

December 2018

**NOAA Office of the General Counsel, Enforcement Section
Enforcement Actions
January 1, 2018, through June 30, 2018¹**

Charged Cases²

During this reporting period, NOAA charged 63 civil administrative cases, as follows:³

ALASKA

1. AK1603670 – Individual was charged under the Northern Pacific Halibut Act for offering for sale sport- caught halibut. A \$600 NOVA was issued.
2. AK1604754 – Subsistence fisherman was charged under the Northern Pacific Halibut Act for unlawfully selling subsistence Pacific halibut. A \$600 NOVA was issued. [See, Settled Cases, item 2, below, for resolution of this matter.]
3. AK1702010; F/V Marcy J – Owner and operator were charged in three counts under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock that was harvested in the Gulf of Alaska during a calendar day. A \$7,450.72 NOVA was issued.
4. AK1702035; F/V Pacific Ram – Owner and operator were charged in four counts under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock that was harvested in the Gulf of Alaska during a calendar day. An \$11,087.67 NOVA was issued.
5. AK1702076; F/V Arctic Ram – Owner and operator were charged in nine counts under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock that was harvested in the Gulf of Alaska during a calendar day. A \$26,309.85 NOVA was issued.
6. AK1702793; F/V Alaska Dawn – Owner and operator were charged in five counts under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock that was harvested in the Gulf of Alaska during a calendar day. A \$14,252.89 NOVA was issued.
7. AK1704303; F/V Star Daze – Owner/operator was charged under the Northern Pacific Halibut Act for retaining a single halibut without a valid Individual Fishing Quota permit. A Written Warning 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.

8. AK1705077; F/V Hi Time – Owner/operator was charged in two counts under the Northern Pacific Halibut Act for exceeding the total angler endorsement number specified on the charter halibut permit. A \$9,750 NOVA was issued. [See, Settled Cases, item 3, below, for resolution of this matter.]
9. AK1706793; F/V Pacific – Charter halibut operator was charged under the Northern Pacific Halibut Act for failing to ensure charter anglers signed the logbook and for submitting inaccurate logbook pages. A \$5,500 NOVA was issued. [See, Settled Cases, item 4, below, for resolution of this matter.]
10. AK1707265; F/V Ocean Hope 3 – Owner and operator were charged in four counts under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock that was harvested in the Gulf of Alaska during a calendar day. A \$10,827.97 NOVA was issued.
11. AK1707775; F/V Walter N – Owner/operator was charged in seven counts under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock that was harvested in the Gulf of Alaska during a calendar day. A \$19,032.59 NOVA was issued.
12. AK1800146; F/V Woniya – Owner and operator were charged under the Magnuson-Stevens Act for retaining IFQ Sablefish on a vessel in excess of the unharvested IFQ held by all IFQ permit holders onboard for the regulatory area in which the vessel was deploying fixed gear. A \$2,000 NOVA was issued.
13. AK1800385; F/V Sunset Bay – Owner and operator was charged under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock in the Gulf of Alaska from a catcher vessel in violation of the daily catch limit. A \$4,287.53 NOVA was issued. [See, Settled Cases, item 5, below, for resolution of this matter.]
14. AK1800545; F/V Bay Islander – Owner and operator was charged under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock in the Gulf of Alaska from a catcher vessel in violation of the daily catch limit. A \$11,287.36 NOVA was issued. [See, Settled Cases, item 6, below, for resolution of this matter.]
15. AK1800548; F/V Caravelle – Owner and operator were charged jointly and severally under the Magnuson-Stevens Act for exceeding the daily catch limit for Alaska Pollock. A \$2,668.35 NOVA was issued.
16. AK1800612; F/V Walter N – Owner and operator was charged under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock in the Gulf of Alaska from a catcher vessel in violation of the daily catch limit. A \$9,252.29 NOVA was issued. [See, Settled Cases, item 7, below, for resolution of this matter.]
17. AK1800615; F/V Arctic Ram – Owner and operator were charged jointly and severally under the Magnuson-Stevens Act for exceeding the 300,000 pound daily limit on the harvest of Pollock by 8,370 pounds, or 2.79%. A \$3,000 NOVA was issued.

