

March 2019

**NOAA Office of the General Counsel, Enforcement Section
Enforcement Actions
July 1, 2018, through December 31, 2018¹**

Charged Cases²

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

ALASKA

1. AK1402007; F/V Golden Chalice – Operator and owners were charged under the Northern Pacific Halibut Act for retaining IFQ halibut on a vessel in excess of the unharvested IFQ held by all IFQ permit holders aboard. A \$5,000 NOVA was issued. [See, Settled Cases, item 1, below, for resolution of this matter.]
2. AK1604340; M/V Le Soleal – Owner of French-flagged cruise ship was charged under the Marine Mammal Protection Act for taking Northern fur seals by harassment by launching small boats and approaching within 10 meters of a breeding area, causing disruption of the seals' behavioral patterns. A \$3,000 NOVA was issued. [See, Settled Cases, item 2, below, for resolution of this matter.]
3. AK1606765; Big Fish Charters – Charter halibut operator was charged with eleven counts under the Northern Pacific Halibut Act for failing to submit required logbook reports and Guided Angler Fish landing reports and for unlawfully fishing while serving as the charter vessel operator. A \$37,000 NOVA was issued.
4. AK1800733; F/V Pacific Challenger – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the maximum retainable amount of Pollock in an area closed to directed fishing for Pollock. A \$2,000 NOVA was issued.
5. AK1800956; F/V Tribute – IFQ permit holder/operator and vessel owners were charged under the Magnuson-Stevens Act for intentionally making false prior notice of landing reports and signing false landing receipts to conceal IFQ sablefish violations. A \$91,472.00 NOVA was issued.
6. AK1805353; M/V Rebel – Owner of Cayman Islands-flagged luxury yacht and charter guide were charged under the Northern Pacific Halibut Act for providing sport fishing guide services without a

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.

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charter halibut permit. A \$4,000 NOVA was issued. [See, Settled Cases, item 5, below, for resolution of this matter.]

NORTHEAST

7. NE1501495; F/V Capt. RM Chace – Owner and operator were charged under the Magnuson-Stevens Act for unlawfully fishing for scallops in a closed area and failing to transmit vessel position via VMS on multiple occasions. A \$12,820 NOVA was issued. [See, Settled Cases, item 6, below, for resolution of this matter.]
8. NE1606266; F/V Timothy Michael – Owner and Operator were charged under the Magnuson-Stevens Act for possessing oversized and v-notched lobsters and for interfering with an authorized officer's investigation. A \$13,000 NOVA was issued. [See, Settled Cases, item 8, below, for resolution of this matter.]
9. NE1700419; F/V La Mancha – Operator was charged under the Magnuson-Stevens Act for the disposal of Atlantic cod after approach by an enforcement vessel, the possession of a single undersized cod, and exceeding the possession limit for cod for recreational fishing vessels. A \$2,600 NOVA was issued. [See, Settled Cases, item 9, below, for resolution of this matter.]
10. NE1703247; F/V Viking Pride – Owner/operator was charged under the Magnuson-Stevens Act for fishing without an observer when one was required. A \$13,000 NOVA was issued. [See, Settled Cases, item 13, below, for resolution of this matter.]
11. NE1703896; F/V Sao Jacinto – Owner and operator were charged under the Magnuson-Stevens Act for landing an overage of scallops and failure to accurately complete landing records. An \$8,712 NOVA was issued.
12. NE1704209; F/V Debra Ann II – Owner and operator were charged under the Magnuson Stevens Act for providing inaccurate/false reports of scallop and lobster catch. A NOVA for \$1,000 was issued.
13. NE1707582⁴; Carlos Rafael cases – On August 27, 2018, NOAA issued amended charging documents in the civil administrative case involving Carlos Rafael, setting out additional charges and naming additional respondents. The revised charging documents modify the charges previously issued on January 10, 2018 by: 1) increasing the number of alleged violations of federal fishery laws from 35 to 88; 2) increasing total monetary penalties sought from \$983,528 to \$3,356,269; 3) adding as respondents 20 additional fishing vessel captains who are/were employed by Rafael; and 4) seeking to revoke the operator permits of 17 fishing vessel captains who are/were employed by Rafael.
14. NE1707770; F/V Shooting Star – Owner and operator were charged under the Magnuson-Stevens Act for failing to maintain a swordfish in round form through offloading. A \$2,000 NOVA was issued.

