

NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
September 1 - 30, 2023¹
During this reporting period, NOAA charged 10 cases, settled 12 cases²,
and otherwise resolved 1 case.

Cases Charged in September 2023³

ALASKA

1. AK2104002; F/V Jean C – Owners Moderation Enterprises, Inc., G & W Fish Co., Strom Enterprises, LLC, and Operators and IFQ Permit Holders Harley Ethelbah and John Young were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with illegally discarding IFQ sablefish caught with fixed gear when an IFQ permit holder onboard held unused sablefish IFQ and with failing to record discard information in the Daily Fishing Log. A \$26,500 NOVA was issued.

NORTHEAST

2. NE2300747; M/V Michele My Belle – Owner Joseph Urbinati 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 \$22,500 NOVA was issued.

PACIFIC ISLANDS

None.

SOUTHEAST

3. 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 \$2,500.00 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. SE2207063; F/V Wally – Owner Moreno Fish Corp. and Permitholder/Lessee Roberto Rojas Diaz, Jr. were charged jointly and severally under the Magnuson-Stevens Act with failing to provide required information to the Agency. A \$1,000.00 NOVA was issued, and the case settled for \$900.
5. SE2207098; F/V Fish Pirate – Owner Valero Duran Corp. was charged 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.
6. SE2207110; F/V Frankie D – Owner Orbel Rivero Gonzalez was charged under the Magnuson-Stevens Act with failing to provide required information to the Agency. A \$2,500.00 NOVA was issued.
7. 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 \$2,500.00 NOVA was issued.
8. SE2207115; F/V Lady Lee – Owner Wauccamaw Investors Inc. was charged under the Magnuson-Stevens Act with failing to provide required information to the Agency. A \$1,000.00 NOVA was issued, and the case settled for \$900.
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.

WEST COAST

10. WC2202550; F/V Dusk – Owner Dusk Fisheries LLC and Operator Mike Lynch were charged jointly and severally under the Magnuson-Stevens Act with failing to operate a VMS mobile transceiver unit on board the vessel. A \$6,750.00 NOVA was issued.

Resolved Cases Charged Before September 1, 2023

ALASKA

1. AK2301745; M/V Phoenix – Owner Phoenix Processor LP and Captain David Long were charged jointly and severally under the Magnuson-Stevens Act with failing to submit check-in/check-out reports or have an operational VMS on board while operating a mothership in the Bering Sea. A \$5,000 NOVA was issued, and the case settled for \$4,500. [See Charged Cases, Item 2, from August 2023 report.]

NORTHEAST

2. NE2106798B – Federally permitted dealer Wildfish, LLC DBA Red’s Best LLC was charged under the Magnuson-Stevens Act with purchasing or receiving an Atlantic bluefin tuna (BFT) from a vessel without a valid permit and failing to timely file the requisite HMS BFT landing reports. A \$17,500 NOVA was issued, and the case settled for \$15,750. [See Charged Cases, Item 5, from June 2023 report.]
3. NE2107875; M/V Neoprene – Owner Neoprene Marine, LLC and Operator Kevin Gary Bendall 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. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 16, from June 2023 report.]

PACIFIC ISLANDS

None.

SILVER SPRING

4. CRSRA230004; Rocket Lab USA, 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 and with failing to provide CRSRA meaningful access to a remote ground terminal for an inspection. A \$5,875.00 NOVA was issued, and the case settled for \$5,287.50. [See Charged Cases, Item 8, from July 2022 report.]

SOUTHEAST

5. SE2105992; F/V Easy Money – Owner Mary H. Maniscalco and Operator Charles G. Maniscalco were charged jointly and severally under the Magnuson-Stevens Act with possessing finfish from the U.S. Exclusive Economic Zone in the Gulf of Mexico that was not maintained in whole condition, as required. A \$8,500 NOVA was issued, and the case settled for \$1,000. [See Charged Cases, Item 7, from October 2022 report.]
6. SE2205167; F/V Miss Donna – Owner Glenhart Brooks III and Operator Jessie Lamar Reed were charged jointly and severally under the Magnuson-Stevens Act with illegally fishing or possessing fish in a closed area. The proceeds (\$7,090) of the violation were forfeited by abandonment. A \$17,500.00 NOVA was issued, and the case settled for \$15,750. [See Charged Cases, Item 11, from August 2023 report.]
7. SE2205243; F/V AM Whale – Owner Global Investment Inc. and Operator Loi Van Nguyen were charged jointly and severally under the Endangered Species Act with operating in the Gulf of Mexico with non-compliant Turtle Excluder Devices. An \$85,224 NOVA was issued. After considering new evidence submitted by the respondents, the Agency severed joint and several

liability, and settled the case for a total of \$20,000 (\$15,000 settlement with the Owner and \$5,000 settlement with the Operator). [See Charged Cases, Item 12, from January 2023 Report].

8. SE2300568; F/V Miss Donna – Owner Glenhart Brooks III and Operator Patrick Murphy were charged jointly and severally under the Magnuson-Stevens Act with illegally fishing and possessing fish in a closed area. A \$16,212.00 NOVA was issued, and the case settled for \$14,712. [See Charged Cases, Item 13, from August 2023 report.]
9. SE2300893; F/V The Rougarou – Owner Voodoo Fishing Charters, LLC and Operator Chad Patrick Pique were charged jointly and severally under the Magnuson-Stevens Act with fishing for, catching, possessing, retaining, or landing Atlantic HMS without the appropriate valid vessel permit. A \$5,750 NOVA was issued, and the case settled for \$5,750. [See Charged Cases, Item 12, from May 2023 report and Resolved Cases, Item 9, from June 2023 report].

WEST COAST

10. NW1803710; F/V Mariah Mae – Owner Ruth Hahn and Operator Thomas Randall Hahn were charged jointly and severally under the Magnuson-Stevens Act with fishing in the Canadian Exclusive Economic Zone without authorization. A \$45,500 NOVA was issued, and the case settled for \$6,000. [See Charged Cases, Item 19, from June 2022 report.]