

February 2018

NOAA Office of the General Counsel, Enforcement Section
Enforcement Actions
July 1, 2017, through December 31, 2017¹

Charged Cases²

During this reporting period, NOAA charged 50 civil administrative cases, as follows:³

ALASKA

1. AK1503888; F/V Hula Girl – Owner/operator was charged under the Northern Pacific Halibut Act (Halibut Act) for failing to register an anticipated fishing trip with the Observer Declare and Deploy System prior to embarking on the fishing trip. An \$8,000 NOVA was issued.
2. AK1600927; F/V Cormorant Isle – Owners and operators were charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) for retaining an excess of Individual Fishing Quota (IFQ) sablefish allowable for the vessel category and IFQ regulatory area in which the vessel deployed fixed gear, and in excess of the total amount allowable under the permits currently held by all permit holders aboard the vessel, without an observer aboard. A \$42,306.70 NOVA was issued. [See, Settled Cases, Item 1, below, for resolution of this matter.]
3. AK1602403; F/V Survivor – Owner/operator was charged under the Magnuson-Stevens Act for retaining groundfish or engaging in a fishery that required retention of groundfish, without a valid Federal Fisheries Permit. A \$1,000 NOVA was issued.
4. AK1604543; F/V Cash Money – Owner/operator was charged in three counts under the Halibut Act for exceeding the number of hooks allowed for subsistence halibut fishing and carrying onboard or using an unmarked buoy; for unlawfully disposing of fishing gear, or attempting to do so, upon the approach of an authorized officer of the United States or enforcement vessel; and for unlawfully failing to make a subsistence halibut registration certificate available for inspection by an authorized officer on request. A \$4,100 NOVA was issued.

¹ This report is not considered to be a publication. All data are 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 Cases are listed by case number, separated by regions. West Coast region includes cases from both our Southwest and Northwest offices, but all are given Northwest case numbers.

February 2018

5. AK1702761; F/V Shinaku – Owner/operator was charged under the Halibut Act for inaccurately reporting the regulatory area in which IFQ Halibut was harvested on a Landing Report. A \$1,000 NOVA was issued. [See, Settled Cases, Item 4, below, for resolution of this matter.]
6. AK1703135; Alaska state registered vessel – Owner/operator was charged under the Halibut Act for catching halibut with fixed gear in IPHC Area 2C without a valid IFQ permit in the name of an individual aboard. An \$8,000 NOVA was issued.
7. AK1707474; F/V Clyde – Company was charged under the Magnuson-Stevens Act for fishing for and landing IFQ Sablefish under an IFQ Sablefish Permit that belonged to a different vessel. A \$3,500 NOVA was issued. [See, Settled Cases, Item 5, below, for resolution of this matter.]

NORTHEAST

8. NE1500468; F/V Samantha Brooke – Owner/operator was charged under the Magnuson-Stevens Act for exceeding the skate possession limits. A \$2,406.50 NOVA was issued.
9. NE1501092; F/V Salacia – Owner/operator was charged under the Magnuson-Stevens Act for failing to comply in an accurate fashion with log reporting requirements. A Written Warning was issued.
10. NE1502238; F/V Black Beauty – Owner and operator were charged under the Magnuson-Stevens Act for fishing with a codend with undersized mesh within the Georges Bank Regulated Mesh Area. A Written Warning was issued.
11. NE1504226; F/V Samantha Brooke – Owner and operator were charged under the Magnuson-Stevens Act for fishing for skate in federal waters without a federal permit. A \$2,000 NOVA was issued.
12. NE1600563; F/V Tom Slaughter II – Owner and operator were charged in two counts under the Magnuson-Stevens Act for exceeding the 25 bushel in-shell possession limit for Atlantic sea scallops. A \$15,962 NOVA was issued.
13. NE1601526; F/V Storm – Operator was charged under the Magnuson-Stevens Act for possessing and having control over undersized fillets of summer flounder. A \$3,000 NOVA was issued.
14. NE1601568 – Individual was charged under the Magnuson-Stevens Act for possessing undersized black sea bass while in the Exclusive Economic Zone (EEZ). A \$2,000 NOVA was issued. [See, Settled Cases, Item 10, below, for resolution of this matter.]
15. NE1602057; F/V Liberty – Owner and operator were charged under the Atlantic Coastal Fisheries Cooperative Management Act for possessing, deploying, fishing with, hauling, harvesting, lobstering from, or carrying aboard a vessel trap gear issued to another vessel. A \$5,000 NOVA was issued.
16. NE1603137; F/V Lori Ann, Inc. – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the 600 pound possession limit for Atlantic sea scallops. A \$15,000 NOVA was issued. [See, Settled Cases, Item 11, below, for resolution of this matter.]