⁴ For purposes of the count of the number of charged cases, above on page 1, this case is counted as a single case.

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15. NE1708007A & B; F/V Went-Way – Operator was charged under the Magnuson-Stevens Act for landing a Bluefin tuna when the fishery was closed. A \$15,000 NOVA was issued. Owner was charged for failing to report Bluefin tuna landings within 24 hours. A \$2,000 NOVA was issued.
16. NE1802295; F/V NJ0629HH – 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. [See, Settled Cases, item 14, below, for resolution of this matter.]
17. NE1806158; F/V Carolina Boy – Owner/Operator was charged under the Magnuson-Stevens Act for exceeding scallop possession limit by 836 pounds. A \$9,198.80 NOVA was issued. [See, Settled Cases, item 15, below, for resolution of this matter.]

PACIFIC ISLANDS

18. PI1606791; F/V Lady Christine I – Vessel owner and operator were charged with two counts under the Magnuson-Stevens Act for fishing with longline gear in the area closed to longline fishing surrounding the main Hawaiian islands and the owner, operator, and principal of the owner were charged for one count of falsifying a NOAA required logbook. A \$61,174.22 NOVA was issued.
19. PI1700893; F/V Sea Bounty – Owners and operators were charged under the Western and Central Pacific Fisheries Convention Implementation Act with setting the vessel's purse seine net within one nautical mile of a Fish Aggregating Device (FAD) during the annual FAD closure and under the Marine Mammal Protection Act with intentionally setting the vessel's purse seine net on a school of tuna while marine mammals were present with the school and visible before the set began. A \$213,287 NOVA was issued.
20. PI1703234; F/V Pinta 1 (aka Ping Tan 1) – Owner and operator were charged under the Magnuson-Stevens Act (MSA) for three counts of fishing for deepwater shrimp in the US EEZ without the required federal permit, and two counts of failing to submit required logbooks. A \$29,000 NOVA was issued.
21. PI1705335; F/V Ocean Expedition – Owners and operators were charged under the Western and Central Pacific Fisheries Convention Implementation Act with purse seine fishing in the Effort Limit Area for Purse Seine when the area was closed. A \$15,000 NOVA was issued.
22. PI1706572; F/V Sea Defender – Owners, operator and fish master were charged under the Marine Mammal Protection Act for of setting a purse seine net on a marine mammal. A \$22,060 NOVA was issued.
23. PI1707291; F/V Sea Bounty – Owners and operators were charged under the Marine Mammal Protection Act with of setting the vessel's purse seine net on a school of tuna while marine mammals were present with the school and visible before the set began. A \$28,520 NOVA was issued.

