

NOAA Office of the General Counsel, Enforcement
Section Enforcement Actions
January 1, 2019, through June 30, 2019¹

Charged Cases²

During this reporting period, NOAA charged 37 civil administrative cases, as follows:³

ALASKA

1. AK1803165; F/V Ambition – Individual charged under the Northern Pacific Halibut Act for retaining 627 lbs. of halibut without an IFQ permit. A Written Warning was issued. The proceeds of the violation (\$2,686) were seized.
2. AK1807657; F/V Mar Pacifico – 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 on three occasions. A \$7,280 NOVA was issued. [See Settled Cases, Item 2, below, for resolution of this matter.]
3. AK1705049 – Individual was charged under the Marine Mammal Protection Act for the unlawful taking of a harbor seal by shooting and clubbing it to death. A \$6,500 NOVA was issued.
4. AK1802901; F/V Buccaneer – Operator and vessel owner charged under the Magnuson-Stevens Act for engaging in a fishery that required retention of groundfish without a valid Federal Fisheries Permit and submitting an inaccurate report to NMFS. A \$6,000 NOVA was issued.

NORTHEAST

5. NE1703241; F/V Alex Marie – Owner and operator charged under the High Seas Fishing Compliance Act for unlawfully engaging in directed fishing for cod in Northwest Atlantic Fisheries Organization (NAFO) regulatory area 3N. A \$4,500 NOVA was issued. [See Settled Cases, Item 11, below, for resolution of this matter.]

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.

6. NE1605281, F/V Lori B – Owner and operator were charged under the Magnuson-Stevens Act for fishing without an observer when one was required and failing to provide requisite pre-trip notification on 61 groundfish trips. A \$15,000 NOVA was issued.
7. NE1806395; F/V Capt. Travis – Owner and Operator were charged under the Magnuson-Stevens Act for exceeding the possession limits for Atlantic sea scallops. A \$19,317 NOVA was issued.
8. NE1604789; F/V Ocean Pride – Owner and Operator were charged under the Magnuson-Stevens Act for failing to provide reasonable assistance to an observer in the performance of their duties. A \$500 NOVA was issued. [See Settled Cases, Item 6, below, for resolution of this matter.]

PACIFIC ISLANDS

9. PI1604348; M/V Island Spirit - Owner and operator were charged under the Marine Mammal Protection Act with one count of illegally taking a marine mammal by the manner in which they operated their wildlife viewing vessel. A Written Warning was issued.
10. PI1803756; F/V Ocean Encounter – Owners and operators were charged under the Marine Mammal Protection Act with two counts of illegally taking a marine mammal by intentionally setting the vessel's purse seine net on a school of tuna while marine mammals were present. A \$58,478 NOVA was issued. [See Settled Cases, Item 12 below, for resolution of this matter.]
11. PI1803758, F/V Sea Bounty – Owners and operators were charged under the Marine Mammal Protection Act with three counts of illegally taking a marine mammal by intentionally setting the vessel's purse seine net on a school of tuna while marine mammals were present. An \$87,717 NOVA was issued. [See Settled Cases, Item 12 below, for resolution of this matter.]
12. PI1900034, F/V Yaozaa – The owner and operator were charged under the Magnuson-Stevens Act for fishing with longline gear in the area closed to longline fishing surrounding the main Hawaiian Islands. A \$17,996.78 NOVA was issued.
13. PI1806579; F/V Ocean Conquest – Owners and operators charged under the Marine Mammal Protection Act for two counts of illegally taking a marine mammal by intentionally setting the vessel's purse seine net on a school of tuna while marine mammals were present and visible before the set began. A \$58,478 NOVA was issued.

SOUTHEAST

14. SE1801085; F/V Capt. GC II – Owner and operator were charged under the Magnuson-Stevens Act for trawling for shrimp inside the Tortugas Shrimp Sanctuary near Key West, FL. A \$4,000 NOVA was issued. [See Settled Cases, Item 20, below, for resolution of this matter.]

