

NOAA Office of General Counsel, Enforcement Section

Civil Administrative Enforcement Actions

October 1 - 31, 2022¹

During this reporting period, NOAA charged nine cases, and settled ten cases.²

ALASKA

1. AK1807006; F/V Tsiu – Owner/Operator/IFQ Permit Holder Bae Olney-Miller and IFQ Permit Holder Kai Olney-Miller Malicoat were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with failing to retrieve and remove from the fishing grounds all deployed longline pot gear assigned to, and used by, a catcher vessel to fish IFQ sablefish in the Southeast Outside District of the Gulf of Alaska when the vessel made IFQ landings. A \$12,000 NOVA was issued.
2. AK2105164; F/V B.C. Summers – Owner Michael J. Erickson, Sr. and Operator/IFQ Permit Holder Camden J. Erikson were charged jointly and severally under the Magnuson-Stevens Act with fishing for IFQ sablefish without a transmitting Vessel Monitoring System, a federal fisheries permit, or IFQ pot gear tags as required. A \$5,000 NOVA was issued, and the case settled for \$4,500.
3. AK2107450; AK5332AM – Operator Joseph Langston was charged under the Marine Mammal Protection Act with harassing a humpback whale or, in the alternative, approaching within 100-yards of a humpback whale. A \$4,250 NOVA was issued, and the case settled for \$3,400.

NORTHEAST

4. NE2202651; F/V Grin-N-Barrett – Owner/Operator Dean J. Barrett was charged under the Magnuson-Stevens Act with fishing in a closed area. Five bushels of Atlantic sea scallops shellstock were forfeited by abandonment. A \$21,000.00 NOVA was issued.
5. NE2203369; F/V Rachel Hailey – Owner F/V Natalie Felicia LLC and Operator Harold Meyers, III were charged jointly and severally under the Magnuson-Stevens Act with fishing for, possessing, and/or landing Atlantic sea scallops harvested from a habitat management area. A \$38,658.15 NOVA was issued.
6. NE2203443; F/V Mekong – Owner Ruby S. LLC and Operator Phong V. Mai were charged jointly and severally under the Magnuson-Stevens Act with fishing for, possessing, and/or landing Atlantic sea scallops from a habitat management area. The proceeds (\$10,000) of the violation were forfeited by abandonment. A \$15,000.00 NOVA was issued.

PACIFIC ISLANDS

None.

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.

SOUTHEAST

7. SE2105992; F/V Easy Money – Owner Mary H. Maniscalco and Operator Charles G. Maniscalco were charged jointly and severally under the Magnuson-Stevens Act with possessing finfish from the U.S. Exclusive Economic Zone in the Gulf of Mexico that was not maintained in whole condition, as required. A \$8,500 NOVA was issued.
8. SE2106295; F/V FL7039JY – Owner Billy Henderson, Operator Douglas Freeman, and Angler Charles Clark were charged jointly and severally under the Magnuson-Stevens Act with possessing red snapper out of season, possessing undersized fish, failing to maintain fish intact, and failing to have a descending device on board. An \$8,500 NOVA was issued.

WEST COAST

9. NW2107151; F/V Majestik – Owner Majestik Fisheries LLC and Operator Robert Queenin were charged jointly and severally under the Magnuson-Stevens Act with retaining any prohibited or protected species. A \$2,907.75 NOVA was issued.

Resolved Cases Charged Before October 1, 2022

ALASKA

None.

NORTHEAST

1. NE2201532; M/V Casi Cielo – Owner Tug Angler LLC and Operator Miller Bundy 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. An \$8,500 NOVA was issued, and the case settled for \$7,650.³

PACIFIC ISLANDS

2. PI2200925; F/V Lazy Daze – Operator Thomas Edward Bolz was charged under the National Marine Sanctuaries Act with approaching within 100 yards of humpback whales in the Hawaiian Islands Humpback Whale National Marine Sanctuary. A \$3,750 NOVA was issued, and the case settled for \$3,375. [See Charged Cases, Item 1, from September 2022 report.]

³ This NOVA was served in June, 2022 but the case was not included in previous reports.

SOUTHEAST

3. SE2102297; F/V Sea Hawk – Owner Nite Hawk Offshore, Inc., Operator Don Michael Rynn, and Lessee KLM Bluewater Inc. were charged jointly and severally under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with failing to comply with requirements for at-sea observer coverage, failing to operate and maintain a vessel monitoring system, failing to operate and maintain an electronic monitoring system, and failing to record accurate information in the vessel’s logbooks. A \$28,000 NOVA was issued, and the case settled for \$9,000. [See Charged Cases, Item 14, from June 2022 report.]
4. SE2107674; F/V Amy Michelle – Owner Headley Inc. and Operator David Eugene Smith were charged jointly and severally under the Magnuson-Stevens Act with exceeding the commercial trip limit for greater amberjack and possessing undersized gray triggerfish. The proceeds of the violation (\$834) were forfeited by abandonment. A \$13,500 NOVA was issued. A Written Warning was also issued for failure to possess on board all required sea turtle mitigation gear. The case settled for \$12,150. [See Charged Cases, Item 3, from September 2022 report.]
5. 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, and the case settled for \$11,250. [See Charged Cases, Item 7, from August 2022 report.]
6. SE2203331; M/V Camp Merkel II – Owners Thomas Merkel and Susan Merkel and Operator Brian Horan were charged under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$20,000 NOVA was issued and the case settled for \$15,000.⁴
7. SE2203504; M/V Hatt-A-Tude – Owner JTM Enterprises LLC and Operator Gilbert Thomas Madonna were charged under the Endangered Species Act and the Marine Mammal Protection Act with violations of the North Atlantic Right Whale speed restriction regulation. A \$15,000 NOVA was issued, and the case settled for \$10,000. [See Charged Cases, Item 7, from September 2022 report.]

WEST COAST

8. NW2002414; F/V Seeview – Owner/Operator Kevin Lawrence Dell was charged under the Magnuson-Stevens Act with failing to operate a Vessel Monitoring System in the Open Access Groundfish Fishery, and landing an overage of groundfish. An \$8,500 NOVA and a Written Warning were issued. The case settled for \$850. [See Charged Cases, Item 8, from March 2022 report.]

⁴ This NOVA was served in August, 2022 but the case was not included in previous reports.