

NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
January 1 - 31, 2023¹

**During this reporting period, NOAA charged 14 cases,
settled 7 cases, and otherwise resolved 2 cases.²**

Cases Charged in January 2023³

ALASKA

1. AK2104943; F/V Miss Susan – Owner/Operator Mark C. Stevens was charged under the Lacey Act with fishing in Annette Island Reserve waters, which are exclusively reserved for fishing by the Metlakatla Indians. A \$4,196 NOVA was issued.
2. AK2108040; F/V Mystery – Co-owner/Operator Alexei Z. Kuzmin, Manager F/V Mystery, LLC, and Co-owner/IFQ Permit Holder Lynn Savonen were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with fishing for IFQ sablefish with longline pot gear in the Gulf of Alaska without functioning VMS. Co-owner/Operator Alexei Z. Kuzmin and Manager F/V Mystery, LLC were charged under the Halibut Act with failing to request a departure clearance from IPHC Area 4A. A \$12,200 NOVA was issued.

NORTHEAST

3. NE2201400; F/V Helen L – Owner/Operator Timothy J. Walsh was charged under the Marine Mammal Protection Act with failing to haul his gear every 30 days. 21 lobster traps and associated gear were seized and returned. An \$8,750 NOVA was issued, and the case settled for \$7,875.
4. NE2201534; M/V Zhuzhy – Owner Aqua Vitae Luxury Charters LLC 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.

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.

5. NE2203303; F/V Just For Spite – Owner Linmar Fisheries, Inc. and Operator Mario G. Frias were charged jointly and severally under the Magnuson-Stevens Act with fishing for/possessing Atlantic sea scallops in a Habitat Management Area. A \$21,766.20 NOVA was issued.
6. NE2203316; M/V Seastreak Highlands – Owner Seastreak, 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. NE2205630; M/V Sea Garnet – Owner Uranus Marine, Inc. and Technical Manager Pantheon Tankers Management, Ltd. 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. \$7,500 NOVA was issued, and the case settled for \$6,750.

PACIFIC ISLANDS

8. PI1907011; F/V American Eagle – Owners American Eagle Fishing LLC and Tradition Mariner, LLC and Operators Sergio Gonzalez and Joseph Da Silva were charged jointly and severally under the Western and Central Pacific Fisheries Convention Implementation Act with unlawfully setting purse seine nets on whale sharks. A \$157,030 NOVA was issued.
9. PI2202423; F/V Capt Millions III – Owner Captain Millions III LLC and Operator Hung Van Nguyen were charged jointly and severally under the Magnuson-Stevens Act with fishing with longline gear in the area closed to longline fishing surrounding the Main Hawaiian Islands. A \$5,750 NOVA was issued, and the case settled for \$5,175.

SOUTHEAST

10. SE2103726; FL4682RM – Owner Sake LLC, Permit Holder Aimless Lady Inc., and Operator Franklin Daniel Marsocci Jr. were charged jointly and severally under the Magnuson-Stevens Act with fishing for South Atlantic snapper-grouper in the Oculina Bank Experimental Closed Area. A \$6,933.50 NOVA was issued.
11. SE2204941; F/V Outer Limits – Owner Outer Limits LLC and Operator Jason David Miller were charged jointly and severally under the Magnuson-Stevens Act with failing to install a VMS unit on a charter vessel with Gulf reef fish and coastal migratory pelagics charter permits. A \$5,000 NOVA was issued.
12. SE2205243; F/V AM Whale – Owner Global Investment Inc. and Operator Loi Van Nguyen were charged jointly and severally under the Endangered Species Act with operating in the Gulf of Mexico with non-compliant Turtle Excluder Devices. An \$85,224 NOVA was issued.
13. SE2205446; T/V Solar Susie – Owner Hai Kuo Shipping 1938T Ltd. and Technical Manager Fleet Management Ltd. were charged jointly and severally under the Endangered Species and Marine Mammal Protection Act with violating North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued.

14. SE2205596; M/V Warnow Dolphin – Owner Asmato Shipping Co. Ltd., Technical Manager Marlow Navigation Co. Ltd., and Commercial Operator Seaboard Marine Ltd. Inc. 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 \$60,000 NOVA was issued.

WEST COAST

None.

Resolved Cases Charged Before January 1, 2023

ALASKA

1. AK2200857; F/V Competition – Owner/Operator Alexander Reutov was charged under the Northern Pacific Halibut Act with retaining Pacific halibut when the commercial season was closed. 18 Pacific Halibut and one Lingcod were forfeited by abandonment. A \$4,400 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 1, from November 2022 report.]

NORTHEAST

2. NE2200797; F/V Capt'n Jake – Captain Timothy Cook was charged under the Magnuson-Stevens Act with harassing an observer by creating an intimidating, hostile, or offensive environment or otherwise interfering with the observer's work performance. A \$24,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 7, from June 2022 report.]
3. NE2201538; M/V King's Blue – Owner King's Blue Charters LLC and Operator Travis Yates 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 \$15,000 NOVA was issued, and the case settled for \$13,500. [See Charged Cases, Item 2, from November 2022 report.]
4. NE2202007 – International Fisheries Trade Permit Holder Alliance Seafood, LLC was charged under the Magnuson-Stevens Act with failing to maintain records for inspection as required under the Seafood Import Monitoring Program. A \$9,500 NOVA was issued, and the case settled for \$7,550. [See Charged Cases, Item 3, from November 2022 report.]
5. NE2004424C – International Fisheries Trade Permit (IFTP) Holder Grand Sea Boston LLC was charged under the Magnuson-Stevens Act with submitting inaccurate information and importing sea cucumbers without a valid IFTP. A \$20,750 NOVA was issued, and the case settled for \$18,675. [See Charged Cases, Item 1, from December 2022 report.]

PACIFIC ISLANDS

- 6. PI2100856 – Owner Golden Dragon Sportfishing, Inc. d/b/a Sunlight on Water and Operator Shawn David McCurdy were charged jointly and severally under the Marine Mammal Protection Act with taking spinner dolphins by harassment during commercial swim with the dolphins tours. An \$18,750 NOVA was issued. The case against the Owner settled for \$0. The assessed penalty became a final administrative decision against the Operator due to default. [See Charged Cases, Item 9, from June 2022 report.]

SOUTHEAST

None.

WEST COAST

None.