

NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
April 1 - 30, 2023¹
During this reporting period, NOAA charged 24 cases,
settled 10 cases, and otherwise resolved 2 cases.²

Cases Charged in April 2023³

ALASKA

1. AK2106551; C/P Cape Horn – Operator Ata Ioapo was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with sexually harassing a female observer by grabbing her buttocks without consent. A \$24,000 NOVA was issued.
2. AK2300579; F/V Alaskan Star – Owners Alaskan Star Fisheries, LLC, Sunrunner Alaska Corp., and Moriah Fishing, Inc., Operator Abraham Brendan Sullivan, and Vessel Manager James Aaron Stevens were charged under the Magnuson-Stevens Act with failing to log four fishing trips in the Observer Deploy and Declare System (ODDS). A \$12,000 NOVA was issued.

NORTHEAST

3. NE2105071; F/V Miss Rockville – Owner/Operator Andrew M. Keese was charged under the Magnuson-Stevens Act with failure to timely comply with the fishing vessel trip reporting requirements. A \$1,000 NOVA was issued.
4. NE2106716; F/V Lady Dee – Owner Noah Fishing, LLC and Operator Nicholas L. Baird were charged jointly and severally under the Magnuson-Stevens Act, with fishing for, possessing, and/or landing Atlantic sea scallops harvested from a habitat management area. A \$17,058.58 NOVA was issued.
5. NE2108206; F/V Solei Marguerite – Owner Dudley Fisheries, LLC and Operator Scott J. Dudley were charged jointly and severally under the Magnuson-Stevens Act with fishing without an observer, after the vessel was selected to carry one. A \$5,750 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.

6. NE2200570; F/V Second Wind – Owner Second Wind Fisheries, Inc. and Operator Michael Monteforte, Jr. were charged jointly and severally under the Magnuson-Stevens Act with failure to accurately comply with the fishing vessel trip reporting requirements. A \$5,750 NOVA was issued.
7. NE2203002; F/V Nathaniel Lee – Owner Sea King of Florida, LLC and Operator Paul J. Carey were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act with possession of seven egg-bearing female lobsters and 37 undersized lobsters, which were forfeited by abandonment. A \$5,000 NOVA was issued.
8. 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 violations of the North Atlantic Right Whale speed restriction regulation. A \$45,000 amended NOVA was issued, to include past violations of the North Atlantic Right Whale speed restriction regulation.⁴
9. NE2203570; F/V Lois Virginia – Owner Rebecca Mary, Inc. and Operator Scott W. Babcock were charged jointly and severally under the Magnuson-Stevens Act with fishing without an observer, after the vessel was selected to carry one. A \$12,250 NOVA was issued.
10. NE2206039; F/V Beast of Burden – Owner JP Clancy Fisheries, Inc. was charged under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) and the Marine Mammal Protection Act (MMPA) with failure to properly mark and identify lobster gear. A \$5,500 NOVA was issued.
11. NE2206149; F/V Nathaniel Lee – Owner Sea King of Florida, LLC and Operator Walter J. Silvia were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act with possession of 14 undersized lobsters, 5 v-notched female lobster, and 1 berried lobster, which were voluntarily abandoned. A \$10,000 NOVA was issued.

PACIFIC ISLANDS

12. PI1903876; F/V Green Mountain – Owner Green Mountain LLC and Operator Nelson Edward Lynch were charged under the Marine Mammal Protection Act for fishing in the Southern Exclusion Zone (SEZ) after it had been closed to fishing in 2019. A \$11,000 NOVA was issued.
13. PI2203681; F/V Fetuolemoana – Owner Tuna Ventures, Inc. and Operator Tovia Fano Pitoua were charged jointly and severally under the Magnuson-Stevens Act with fishing for Pacific pelagic MUS with a large longline US fishing vessel in the American Samoa Large Vessel Prohibited Area. A \$5,750 NOVA was issued.
14. PI2205511; F/V Princess Jasmine II – Owner Nguyen Fishery, Inc. and Operator Stephen Randel Thatcher were charged jointly and severally under the Magnuson-Stevens Act with conducting prohibited commercial fishing in the Pacific Remote Islands Marine National Monument. A \$4,868 NOVA was issued.

⁴ The original NOVA was issued in February 2023. [See Charged Cases, Item 5, from the February 2023 Report].

