

Civil Administrative Enforcement Actions
February 1 -29, 2024¹
During this reporting period, NOAA charged 20 cases, settled 14 cases,
and otherwise resolved 2 cases. ²

Cases Charged in February 2024³

ALASKA

1. AK2303146; *C/P North Star* – Factory Forman Juvy Bongcawil was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with harassing a fisheries observer by conduct that had sexual connotations or otherwise creating an intimidating, hostile, or offensive environment. An \$18,000 NOVA was issued.
2. AK2305774; *F/V Barbara B* – Owner/Operator Joseph F. Veitenhans was charged under the Northern Pacific Halibut Act with failing to completely offload at a single offload site all halibut onboard the vessel. Sixty-two pounds of halibut fillets and cheeks were forfeited by abandonment. A \$2,200 NOVA was issued, and the case settled for \$1,980.
3. AK2302665; Fabian Estrada Castaneda was charged with take-by-feeding or attempting to feed a Steller sea lion under the Marine Mammal Protection Act. A \$500 NOVA was issued.

NORTHEAST

4. NE2300902; *M/V Princess Michele* – Owner Alan M. Lebensfeld and Operator John Cuddire 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.⁴
5. NE2300789; *M/V Real Slick* – Owner RS Adventures LLC was 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.

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.

⁴ This NOVA was issued in December 2023, but was not included in previous reports.

6. NE2305074; *M/V Southern Joy* – Owner/Operator Paul Joseph Sistare was 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.

PACIFIC ISLANDS

7. PI2302251; *F/V Princess Kaylee* – Owner Kaylee Fishery LLC and Operator Chin Van Vo were charged jointly and severally under the Magnuson-Stevens Act with commercial fishing in the closed area of the Pacific Remote Islands Marine National Monument. A \$28,515 NOVA was issued.

SILVER SPRING

8. CRSRA230019; SpaceVR, Inc. - Private remote sensing space system licensee was charged under the Land Remote Sensing Policy Act with failing to submit an Annual Compliance Certification. A \$4,600 NOVA was issued.

SOUTHEAST

9. SE2205674; *F/V Lucky Buck* – Owner Donald Keown and Operator Harley Jay Rodriguez were charged jointly and severally under the Magnuson-Stevens Act with fishing for shrimp without the required permit. A \$5,750 NOVA was issued.
10. SE2206306; *F/V Capt Andrew* – Owner Capt Andrew LLC and Operator Tam Van Le were charged jointly and severally under the Magnuson-Stevens Act with possessing shark fins without the corresponding carcasses. Thirty-two shark fins were voluntarily abandoned. A \$12,000 NOVA was issued.
11. SE2301196; *F/V Meateater* – Owner Treasure Coast Getaways Inc. and Operator Thomas Leigh Oyler were charged jointly and severally under the Lacey Act with importing or transporting fish, conch, and stone crab from the Bahamas in quantities that violated Bahamian law. 131 fish filets (silk, mutton, and blackfin snapper, mahi mahi), 32 whole fish (yellowtail snapper, blackfin snapper, silk snapper, red hind grouper), 745 queen conch meats, and 148 lbs. stone crab claws were voluntarily abandoned. A \$15,000 NOVA was issued, and the case settled for \$13,500.
12. SE2303341; *F/V M&M* – Owner Manuel Herrera and Permitholder/Lessee George Logan were charged jointly and severally under the Magnuson-Stevens Act with failure to comply with the requirements for observer coverage. An \$18,000 NOVA was issued.
13. SE2303341B; *F/V M&M TOO* – Owner Marco Herrera and permitholder/lessee Manuel Herrera were charged under the Magnuson-Stevens Act with failure to comply with the requirements for observer coverage. An \$18,000 NOVA was issued.
14. SE2304354; *M/V Gratitude* – Owner Tipsnme, LLC and Operator John Timothy Roehrs 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 \$22,500 NOVA was issued.

15. SE2306036; *F/V 1208811* – Owner/Operator Charles Walter Bentley was charged under the Magnuson-Stevens Act with fishing for Gulf reef fish in federal waters aboard a charter vessel without a federal charter permit. A \$20,185 NOVA was issued.
16. SE2306773; *S/V Winds of Destiny* – Owner Yippie KY A Adventures, Inc. and Operator John Inkley were charged jointly and severally under the National Marine Sanctuaries Act with injuring coral in the Florida Keys National Marine Sanctuary. A Written Warning was issued.
17. SE2307720; *M/V C-Valiant* – Owner Team Marine LLC and Operator Carlos Garces were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750.
18. SE2307804; *M/V Fast Tiger* – Owner Team Marine LLC and Operator Christopher Tyndall were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750.
19. SE2311115; *T/V Adeline Marie* – Owner JMB Shipping ATB 205 LLC and Operator Michael Angel Figueroa-Arocho III were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued.
20. SE2314859; *M/V C-Rambler* – Owner Nautical Ventures LLC and Operator Bruce M Graham were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750.