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24. SE1600652; F/V Gag Reflex – Owner/operator was charged under the Magnuson-Stevens Act for possessing a shark taken by unauthorized gear (harpoon). A written warning was issued.
25. SE1600969; F/V Lilly Anne – Co-owners and operator were charged under the Magnuson-Stevens Act with failure to have sufficient allocation at the time of the advance notification of landing in the IFQ vessel account or linked shareholder account at least equal to the pounds to be landed. A Written Warning was issued.
26. SE1602083; F/V Chances R III – Owner and operator were charged under the Magnuson-Stevens Act with failure to have sufficient allocation at the time of the advance notification of landing in the IFQ vessel account or linked shareholder account at least equal to the pounds to be landed. A \$1,500 NOVA was issued.
27. SE1701646; M/V HM1 – Operator was charged under the National Marine Sanctuaries Act for grounding a vessel in the Florida Keys National Marine Sanctuary. A \$750 NOVA was issued. [See, Settled Cases, item 21, below, for resolution of this matter.]
28. SE1702529; F/V Jenny Jasmine – Owner, operator and crewmembers were charged under the Magnuson-Stevens Act for failure to maintain shark in the form specified (70 fins not naturally attached to carcasses, representing at least 16 individual sharks). A \$6,000 NOVA was issued. [See, Settled Cases, item 23, below, for resolution of this matter.]
29. SE1705314; F/V Sea Fever – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the bag limit of Gulf reef fish aboard a shrimp trawler. A \$2,000 NOVA was issued.
30. SE1708157; F/V J.U.M.A. – Owner and operator charged under the Magnuson-Stevens Act for fishing bottom longline gear with more than 750 hooks rigged for fishing in a gear restricted area, and failing to maintain a fish intact through offloading ashore and using reef fish and shark as bait. A NOVA for \$17,000 was issued.
31. SE1708446; F/V Grateful – Owner and operator were charged under the Magnuson-Stevens Act for fishing with bottom longline gear inside the McGrail Bank habitat area of particular concern. A \$12,500 NOVA was issued.
32. SE1708447; F/V Lady Hedy – Owner/operator and crewmember were charged under the Magnuson-Stevens Act for (1) recreationally fishing in violation of recreational seasonal closure for gag grouper and exceeding the daily bag limit of vermillion snapper, (2) using a prohibited J-hook with natural bait attached to harvest Gulf reef fish, and (3) disposal of two vermillion snapper thrown overboard after approach by law enforcement. A \$2,450 NOVA was issued. [See, Settled Cases, item 30, below, for resolution of this matter.]
33. SE1800055; F/V Casey's Pride – Owner and operator charged under the Magnuson-Stevens Act for fishing bottom longline gear with more than 750 hooks rigged for fishing in a gear restricted area. A \$15,000 NOVA was issued.

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34. SE1800095; F/V Thien Thanh – Owners and operator were charged under the Endangered Species Act for a turtle excluder device (TED) angle violation on one of four TEDs. A \$3,500 NOVA was issued. [See, Settled Cases, item 31, below, for resolution of this matter.]
35. SE1800098; F/V Eric Huynh – Owner, operator and crewmembers were charged under the Magnuson-Stevens Act for failure to maintain shark in the form specified (13 fins not naturally attached to carcasses) during a closed season. A \$4,000 NOVA was issued.
36. SE1800163; F/V Ronald E – Owner and operator were charged under the Magnuson-Stevens Act for trawling for shrimp inside the Tortugas Shrimp Sanctuary near Key West, FL, and for possessing separated spiny lobster tails without a valid permit. A \$15,500 NOVA was issued.
37. SE1800555; F/V Lady – Owner/operator were charged under Magnuson-Stevens Act for possessing king mackerel from the Gulf migratory group harvested with gillnet gear in the Southern zone in excess of the 45,000 pound commercial trip limit. A \$14,107.20 NOVA was issued.
38. SE1800656 – Owner/operator was charged under the National Marine Sanctuaries Act for fishing within a Sanctuary Preservation Area in the Florida Keys National Marine Sanctuary. A written warning was issued.
39. SE1801725; F/V Spellbound – Owner and operator were charged under the Magnuson-Stevens Act for fishing for sharks without the proper permit and for failure to release a shark in the manner that will ensure maximum probability of survival. A \$2,000 NOVA was issued.
40. SE1802910, TX4196EP – Owner/operator and another angler were charged under the Magnuson-Stevens Act for possessing red snapper during a closure and for disposal of fish upon approach of law enforcement. A \$2,000 NOVA was issued. [See, Settled Cases, item 32, below, for resolution of this matter.]
41. SE1803358, F/V Ivan J – Owner and operator were charged under the Endangered Species Act for violations of the turtle excluder device regulations. A \$9,500 NOVA was issued.
42. SE1803368; F/V Black Jack II – Owner and operator charged under the Magnuson-Stevens Act for (1) fishing in violation of restrictions applicable within the longline and buoy gear restricted area and (2) failing to comply with IFQ provision requiring the vessel to land within an hour of the notification given in the advance notice of landing. A \$13,000 NOVA was issued along with a NOPF to proceeds in the amount of \$16,493. [See, Settled Cases, item 33, below, for resolution of this matter.]

