

**NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions**

September 1 - 30, 2021¹

**During this reporting period, NOAA charged 11 cases,
Settled 9 cases,² and otherwise resolved 1 additional case.³**

Charged Cases⁴

ALASKA

None.

NORTHEAST

1. NE1905466; F/V Rock On — Owner/Operator Gregory Ares was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act with failing to report Atlantic bluefin tuna. A \$4,750 NOVA was issued.
2. NE2005670; F/V Tyler Putney — Owner/Operator Tyler Putney was charged under the Magnuson-Stevens Act with failing to report Atlantic bluefin tuna landed within twenty-four hours on twenty-four different occasions between September 2, 2018 and October 6, 2020. A \$6,500 NOVA was issued.
3. NE2000750; F/V Skipper — Owner/Operator William M. Briggs was charged under the Magnuson-Stevens Act with failing to comply with vessel trip report requirements by not listing landings of winter flounder. A \$3,000 NOVA was issued.
4. NE2006469; F/V Romans Road — Owner/Operator Corydan E. Hawkes was charged under the Magnuson-Stevens Act with fishing inside Canadian waters without authorization. A \$4,750 NOVA was issued.

¹ This report is not considered to be a publication. All data are provisional.

² This report provides the final settlement amount where applicable. Additional details regarding the settlement and structure of the settlement payments, including the factors considered in reaching settlement, are omitted.

³ Cases are listed by file number, and separated by regions. West Coast region includes cases from both the Southwest and Northwest offices, but all are given Northwest case numbers.

⁴ Charged cases have had a Notice of Violation and Assessment (NOVA), Notice of Permit Sanction (NOPS), and/or Written Warning issued and served. 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 both the allegations and the proposed penalty or permit sanction, through means set forth in NOAA's civil procedure regulations, found at 15 C.F.R. Part 904. Where no information is provided regarding resolution of the case, the matter remained open at the end of the reporting period.

5. NE2101096A; F/V Olivia Catherine — Owner P.M.J., Inc. and Operator Jacob B. Irons were charged jointly and severally under the Magnuson-Stevens Act with failing to timely comply with the fishing vessel trip reporting requirements. A \$2,750 NOVA was issued.
6. NE2101509; M/V Sorensen Miller — Owner Miller's Tug & Barge, Inc. and Managing Operator Miller's Launch, Inc. were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with traveling through a Mid-Atlantic Seasonal Management Area in excess of 10 nautical miles per hour, on six occasions. A \$75,000 NOVA was issued.

PACIFIC ISLANDS

None.

SILVER SPRING

7. CRSRA21013; Space Logistics, LLC — License holder was charged under the National and Commercial Space Programs Act with violating conditions of its Tier 3 Mission Extension Vehicle 1-5 license by imaging artificial resident space objects outside the limited electromagnetic spectral range set by the license. A \$1,750 NOVA was issued.

SOUTHEAST

8. SE1707786B; Bryant Products — Seafood Dealer was charged under the Magnuson-Stevens Act with the unlawful purchasing of blacknose sharks harvested from the Gulf of Mexico while the base annual commercial quota for Gulf of Mexico blacknose sharks was zero. A \$5,750 NOVA was issued.
9. SE1906105; F/V Hatterascal — Owner Hatteras Yachts, Inc. and Operator Jeffrey Donahue were charged jointly and severally under the Magnuson-Stevens Act with possessing Atlantic highly migratory species in improper form and without a permit. A \$2,500 NOVA was issued.
10. SE2004510; F/V Miss Carolyn Louise — Owner Miss Candace Nicole, Inc. and Operator Fernan Rohenes were charged jointly and severally under the Endangered Species Act with fishing for rock shrimp in the South Atlantic with non-compliant Turtle Excluder Devices, and under the Magnuson-Stevens Act for failure to operate a vessel monitoring system. A \$16,125 NOVA was issued.
11. SE2101236; C/V Salamina 1 — Owner Baupres Shipping, LDA and Operator Miguel Concepcion were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided in or around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued.

WEST COAST

None.

