

NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
February 1 - 28, 2023¹

**During this reporting period, NOAA charged 17 cases,
settled 13 cases, and otherwise resolved 1 case.²**

Cases Charged in February 2023³

ALASKA

1. AK2105592; F/V Miss Linda – Owner/Operator Aaron Sutton was charged under the Northern Pacific Halibut Act with failing to return undersized halibut to the sea with a minimum of injury. A \$4,400 NOVA was issued.
2. AK2204971; F/V Vigor – Owner/Operator Jarl Gustafson and IFQ Permit Holder Thomas W. Hoffman were charged jointly and severally under the Northern Pacific Halibut Act with IFQ permit holder's failure to be aboard the vessel at all times during the fishing trip. The proceeds (\$2,717.18) of the violation were forfeited by abandonment. A \$1,000 NOVA was issued, and the case settled for \$900.

NORTHEAST

3. NE2203321; M/V Bluejacket – Owner/Operator Adam Christopher Smith was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$30,000 NOVA was issued.
4. NE2203327; M/V Brett Allie V – Owner BrettAllie Acquisition 1, LLC and Operator Todd Keller 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 \$75,000 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.

5. NE2203425; R/V Shearwater – Owner Duke University and Operator Matthew Dawson 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 \$20,000 NOVA was issued.
6. NE2204924; Argo Mod 70 – Owner Argo Racing, LLC and Operator Jason Carroll 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 \$7,500 NOVA was issued.
7. NE2204927; M/V Scup Slayer – Owner Travis M. Rhodes and Operator Robert Goodwin, III were charged jointly and severally under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic Right Whale speed rule. A \$25,500 NOVA was issued.
8. NE2205634; M/V Julie C – Owner Carisbrooke Shipping Ltd. and Technical Manager SMT Shipping Cyprus 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. A \$7,500 NOVA was issued.
9. NE2205636; M/V Saturn Moon – Owner Krultif SQ, Inc. and Technical Manager Zodiac Maritime, LLC 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 \$7,500 NOVA was issued, and the case settled for \$6,750.
10. NE2205637; UACC Mansouria – Owner Mansouria Tankers Inc., and Operator Fleet 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. A \$7,500 NOVA was issued.

PACIFIC ISLANDS

11. 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.

SOUTHEAST

12. SE2202430; F/V Mackdaddy – Owner/Operator Tracy Damian Steele was charged under the National Marine Sanctuaries Act with fishing by any means inside an Ecological Reserve within the Florida Keys National Marine Sanctuary. Specifically, Respondent fished inside the Tortugas North Ecological Reserve, in violation of applicable law. A \$1,250 NOVA was issued, and the case settled for \$1,125.

13. SE2204965; F/V Blind Squirrel – Owner Blind Squirrel Fishing LLC and Operator Philip Demena III were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with charter fishing in the EEZ with expired Gulf and South Atlantic charter permits. A \$2,500 NOVA was issued, and the case settled for \$2,250.
14. SE2205738; BF Leticia – Owner BF Leticia Foroohari, Operator CMA GGM SA The French Line, and Technical Manager BF Shipmanagement GmbH & Co KG were charged jointly and severally under the Endangered Species and the Marine Mammal Protection Acts with violating the North Atlantic Right Whale speed restriction regulation. A \$52,500 NOVA was issued.
15. SE2205946; F/V Ocean Man – Owner/operator Thanh Van Do was charged under the Endangered Species Act with fishing for shrimp without Turtle Excluder Devices installed. A \$44,751 NOVA was issued.

WEST COAST

16. WC2107277; F/V Garda Marie – Owner Roland Gagnon, Sr. and Operator Roland Gagnon, Jr. were charged jointly and severally under the National Marine Sanctuaries Act with discharging/depositing unauthorized material in the Olympic Coast National Marine Sanctuary when the vessel sank after running aground during transit. A \$7,500 NOVA was issued.
17. WC2206006 – IFQ First Receiver Bornstein Seafoods, Inc. was charged under the Magnuson-Stevens Act with receiving an IFQ landing without a catch monitor present. A \$9,000 NOVA was issued, and the case settled for \$8,100.

Resolved Cases Charged Before February 1, 2023

ALASKA

None.

NORTHEAST

1. NE2001992⁴ – International Fisheries Trade Permit Holder Fresh Harvest Meat and Seafood, Inc. was charged under the Magnuson-Stevens Act with importing species subject to the Seafood Import Monitoring Program with an expired IFTP permit and failing to submit complete and accurate records as required under that program. A \$10,250 NOVA was issued, and the case settled for \$0.
2. 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, and the case settled for \$6,750. [See Charged Cases, Item 4, from January 2023 report.]

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

3. 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 NOVA was issued, and the case settled for \$18,900. [See Charged Cases, Item 4, from October 2022 report.]
4. 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, and the case settled for \$20,266.20. [See Charged Cases, Item 5, from January 2023 report.]

PACIFIC ISLANDS

5. PI2202448A; F/V Lady Tahaopo – Robert James Morris was charged under the National Marine Sanctuaries Act with resisting, impeding, and interfering with an authorized officer in the conduct of an inspection. A \$5,750 NOVA was issued, and the case settled for \$5,750. [See Charged Cases, Item 2, from July 2022 report.]

SOUTHEAST

6. SE2102098; F/V FL6228LB – Owner/Operator Charles Giarrizzo was charged under the Magnuson-Stevens Act with fishing for Gulf reef fish in the EEZ aboard a charter vessel without a federal charter permit. A \$5,750 NOVA was issued, and the case settled for \$4,312.50. [See Charged Cases, Item 6, from November 2022 report.]
7. SE2203060; F/V Gulf Offshore – Owner/Operator John William Fagan was charged under the Magnuson-Stevens Act with fishing for or possessing Gulf reef fish on a charter trip with an expired Gulf reef fish charter permit. A \$5,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 3, from December 2022 report.]
8. 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, and the case settled for \$4,500. [See Charged Cases, Item 11, from January 2023 report.]
9. 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 the Marine Mammal Protection Act with violating North Atlantic Right Whale speed restriction regulation. A \$7,500 NOVA was issued, and the case settled for \$6,750. [See Charged Cases, Item 13, from January 2023 report.]

WEST COAST

None.