

February 1, 2011

**NOAA Office of the General Counsel for Enforcement and Litigation
Enforcement Actions
August 1, 2010, through December 31, 2010¹**

NOVA and/or NOPS and/or Written Warnings Issued and Served²

During this time period, NOAA charged 75 civil administrative cases as follows:³

Alaska

1. AK1000848; F/V KODIAK - Owner and operator were charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) for failing to have a United States Coast Guard (USCG) approved boarding ladder. A \$1,500 NOVA was issued. [See Settled cases, Item 1, below, for resolution of this matter.]
2. AK1001739; F/V FRONTIER MARINER - Owner and operator were charged under the Magnuson-Stevens Act for failing to have a USCG approved boarding ladder. A \$1,500 NOVA was issued. [See Settled cases, Item 2, below, for resolution of this matter.]
3. AK1001895; F/V ARCTIC SEA - Owner and operator were charged under the Magnuson-Stevens Act for failing to have a USCG approved boarding ladder. A \$1,500 NOVA was issued. [See Settled cases, Item 3, below, for resolution of this matter.]
4. AK1002007; F/V PACIFIC VENTURE - Owner and operator were charged under the Magnuson-Stevens Act for failing to have a USCG approved boarding ladder. A \$1,500 NOVA was issued. [See Settled cases, Item 4, below, for resolution of this matter.]

Northeast

5. NE0602054; F/V ABOUT TIME - Owner was charged under the Magnuson-Stevens Act for striped bass violations. A written warning was issued.
6. NE0702298; F/V GUARDIAN - Owner/operator was charged under the Magnuson-Stevens Act for closed area violation. A written warning was issued.

¹ Our next report will be posted on or about August 1, 2011, reporting on civil administrative cases charged and settled for the period January 1, 2011, through June 30, 2011. An earlier report was posted on September 1, 2010, reporting for the period March 18, 2010, through July 31, 2010.

² 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 for in NOAA's civil procedure regulations found at 15 C.F.R. Part 904.

³ The cases are listed by file number, separated by regions.

7. NE0704283; F/V SEA HORSE - Owner/operator was charged under the Magnuson-Stevens Act for permit violation. A written warning was issued.
8. NE0702929; F/V ROSE MARIE - Owner and operator were charged under the Magnuson-Stevens Act for observer violations. A written warning was issued.
9. NE0703640; F/V NORDIC EXPLORER - Owner was charged under the Magnuson-Stevens Act for reporting violations. A written warning was issued.
10. NE0703773; F/V FAMILY PRIDE - Owner/operator was charged under the Magnuson-Stevens Act for exceeding a landing limit for scallops. A \$5,000 NOVA was issued. Charged under the Magnuson-Stevens Act for maintaining false information in vessel's trip report. A written warning was issued.
11. NE0800131; F/V INDEPENDENCE - Owner and operator were charged under the Magnuson-Stevens Act for Dynamic Area Management (DAM) zone violation. A written warning was issued.
12. NE0800132; F/V DEVIL'S ELBOW - Owner/operator was charged under the Magnuson-Stevens Act for DAM zone violation. A written warning was issued.
13. NE0800236; F/V HOPE & SYDNEY - Owner and operator were charged under the Magnuson-Stevens Act for overage violation. A written warning was issued.
14. NE0800537; F/V JIMPSTER - Owner and operator were charged in two counts under the Magnuson-Stevens Act for interfering with an investigation and possessing Atlantic striped bass in or from the Exclusive Economic Zone (EEZ). A \$35,000 NOVA was issued.
15. NE0800887; F/V MORAGH K - Owner and operator were charged under the Magnuson-Stevens Act for overage violation. A written warning was issued.
16. NE0801030; F/V AMERICAN DREAM - Owner/operator was charged under the Magnuson-Stevens Act for observer interference. An \$11,000 NOVA was issued.
17. NE0801569; F/V ATLANTIC QUEEN - Owner/operator was charged under the Magnuson-Stevens Act for closed area violation. A written warning was issued.
18. NE0801616; F/V BONANSA - Owner and operator were charged under the Magnuson-Stevens Act for Fishing Vessel Trip Report violation. A written warning was issued.
19. NE0803036; F/V CAROLE R II - Owner and operators were charged under the Magnuson-Stevens Act for making a false statement. A \$7,500 NOVA was issued.
20. NE0804477; F/V LADY LUCY - Owner/operator was charged under the Magnuson-Stevens Act for non-compliant gear violation. A written warning was issued.
21. NE0804928; F/V NORTHERN CRUSADER - Owner and operator were charged under the Magnuson-Stevens Act for a Days-at-Sea violation. A written warning was issued.