15. SE1807861; F/V Sea Hunt – Owner/operator was charged under the Magnuson-Stevens Act for fishing for snapper-grouper species without a valid permit. A \$2,000 NOVA and a NOPF to \$2,707 seized proceeds were issued. [See Settled Cases, Item 23, below, for resolution of this matter.]
16. SE1705223; F/V Smooth Operator – Owner/operator was charged under the Magnuson-Stevens Act for failure to land IFQ species at approved landing location and landing prior to the time given in the advance notice of landing. A \$2,000 NOVA was issued.
17. SE1708880; F/V Lauren Grace – Owner/operator was charged under the Magnuson-Stevens Act for failure to have sufficient allocation in IFQ red snapper accounts at the time of advance notice of landing. A \$5,000 NOVA was issued. [See Settled Cases, Item 25, below, for resolution of this matter.]
18. SE1708881; F/V No Sabe – Owner and operator were charged with two counts under the Magnuson-Stevens Act for (1) failure to have sufficient allocation in the IFQ vessel account or linked shareholder account equal to pounds estimated to be landed at the time of the advance notice, and landing in advance of landing time provided without authorization, and (2) disposing of approximately five to six red snapper thrown overboard after communication with law enforcement. A \$9,000 NOVA was assessed. [See Settled Cases, Item 26, below, for resolution of this matter.]
19. SE1800697; F/V Josh & Jake – Owner and operator were charged under the Magnuson-Stevens Act for possession of twenty-two red snapper aboard a shrimp trawler harvested as bycatch during the seasonal recreational closure when bag limit was zero. A \$2,000 NOVA was assessed.
20. SE1807561; F/V Blue Sea II – 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. [See Settled Cases, Item 21, below, for resolution of this matter.]
21. SE1703471; FL1584EL – Owner/operator was charged under the Magnuson-Stevens Act for possessing shark fins and exceeding the recreational bag limit for South Atlantic black sea bass. A \$15,500 NOVA was issued.
22. SE1707337; F/V Sea Goddess – Owner and operator were charged under the Endangered Species Act for Turtle Excluder Device violations. A \$14,000 NOVA was issued.
23. SE1708112; F/V Winds of Fortune – Owner/operator was charged under the Endangered Species Act for Turtle Excluder Device violations. A \$9,000 NOVA was issued.
24. SE1801461; M/Y Scorpio – Owner and operator were charged under the Endangered Species Act and the Marine Mammal Protection Act for exceeding the right whale speed restrictions. An \$11,500 NOVA was issued. [See Settled Cases, Item 28, below, for resolution of this matter.]