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18. AK1800813; F/V Pacific Ram – Owner and operator was charged under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock in the Gulf of Alaska from a catcher vessel in violation of the daily catch limit. A \$5,262.56 NOVA was issued. [See, Settled Cases, item 8, below, for resolution of this matter.]
19. AK1800814; F/V Ocean Hope 3 – Owner and operator were charged under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock in the Gulf of Alaska from a catcher vessel in violation of the daily catch limit. A \$3,622.34 NOVA was issued.
20. AK1801268; F/V Alaska Dawn – Owner and operator were charged jointly and severally under the Magnuson-Stevens Act for exceeding the 300,000 pound daily limit on the harvest of Pollock by 7,003 pounds, or 2.33%. A \$3,000 NOVA was issued. [See, Settled Cases, item 9, below, for resolution of this matter.]

NORTHEAST

21. NE1402812 & NE1605993; F/V America – Owner charged under the Magnuson-Stevens Act for fishing with an obstructed trawl net on two occasions and interference with an inspection. A \$197,038.90 NOVA was issued.
22. NE1501591; F/V Hunter – Owner and operator were charged under the Magnuson-Stevens Act for fishing inside the North Habitat Closure Area of Closed Area 1. A \$500 NOVA was issued.
23. NE1603827; F/V Santiago's Revenge – Recreational owner/operator was charged under the Atlantic Striped Bass Conservation Act for possessing striped bass in the EEZ. A \$2,000 NOVA was issued.
24. NE1605818; F/V Debra Ann - Owner and operator were charged under the Magnuson-Stevens Act for fishing without an observer when required to carry one. A \$4,000 NOVA was issued.
25. NE1700005; F/V Finast Kind II – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the common pool vessel landing limit of Georges Bank cod. A \$24,896.30 NOVA was issued.
26. NE1700060; Paturel International Company – Company was charged under the Lacey Act for importing or transporting into the United States American lobsters caught and retained in violation of applicable Canadian law. A \$10,000 NOVA was issued.
27. NE1701409 and NE1701443; F/V Kingfisher – Owner/operator was charged in three counts under the Magnuson-Stevens Act for exceeding monkfish possession limits; possessing retaining, or landing Atlantic tuna without the appropriate highly migratory species permit; and failing to provide pre-trip notification. An \$11,500 NOVA was issued for the first and third counts and a Written Warning was issued for the second count.
28. NE1701605; F/V Miss Mae & Son – Owner/operator was charged in three counts under the Magnuson-Stevens Act for possessing an overage of scallops and for failing to complete two vessel log reports prior to entering port. A \$32,227.28 NOVA was issued. [See, Settled Cases, item 12, below, for resolution of this matter.]

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29. NE1701878; M/V Molly Pitcher – Owner/operator was charged under the Endangered Species Act for violations of the right whale ship speed restriction regulation. An \$11,500 NOVA was issued.
30. NE1707582; F/V Hera II; F/V Hercules; F/V Athena; F/V Poseidon; F/V Bulldog; F/V Lady Patricia; F/V Olivia & Rafaela; F/V Destiny; F/V Southern Crusader II; F/V Sasha Lee; F/V Drake; F/V Ilha Brava; F/V Vila Nova Do Corvo II; F/V Acores – Owners and operators were charged in thirty-five counts under the Magnuson-Stevens Act for providing false information on electronic dealer reports and/or on Fishing Vessel Trip Reports; filing a false Sector Annual Year-End Report; failing to report purchases of Atlantic sea scallops on electronic dealer reports; providing false information on a Broken Trip Adjustment Sheet; and failing to comply with Vessel Monitoring System (VMS) reporting requirements. A \$1,008,653 NOVA was issued.

PACIFIC ISLANDS

31. PI1503257; F/V American Enterprise – Owners, operator, and individual were charged under the Marine Mammal Protection Act for taking a whale on the high seas. A \$9,500 NOVA was issued.
32. PI1604088; F/V Pacific Ranger – Companies and individuals were charged in two counts under the Western and Central Pacific Fisheries Convention Implementation Act and Marine Mammal Protection Act for setting a purse seine within one nautical mile of a fish aggregating device and for taking a whale on the high seas. A \$55,000 NOVA was issued. [See, Settled Cases, item 15, below, for resolution of this matter.]
33. PI1605497; F/V Kuan Huang Fa - Owner and operator were charged under the Magnuson-Stevens Act for having custody or control of shark fins that were not naturally attached to a shark carcass. A NOVA for \$15,000 was issued.
34. PI1700428; F/V Pacific Pride – Owner, Operators and Fishing Masters were charged under the Western and Central Pacific Fisheries Convention Implementation Act and Marine Mammal Protection Act for using FAD lights during a FAD closure and for knowingly setting a purse seine net on a marine mammal. A \$48,260 NOVA was issued.
35. PI1702287, F/V American Triumph – The owners and operators were charged under the Marine Mammal Protection Act for the illegal take of a marine mammal by intentionally setting the vessel's purse seine net on tuna while marine mammals were present and visible before the set. A NOVA for \$11,000 was issued.
36. PI1706106; F/V Day Star - Owner and operator was charged with two counts under the Western and Central Pacific Fisheries Convention Implementation Act for failing to activate/operate the VMS and for fishing in the WCPFC Convention Area with an area endorsement. A NOVA for \$8,000 was issued.
37. PI1707391; F/V St Damien – Owner and operator were charged under the High Seas Fishing Compliance Act for fishing on the high seas without a valid permit. A NOVA for \$2,500 was issued. [See, Settled Cases, item 16, below, for resolution of this matter.]