SILVER SPRING

15. CRSRA230003; Spaceflight, Inc. – Licensee of private remote sensing space system 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 its license, and with failing to comply with mandatory compliance and monitoring procedures. A \$2,000 NOVA was issued, and the case settled for \$1,800.

SOUTHEAST

16. SE1905033; F/V GA9058VD – Owner/Operator/Seafood dealer (dba South Harrington Seafood) David P. Blackshear II was charged under the Magnuson-Stevens Act with possessing fish in excess of the daily bag limit, selling fish without the required permits, and purchasing fish from an unpermitted vessel or without the required dealer permit. The proceeds (\$1,962.25) of the violation were forfeited by abandonment. A \$51,250 NOVA was issued and became a final administrative decision due to default.⁵ A Notice of Intent to Deny Permit was issued for non-payment. [See Charged Cases, Item 14, from January 2022 report.]
17. SE2000844A; F/V Sweet Lips – Owner Amos A. Gainey and Operator Christopher M. Hazlett were charged jointly and severally under the Magnuson-Stevens Act with possessing fish in excess of what is allowed, where the overage exceeds the catch limit by 100% or more; and fishing for and/or possessing fish inside the North Florida Marine Protected Area. A \$63,704.93 NOVA was issued and became a final administrative decision due to default. A Notice of Intent to Deny Permit was issued for non-payment. [See Charged Cases, Item 6, from October 2021 report.]
18. SE2101906; M/V Laurel – Operator Roy Clifton Hodges and Owner Cooks Point Marine Ventures Ltd. 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 (ATBA) in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750.
19. SE2106408; FL3610MT – Owner/Operator Erick Gutierrez Miranda and Anglers Sergio Enrique Segura Lopez, Pedro Javier Alonso-Jimenez, and Pedro Ernesto Requena Suarez were charged jointly and severally under the National Marine Sanctuaries Act with fishing inside the Tortugas North Ecological Reserve. A \$3,750.00 NOVA was issued, and the case settled for \$3,375.
20. SE2205391; M/V Gekabi – Owner/Operator GeoSouthern Energy Corporation 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.

⁵ This NOVA was final in December 2022 but was not included in previous reports.

21. SE2205501; F/V The Holly – Owner Thornridge Farms Nursery, LLC and Operator Mark Andre were charged jointly and severally under the Magnuson-Stevens Act with failing to provide electronic reports. A \$2,000 NOVA was issued.
22. SE2205618; M/V Chem Gallium – Owner Chem Galium SA and Operator/Technical Manager ASM Maritime BV 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.
23. SE2300908; M/V Rumours – Co-owners John August Moisson and Carolyn Smith Moisson and Operator Alan Scott Eason were 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.

WEST COAST

24. WC2205041; F/V Ashlyne – Owner Dennis James Rankin and Operator David Duane Strickland were charged jointly and severally under the Magnuson-Stevens Act with operating/fishing in a closed area for the Pacific Coast Groundfish Fishery. A \$5,935.00 NOVA was issued.

Resolved Cases Charged Before April 1, 2023

ALASKA

None.

NORTHEAST

1. 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, and the case settled for \$500. [See Charged Cases, Item 3, from March 2023 report.]
2. NE2205628; M/V An Chang – Owner and 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, and the case settled for \$6,750. [See Charged Cases, Item 5, from March 2023 report.]

PACIFIC ISLANDS

None.

SILVER SPRING

3. 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, and the case settled for \$6,300. [See Charged Cases, Item 7, from March 2023 report.]

SOUTHEAST

4. 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, and the case against the Owner settled for \$6,240.15. The settled penalty amount became a final administrative decision against Permit Holder Aimless Lady Inc. and Operator Franklin Daniel Marsocci Jr. due to default. [See Charged Cases, Item 10, from January 2023 report.]
5. SE2205738; BF Leticia – Owner BF Leticia Foroohari and Technical Manager BF Shipmanagement GmbH & Co KG and Operator CMA GGM SA The French Line 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 and issued a \$52,500 NOVA. Based on new information provided by Respondents, CMA CGM SA The French Line was dismissed as a Respondent and the remaining respondents settled for \$47,250. [See Charged Cases, Item 14, from February 2023 report.]

WEST COAST

6. 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, and the case settled for \$6,750. [See Charged Cases, Item 16, from February 2023 report.]