25. SE1801818 – Individual was charged under the Marine Mammal Protection Act for unlawfully taking a marine mammal in U.S. waters by feeding a dolphin in the wild. A \$1,250 NOVA was issued.
26. SE1605377; F/V Evening Star – Owner and operator was charged under Magnuson-Stevens Act for two counts of possessing undersized and filleted red snapper and undersized vermilion snapper. A \$2,750 NOVA was issued. [See Settled Cases, Item 27, below, for resolution of this matter.]
27. SE1706074; F/V Texas I – Owner and operator were charged with violations of the Endangered Species Act for failing to comply with Turtle Excluder Device regulations, and of the Magnuson-Stevens Act for use of noncompliant Bycatch Reduction Devices. A \$9,750 NOVA was issued.
28. SE1706459; F/V Contingent Sea – Owner and operator were charged under the Magnuson-Stevens Act for possession of separated spiny lobster tails. A \$2,000 NOVA was issued.
29. SE1804056; F/V Nancy T – Owner/operator was charged under the Magnuson-Stevens Act for failing to maintain sharks with all fins naturally attached through landing. A \$2,500 NOVA was issued. [See Settled Cases, Item 29, below, for resolution of this matter.]
30. SE1805889; F/V Morning Star – Owner and operator were charged under the Magnuson-Stevens Act for failing to properly mark buoys and high flyers used in the Atlantic Highly Migratory Species longline fishery. A \$2,000 NOVA was issued.
31. SE1901090; F/V Star Chief – Owner and operator charged under the Magnuson-Stevens Fishery Conservation and Management Act for fishing in seasonal/area closures of Steamboat Lumps and the Edges. A NOVA for \$12,500 was issued.
32. SE1807418; Dockside Specialties LLC – Respondent was charged under the Marine Mammal Protection Act for the take of a bottlenose dolphin by an unpermitted buoy and rope. A \$5,000 NOVA was issued.
33. SE1707767; F/V SC 6300 DB (TUG BUG) – The owner/operator was charged under the Endangered Species Act for fishing for shrimp in the Atlantic area with a non-compliant Turtle Excluder Device (TED). An \$8,000 NOVA was issued.
34. SE1603709; F/V Paradise – Owner/operator charged under the Magnuson-Stevens Fishery Conservation and Management Act for (1) unlawfully operating as a charter vessel in the U.S. Exclusive Economic Zone (EEZ) without the required charter permit, (2) possessing red snapper harvested in the EEZ during the recreational seasonal closure, and (3) failing to use non-stainless steel circle hooks when fishing with natural baits. A NOVA for combined civil penalties totaling \$24,000 was issued.

WEST COAST

35. NW1807262, F/V Valerie – Owner/operator was charged under the Magnuson-Stevens Act for landing an overage of sablefish during a two-month landing limit period. A \$3,655 NOVA was issued.
36. NW1708608; Mexilink, Inc. – Seafood importer charged under the Marine Mammal Protection Act with 80 counts of unlawfully importing yellowfin tuna product from nations subject to embargo. A \$245,747.03 NOVA was issued.
37. NW1602851; Individual was charged under the Magnuson-Stevens Act for harassment of a NMFS-authorized observer. A Written Warning was issued.

Settled Cases

During this reporting period, NOAA settled 34⁴ civil administrative cases, as follows:

ALASKA

1. AK1800733; F/V Pacific Challenger – A NOVA for \$2,000 issued under the Magnuson-Stevens Act for exceeding the maximum retainable amount of Pollock in an area closed to directed fishing for Pollock was settled for \$1,800. [See Charged Cases, Item 4, from July – December 2018 posting, for initial charging information.]
2. AK1807657; F/V Mar Pacifico - A NOVA for \$7,280 issued under the Magnuson-Stevens Act for exceeding the 300,000 pound daily limit for Pollock on three occasions was settled for \$6,680.00. [See Charged Cases, Item 2, above, for initial charging information.]
3. AK1800956; F/V Tribute – A NOVA for \$91,472.00 issued under the Magnuson-Stevens Act for intentionally making false prior notice of landing reports and signing false landing receipts to conceal IFQ sablefish violations was settled for \$70,000. [See Charged Cases, Item 5, from July – December 2018 posting, for initial charging information.]
4. AK1606765; Big Fish Charters - A \$37,000 NOVA issued to a charter halibut business owner under the Halibut Act was settled for \$20,000. [See Charged Cases, Item 8, from July – December 2018 posting, for initial charging information.]

NORTHEAST

5. NE1704209 & NE1605818, F/V Debra Ann II – Two NOVAs (one for \$4,000 and one for \$1,000) issued under the Magnuson-Stevens Act for fishing without an observer and failing

⁴ Note that two settlement agreements resolved multiple cases: See Item 5, which resolved two cases (NE1704209 and NE1605818); and Item 11, which resolved six cases (PI1700893, PI1707291, PI1803758, PI1705335, PI1706572, and PI1803756).

to accurately complete a Vessel Trip Report were settled for a suspension of the combined penalties pending no additional violations for two years based on ability to pay issues. [See Charged Cases, Item 12, from July – December 2018 posting, for initial charging information.]