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- 38. PI1708432; F/V St Peter – Owner and operator were charged under the Magnuson-Stevens Act for entering the Papahānaumokuākea Marine National Monument and removing, harvesting, or possessing, or attempting to remove, harvest or possess, living or nonliving Monument resources. A NOVA for \$17,095 was issued.
- 39. PI1708450, F/V Rising Phoenix – A foreign national crewmember from the Rising Phoenix was charged under the Magnuson Stevens Act with one count of harassing, sexually harassing, and/or assaulting a NMFS authorized observer. An \$80,000 NOVA was issued.

SOUTHEAST

- 40. SE1400885; F/V Capt Luu – Owner was charged under the Magnuson-Stevens Act for failing to comply with at-sea observer requirements. A Written Warning was issued.
- 41. SE1401707 - Individual charged under the Magnuson-Stevens Act for exceeding the recreational sector's zero bag limits for red snapper and gag grouper. A Written Warning was issued.
- 42. SE1700197 - Two individuals were charged with two counts under the Magnuson-Stevens Act for exceeding bag limits in the South Atlantic EEZ. A \$6,000 NOVA was issued.
- 43. SE1700218 - Individual was charged under the Marine Mammal Protection Act for setting a medium mesh gillnet at night Northern North Carolina state waters in violation of the Bottlenose Dolphin Take Reduction Plan. A \$2,500 NOVA was issued.
- 44. SE1700546; FL6116MT – Operator was charged under the Magnuson-Stevens Act for exceeding the bag limit for South Atlantic red snapper. A \$700 NOVA was issued. [See, Settled Cases, item 19, below, for resolution of this matter.]
- 45. SE1702554; F/V Spray – Owner and operator were charged under the Magnuson-Stevens Act for landing Bluefin tuna during the closed season. A Written Warning was issued.
- 46. SE1703104; F/V Hot Reels - Owner/operator was previously charged for 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 prior notification and landing requirements related to the IFQ program for red snapper. A \$57,000 NOVA was issued.
- 47. SE1704064 - Individual was charged under the Magnuson-Stevens Act for recreationally retaining snapper-grouper species in the Oculina Experimental Closed Area. A \$250 NOVA was issued. [See, Settled Cases, item 21, below, for resolution of this matter.]
- 48. SE1705216; F/V Capt Anthony – Owner and operator were charged under the Magnuson-Stevens Act for possessing shark fins that were not naturally attached to a corresponding carcass aboard a fishing vessel. An \$8,000 NOVA was issued.
- 49. SE1705219; F/V Miss Salena – Owner and operator were charged in two counts under the Endangered Species Act for owning, operating, or being on board a vessel that did not have

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compliant Turtle Excluder Devices (TEDs) installed in nets rigged for fishing. A \$9,000 NOVA was issued.

50. SE1705608, F/V Lady Hazel – Owner/operator was charged under the Endangered Species Act for failure to have compliant Turtle Excluder Devices installed. A Written Warning was issued.
51. SE1705836; Florida state registered vessel and Alabama state registered vessel – Owner/operator was charged under the Magnuson-Stevens Act for failing to maintain fins naturally attached to sharks through offloading and for exceeding a commercial retention limit for sharks. A \$60,000 NOVA was issued.
52. SE1705960; LA State registered vessel – Owner was charged under the Magnuson-Stevens Act for fishing without a valid commercial moratorium shrimp permit. An \$8,000 NOVA was issued.
53. SE1705963; LA State registered vessel – Owner was charged under the Magnuson-Stevens Act for fishing without a valid commercial moratorium shrimp permit. An \$8,000 NOVA was issued.
54. SE1706321, F/V Miss Danielle – Owner and operator were issued a written warning for failure to have compliant Turtle Excluder Devices installed (an Endangered Species Act violation) and for failure to have Bycatch Reduction Devices installed (a Magnuson-Stevens Act violation). (Loren)
55. SE1706348; F/V Libertad - Owner and operator were charged under the Endangered Species Act for TED angle violations on all four TEDs, and Magnuson-Stevens Act violations for one BRD that did not meet the escape opening minimum 5 inch requirement and possession of one red snapper during the closed recreational season. A \$14,000 NOVA was issued for the ESA TED violations and Written Warnings were issued for the two Magnuson-Stevens Act violations.
56. SE1706414; F/V Jimmy & Johnny Jr. – Owner and operator were charged in four counts under the Endangered Species Act for failing to have compliant TEDs installed in nets rigged for fishing. A \$66,000 NOVA was issued.
57. SE1707339; F/V Jacklynn – Owner and operator were charged in two counts under the Magnuson-Stevens Act and Endangered Species Act for engaging in an activity without the required Federal permit, license, or endorsement and for failing to have compliant TEDs installed in nets rigged for fishing. A \$2,250 NOVA was issued.