WEST COAST

43. NW1602851 – Individual was charged under the Magnuson-Stevens Act for sexually harassing a fishery observer. A Written Warning was issued.
44. NW1703871; F/V Big Wave – Owner charged under Magnuson-Stevens Act for unlawfully fishing without an observer on two occasions after being selected to do so. A \$12,500 NOVA was issued. [See, Settled Cases, item 34, below, for resolution of this matter.]

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45. NW1708603; F/V Charlotte V – Owner and operator were charged under the Magnuson-Stevens Act with one count of interfering with an observer’s duties while onboard. A \$5,500 NOVA was issued. [See, Settled Cases, item 35, below, for resolution of this matter.]
46. NW1800303; F/V Stillwater – Owner charged under the Magnuson-Stevens Act for failing to operate and maintain the vessel’s VMS unit while fishing on multiple occasions during 2018. A \$5,000 NOVA was issued. [See, Settled Cases, item 36, below, for resolution of this matter.]

Settled Cases

During this reporting period, NOAA settled 38 civil administrative cases, as follows:

ALASKA

1. AK1402007; F/V Golden Chalice – A NOVA for \$5,000 under the Northern Pacific Halibut Act for retaining IFQ halibut on a vessel in excess of the unharvested IFQ held by all IFQ permit holders aboard was settled for \$4,500. [See, Charged Cases, item 1, from above, for initial charging information.]
2. AK1604340; M/V Le Soleal – A NOVA for \$3,000 under the Marine Mammal Protection Act for taking Northern fur seals by harassment was settled for the full amount. [See, Charged Cases, item 2, from above, for initial charging information.]
3. AK1800146; F/V Woniya – A NOVA for \$2,000 under the Magnuson-Stevens Act for violating IFQ Sablefish regulations was settled for \$1,800. [See, Charged Cases, item 12, from January – June 2018 posting, for initial charging information.]
4. AK1800615; F/V Arctic Ram – A NOVA for \$3,000 under the Magnuson-Stevens Act for exceeding the daily catch limit for Alaska pollock was settled for \$2,700. [See, Charged Cases, item 17, from January – June 2018 posting, for initial charging information.]
5. AK1805353; M/V Rebel – A NOVA for \$4,000 under the Northern Pacific Halibut Act for providing sport fishing guide services without a charter halibut permit was settled for \$3,600. [See, Charged Cases, item 6, from above, for initial charging information.]

NORTHEAST

6. NE1501495; F/V Capt. RM Chace – A NOVA for \$12,820 under the Magnuson-Stevens Act for unlawfully fishing for scallops in a closed area and failing to transmit vessel position via VMS on multiple occasions was settled for \$11,820. [See, Charged Cases, item 7, from above, for initial charging information.]
7. NE1504226 & NE1500468; F/V Samantha Brooke- Two one-count NOVAs, one for \$2,000 and another for \$2,406.50, under the Magnuson-Stevens Act for fishing in the EEZ without a federal skate permit and for exceeding the skate possession limit were settled for \$2,000. [See, Charged Cases, items 8 and 11, from July – December 2017 posting, for initial charging information.]