22. NE0805007; F/V PRINCESS LAURA - Operator was charged in two counts under the Magnuson-Stevens Act for observer interference and failing to report incidental mortality and injury of a marine mammal. A \$20,500 NOVA was issued.
23. NE0900164 and NE0900919; F/V KNOCKDOWN - Owner/operator was charged under the Magnuson-Stevens Act for striped bass violations. A written warning was issued.
24. NE0900662; F/V STARLIGHT - Owner, operator and first mate were charged in three counts under the Magnuson-Stevens Act for maintaining false information in vessel's trip report and exceeding landing limits for scallops. A \$22,300 NOVA was issued.
25. NE0901195; F/V JANE ELIZABETH - Operator was charged in two counts under the Magnuson-Stevens Act for exceeding the Elephant Trunk Access Area trip limit for scallops and making a false statement. A \$12,500 NOVA was issued.
26. NE0901274; F/V NAUTILUS - Owner and operator were charged under the Magnuson-Stevens Act for overage violation. A written warning was issued.
27. NE0901570; F/V LUCKY STAR - Owner and operator were charged under the Magnuson-Stevens Act for overage and reporting violations. A written warning was issued.
28. NE0902696; F/V AIDAN'S PRIDE - Owner and operator were charged under the Magnuson-Stevens Act for exceeding possession and limits of Individual Fish Quota scallop permit. A \$5,000 NOVA was issued.
29. NE0904463; F/V CAROL MARIE - Owner and operator were charged under the Magnuson-Stevens Act for closed area violation. A written warning was issued.

Northwest

30. NW1002310 - Company was charged under the Marine Mammal Protection Act for importing harp seal oil capsules into the United States. A written warning was issued.
31. NW1002630 - Company was charged under the Marine Mammal Protection Act for importing harp seal oil capsules into the United States. A written warning was issued.
32. NW1002878 - Company was charged under the Marine Mammal Protection Act for importing harp seal oil capsules into the United States. A written warning was issued.

Pacific Islands

33. PI0904338; F/V SEA QUEST - Owner, operator and fishing master were charged in two counts under the Western and Central Pacific Fisheries Convention Implementation Act for deploying an auxiliary boat to attract fish away from vessel using fish aggregating devices (FADs). A \$253,750 NOVA was issued.

34. PI0904340; F/V AMERICAN TRIUMPH - Owner, operator and fishing master were charged in eight counts under the Western and Central Pacific Fisheries Convention Implementation Act for deploying a FAD, setting a purse seine within one nautical mile of a FAD and setting a raft using FADs. An \$872,500 NOVA was issued.
35. PI1000365; F/V OCEAN CONQUEST - Owner, operator and fishing master were charged under the Marine Mammal Protection Act for taking a marine mammal species upon the high seas, by knowingly setting purse seine fishing gear on a whale. Charged in two counts under the Western and Central Pacific Fisheries Convention Implementation Act for deploying an auxiliary boat to attract fish away from vessel using FADs. A \$267,750 NOVA was issued.
36. PI1000367; F/V OCEAN ENCOUNTER - Owner, operator and fishing master were charged in four counts under the Marine Mammal Protection Act for taking a marine mammal species upon the high seas, by knowingly setting purse seine fishing gear on a whale. Charged in five counts under the Western and Central Pacific Fisheries Convention Implementation Act for deploying an auxiliary boat to attract fish away from vessel using FADs. A \$657,750 NOVA was issued.
37. PI1000369; F/V SEA HONOR - Owner, operator and fishing master were charged in two counts under the Western and Central Pacific Fisheries Convention Implementation Act for deploying a FAD. A \$160,000 NOVA was issued.
38. PI1000371; F/V PACIFIC RANGER - Owner, operator and fishing master were charged under the Western and Central Pacific Fisheries Convention Implementation Act for deploying an auxiliary boat to attract fish away from vessel using FADs. A \$117,500 NOVA was issued.
39. PI1000472; F/V ISABELLA T - Owner and operator were charged under the Magnuson-Stevens Act for fishing inside the Large Vessel Prohibited Area. A \$17,500 NOVA was issued.
40. PI1001435; F/V SEA FALCON - Owner and operator were charged in two counts under the Magnuson-Stevens Act for fishing without a valid limited access permit for Hawaii longline. A \$3,000 NOVA was issued.
41. PI1001436; F/V SEVEN STAR II - Owner and operator were charged in two counts under the Magnuson-Stevens Act for fishing without a valid limited access permit for Hawaii longline. A \$3,000 NOVA was issued.