17. NE1605445; F/V Marilyn J – Owner/operator was charged under the Magnuson-Stevens Act for failing to report all discards or landings of bluefin tuna through the NMFS electronic catch reporting system within 24 hours of landing or the end of the trip. A \$2,000 NOVA was issued.
18. NE1605454; F/V Subtle Take – Owner/operator was charged under the Magnuson-Stevens Act for failing to report all discards or landings of bluefin tuna through the NMFS electronic catch reporting system within 24 hours of landing or the end of the trip. A \$2,000 NOVA was issued. [See, Settled Cases, Item 12, below, for resolution of this matter.]
19. NE1605542; F/V J and J – Owner/operator was charged under the Magnuson-Stevens Act for failing to report all discards or landings of bluefin tuna through the NMFS electronic catch reporting system within 24 hours of landing or the end of the trip. A \$4,000 NOVA was issued. [See, Settled Cases, Item 13, below, for resolution of this matter.]
20. NE1605544; F/V Insurgent – Owner/operator was charged under the Magnuson-Stevens Act for failing to report all discards or landings of bluefin tuna through the NMFS electronic catch reporting system within 24 hours of landing or the end of the trip. A \$4,000 NOVA was issued. [See, Settled Cases, Item 14, below, for resolution of this matter.]
21. NE1605664; F/V Playin Hookey II – Owner/operator was charged in three counts under the Magnuson-Stevens Act for failing to release an Atlantic HMS that was not retained in a manner that will ensure maximum probability of survival, but without removing the fish from the water; for failing to report a non-tournament landing of an Atlantic sailfish to NMFS by telephone or electronically via the internet within 24 hours of the landing; and for failing to report the catch of bluefin tuna discarded dead and/or retained through the NMFS electronic catch reporting system within 24 hours of the landing. A \$3,500 NOVA was issued. [See, Settled Cases, Item 15, below, for resolution of this matter.]
22. NE1702405; Emerald Seafood Company – Company was charged under the Magnuson-Stevens Act for purchasing, receiving, or transferring, for commercial purposes, Bigeye, Albacore, Yellowfin, and Skipjack (BAYS) tunas or sharks without the appropriate valid dealer permit. A \$30,000 NOVA was issued.
23. NE1702999; F/V Shearwater – Owner/operator was charged under the Magnuson-Stevens Act for failing to report all discards or landings of bluefin tuna through the NMFS electronic catch reporting system within 24 hours of landing or the end of the trip. A \$2,000 NOVA was issued. [See, Settled Cases, Item 16, below, for resolution of this matter.]
24. NE1703563; F/V Yankee Rose – Operator was charged under the Magnuson-Stevens Act for landing longfin squid in excess of the 2,500 pound possession limit for vessels with a mackerel, squid, or butterfish fishery permit. A \$2,000 NOVA was issued. [See, Settled Cases, Item 17, below, for resolution of this matter.]