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8. NE1606266; F/V Timothy Michael – A three count NOVA for \$13,000 under the Magnuson-Stevens Act for possessing oversized and v-notched lobsters and for interfering with an authorized officer’s investigation was settled for \$8,000. [See, Charged Cases, item 8, from above, for initial charging information.]
9. NE1700419; F/V La Mancha – A NOVA for \$2,600 under the Magnuson-Stevens Act for the disposal of Atlantic cod after approach by an enforcement vessel, the possession of a single undersized cod, and exceeding the possession limit for cod for recreational fishing vessels went final due to default. [See, Charged Cases, item 9, from above, for initial charging information.]
10. NE1701409; F/V Kingfisher – A two-count NOVA for \$11,500 under the Magnuson-Stevens Act for exceeding the monkfish landing limit by 2,770 pounds and for failing to provide pre-trip notification on 28 multispecies DAS trips was settled for \$6,500. [See, Charged Cases, item 27, from January – June 2018 posting, for initial charging information.]
11. NE1701874; M/V Sorenson⁵ – A NOVA for \$103,500 under the Endangered Species Act for exceeding the speed limit on 18 transits through a seasonal management area was settled for \$67,275.
12. NE1701878; M/V Molly Pitcher – A NOVA for \$11,500 under the Endangered Species Act for violations of the right whale ship speed restriction regulation went final due to default. [See, Charged Cases, item 29, from January – June 2018 posting, for initial charging information.]
13. NE1703247; F/V Viking Pride – A NOVA for \$13,000 under the Magnuson-Stevens Act for fishing without an observer was settled for \$11,700. [See, Charged Cases, item 10, from above, for initial charging information.]
14. NE1802295; F/V NJ0629HH – A NOVA for \$2,000 under the Atlantic Striped Bass Conservation Act for possessing striped bass in the EEZ was settled for \$1,000. [See, Charged Cases, item 16, from above, for initial charging information.]
15. NE1806158; F/V Carolina Boy – A NOVA for \$9,198.80 under the Magnuson-Stevens Act for exceeding the scallop possession limit by 836 pounds was settled for \$1,000. [See, Charged Cases, item 17, from above, for initial charging information.]

PACIFIC ISLANDS

16. PI1504147 and PI1603147; M/V Alaka’i – Two NOVAs for a combined civil penalty of \$7,580 under the Marine Mammal Protection Act for the take of marine mammals (Hawaiian spinner dolphins) while conducting commercial “swim-with-the-dolphins” tours was settled for \$7,080. [See, Charged Cases, items 26 and 29, from July – December 2017 posting, for initial charging information.]
17. PI1700428; F/V Pacific Pride – A NOVA for \$48,260 under the Western and Central Pacific Fisheries

⁵ Case No. NE1701874 was inadvertently not included on the posted list of charged cases from January – June 2018. It was charged in March 2018.

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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 was settled for \$16,434. [See, Charged Cases, item 34, from January – June 2018 posting, for initial charging information.]

18. PI1706106; F/V Day Star – A NOVA for \$8,000 under Western and Central Pacific Fisheries Convention Implementation Act for failing to activate/operate VMS on a fishing trip in the WCPFC area and fishing in the WCPFC area without an area endorsement on their high seas fishing permit was settled for \$7,200, with time payments of 24 months authorized based on an inability to pay, made in consideration of financial information submitted to the Agency. [See, Charged Cases, item 36, from January – June 2018 posting, for initial charging information.]
19. PI1708450; F/V Rising Phoenix – A NOVA for \$80,000 under the Magnuson-Stevens Act for harassing, sexually harassing, and/or assaulting a NMFS authorized observer went final due to default. [See, Charged Cases, item 39, from January – June 2018 posting, for initial charging information.]

SOUTHEAST

20. SE1606668; F/V Miss Morgan Starr – A NOVA for \$22,000 under the Magnuson-Stevens Act for exceeding the bag limit while using bottom longline to fish for Gulf reef fish in the longline gear restricted area, failing to maintain fish intact/use Gulf reef fish as bait, and fish without the eastern Gulf reef fish bottom longline endorsement was settled for \$300 and two years of probation based on inability to pay. [See, Charged Cases, item 48, from January – June 2017 posting, for initial charging information.]
21. SE1701646; M/V HM1 – A NOVA for \$750 under the National Marine Sanctuaries Act for grounding a vessel in the Florida Keys National Marine Sanctuary was settled for \$675. [See, Charged Cases, item 27, from above, for initial charging information.]
22. SE1702476; F/V Recession – A NOVA for \$8,000 under the Magnuson-Stevens Act for failing to comply with requirement to obtain a transaction approval code when IFQ red snapper are offloaded to a vehicle for transport or are on a vessel that is trailered for transport was settled for \$1,700 payable over 18 months, with penalty suspended during repayment period and waived, contingent on no future violation, based on inability to pay. [See, Charged Cases, item 22, from July – December 2017 posting, for initial charging information.]
23. SE1702529; F/V Jenny Jasmine – A NOVA for \$6,000 under the Magnuson-Stevens Act for failing to maintain Atlantic HMS (sharks) intact through landing with the head, tail, and all fins naturally attached was settled for \$5,400. [See, Charged Cases, item 28, from above, for initial charging information.]
24. SE1705216; F/V Capt Anthony – A NOVA for \$8,000 under the Magnuson-Stevens Act for possessing shark fins that were not naturally attached to a corresponding carcass aboard a fishing vessel went final due to default. [See, Charged Cases, item 48, from January – June 2018 posting, for initial charging information.]