Resolved Cases Charged Before September 1, 2021⁵

ALASKA

1. AK1906825; F/V Cameron — Owner Overa Fisheries, LLC and Operator Roger Overa were charged jointly and severally under the Magnuson-Stevens Act with operating a vessel in the Gulf of Alaska Pacific cod fishery without carrying an operable NMFS-approved Vessel Monitoring System (VMS) and without complying with VMS requirements. A \$15,000 NOVA was issued, and the case settled for \$10,000. [See Charged Cases, Item 3, from January–April 2021 report.]
2. AK2101775; F/V Sentinel — Owner/Operator Arseny Polushkin was charged under the Magnuson-Stevens Act for interfering with and harassing authorized officers during the lawful discharge of their duties. An \$8,500 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 5, from May–August 2021 report.]

NORTHEAST

3. NE1906654; F/V Stormy Elizabeth — Owner William J. Mulvey and Operator Edward D. Coughlan were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act with landing 116 undersized and four v-notched American lobsters. Both were also charged under the Magnuson-Stevens Act with failing to complete a vessel trip report prior to entering port. A \$12,500 NOVA was issued, and the case settled for \$11,250. [See Charged Cases, Item 10, from May–August 2021 report.]
4. NE2000188; F/V Reelin N Dealin — Respondent Jacob G. Hiles was charged under the Magnuson-Stevens Act with selling a swordfish without a valid permit and/or transferring a swordfish for a commercial purpose after it was landed by the owner of a vessel not permitted to do so. A \$6,742 NOVA was issued, and the case settled for \$1,992. [See Charged Cases, Item 11, from May–August 2021 report.]
5. NE2103813; F/V Reel Screamer — Owner/Operator Joseph B. Acito was charged under the Atlantic Striped Bass Conservation Act with possessing two Atlantic striped bass in the exclusive economic zone. A \$2,000 NOVA was issued, and the case settled for \$1,500. A Notice Of Proposed Forfeiture was also issued for the proceeds (\$283.80) of the violation. [See Charged Cases, Item 17, from May–August 2021 report.]

⁵All cases in this portion of the report were charged before September 1, 2021.

PACIFIC ISLANDS

None.

SOUTHEAST

6. SE1707786A; F/V Miss Ann — Dealer Bryant Products, Inc., was charged under the Magnuson-Stevens Act with purchasing blacknose sharks in 2017 and 2018 when the base annual commercial quota for Gulf of Mexico blacknose sharks was zero. A \$5,750 NOVA was issued, and the case settled for \$5,175. [See Charged Cases, Item 22, from May–August 2021 report.]
7. SE2002695; F/V Ambush — Owner/Operator John P. Fish was charged under the Magnuson-Stevens Act with fishing without an observer when the vessel was required to carry an observer. A \$7,000 NOVA was issued, and the case settled for \$3,000. [See Charged Cases, Item 35, from May–August 2021 report.]
8. SE1804529; F/V Sea Hawk — Owner Nite Hawk Offshore, Inc., and Operator Don Michael Rynn were charged jointly and severally under the Magnuson-Stevens Act with exceeding the incidental catch limit for swordfish per trip by 20 swordfish resulting in a 66% overage. A \$5,750.00 NOVA was issued, and the case settled for \$5,175. [See Charged Cases, Item 21, from January–April 2021 report.]
9. SE2004481; Moca — Owner Moca, LLC and Operator Brook Michael O’Neill were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided near the Florida Keys National Marine Sanctuary. A \$10,000 NOVA was issued, and the case settled for \$9,000. [See Charged Cases, Item 40, from May –August 2021 report.]

WEST COAST

10. NW2002626; F/V Cape Breton — Owner Cape Breton Fishing LP and Operator Justin Augusto Daluz Rodrigues of US-flagged purse seiner were charged under the Tuna Conventions Act with failing to correctly handle mobulid rays, sharks, and a whale shark in accordance with federal regulations. A \$6,500 NOVA and a Written Warning were issued. The case settled for \$5,850. [See Charged Cases, Item 46, from May–August 2021 report.]