

NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
August 1 - 31, 2022¹
During this reporting period, NOAA charged 10 cases,
settled 9 cases and otherwise resolved 1 case.²

Cases Charged in August 2022³

ALASKA

1. AK2005958; Catcher/Processor Bristol Leader – Owner Bristol Leader Fisheries, LLC and Operator Joseph Pohl were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with fishing within Steller Sea Lion Protection Areas. A \$34,425 NOVA was issued, and the case settled for \$32,025.

NORTHEAST

2. NE2200984 – International Fisheries Trade Permit holder Atlantic Sea Cucumber, LLC was charged under the Magnuson-Stevens Act with failing to maintain records for inspection as required under the Seafood Import Monitoring Program. A \$6,500 NOVA was issued.
3. NE2201069; F/V Salacia – Owner/Operator James E. Dawson was charged under the Magnuson-Stevens Act with fishing without an observer, after being selected to carry one. A \$7,500 NOVA issued.

PACIFIC ISLANDS

4. PI2202448B; F/V Lady Taiaopo – Owner/Operator Tui M Levao was charged under the National Marine Sanctuaries Act with possessing fishing gear that was not stowed while in the Fagatele Bay Unit of the American Samoa Marine National Sanctuary. A Written Warning 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.

SOUTHEAST

5. SE1905940; F/V Sea Explorer – Operator Jerry Vanrompaey and Crewman Tommy Yeatts were charged jointly and severally under the Endangered Species Act with taking an endangered smalltooth sawfish. A \$30,000 NOVA was issued.
6. SE2201018; M/V Moon Shine – Owner/Operator Kenneth Crutcher was charged 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, and the case settled for \$11,250.
7. SE2201020; M/V Desperado – Owner Lunatic Charters LC was charged 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.
8. SE2201042; F/V Trip Limit – Owner Sandy Em II Inc. and Operator Martin Francisco Ling Jr. were charged jointly and severally under the Magnuson-Stevens Act with fishing in The Edges closed area. The proceeds (\$237.85) of the violation were forfeited by abandonment. A \$5,750 NOVA was issued, and the case settled for \$5,175.

WEST COAST

9. NW2105755; M/V Fish Magnet – Owner Honey Badger Holdings LLC and Operator Edwin John Taylor were charged jointly and severally under the National Marine Sanctuaries Act with discharging/depositing unauthorized material in the Monterey Bay National Marine Sanctuary when the vessel ran aground in the sanctuary during transit. A \$5,625 NOVA was issued, and the case settled for \$5,062.50.
10. NW2201164; F/V Pacific Hooker – Owner Pacific Hooker LLC and Operator Buddy King were charged jointly and severally under the Magnuson-Stevens Act with failing to carry a certified observer on a fishing trip from the time the vessel left port and until completion of landing. A \$3,250 NOVA was issued, and the case settled for \$2,925.

Resolved Cases Charged Before August 1, 2022

ALASKA

None.

NORTHEAST

1. NE2103507; F/V Fortitude – Owner B & C Marine, LLC was charged under the Magnuson-Stevens Act with fishing for/possessing Atlantic sea scallops from an access area in which its vessel had no remaining allocation. A \$15,000 NOVA was issued, and the case settled for \$13,500. [See Charged Cases, Item 5, from June 2022 report.]

PACIFIC ISLANDS

2. PI2104665 – Owner Trident Adventures, LLC and Individual Stephen Paul Kaplan were charged jointly and severally under the Marine Mammal Protection Act with taking spinner dolphins by harassment during a commercial swim with the dolphins tour operation. A \$3,000 NOVA was issued. The NOVA was rescinded after Respondents provided exculpatory information to the Agency. [See Charged Cases, Item 10, from June 2022 report.]

SOUTHEAST

3. 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, and the case settled for \$6,750. [See Charged Cases, Item 17, from April 2022 report.]
4. SE2201125; F/V Keristy – Owner/Operator William Carter was charged under the Magnuson-Stevens Act with fishing with illegal gear (explosives). A \$10,000 NOVA was issued, and the case settled for \$9,000. [See Charged Cases, Item 5, from July 2022 report.]

WEST COAST

5. NW1606190A; Drydock YFD-70 – Amaya Curiel Corporation, Vigor Marine LLC and Puget Sound Commerce Center, Inc. were charged under the National Marine Sanctuaries Act with discharging material in a sanctuary, abandoning material in a sanctuary (daily), and destruction of sanctuary resources (daily). The violations resulted when a large floating dock under tow sank within the Monterey Bay National Marine Sanctuary. This Amended NOVA re-charged the three respondents separately from a fourth party (Western Towboat Company) in the original NOVA for NW1606190, thereby severing joint and several liability from the fourth respondent. A \$5,169,978 Amended NOVA was issued in NW1606190A, and the case settled for \$720,489. The original case - NW1606190 - with Western Towboat Company is ongoing. [See Charged Cases, Item 12, from October 2021 report.]