

Civil Administrative Enforcement Actions

August 1 – 31, 2024¹

During this reporting period, NOAA charged 11 cases, settled 12 cases, and otherwise resolved 4 cases.²

Cases Charged in August 2024³

ALASKA

1. AK2202348; C/P Northern Eagle – Owners American Seafoods Company, LLC and Northern Eagle, LLC were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with failing to ensure no salmon of any species passed the observer collection point. A \$15,000 NOVA was issued.

NORTHEAST

2. NE2303325; Lidl US Trading, LLC – Importer Lidl US Trading, LLC was charged under the Marine Mammal Protection Act with importing yellowfin tuna products without accurate and complete Fisheries Certificates of Origin. 2,520 jars of yellowfin tuna in oil with a declared value of \$4,888.80 were voluntarily abandoned to U.S. Customs and Border Protection. A \$13,615.51 NOVA was issued.
3. NE2403563; M/V Imagine – Owners Jack W. Gasser and Cheryl S. Gasser 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.

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.

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.

SOUTHEAST

4. SE2207069; F/V Johana – Owner Yordanis Antonio Reyes was charged under the Magnuson-Stevens Act with failing to provide required information to the Agency. A \$1,000 NOVA was issued.
5. SE2303492; F/V FL6487MY – Owner/Operator Carlos Bastos and Owner Bottoms Up Fishing Excursions LLC were charged jointly and severally under the Magnuson-Stevens Act with fishing for Gulf reef fish in the Gulf EEZ aboard a charter vessel without a federal charter permit. A \$19,460 NOVA was issued, and the case settled for \$17,660.
6. SE2314641; M/V Cedar Island – Owner CIM Enterprises LLC and Operator Steven DeKlerk 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 \$14,000 NOVA was issued, and the case settled for \$12,600.
7. SE2400743; M/V GOL Cowboy – Owner GOL, LLC and Operator Steven Brooks 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.
8. SE2403448; F/V Robalo – Owner/Operator Eliud Rios Santiago was charged under the Magnuson-Stevens Act with possessing prohibited queen conch in the EEZ around Puerto Rico. A \$5,000 NOVA was issued.

WEST COAST

9. NW1906414; F/V Western Warrior – Owner/Operator Darrick Dinh Nguyen was charged under the Magnuson-Stevens Act with failing to operate VMS as required in the West Coast Groundfish Fishery. A \$15,000 NOVA was issued.
10. WC2307475; F/V Alyssa Ann – Owner Alyssa Ann LLC was charged under the Magnuson-Stevens Act with operating a vessel registered to a limited entry permit with trap (pot) gear onboard and not stowed while in an applicable Groundfish Conservation Area. A \$5,750 NOVA was issued, and the case settled for \$5,175.
11. WC2408379; F/V Pacific Challenger – Owner Kotlik Challenger LLC and Operator Christopher Peterson were charged jointly and severally under the Magnuson-Stevens Act with fishing in the Shorebased IFQ program with a vessel account deficit for any species or species group. A \$5,750 NOVA was issued.

Resolved Cases Charged Before August 1, 2024

ALASKA

1. AK2205471; F/V Dark Knight – Owner/Operator/Permit Holder Dionisy Basargin was charged under the Magnuson-Stevens Act with failing to comply with Vessel Monitoring System requirements and under the Northern Pacific Halibut Act with violating IPHC Area 4 clearance requirements. An \$18,000 NOVA was issued, and the case settled for \$300. [See Charged Cases, Item 2, from June 2024 report]

NORTHEAST

2. NE2303024; M/V Indiscretion – Owner Indiscretion Inc. and Operator Taylor Golombiewski, 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 6, from June 2024 report]
3. NE2303037; M/V Eagles Nest – Co-owners Hugh H. Riley and Deborah C. Riley and Operator Jerry Olson 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 \$12,500 NOVA was issued, and the case settled for \$9,375. [See Charged Cases, Item 3, from July 2024 report]
4. NE2303052; F/V Fallen Angel – Owner/Operator Broddie Eaton was charged under the Atlantic Coastal Fisheries Cooperative Management Act with fishing for American lobster in the Exclusive Economic Zone without a Federal American lobster permit. A \$15,000 NOVA was issued, and the case settled for \$13,500. [See Charged Cases, Item 2, from April 2024 report]

PACIFIC ISLANDS

5. PI2206498; F/V Blue Dragon – Owner B Dragon Corp. and Operator Anthony Nguyen were charged jointly and severally under the Western and Central Pacific Fisheries Convention Implementation Act with fishing on the high seas in the Western and Central Pacific Fisheries Convention Area without a valid Western and Central Pacific Fisheries Convention area endorsement. A \$7,000 NOVA was issued, and the case settled for \$6,300. [See Charged Cases, Item 8, from July 2024 report]
6. PI2303595; Robert E. Borst – Respondent was charged under the Marine Mammal Protection Act with the taking of a Hawaiian monk seal. A \$20,000 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 5, from January 2024 report]

SOUTHEAST

7. SE2303337; F/V FL2507SJ – Owner Christopher Shawn Harvey and Operator Christopher Shawn Harvey Jr. were charged jointly and severally under the Magnuson-Stevens Act with fishing for shrimp without the required permit. A \$9,500 NOVA was issued, and the case settled for \$8,550. [See Charged Cases, Item 11, from July 2024 report]
8. SE2306432; Archimedes – Owner Knossos Ltd., Operating Company Euclidean Capital, LLC, and Operator Christopher Walsh, were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters in an Area To Be Avoided in the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued. The NOVA was amended to dismiss Euclidean Capital, LLC. The amended NOVA became a final administrative decision due to default. [See Charged Cases, Item 12, from May 2024 report]
9. SE2306941; F/V Miss Sea – Operator Michael Creed and Owner Thaddeus Harty were charged jointly and severally under the Magnuson-Stevens Act with fishing in violation of the prohibitions applicable to the South Atlantic red snapper seasonal closure. A \$2,500 NOVA was issued, and the case settled for \$2,250. [See Charged Cases, Item 13, from July 2024 report]
10. SE2314666; M/V American Serenade – Owner American Cruise Lines Inc. and Operator Gregg Scheiferstein 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. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 15, from June 2024 report]

WEST COAST

11. WC2408446 – Tiana Nicole Romine was charged under the Marine Mammal Protection Act with unlawful take of a marine mammal by taking a baby harbor seal home in her vehicle. A \$650 NOVA was issued, and the case settled for \$585. [See Charged Cases, Item 19, from July 2024 report]
12. WC2312174; Unnamed 35' Sailboat – Operator Daniel Robert Walrad was charged under the National Marine Sanctuaries Act with discharging/depositing unauthorized material in Monterey Bay National Marine Sanctuary when the vessel ran aground in the sanctuary during transit. A \$5,625 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 18, from June 2024 report]