PACIFIC ISLANDS

25. PI1504040; F/V Southern Horizon – Owner and operator were charged in two counts under the Magnuson-Stevens Act for failing to comply with closure requirements in the Inter-American Tropical Tuna Commission Convention Area; and for failing to comply with recordkeeping requirements. A \$15,378.25 NOVA was issued. [See, Settled Cases, Item 22, below, for resolution of this matter.]
26. PI1504147; F/V Alaka'i – Owner and operator were charged under the Marine Mammal Protection Act for taking a marine mammal in waters under the jurisdiction of the United States. A \$3,790 NOVA was issued.
27. PI1600148; F/V Capt K – Owner and operator were charged in two counts under the Magnuson-Stevens Act for using longline gear to fish within the American Samoa large vessel prohibited area surrounding Tutuila Island, Manua Islands, and Rose Atoll. A \$16,703.56 NOVA was issued.
28. PI1601207; F/V Vak 3 – Owner and operator were charged under the High Seas Fishing Compliance Act for fishing on the high seas without a valid permit. A \$1,000 NOVA was issued. [See, Settled Cases, Item 25, below, for resolution of this matter.]
29. PI1603147; F/V Alaka'i – Owner and operator were charged under the Marine Mammal Protection Act for taking a marine mammal in waters under the jurisdiction of the United States. A \$3,790 NOVA was issued.
30. PI1604774; F/V Capt Vincent Gann – Owner and operator were charged under the Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA) for setting a purse seine around, near, or in association with a fish aggregating device. A \$70,140 NOVA was issued. [See, Settled Cases, Item 27, below, for resolution of this matter.]
31. PI1605698; F/V Sea Trader – Owners, operator, and fishing master were charged under the WCPFCIA for setting a purse seine in the Western and Central Pacific Fisheries Convention (WCPFC) area on or around a whale shark. A Written Warning was issued.
32. PI1700787; F/V Shirley B – Owner and operator were charged under the WCPFCIA for fishing for highly migratory species on the high seas in the WCPFC area without a valid WCPFC Area Endorsement. A \$6,000 NOVA was issued. [See, Settled Cases, Item 28, below, for resolution of this matter.]
33. PI1700790; F/V Seven Daughters – Owner and operator were charged under the WCPFCIA for fishing for highly migratory species on the high seas in the WCPFC area without a valid WCPFC Area Endorsement. A \$4,000 NOVA was issued. [See, Settled Cases, Item 29, below, for resolution of this matter.]
34. PI1700794; F/V Connie S – Owner and operator were charged under the WCPFCIA for fishing for highly migratory species on the high seas in the WCPFC area without a valid WCPFC Area Endorsement. A \$15,000 NOVA was issued. [See, Settled Cases, Item 30, below, for resolution of this matter.]

35. PI1700795; F/V Charlotte M – Owner and operator were charged in two counts under the WCPFCIA for fishing for highly migratory species on the high seas in the WCPFC area without a valid WCPFC Area Endorsement; and for failing to maintain and report catch and effort information. A \$19,000 NOVA was issued. [See, Settled Cases, Item 31, below, for resolution of this matter.]
36. PI1700877; F/V Yazmond – Owner and operator were charged in two counts under the WCPFCIA for fishing for highly migratory species on the high seas in the WCPFC area without a valid WCPFC Area Endorsement; and for failing to operate a VMS unit. A \$20,500 NOVA was issued. [See, Settled Cases, Item 32, below, for resolution of this matter.]
37. PI1701537; Keahole Point Fish LLC. – Company was charged under the Endangered Species Act for causing an unlawful take of an endangered Hawaiian monk seal. A Written Warning was issued.
38. PI1703774; F/V Lady Mocha II – Owner and operator were charged under the WCPFCIA for fishing in Tokelau's EEZ without permission of that nation. A \$2,000 NOVA was issued. [See, Settled Cases, Item 33, below, for resolution of this matter.]