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25. SE1705836; Florida state registered vessel and Alabama state registered vessel – A NOVA for \$60,000 under the Magnuson-Stevens Act for failing to maintain fins naturally attached to sharks through offloading and for exceeding a commercial retention limit for was settled for \$10,000 to be paid over a two-year term with a two-year probation. [See, Charged Cases, item 51, from January – June 2018 posting, for initial charging information.]
26. SE1705960 – A NOVA for \$8,000 under the Magnuson-Stevens Act for fishing without a valid commercial moratorium shrimp permit was settled for \$3,000 based on financial information submitted supporting an inability to pay claim. [See, Charged Cases, item 52, from January – June 2018 posting, for initial charging information.]
27. SE1705963; F/V Capt Andy – A NOVA for \$8,000 under the Magnuson-Stevens Act for fishing without a valid commercial moratorium shrimp permit was settled for \$3,000 payable over 12 months, based on a documented inability to pay. [See, Charged Cases, item 53, from January – June 2018 posting, for initial charging information.]
28. SE1706348; F/V Libertad – A NOVA for \$14,000 under the Endangered Species Act for TED angle violations on all four TEDS went final due to default. [See, Charged Cases, item 55, from January – June 2018 posting, for initial charging information.]
29. SE1707339; F/V Jacklynn – A NOVA for \$2,250 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 went final due to default. [See, Charged Cases, item 57, from January – June 2018 posting, for initial charging information.]
30. SE1708447; F/V Lady Hedy – A NOVA for \$2,450 under the Magnuson-Stevens Act for (1) recreationally fishing in violation of recreational seasonal closure for gag grouper and exceeding the daily bag limit of vermillion snapper, (2) using a prohibited J-hook with natural bait attached to harvest Gulf reef fish, and (3) disposal of two vermillion snapper thrown overboard after approach by law enforcement was settled for \$2,205. [See, Charged Cases, item 32, from above, for initial charging information.]
31. SE1800095; F/V Thien Thanh – A NOVA for \$3,500 under the Endangered Species Act for a turtle excluder device (TED) angle violation on one of four TEDS was settled for \$3,150. [See, Charged Cases, item 34, from above, for initial charging information.]
32. SE1802910; TX4196EP – A NOVA for \$2,000 under the Magnuson-Stevens Act for possessing red snapper during a closure and for disposal of fish upon approach of law enforcement was settled for \$1,800. [See, Charged Cases, item 40, from above, for initial charging information.]
33. SE1803368; F/V Black Jack II – A NOVA for \$13,000 along with a NOPF to proceeds in the amount of \$16,493 under the Magnuson-Stevens Act for (1) fishing in violation of restrictions applicable within the longline and buoy gear restricted area and (2) failing to comply with IFQ provision requiring the vessel to land within an hour of the notification given in the advance notice of landing went final due to default and lack of response. [See, Charged Cases, item 42, from above, for initial charging information.]

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WEST COAST

34. NW1703871; F/V Big Wave – A NOVA for \$12,500 under the Magnuson-Stevens Act for unlawfully fishing without an observer on two occasions after being selected to do so was settled for \$11,250. [See, Charged Cases, item 44, from above, for initial charging information.]
35. NW1708603; F/V Charlotte V – A NOVA for \$5,500 under the Magnuson-Stevens Act for observer interference was settled for \$4,125. [See, Charged Cases, item 45, from above, for initial charging information.]
36. NW1800303; F/V Stillwater LLC – A NOVA for \$5,000 under the Magnuson-Stevens Act for failing to operate and maintain a vessel's VMS unit while fishing was settled for \$4,500. [See, Charged Cases, item 46, from above, for initial charging information.]