WEST COAST

58. NW1403850; Airfresh Seafoods – Owner was charged under the Magnuson-Stevens Act of failing to timely pay fishing capacity reduction loan (“buyback”) fees to NMFS, and one count of failing to maintain buyback fee deposits in a separate bank account as required by regulation. A Written Warning was issued.
59. NW1601991; F/V Sojourn – Owners, operator, and crewman were charged in two counts under the Magnuson-Stevens Act for harassing an observer and interfering with observer catch sampling. An \$8,000 NOVA was issued. [See, Settled Cases, item 22, below, for resolution of this matter.]

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60. NW1703054; Blundell Seafoods, Ltd. – Company was charged under the Lacey Act for submitting a false label for fish which had been, or was intended to be, imported or transported or received from a foreign country. A \$5,000 NOVA was issued.
61. NW1703309; WA State registered recreational vessel – Operator was charged under the Marine Mammal Protection Act for causing his vessel to run over a grey whale, resulting in an unlawful take of the whale by harassment (Level A) which had the potential to injure the whale, and in fact likely resulted in a cut on the whale's back. A \$1,250 NOVA was issued. [See, Settled Cases, item 23, below, for resolution of this matter.]

Settled Cases

During this reporting period, NOAA settled 25 civil administrative cases, as follows:

ALASKA

1. AK1503888; F/V Hula Girl – A NOVA for \$8,000 under the Halibut Act for failing to register his anticipated IFQ halibut fishing trip with the Observer Declare and Deploy System (ODDS) was settled for \$5,400. [See, Charged Cases, item 1, from July – December 2017 posting, for initial charging information.]
2. AK1604754 – A NOVA for \$600 under the Halibut Act for illegal sale of subsistence halibut was settled for \$540. [See, Charged Cases, item 2, above, for initial charging information.]
3. AK1705077; F/V Hi Time – A NOVA for \$9,750 under the Halibut Act for taking out more charter vessel anglers than allowed on his charter halibut permit (CHP) on multiple occasions throughout the 2016 and 2017 charter halibut seasons was settled for \$5,450.00, with \$4,300.00 suspended for 2 years. [See, Charged Cases, item 8, above, for initial charging information.]
4. AK1706793; F/V Pacific – A NOVA for \$5,500 under the Northern Pacific Halibut Act for failing to ensure charter anglers signed the logbook and for submitting inaccurate logbook pages was settled for \$4,950. [See, Charged Cases, item 9, above, for initial charging information.]
5. AK1800385; F/V Sunset Bay – A NOVA for \$4,287.53 under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock in the Gulf of Alaska from a catcher vessel in violation of the daily catch limit was settled for \$4,087.53. [See, Charged Cases, item 13, above, for initial charging information.]
6. AK1800545; F/V Bay Islander – A NOVA for \$11,287.36 under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock in the Gulf of Alaska from a catcher vessel in violation of the daily catch limit was settled for \$7,287.36. [See, Charged Cases, item 14, above, for initial charging information.]
7. AK1800612; F/V Walter N – A NOVA for \$9,252.29 under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock in the Gulf of Alaska from a catcher vessel twice in violation of the daily catch limit was settled for \$5,252.29. [See, Charged Cases, item 16, above, for initial charging information.]

8. AK1800813; F/V Pacific Ram – A NOVA for \$5,262.56 under the Magnuson-Stevens Act for landing more than 300,000 pounds of unprocessed Pollock in the Gulf of Alaska from a catcher vessel in violation of the daily catch limit was settled for \$3,262.56. [See, Charged Cases, item 18, above, for initial charging information.]
9. AK1801268; F/V Alaska Dawn – A NOVA for \$3,000 under the Magnuson-Stevens Act for exceeding the 300,000 pound daily limit on the harvest of Pollock was settled for \$2,700. [See, Charged Cases, item 20, above, for initial charging information.]