SOUTHEAST

39. SE1501652; F/V Rendezvous – Owner and operator were charged under the Magnuson-Stevens Act for possessing red snapper taken during the seasonal closure of the recreational sector for red snapper, with some of the red snapper also being undersized. A \$2,000 NOVA was issued.
40. SE1501698; F/V Miss Vera – Owner, dealer, and dealer manager were charged under the Magnuson-Stevens Act for selling/purchasing gray triggerfish harvested from the Gulf EEZ during the seasonal closure of the commercial sector for gray triggerfish. A \$4,107.25 NOVA was issued.
41. SE1603549; Louisiana state registered vessel – Individuals were charged under the Magnuson-Stevens Act for possessing red snapper taken during the seasonal closure of the recreational sector for red snapper, which were disposed of overboard after approach by an enforcement vessel. An \$8,000 NOVA was issued.
42. SE1605027; F/V Blue Crush – Owner/operator was charged under the Magnuson-Stevens Act for fishing with, setting, or placing in the water more than one gillnet at any one time when on board a vessel with a valid Spanish mackerel permit that was fishing for Spanish mackerel in, or that possessed Spanish mackerel from, the South Atlantic EEZ off Florida. A \$1,000 NOVA was issued. [See, Settled Cases, Item 38, below, for resolution of this matter.]
43. SE1605274; F/V Cecilia II – Owner and operator were charged under the Magnuson-Stevens Act for deploying or fishing from a vessel with a pelagic longline on board in a closed or gear restricted area. A \$5,000 NOVA was issued. [See, Settled Cases, Item 39, below, for resolution of this matter.]
44. SE1702380; F/V Andy Vo – Owner and operator were charged in two counts under the Endangered Species Act and the Magnuson-Stevens Act for not having compliant Turtle Excluder Devices installed in nets which were rigged for fishing; and for failing to have bycatch reduction devices

February 2018

installed properly in nets that were rigged for fishing on a shrimp trawler. A \$3,750 NOVA and Written Warning were issued.

45. SE1702476; F/V Recession – Owner/operator was charged under the Magnuson-Stevens Act for possessing red snapper on a vessel that is trailered for transport without a transaction approval code. An \$8,000 NOVA was issued.
46. SE1703104; F/V Hot Reels – Owner/operator was charged in two counts under the Magnuson-Stevens Act for failing to comply with VMS hourly reporting and trip declaration requirements; and for failing to comply with provisions related to the IFQ program for red snapper ensuring that NMFS is contacted at least three hours in advance of landing, and landing prior to the notification time submitted without prior authorization. A \$57,000 NOVA was issued.
47. SE1703473; Texas state registered vessel – Owner/operator was charged in two counts under the Magnuson-Stevens Act for fishing in violation of the seasonal closure of the recreational sector for red snapper; and for making any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, possession, or transport of any fish. A \$45,000 NOVA was issued.
48. SE1704123; F/V John Mary II – Owner/operator was charged under the Endangered Species Act for not having compliant Turtle Excluder Devices installed in nets which were rigged for fishing. A Written Warning was issued.

WEST COAST

49. NW1504205; F/V Manoa – Owner/operator was charged under the National Marine Sanctuaries Act for discharging or depositing, from within or into the Monterey Bay National Marine Sanctuary, non-exempt materials. A \$9,000 NOVA was issued. [See, Settled Cases, Item 40, below, for resolution of this matter.]
50. NW1605760; F/V Cape Elizabeth III – Owners were charged in three counts under the Marine Mammal Protection Act for fishing in the Eastern Tropical Pacific without fully complying with the permit and observer requirements. A \$6,000 NOVA was issued. [See, Settled Cases, Item 41, below, for resolution of this matter.]

Settled Cases

During this reporting period, NOAA settled 41 civil administrative cases, as follows:

ALASKA

1. AK1600927; F/V Cormorant Isle – Magnuson Stevens Act \$42,306.70 NOVA settled for a two year probationary period, based on an inability to pay, made in consideration of financial information submitted to the agency. [See, Charged Cases, Item 2, above, for initial charging information.]
2. AK1603554; F/V Challenger and F/V Challenger II – Endangered Species Act \$8,000 NOVA settled for \$4,500. [See, Charged Cases, Item 6, from October 2017 posting, for initial charging information.]

