

Civil Administrative Enforcement Actions
October 1 - 31, 2023¹
During this reporting period, NOAA charged 13 cases, settled 11 cases²,
and otherwise resolved 1 case.

Cases Charged in October 2023³

ALASKA

1. AK2207083; F/V St. Nicholas – Operator Michael Walter Lasiter was charged under the Northern Pacific Halibut Act with fishing for halibut in violation of the annual management measures by possessing on board a vessel Pacific halibut that had been filleted, mutilated, or otherwise disfigured. An \$8,000 NOVA was issued and became a final administrative decision due to default. A Notice of Intent to Deny Permits was issued for non-payment. [See Charged Cases, Item 3, from May 2023 report]
2. AK2300845; F/V Tempo Sea – Crab IFQ Permit Holder Inter-Cooperative Exchange and Operator Joseph A. Wright were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with making an IFQ crab landing without a crab IFQ hired master permit. A Written Warning was issued.
3. AK2300846; F/V Farwest Leader – Crab IFQ Permit Holder Trident Affiliated Crab Harvesting Cooperative and Operator Seth W. McCallum were charged jointly and severally under the Magnuson-Stevens Act with making an IFQ crab landing without a crab IFQ hired master permit. A Written Warning was issued.

NORTHEAST

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.

PACIFIC ISLANDS

4. PI2200652; B.N.T.J. Inc. and Bruce E. Sutherland – Business and Business Owner were charged jointly and severally under the Endangered Species Act with selling in interstate commerce an endangered sperm whale tooth and, in the alternative, under the Marine Mammal Protection Act for selling an endangered sperm whale tooth for a purpose other than public display, scientific research, or enhancing the survival of the species or stock. A \$12,500.00 NOVA was issued.

SILVER SPRING

5. CRSRA230005; BlackSky Global, LLC – Satellite License Holder was charged under the Land Remote Sensing Policy Act with failing to request and receive approval for a license modification before operating outside of licensed parameters and taking any action that would change a material fact in the license. A Written Warning was issued.
6. CRSRA230006; Planet Labs PBC – Private Remote Sensing Space System Operator was charged under the Land Remote Sensing Policy Act with violating conditions to its license and failing to obtain approval for a license modification before taking any action that would change a material fact in the license. A \$2,750 NOVA was issued, and the case settled for \$2,475.

SOUTHEAST

7. SE2201085; M/V CMA CGM Alcazar – Owner GSL Alcazar Inc. and Operator Slawomir Krzewski 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.
8. SE2207028; F/V Katy – Owner Mariela M Borrego and Lessee Jacob Marine Corp. were charged under the Magnuson-Stevens Act with failing to provide required information to the Agency. A \$2,500 NOVA was issued, and the case settled for \$2,250.
9. SE2207040; F/V Niquero – Owner Niquero Seafood Inc. and Lessee Miguel Basilio Revuelta were charged jointly and severally under the Magnuson-Stevens Act with failing to provide required information to the Agency. A \$2,500.00 NOVA was issued, and the case settled for \$2,250.
10. SE2207064; F/V Daisy – Owner Kimanys Lemus aka Kimanys Lemus Rodriguez and Lessees David Jordan Goldner and Jeri Lynn Goldner were charged jointly and severally under the Magnuson-Stevens Act with failing to provide required information to the Agency. A \$2,500 NOVA was issued.
11. SE2207087; F/V FL5610SG – Owner Arnaldo Aday was charged under the Magnuson-Stevens Act with failing to provide required information to the Agency. A \$1,000 NOVA was issued.
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 and became a final administrative decision due to default. A Notice of Intent to Deny Permit and Notice of Permit Sanction were issued for nonpayment. [See Resolved Cases, Item 12 , from March 2023 report]

WEST COAST

13. WC2306191; F/V Darean Rose – Owner Rodney Mills and Operator Nicholas Mills were charged under the Magnuson-Stevens Act with failing to use required seabird avoidance gear while fishing with bottom longline gear in the West Coast Groundfish Fishery. A \$1,000 NOVA was issued, and the case settled for \$900.

Resolved Cases Charged Before October 1, 2023

ALASKA

None.

NORTHEAST

1. NE2201434; F/V Capt'n Lee – Owner Hilda & Helen Inc. and Operator Justin A. Libby were charged jointly and severally under the Magnuson-Stevens Act with fishing outside the Northern Gulf of Maine scallop management area. A \$7,066 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 2, from July 2023 report]
2. NE2202507 – International Fisheries Trade Permit Holder Merex Seafoods USA, Inc. was charged under the Magnuson-Stevens Act with importing species subject to the Seafood Import Monitoring Program without submitting accurate and complete information at the time of entry, and failing to maintain required chain-of-custody records. A \$12,750 NOVA was issued, and the case settled for \$11,475. [See Charged Cases, Item 3, from August 2023 report]
3. NE2300903; M/V The Three B's – Owners/Operators John Bergantino and Carolyn Bergantino were charged jointly and severally under the Endangered Species Act and the Marine Mammal Protection Act with violating the North Atlantic right whale speed regulation. A \$22,500 NOVA was issued, and the case settled for \$20,250. [See Charged Cases, Item 6, from August 2023 report]

PACIFIC ISLANDS

None.

SOUTHEAST

4. SE2207057; F/V Leslie Diana – Owner Lester La Rosa Del Castillo was charged under the Magnuson-Stevens Act with failing to provide required information to the Agency. A \$2,500 NOVA was issued, and the case settled for \$2,250. [See Charged Cases, Item 3, from September 2023 report]
5. SE2207114; F/V Velia – Owner Roger T. Rojas and Permit Holder/Lessee Juan Aurelio Salazar were charged jointly and severally under the Magnuson-Stevens Act with failing to provide required information to the Agency. A \$2,500 NOVA was issued, and the case settled for \$2,250. [See Charged Cases, Item 7, from September 2023 report]
6. SE2300917; M/V Persistence III – Owner Persistence II Holdings, LLC, and Operator Patrick Longley 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 \$30,000 NOVA was issued, and the case settled for \$20,000. [See Charged Cases, Item 12, from June 2023 report]

WEST COAST

7. 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 NOVA was issued, and the case settled for \$5,314.50. [See Charged Cases, Item 24, from April 2023 report].