Southeast

42. SE0801993; F/V ROOKIE & AYRIEN - Owner and operator were charged under the Magnuson-Stevens Act for Vessel Monitoring System violations. A written warning was issued.
43. SE0903107; F/V ST. JOSEPH - Owners and operator were charged in two counts under the Endangered Species Act for failing to have a properly installed turtle excluder device (TED) in nets rigged for fishing. A \$14,000 NOVA was issued.
44. SE0903224; F/V MICHAEL ANTHONY - Owner and operator were charged in four counts under the Endangered Species Act for failing to have a properly installed TED in nets rigged for fishing. A \$6,000 NOVA was issued.

45. SE0904440; YM LOS ANGELES - Owner and operator were charged in eight counts under the Endangered Species Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$44,000 NOVA was issued.
46. SE1000076; F/V LADY LISA - Owner was charged under the Endangered Species Act for failing to have a properly installed TED in nets rigged for fishing. A \$2,000 NOVA was issued. Operator was charged under the Endangered Species Act for failing to have a properly installed TED in nets rigged for fishing. A written warning was issued.
47. SE1000092; F/V TAMARAH SUE - Owner and operator were charged under the Endangered Species Act for failing to have a properly installed TED in nets rigged for fishing. A \$4,500 NOVA was issued.
48. SE1000095; F/V CHALLENGER I - Operator was charged under the Magnuson-Stevens Act for failing to comply with protected species conservation measures for sea turtles. A \$750 NOVA was issued.
49. SE1000213; F/V BECKY L. SMITH - Owner/operator was charged in four counts under the Endangered Species Act for failing to have a properly installed TED in nets rigged for fishing. Charged under the Magnuson-Stevens Act for fishing without a valid commercial permit for shrimp. An \$84,000 NOVA was issued.
50. SE1000399; F/V FATHER MIKE - Owner and operator were charged under the Magnuson-Stevens Act for disposing of shark or parts thereof upon approach of law enforcement. A \$20,000 NOVA was issued. Charged under the Endangered Species Act for failing to have a properly installed TED in nets rigged for fishing. A written warning was issued.
51. SE1000402; F/V ANDY - Owner and operator were charged under the Endangered Species Act for failing to have a properly installed TED in nets rigged for fishing. A \$3,000 NOVA was issued.
52. SE1000425 - Co-owner/operator and passengers were charged in three counts under the Magnuson-Stevens Act for South Atlantic red snapper, South Atlantic gag grouper and South Atlantic warsaw grouper violations. A \$425 NOVA was issued.
53. SE1000519; F/V MASTER RICKY - Owner and operator were charged under the Magnuson-Stevens Act for fishing without a valid commercial permit for shrimp. A \$17,250 NOVA was issued.
54. SE1000702; MV OOCL OAKLAND - Owner and operator were charged in seven counts under the Endangered Species Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$38,500 NOVA was issued.
55. SE1000710; NYK METEOR - Owner and operator were charged in three counts under the Endangered Species Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$16,500 NOVA was issued.

56. SE1000719; COSCO MELBOURNE - Owner and operator were charged in seven counts under the Endangered Species Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$38,500 NOVA was issued.
57. SE1000729; IRENES RELIANCE - Owner and operator were charged in nine counts under the Endangered Species Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$49,500 NOVA was issued.
58. SE1000731; HANJIN CHITTAGONG - Owner and operator were charged in eight counts under the Endangered Species Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$44,000 NOVA was issued.
59. SE1001719; F/V LADY TRINI - Owner and operator were charged under the National Marine Sanctuaries Act for anchoring in the Stetson Bank in the Flower Garden Banks National Marine Sanctuary. A \$5,000 NOVA was issued.
60. SE1001745 - Owner/operator was charged under the National Marine Sanctuaries Act for anchoring in the Tortugas Ecological Reserve in the Florida Keys National Marine Sanctuary (FKNMS). A \$5,000 NOVA was issued. Owner/operator and passengers were charged under the National Marine Sanctuaries Act for fishing in the Tortugas Ecological Reserve in the FKNMS. A written warning was issued.
61. SE1001799; F/V COWBOY - Owner and operator were charged under the Magnuson-Stevens Act for fishing without a valid charter/headboat permit for Atlantic dolphin and wahoo. A \$1,500 NOVA was issued.
62. SE1002020; F/V MISS SANDY - Owner and operator were charged under the Magnuson-Stevens Act for failing to comply with protected species conservation measures for sea turtles. A \$1,500 NOVA was issued.
63. SE1002182; F/V SALLY KIM - Owner and operator were charged under the Magnuson-Stevens Act for fishing without a valid commercial permit for shrimp. A \$15,000 NOVA was issued.
64. SE1002220; F/V TIMMY BOY - Owner/operator was charged in three counts under the Magnuson-Stevens Act for fishing in a portion of the Gulf EEZ closed due to the BP oil spill and failing to have a properly installed By-catch Reduction Device. An \$18,000 NOVA was issued.
65. SE1002222; F/V DANNY BOY II - Owner and operator were charged under the Magnuson-Stevens Act for fishing in a portion of the Gulf EEZ closed due to the BP oil spill. A \$15,000 NOVA was issued.
66. SE1002277; F/V LADY MONICA - Owner and operator were charged under the Magnuson-Stevens Act for fishing in a portion of the Gulf EEZ closed due to the BP oil spill. A \$15,000 NOVA was issued.
67. SE1002278; F/V LA BORRACHITA - Owner and operator were charged under the Magnuson-Stevens Act for fishing in a portion of the Gulf EEZ closed due to the BP oil spill. A \$15,000 NOVA was issued.

