dream - Magnuson-Stevens Act \$11,000 NOVA settled for \$3,000. [See, Charged Cases, item 16, from February 1, 2011 posting, for initial charging information.]
14. NE1202385; F/V Mishell II - Magnuson-Stevens Act \$2,000 NOVA settled for \$1,050. [See, Charged Cases, item 12, from March 2015 posting, for initial charging information.]
15. NE1304893; F/V Frances Anne - Magnuson-Stevens Act \$8,000 NOVA settled for \$7,200. [See, Charged Cases, item 16, from September 2015 posting, for initial charging information.]
16. NE1305231; F/V Ryan and Zachary - Marine Mammal Protection Act \$4,000 NOVA settled for \$500, consistent with a Summary Settlement offer. [See, Charged Cases, item 24, from March 2015 posting, for initial charging information.]
17. NE1400744; F/V Warrior - Magnuson-Stevens Act \$39,360 NOVA settled for \$39,360. [See, Charged Cases, item 11, from February 2016 posting, for initial charging information.]

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18. NE1404348; F/V Lady Patricia - Magnuson-Stevens Act \$6,000 NOVA settled for \$6,000. Owner and operator were charged for demanding that authorized officers disembark from the vessel, making statements in an effort to dissuade authorized officers from inspecting one of the vessel's trawl nets, failing to immediately comply with instructions from boarding officers regarding the inspection of the vessel's trawl nets, and directing abusive language at authorized officers.
19. NE1500642; Fundy Bay Seafood, Ltd. - Magnuson-Stevens Act \$7,000 NOVA settled for \$6,300. [See, Charged Cases, item 17, above, for initial charging information.]
20. NE1500645; East Side Fisheries, Ltd. - Magnuson-Stevens Act and Lacey Act \$5,500 NOVA settled for \$4,950. [See, Charged Cases, item 18, above, for initial charging information.]
21. NE1500917; F/V Crystal Girl B - Magnuson-Stevens Act \$42,500 NOVA settled for \$40,750. [See, Charged Cases, item 20, above, for initial charging information.]
22. NE1500921; F/V Capt. Kenny - Magnuson-Stevens Act \$15,495 Amended NOVA settled for \$15,495. In the Amended NOVA, all references to the civil penalty of \$17,495 were stricken and replaced with \$15,495. [See, Charged Cases, item 15, from February 2016 posting, for initial charging information.]
23. NE1501170; Chad Brown Seafood, Inc. - Magnuson-Stevens Act \$3,500 NOVA settled for \$3,150. [See, Charged Cases, item 22, above, for initial charging information.]
24. NE1501743; F/V Haylee Louise - Magnuson-Stevens Act \$5,130 NOVA settled for \$4,630. [See, Charged Cases, item 23, above, for initial charging information.]

NORTHWEST

25. NW1501410; F/V Jaka - Magnuson-Stevens Act \$6,000 NOVA settled for \$5,400. [See, Charged Cases, item 18, from February 2016 posting, for initial charging information.]

PACIFIC ISLANDS

26. PI1403859; F/V Pacific Ranger - Marine Mammal Protection Act \$88,000 NOVA settled for \$83,400. [See, Charged Cases, item 30, above, for initial charging information.]

SOUTHEAST

27. SE1100674; F/V Whiskey Joe - Magnuson-Stevens Act \$13,000 NOVA settled for \$6,500, with \$6,500 suspended for one year, based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, item 68, from February 2014 posting, for initial charging information.]

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28. SE1100813; F/V Shannon D - Magnuson-Stevens Act \$2,450 NOVA settled for \$2,450, with \$2,450 suspended for one year, based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, item 54, from August 7, 2012 posting, for initial charging information.]
29. SE1105152; F/V Kalije Belle - Magnuson-Stevens Act \$25,723.17 NOVA settled for \$7,000. [See, Charged Cases, item 65, from August 2, 2013 posting, for initial charging information.]
30. SE1203434; F/V Insomniac - Magnuson-Stevens Act \$8,000 NOVA settled for \$4,000, with \$4,000 suspended for one year, based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, item 49, from March 2015 posting, for initial charging information.]
31. SE1300878; F/V Sea Explorer - National Marine Sanctuaries Act and Endangered Species Act \$16,950 NOVA settled for \$13,000. Two counts were dismissed. [See, Charged Cases, item 92, from August 2, 2013 posting, for initial charging information.]
32. SE1304992; Holly Trading Corporation - Magnuson-Stevens Act \$50,100 Amended NOVA settled for \$45,090. In the Amended NOVA, one count was dismissed. [See, Charged Cases, item 34, above, for initial charging information.]
33. SE1403529 - Magnuson-Stevens Act \$12,500 NOVA settled for \$12,500, with \$12,500 suspended for two years, based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, item 35, above, for initial charging information.]
34. SE1501368 - Marine Mammal Protection \$2,500 NOVA settled for \$2,250. [See, Charged Cases, item 29, from February 2016 posting, for initial charging information.]
35. SE1502522; Florida state registered vessel - Lacey Act \$3,000 NOVA settled for \$2,700. Owner, operator, and individual were charged for importing, exporting or transporting in foreign commerce any fish -- crawfish -- possessed or transported in violation of any foreign law -- Bahamas.
36. SE1503026; Florida state registered vessel, Humbug - National Marine Sanctuaries Act \$1,000 NOVA settled for \$900. [See, Charged Cases, item 39, above, for initial charging information.]

SOUTHWEST

See, Charged Cases, above, for enforcement actions taken during this reporting period.