

NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
March 1 - 31, 2023¹
During this reporting period, NOAA charged 13 cases,
18 settled cases, and otherwise resolved 2 cases.²

Cases Charged in March 2023³

ALASKA

1. AK2202701; AK9728AM – Subsistence Fisherman Anthony P. Charles was charged under the Northern Pacific Halibut Act with fishing for subsistence halibut in and off Alaska without a valid subsistence halibut registration certificate. A \$250 NOVA was issued.
2. AK2207263; F/V Alaskan Pearl – Operator Filaret I. Basargin and Owner Alaskan Pearl Fisheries, LLC were charged jointly and severally under the Northern Pacific Halibut Act and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with retaining IFQ halibut in a regulatory area without sufficient IFQ onboard, failing to follow the check-out procedures in IPHC Area 4A, and failing to have VMS activated. A \$17,700 NOVA was issued, plus NOAA sought forfeiture of \$21,012.88 in proceeds from the sale of illegally retained halibut, as well as two undersized halibut.

NORTHEAST

3. NE2107381; F/V RI5948NJ – Owner/Operator David J. Vales was charged under the Atlantic Striped Bass Conservation Act with possessing Atlantic striped bass in the exclusive economic zone. A \$2,000 NOVA was issued.
4. NE2203318; M/V Lady Lisa – Owner PF Holdings, LLC and Operator Anthony Palmieri 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.

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. NE2205628; M/V An Chang – Owner/Operator COSCO Shipping Bulk Co. Ltd. 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.

PACIFIC ISLANDS

None.

SILVER SPRING

6. CRSRA230001; Tyvak Nano-Satellite Systems Inc. – Operator of private remote sensing space systems was charged pursuant to the Land Remote Sensing Policy Act of 1992 with failing to request and receive approval for a license modification before taking any action that would change a material fact in the license. A \$1,500 NOVA was issued, and the case settled for \$1,350.
7. CRSRA230002; Loft Orbital Solutions Inc. – Operator of private remote sensing space systems was charged pursuant to the Land Remote Sensing Policy Act of 1992 with failing to request and receive approval for a license modification before taking any action that would change a material fact in the license, submitting false information in the course of the license term and/or during compliance and monitoring activities, and failing to submit a post-launch confirmation report within seven days of launch. A \$7,000 NOVA was issued.

SOUTHEAST

8. SE2000078 – Clark Seafood, LLC, David Dwayne Clark, and Judith Elizabeth Clark were charged jointly and severally with possessing, transporting, and selling oysters across state lines in violation of the Lacey Act that were sold in violation of Florida law which prohibits purchasing oyster directly from harvesters or processing them without obtaining a shellfish processing certificate. A \$3,500 NOVA was issued, and the case settled for \$3,150.
9. SE2004037; F/V Fragrant Harbor – Owner David J. Henderson and Operator Joseph Hubert Garberoglio were charged under the National Marine Sanctuaries Act with illegally fishing inside the Tortugas North Ecological Reserve in the Florida Keys National Marine Sanctuary. A \$3,750 NOVA was issued, and the case settled for \$3,375.
10. SE2104113 – Importer Magni Enterprise Corp. was charged under the Antarctic Living Marine Resources Convention Act with importing frozen *Dissostichus spp.* (Patagonian toothfish) without a preapproval. A \$12,000 NOVA was issued.
11. SE2205593; BBC Ganges – Owner Briese Schiffahrts GmbH & Co KG MS “Nes” and Technical Manager Briese Schiffahrts GmbH & Co KG 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. A \$15,000 NOVA was issued, and the case settled for \$13,500.

12. SE2205560; F/V Judy Leigh – Owner/Operator Andrew Binegar and Angler Trevor Feinstein were charged jointly and severally under the Magnuson-Stevens Act with possessing a prohibited Goliath grouper. A \$1,500 NOVA was issued, and the case settled for \$1,350.
13. SE2205620; M/V Anemos – Registered Owner Anemos Navigation Co. Ltd. and Technical Manager Tide Line Inc. 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. A \$7,500 NOVA was issued, and the case settled for \$6,750.

WEST COAST

None.

Resolved Cases Charged Before March 1, 2023

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 in a three-count \$12,000 NOVA under the 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. The case settled for \$7,200 and the dismissal of Count 3 of the NOVA, which was the sole that named Malicoat. [See Charged Cases, Item 1, from October 2022 report.]
2. 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, and the case settled for \$3,846. [See Charged Cases, Item 1, from January 2023 report.]
3. 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, and the case settled for \$3,960. [See Charged Cases, Item 1, from February 2023 report.]
4. 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 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, and the case settled for \$9,760. [See Charged Cases, Item 2, from January 2023 report.]

NORTHEAST

5. NE2202172; F/V Voyager – Owner/Operator Jason H. Drake was charged under the Marine Mammal Protection Act with deploying trap/pot gear with inadequately marked surface buoys in violation of the Atlantic Large Whale Take Reduction Plan (ALWTRP) regulations. A \$12,500 NOVA was issued,⁴ and the case settled for \$5,000.
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, and the case settled for \$6,750. [See Charged Cases, Item 6, from January 2023 report.]
7. 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, and the case settled for \$27,000. [See Charged Cases, Item 3, from February 2023 report.]
8. 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, and the case settled for \$6,750. [See Charged Cases, Item 6, from February 2023 report.]
9. 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 restriction regulation. A \$25,500 NOVA was issued, and the case settled for \$22,950. [See Charged Cases, Item 7, from February 2023 report.]
10. 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, and the case settled for \$6,750. [See Charged Cases, Item 8, from February 2023 report.]
11. 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, and the case settled for \$6,750. [See Charged Cases, Item 10, from February 2023 report.]

PACIFIC ISLANDS

None.

SOUTHEAST

⁴ This NOVA was issued in November 2022, but was not included in previous reports.

12. SE2202317; F/V Capt Luu – Owner Le Corporation and Operator Luu Nguyen were charged jointly and severally under the Magnuson-Stevens Act with failing to retain all dead bluefin tuna that are 73 inches or greater CFL (Curved Fork Length) and with landing 29 yellowfin tuna in improper form, tails removed. A \$19,000 NOVA was issued.⁵ The NOVA became a final administrative decision due to default.
13. SE2203419; M/V Big Blue – Owner/Operator Scott D. Osler was charged under the Endangered Species Act and Marine Mammal Protection Act with violating the North Atlantic Right Whale speed restriction regulation. A \$22,500 NOVA was issued, and the case settled for \$18,000. [See Charged Cases, Item 4, from December 2022 report.]
14. 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. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 15, from February 2023 report.]

WEST COAST

None.

⁵ This NOVA was served in February 2023, but was not included in previous reports.