6. NE1604789; F/V Ocean Pride – A NOVA for \$500 issued under the Magnuson-Stevens Act for failing to provide reasonable assistance to an observer in the performance of their duties was settled for \$450. [See Charged Cases, Item 8, above, for initial charging information.]
7. NE1700005; F/V Finast Kind II – A NOVA for \$24,896.30 issued under the Magnuson-Stevens Act for exceeding the common pool vessel landing limit of Georges Bank cod on seven occasions was settled for \$20,000. [See Charged Cases, Item 25, from January – June 2018 posting, for initial charging information.]
8. NE1708007A, F/V Went-Way– A NOVA for \$15,000 issued under the Magnuson-Stevens Act for landing a bluefin tuna when the fishery was closed was settled for \$3,000, due to documented financial inability to pay the penalty. [See Charged Cases, Item 15, from July – December 2018 posting, for initial charging information.]
9. NE1600563; F/V Tom Slaughter II – A \$15,962 NOVA issued under the Magnuson-Stevens Fishery Conservation and Management Act for two counts of exceeding the possession limits for Atlantic sea scallops was settled for \$10,650. [See Charged Cases, Item 25, from July – December 2017 posting, for initial charging information.]
10. NE1703241; F/V Alex Marie – A \$4,500 NOVA issued under the High Seas Fishing Compliance Act for unlawfully engaging in directed fishing for cod in Northwest Atlantic Fisheries Organization (NAFO) regulatory area 3N was settled for \$4,050 NOVA. [See Charged Cases, Item 5, above, for initial charging information.]

PACIFIC ISLANDS

11. PI1700893, PI1707291, and PI1803758 Sea Bounty; PI1705335, Ocean Expedition; PI1706572, Sea Defender; and PI1803756, Ocean Encounter – Six NOVAs totaling \$426,062 issued under the Marine Mammal Protection Act and the Western and Central Pacific Fisheries Convention Implementation Act for eight counts of illegally taking marine mammals by setting the vessels' purse seine nets while marine mammals were present and visible before the set, one count of illegally fishing on a manmade fish aggregating device when such fishing was prohibited, and one count of illegally fishing in a closed area were settled for \$338,471. [See Charged Cases, Items 10 and 11, above; and Items 19, 21, 22, and 23, from July – December 2018 posting, for initial charging information.]
12. PI1606791, F/V Lady Christine I – A NOVA for \$61,174.22 issued under the Magnuson-Stevens Act for two counts of fishing with longline gear in the area closed to longline fishing surrounding the main Hawaiian Islands and one count of falsifying a NOAA required

logbook was settled for \$55,674.22. [See Charged Cases, Item 18, from July – December 2018 posting, for initial charging information.]

13. PI1703234; F/V Pinta 1 (aka Ping Tan 1) – A \$29,000 NOVA issued under the Magnuson-Stevens Act for three counts of fishing for deepwater shrimp in the U.S. EEZ without the required federal permit, and two counts of failing to submit required logbooks, was settled for \$18,000 with time payments. [See Charged Cases, Item 20, from July – December 2018 posting, for initial charging information.]