68. SE1002313; F/V SEA ANGELS II - Owner and operator were charged under the Magnuson-Stevens Act for fishing in a portion of the Gulf EEZ closed due to the BP oil spill. Charged in four counts under the Endangered Species Act for failing to have a properly installed TED in nets rigged for fishing. A \$50,000 NOVA was issued.
69. SE1002512 - Owner/operator was charged in two counts under the Magnuson-Stevens Act for exceeding a bag or possession limit and/or failing to maintain fish intact for red snapper and disposing of fish or parts thereof after approach of law enforcement. A \$6,400 NOVA was issued. Charged under the Magnuson-Stevens Act for fishing in a portion of the Gulf EEZ closed due to the BP oil spill. A written warning was issued.
70. SE1002576; CAP CLEVELAND - Owner and operator were charged in four counts under the Endangered Species Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$22,000 NOVA was issued.
71. SE1002579; MAERSK DHAHRAN - Owner and operator were charged in seven counts under the Endangered Species Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$38,500 NOVA was issued.
72. SE1002591; ASIAN CHORUS - Owner and operator were charged in ten counts under the Endangered Species Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$55,000 NOVA was issued.
73. SE1002690 - Owner/operator and fishermen were charged under the Magnuson-Stevens Act for spiny lobster violations. A \$5,000 NOVA was issued. [See Settled cases, Item 7, below, for resolution of this matter.]
74. SE1003187; F/V FRIENDSHIP - Owner and operator were charged under the Magnuson-Stevens Act for fishing in a portion of the Gulf EEZ closed due to the BP oil spill. A \$20,000 NOVA was issued.

Southwest

75. SW0900191 and SW0903007; F/V SEA PRINCESS and F/V FISHWISH - Company was charged in two counts under the Magnuson-Stevens Act for failing to timely complete a landing receipt and failing to accurately record offloaded fish on a landing receipt for groundfish. A \$10,000 NOVA was issued.

Settlement Agreements Executed

During this time period, NOAA settled 8 civil administrative cases as follows:

Alaska

1. AK1000848; F/V KODIAK - Magnuson-Stevens Act \$1,500 NOVA settled for \$1,500 suspended for 5 years. [See Charged cases, Item 1, above, for initial charging information.]
2. AK1001739; F/V FRONTIER MARINER - Magnuson-Stevens Act \$1,500 NOVA settled for \$1,500 suspended for 5 years. [See Charged cases, Item 2, above, for initial charging information.]
3. AK1001895; F/V ARCTIC SEA - Magnuson-Stevens Act \$1,500 NOVA settled for \$1,500 suspended for 5 years. [See Charged cases, Item 3, above, for initial charging information.]
4. AK1002007; F/V PACIFIC VENTURE - Magnuson-Stevens Act \$1,500 NOVA settled for \$1,500 suspended for 5 years. [See Charged cases, Item 4, above, for initial charging information.]

Pacific Islands

5. PI0904339; F/V AMERICAN ENTERPRISE - Marine Mammal Protection Act and Western and Central Pacific Fisheries Convention Implementation Act \$1,702,000 NOVA settled for \$1,200,000, with \$300,000 of it suspended for 3 years. [See Charged cases, Item 17, from September 1, 2010, posting for initial charging information.]

Southeast

6. SE0903363 - National Marine Sanctuaries Act \$6,500 NOVA settled for \$3,000. Charge was for a vessel grounding injuring coral at Key Largo Dry Rocks in the Florida Keys National Marine Sanctuary.
7. SE1002690 - Magnuson-Stevens Act \$5,000 NOVA settled for \$4,000. [See Charged cases, Item 73, above, for initial charging information.]
8. SE1000181; F/V MISS CAPE CANAVERAL - Magnuson-Stevens Act \$2,500 NOVA settled for \$2,500. [See Charged cases, Item 8, from September 1, 2010, posting for initial charging information.]