February 2018

3. AK1604885; F/V Northern Lights – Halibut Act \$11,000 NOVA settled for \$100, based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, Item 7, from October 2017 posting, for initial charging information.]
4. AK1702761; F/V Shinaku – Halibut Act \$1,000 NOVA settled for \$900. [See, Charged Cases, Item 5, above, for initial charging information.]
5. AK1707474; F/V Clyde – Magnuson-Stevens Act \$3,500 NOVA settled for \$3,150. [See, Charged Cases, Item 7, above, for initial charging information.]

NORTHEAST

6. NE1403707; F/V Paulo Marc – Magnuson-Stevens Act \$30,000 NOVA settled for \$30,000, with \$27,500 suspended for a three year probationary period, based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, Item 16, from August 2016 posting, for initial charging information.]
7. NE1500832; F/V American Pride – Magnuson-Stevens Act \$18,010.60 NOVA settled for \$16,209.54. [See, Charged Cases, Item 10, from October 2017 posting, for initial charging information.]
8. NE1501081; F/V Elizabeth & Jessica – Magnuson-Stevens Act \$35,000 NOVA settled for \$35,000, with \$33,000 suspended for a two year probationary period, based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, Item 21, from August 2016 posting, for initial charging information.]
9. NE1601065; F/V Kingfisher – Magnuson-Stevens Act \$2,000 NOVA settled for \$1,000. [See, Charged Cases, Item 12, from October 2017 posting, for initial charging information.]
10. NE1601568; F/V Thelma Dale V – Magnuson-Stevens Act \$2,000 NOVA settled for \$1,800. [See, Charged Cases, Item 14, above, for initial charging information.]
11. NE1603137; F/V Lori Ann Inc., F/V Lori Ann – Magnuson-Stevens Act \$15,000 NOVA settled for \$13,500. [See, Charged Cases, Item 16, above, for initial charging information.]
12. NE1605454; F/V Subtle Take – Magnuson-Stevens Act \$2,000 NOVA settled for \$1,800. [See, Charged Cases, Item 18, above, for initial charging information.]
13. NE1605542; F/V J and J – Magnuson-Stevens Act \$4,000 NOVA settled for \$3,600. [See, Charged Cases, Item 19, above, for initial charging information.]
14. NE1605544; F/V Insurgent – Magnuson-Stevens Act \$4,000 NOVA settled for \$2,000. [See, Charged Cases, Item 20, above, for initial charging information.]

February 2018

15. NE1605664; F/V Playin Hookey II – Magnuson-Stevens Act \$3,500 NOVA settled for a one year probationary period, based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, Item 21, above, for initial charging information.]
16. NE1702999; F/V Shearwater – Magnuson-Stevens Act \$2,000 NOVA settled for \$1,800. [See, Charged Cases, Item 23, above, for initial charging information.]
17. NE1703563; F/V Yankee Rose – Magnuson-Stevens Act \$2,000 NOVA settled for \$2,000. [See, Charged Cases, Item 24, above, for initial charging information.]

PACIFIC ISLANDS

18. PI1400042; F/V Cape Cod – Western and Central Pacific Fisheries Convention Implementation Act \$823,210 NOVA settled for \$595,000. [See, Charged Cases, Item 23, from October 2017 posting, for initial charging information.]
19. PI1500941; F/V Cape San Lucas – Western and Central Pacific Fisheries Convention Implementation Act \$240,000 NOVA settled for \$180,000. [See, Charged Cases, Item 21, from February 2016 posting, for initial charging information.]
20. PI1501567; F/V Capt Vincent Gann – Marine Mammal Protection Act \$83,850 NOVA settled for \$28,050. [See, Charged Cases, Item 26, from October 2017 posting, for initial charging information.]
21. PI1502714; F/V Cape Cod – Western and Central Pacific Fisheries Convention Implementation Act and Marine Mammal Protection Act \$396,750 NOVA settled for \$193,162.50. [See, Charged Cases, Item 28, from October 2017 posting, for initial charging information.]
22. PI1504040; F/V Southern Horizon – Magnuson-Stevens Act \$15,378.25 NOVA settled for \$13,840.43. [See, Charged Cases, Item 25, above, for initial charging information.]
23. PI1600245; F/V Second Andy – Magnuson-Stevens Act \$80,000 NOVA settled for \$80,000, with \$52,000 suspended for a three year probationary period, based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, Item 23, from February 2017 posting, for initial charging information.]
24. PI1600829; F/V St Peter – High Seas Fishing Compliance Act \$11,000 NOVA settled for \$9,900. [See, Charged Cases, Item 30, from October 2017 posting, for initial charging information.]
25. PI1601207; F/V Vak 3 – High Seas Fishing Compliance Act \$1,000 NOVA settled for \$900. [See, Charged Cases, Item 28, above, for initial charging information.]
26. PI1602981; F/V Holly – Western and Central Pacific Fisheries Convention Implementation Act \$172,270 NOVA settled for \$172,270, with \$131,270 suspended for a two year probationary period, based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, Item 26, from February 2017 posting, for initial charging information.]