SOUTHEAST

14. SE1708157; F/V J.U.M.A. – A NOVA for \$17,000 issued under the Magnuson-Stevens Act for (1) fishing bottom longline gear with more than 750 hooks rigged for fishing in a gear restricted area, and (2) failing to maintain a fish intact through offloading and using reef fish and shark as bait was settled for \$15,300. [See Charged Cases, Item 30, from July – December 2018 posting, for initial charging information.]
15. SE1800555; F/V Lady – A NOVA for \$14,107.20 issued 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 was settled for \$12,696.48. [See Charged Cases, Item 37, from July – December 2018 posting, for initial charging information.]
16. SE1801725; F/V Spellbound – A NOVA for \$2,000 issued under the Magnuson-Stevens Act for fishing for sharks without the proper permit and failure to release a shark in the prescribed manner to maximum probability of survival was settled for \$1,800. [See Charged Cases, Item 39, from July – December 2018 posting, for initial charging information.]
17. SE1800098; F/V Eric Huynh – A NOVA for \$4,000 issued 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 went final due to default. [See Charged Cases, Item 35, from July – December 2018 posting, for initial charging information.]
18. SE1602083; F/V Chance R III – A NOVA for \$1,500 issued under the Magnuson-Stevens Act for 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 went final due to default. [See Charged Cases, Item 26, from July – December 2018 posting, for initial charging information.]
19. SE1801085; F/V Capt GC II – A NOVA for \$4,000 issued under the Magnuson Stevens Act for trawling for shrimp inside the Tortugas Shrimp Sanctuary near Key West, FL went final due to default. [See Charged Cases, Item 15, above, for initial charging information.]
20. SE1807561; F/V Blue Sea II – A NOVA for \$2,000 issued under the Magnuson-Stevens Act for failing to maintain a swordfish in round form through offloading was settled for

\$1,800. [See Charged Cases, Item 21, above, for initial charging information.]

21. SE1706414; F/V Jimmy & Johnny Jr – A NOVA for \$66,000 issued under the Magnuson-Stevens Act was settled for \$58,968 with time payments. [See Charged Cases, Item 56, from January – June 2018 posting, for initial charging information.]
22. SE1807861; F/V Sea Hunt – A \$2,000 NOVA and NOPF seeking forfeiture of \$2,707 in seized proceeds, both issued under the Magnuson-Stevens Act, were settled for agreement to abandon interest in seized proceeds, with no monetary penalty. [See Charged Cases, Item 16, above, for initial charging information.]
23. SE1803358, F/V Ivan J – A \$9,500 NOVA issued under the Endangered Species Act for violations of the turtle excluder device regulations was settled for \$3,500 with time payments. [See Charged Cases, Item 41, from July – December 2018 posting, for initial charging information.]
24. SE1708880; F/V Lauren Grace – A \$5,000 NOVA issued under the Magnuson-Stevens Act for failure to have sufficient allocation in IFQ red snapper accounts at the time of advance notice of landing was settled for \$4,500. [See Charged Cases, Item 18, above, for initial charging information.]
25. SE1708881; F/V No Sabe – A \$9,000 NOVA issued under the Magnuson-Stevens Act for (1) failure to have sufficient allocation in the IFQ vessel account or linked shareholder account equal to pounds estimated to be landed at the time of the advance notice, and landing in advance of landing time provided without authorization, and (2) dispose of approximately five to six red snapper thrown overboard after communication with law enforcement was settled for \$8,100. [See Charged Cases, Item 19, above, for initial charging information.]
26. SE1605377; F/V Evening Star – A \$2,750 NOVA issued under Magnuson-Stevens Act for two counts of possessing undersized and filleted red snapper and undersized vermilion snapper was settled for \$2,475. [See Charged Cases, Item 28, above, for initial charging information.]
27. SE1801461; M/Y Scorpio – An \$11,500 NOVA issued under the Endangered Species Act and the Marine Mammal Protection Act for exceeding the right whale speed restrictions was settled for \$10,350. [See Charged Cases, Item 25, above, for initial charging information.]
28. SE1804056; F/V Nancy T – A \$2,500 NOVA issued under the Magnuson-Stevens Act for failing to maintain sharks with all fins naturally attached through landing went final due to default. [See Charged Cases, Item 29, above, for initial charging information.]
29. SE1705314; F/V Sea Fever – A \$2,000 NOVA issued under the Magnuson-Stevens Act for exceeding the possession limit for Gulf reef fish was settled for \$1,800. [See Charged Cases, Item 29, from July – December 2018 posting, for initial charging information.]