NORTHEAST

10. NE1500468; NE1504226; F/V Samantha Brooke – A NOVA \$4,406.50 under the Magnuson Act for fishing in the EEZ without a federal skate permit and exceeding the skate possession limit was settled for \$2,000. [See, Charged Cases, items 8 and 11, from July – December 2017 posting, for initial charging information.]
11. NE1605445; F/V Marilyn J – A NOVA for \$2,000 under the Magnuson-Stevens Act for failure to report Bluefin tuna landings was settled for \$1,000. [See, Charged Cases, item 17, from July – December 2017 posting, for initial charging information.]
12. NE1701605, F/V Miss Mae & Son - A NOVA for \$32,227.28 under the Magnuson-Stevens Act for a scallop overage and a failure to complete log reports in a timely and accurate fashion was settled for \$12,000, payable over two years, based on a demonstrated inability to pay. [See, Charged Cases, item 28, above, for initial charging information.]

PACIFIC ISLANDS

13. PI1500910A and PI1500910B; F/V American Triumph – Two NOVAs, one for \$146,000 under the Marine Mammal Protection Act for taking a whale on the high seas; for failing to immediately return incidentally taken marine mammals to the sea with a minimum of further injury; and for failing to report the mortality of approximately eleven rough-toothed dolphins lethally taken during a purse seine fishing set and one for \$84,695 under the Western and Central Pacific Fisheries Convention Implementation Act for utilizing fish aggregating lights, jointly settled for \$134,670. [See, Charged Cases, item 24, from January – June 2017 posting, for initial charging information.]
14. PI1502695; F/V Pacific Ranger – A NOVA \$712,871 under the Marine Mammal Protection Act and Western and Central Pacific Fisheries Convention Implementation Act for taking a whale on the high seas; for setting a purse seine net on a FAD; and for deploying or servicing a FAD settled for \$395,250. [See, Charged Cases, item 27, from January – June 2017 posting, for initial charging information.]
15. PI1604088; F/V Pacific Ranger – A NOVA for \$55,000 under the Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA) and the Marine Mammal Protection Act was amended to withdraw the WCPFCIA count for setting on a Fish Aggregating Device (FAD) during the FAD closure and settled for \$4,500 for harassing a whale. [See, Charged Cases, item 32, above, for initial charging information.]

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16. PI1707391; F/V St Damien – A NOVA for \$2,500 under the High Seas Fishing Compliance Act for fishing on the high seas without a valid permit was settled for \$2,250. [See, Charged Cases, item 37, above, for initial charging information.]

SOUTHEAST

17. SE1503226 – A NOVA for \$1,000 under the Endangered Species Act for taking a listed species, a threatened green sea turtle, with a spear gun was settled for \$900. [See, Charged Cases, item 30, from July – Dec 2016 posting, for initial charging information.]
18. SE1700511 – A NOVA for \$1324 under the Magnuson-Stevens Act for buying and selling one yellowfin tuna without a federal HMS dealer permit was settled for \$750.
19. SE1700546; Florida state registered vessel – A NOVA for \$700 under the Magnuson-Stevens Act for exceeding the bag limit for South Atlantic red snapper was settled for \$630.00. [See, Charged Cases, item 44, above, for initial charging information.]
20. SE1702380; F/V Andy Vo – A NOVA for \$3,750 under the Endangered Species Act for two TED violations was settled for \$0, and 12 months probation, based on an inability to pay, made in consideration of financial information submitted to the agency. [See, Charged Cases, item 44, from July – Dec 2017 posting, for initial charging information.]
21. SE1704064; Florida state registered vessel - A NOVA for \$250 under the Magnuson-Stevens Act for recreationally retaining snapper-grouper species in the Oculina Experimental Closed Area was settled for \$225. [See, Charged Cases, item 47, above, for initial charging information.]

WEST COAST

22. NW1601991; F/V Sojourn – A NOVA for \$8,000 under Magnuson-Stevens Act for harassing an observer and interfering with observer catch sampling settled for \$7,200. [See, Charged Cases, item 59, above, for initial charging information.]
23. NW1703309 – A NOVA for \$1,250 under the Marine Mammal Protection Act for causing his vessel to run over a grey whale, resulting in an unlawful take of the whale by harassment (Level A) which had the potential to injure the whale, and in fact likely resulted in a cut on the whale's back was settled for \$1,125. [See, Charged Cases, item 61, above, for initial charging information.]