February 2018

27. PI1604774; F/V Capt Vincent Gann – Western and Central Pacific Fisheries Convention Implementation Act \$70,140 NOVA settled for \$59,619. [See, Charged Cases, Item 30, above, for initial charging information.]
28. PI1700787; F/V Shirley B – Western and Central Pacific Fisheries Convention Implementation Act \$6,000 NOVA settled for \$5,400. [See, Charged Cases, Item 32, above, for initial charging information.]
29. PI1700790; F/V Seven Daughters – Western and Central Pacific Fisheries Convention Implementation Act \$4,000 NOVA settled for \$3,600. [See, Charged Cases, Item 33, above, for initial charging information.]
30. PI1700794; F/V Connie S – Western and Central Pacific Fisheries Convention Implementation Act \$15,000 NOVA settled for \$13,500. [See, Charged Cases, Item 34, above, for initial charging information.]
31. PI1700795; F/V Charlotte M – Western and Central Pacific Fisheries Convention Implementation Act \$19,000 NOVA settled for \$17,100. [See, Charged Cases, Item 35, above, for initial charging information.]
32. PI1700877; F/V Yazmond – Western and Central Pacific Fisheries Convention Implementation Act \$20,500 NOVA settled for \$18,450. [See, Charged Cases, Item 36, above, for initial charging information.]
33. PI1703774; F/V Lady Mocha II – Western and Central Pacific Fisheries Convention Implementation Act \$2,000 NOVA settled for \$1,800. [See, Charged Cases, Item 38, above, for initial charging information.]

SOUTHEAST

34. SE1502748; F/V Moksha – Endangered Species Act and Marine Mammal Protection Act \$5,750 NOVA settled for \$5,175. [See, Charged Cases, Item 37, from October 2017 posting, for initial charging information.]
35. SE1602072; F/V Get Gone – Magnuson-Stevens Act \$8,707 NOVA settled for \$7,957. [See, Charged Cases, Item 40, from October 2017 posting, for initial charging information.]
36. SE1602278; F/V Peaceful Lady – Magnuson-Stevens Act \$8,000 NOVA settled for \$7,200. [See, Charged Cases, Item 41, from October 2017 posting, for initial charging information.]
37. SE1602750; F/V Coyote – Magnuson-Stevens Act \$7,285 NOVA settled for \$6,785. [See, Charged Cases, Item 43, from October 2017 posting, for initial charging information.]
38. SE1605027; F/V Blue Crush – Magnuson-Stevens Act \$1,000 NOVA settled for \$900. [See, Charged Cases, Item 42, above, for initial charging information.]

February 2018

39. SE1605274; F/V Cecilia II – Magnuson-Stevens Act \$5,000 NOVA settled for \$0, based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, Item 43, above, for initial charging information.]

WEST COAST

40. NW1504205; F/V Manoa – National Marine Sanctuary Act \$9,000 NOVA settled for \$8,100. [See, Charged Cases, Item 49, above, for initial charging information.]
41. NW1605760; F/V Cape Elizabeth III – Marine Mammal Protection Act \$6,000 NOVA settled for \$5,400. [See, Charged Cases, Item 50, above, for initial charging information.]