WEST COAST

None.

Resolved Cases Charged Before February 1, 2024

ALASKA

1. AK2206974; *F/V Resurrection* – Owner/Operator Severean Ivan Reutov was charged under the Magnuson-Stevens Act with operating a vessel without carrying an operable National Marine Fisheries Service (NMFS) approved vessel monitoring system (VMS) and for not complying with VMS requirements. A \$16,000 NOVA was issued, and the case settled for \$2,000. [See Charged Cases, Item 1, from January 2024 report]
2. AK2207152; *F/V Kasatka* – Owner Christopher Artemon Basargin and Operator Artemon A. Basargin Jr. were charged jointly and severally under the Magnuson-Stevens Act with operating a

vessel without carrying an operable NMFS-approved VMS and for not complying with VMS requirements. A \$16,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 2, from January 2024 report]

3. AK2301231; *F/V Ocean Peace* – Owner Ocean Peace, Inc. was charged under the Magnuson-Stevens Act with fishing in the Nearshore Bristol Bay Trawl Area after it had closed. An \$111,031 NOVA was issued, and the case settled for \$101,031. [See Charged Cases, Item 4, from December 2023 report]⁵

NORTHEAST

4. NE2206039; *F/V Beast of Burden & F/V Western Edge* – Owner JP Clancy Fisheries, Inc. was charged under the Atlantic Coastal Fisheries Cooperative Management Act and the Marine Mammal Protection Act with violating lobster gear marking, tagging, and radar reflector requirements. A NOVA was amended to assess \$16,500, and the case settled for \$13,200. [See Charged Cases, Item 10, from April 2023 report]
5. NE2301476; *F/V Tied the Knot* – Owner Casco Bay Marine LLC and Operator Michael Perrino were charged jointly and severally under the Magnuson-Stevens Act and the Atlantic Tuna Convention Act with submitting false information on an application for a General Category Tuna permit under the highly migratory species scheme, and failing to timely report the landing of an Atlantic Bluefin Tuna. A \$5,000 NOVA was issued, and the case settled for \$4,500. [See Charged Cases, Item 4, from January 2024 report]
6. NE2302995; *M/V Echoes* – Owner Robert G. Graf and Operator Livingston Lowe 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 \$22,500 NOVA was issued, and the case settled for \$18,000. [See Charged Cases, Item 7, from December 2023 report]

PACIFIC ISLANDS

None.

SILVER SPRING

7. CRSRA230017; University of Washington – Remote sensing space system licensee was charged under the Land Remote Sensing Policy Act with failing to timely submit an Annual Compliance Certification. A \$1,250 NOVA was issued, and the case settled for \$1,125. [See Charged Cases, Item 12, from December 2023 report]

⁵ This case was settled in January 2024, but was not included in previous reports.

SOUTHEAST

8. SE2202654; *F/V Pretty Posse* – Operator Paulo Dos Santos was charged under the Magnuson-Stevens Act with assaulting, opposing, impeding, intimidating, or interfering with a NMFS-approved observer. A \$9,500 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 10, from January 2024 report]
9. SE2300633; *M/Y Unbridled* – Owner Gros Rocher LLC and Operator Andrew D. Morris were charged jointly and severally under the Endangered Species Act and the Marine Mammal Protection Act with violations of the North Atlantic Right Whale Speed Restriction regulation. A \$30,000 NOVA was issued, and the case settled for \$20,100. [See Charged Cases, Item 9, from September 2023 report]
10. SE2303372; *FL8270MV* – Recreational Speargun Fishermen Dante Napoleon Mckinley and Franklin Christopher Tuero were charged jointly and severally under the National Marine Sanctuaries Act with spearfishing within the Key Largo Existing Management Area. A \$2,250 NOVA was issued, and the case settled for \$2,025. [See Charged Cases, Item 9, from September 2023 report]
11. SE2305354; *M/V Lady Lorraine* – Owner PLDRM Yachts, LLC and Operator Philip Ewing Davidson were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violations of the North Atlantic Right Whale speed restriction regulation. A \$22,500 NOVA was issued, and the case settled for \$20,250. [See Charged Cases, Item 14, from January 2024 report]

WEST COAST

None.