

NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
April 1 - 30, 2022¹

**During this reporting period, NOAA charged 20 cases,
Settled 13 cases, and otherwise resolved 1 case.²**

Cases Charged in April 2022³

ALASKA

1. AK2100828; F/V Aldebaran – Crewman Terry Fisher was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with harassing a female fisheries observer. A \$24,000 NOVA was issued.
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 defaulted NOVA remains unpaid and a NOPS for nonpayment was issued.
3. AK2105897; F/V Arlice – Owner Arlice, Inc. and Operator Charles Jeffrey Petticrew, Sr. were charged jointly and severally under the Magnuson-Stevens Act with fishing with bottom contact gear in a Gulf of Alaska Coral Habitat Protection Area. Owner Arlice, Inc. and IFQ Permit Holder Charles Jeffrey Petticrew, Jr. were charged jointly and severally under the Northern Pacific Halibut Act with a multiple-area violation. A \$21,421 NOVA was issued.

NORTHEAST

4. NE2101135; F/V Fish On – Owner/Operator Tom Tram was charged under the Atlantic Striped Bass Conservation Act with possession of one striped bass in the exclusive economic zone (EEZ). A \$1,000 NOVA was issued.
5. NE2101238; F/V NJ2389HL – Owner/Operator Rowland O. Wilhelm, Jr. was charged under the Atlantic Striped Bass Conservation Act with fishing for/possessing Atlantic striped bass in the EEZ. A \$1,000 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 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.

6. NE2200026; M/V By Design – Owner Admiral Bee, LLC was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued.
7. NE2200027; F/V Thelma Dale IV – Owner Harry D. Parsons was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation A \$7,500 NOVA was issued.
8. NE2200028; M/V Winning Drive – Owner Winning Way, LLC was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued, and the case settled for \$6,300.
9. NE2200037; M/V Big Stone Express – Owner Delaware Bay Launch Service Inc. was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued.
10. NE2200039; M/V Diamond – Owner Florida Charters II LLC and Operator Walter Hastings were charged jointly and severally under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$10,000 NOVA was issued.
11. NE2200040; M/V Diday – Owner Layton Corporation of Delaware Inc. was charged under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued, and the case settled for \$6,750.

PACIFIC ISLANDS

12. PI2106313; F/V Sea Moon I – Owner Sen Fishing Co. LLC and Operator De Hieu Nguyen were charged jointly and severally under the Magnuson-Stevens Act with failing to deploy seabird take mitigation measures by not strategically discarding fish parts while seabirds were present while fishing north of 23 degrees. A Written Warning was issued.

SOUTHEAST

13. SE2105638; Tug Stephen J. Leaman – Owner Norfolk Tug Company and Operator Chessy Lane Briggs 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 (ATBA) in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750.

14. SE2106900; Yacht Lonian – Owner Lonian Holdings, LTD. and Operator John Paul Jones were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the ATBA in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued.
15. SE2200555; F/V Continental Shelf – Owner Voyager Fishing Charter Company and Operator Lawrence I. Horowitz were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$12,500 NOVA was issued.
16. SE2200572; M/V Areti I – Owner Areti I Ltd. and Operator David Gaskins were charged jointly and severally under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$12,500 NOVA was issued.
17. SE2200614; M/V Esprit D IV – Owner Clarke Holdings I, LLC was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued.
18. SE2200770; M/V Privateer – Owner Jarrett Bay Boatworks, Inc. and Operator Joseph P Johnson were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued.

WEST COAST

19. NW2102154; F/V Texas Lady – Owner Texas Lady LLC and Operator Bryan Fletcher were charged jointly and severally under the Magnuson-Stevens Act with fishing in the Shorebased Individual Fishing Quota (IFQ) program with a vessel that had a vessel account with a deficit for any species or species group. Specifically, respondents did fish for darkblotched rockfish with the F/V Texas Lady while its account had a deficit for darkblotched rockfish. A Written Warning was issued.
20. NW2106470; F/V Muir Milach – Owner Aleutian Spray Reverse LLC was charged under the Magnuson-Stevens Act with fishing in the Shorebased IFQ program with a vessel account deficit for any species or species group. A \$5,750 NOVA was issued, and the case settled for \$5,175.

Resolved Cases Charged Before April 1, 2022

ALASKA

1. AK2100530; F/V Magnus Martens – Owner Magnus A. Martens, LLC and Operator Jeb Phillips were charged jointly and severally under the Magnuson-Stevens Act with operating a vessel in the Bering Sea Pacific cod pot fishery without carrying an operable NMFS-approved vessel monitoring system (VMS) and without complying with VMS requirements. A \$36,000 NOVA was issued, and the case settled for \$24,000. [See Charged Cases, Item 2, from December 2021 report.]

NORTHEAST

2. NE1901615B; F/V My Grace — Observer Brian Cartularo was charged under the Magnuson-Stevens Act with failing to produce complete reports and with failing to report cod catch in his observer reports. A \$24,000 NOVA was issued, amended to assess \$18,000, and then paid in full. [See Charged Cases, Item 7, from May - August 2021 report.]
3. NE2106749; F/V Two Dukes – Owner Two Dukes, Inc. and Operator Erick Hartnett were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act with the possession of 72 undersized lobsters, seven v-notched lobsters, and four berried lobsters. An \$8,500 NOVA was issued, and the case settled for \$7,650. [See Charged Cases, Item 3, from February 2022 report.]
4. NE2106889; F/V Madi J – Owner CMW Fisheries, Inc. was charged under the Magnuson-Stevens Act with landing scallops in excess of the vessel's IFQ. A \$4,500 NOVA was issued, and the case settled for \$4,050. [See Charged Cases, Item 4, from March 2022 report.]
5. NE2107946; F/V White Cap – Owner Whitecap Fisheries, Inc. and Operator Jared E. Bennett were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act with landing nine oversized American lobsters. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 5, from March 2022 report.]

PACIFIC ISLANDS

None.

SOUTHEAST

6. SE1704093; TX3989BD – Owner/Operator Yunion Morales was charged under the Magnuson-Stevens Act for possessing fish during a closed season. An \$18,000 NOVA was issued, and the case settled for \$14,600. [See Charged Cases, Item 10, from January 2022 report.]
7. 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, and the case settled for \$14,512.50. [See Charged Cases, Item 10, from September 2021 report.]
8. SE2101194; F/V Watch Out – Owner Darrell York and Associates, Inc. and Operator Darrell York were charged jointly and severally under the Magnuson-Stevens Act with possessing gag grouper and red snapper out of season. A \$27,000 NOVA was issued, and the case settled for \$22,300.⁴
9. SE2102905; F/V Wings Spread – Owner Wings Spread, LLC and Operator Allen Quackenbush were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$15,000 NOVA was issued, and the case settled for \$13,500. [See Charged Cases, Item 10, from February 2022 report.]
10. SE2107684; M/V Lady Serra Lady – Owner Serra Shipping Ltd. and Operator Emin Uysal were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters in length inside the ATBA. A \$7,500 NOVA was issued, and the case settled for \$6,750.⁵

WEST COAST

None.

⁴ This NOVA was served in October, 2021 but the case was not included in previous reports.

⁵ This NOVA was served in February, 2022 but the case was not included in previous reports.