

**Civil Administrative Enforcement Actions**  
**December 1 - 31, 2023<sup>1</sup>**  
**During this reporting period, NOAA charged 20 cases and settled 17 cases<sup>2</sup>**

**Cases Charged in December 2023<sup>3</sup>**

**ALASKA**

1. AK2104985; F/V Sedna – Co-owner/Operator/User for Registered Buyer Satcher K. Gorton, Co-owner Riley K. Wilson, and Registered Buyer Sedna Fish Co. LLC were charged jointly and severally under the Northern Pacific Halibut Act with making an Individual Fishing Quota (IFQ) halibut landing other than directly to a registered buyer; possessing, selling, and transporting IFQ halibut landed in violation of 50 C.F.R. part 679; and failing to submit a report required under 50 C.F.R. part 679. A \$3,250 NOVA was issued.
2. AK2206703; F/V Lea – IFQ Permit Holder and Owner/Operator Robert J. Bateman and Owner Laura S. Coleman were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with possessing, selling, and transporting IFQ sablefish harvested in violation of § 679.4 – that is, 5,459 pounds of IFQ sablefish that were harvested in excess of what the IFQ permit on board authorized, a 417% overage. The proceeds (\$11,078.57) of the violation were forfeited by abandonment. A \$3,000 NOVA was issued.
3. AK2300315; F/V Nordic Fox – Owner Nordic Fox, LLC and Operator Jacob P. Jansen were charged under the Magnuson-Stevens Act with failing to have a functioning vessel monitoring system onboard during two federal Pacific cod fishing trips using pot gear. A \$10,000 NOVA was issued.
4. 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.
5. AK2301796; F/V Vanguard – Operator Per Hesberg and Owner Vanguard Fisheries, LLC were charged jointly and severally under the Magnuson-Stevens Act with fishing with, and having on board, non-pelagic trawl gear in Federal reporting areas open only to pelagic trawl gear; not complying with vessel monitoring system requirements; and inaccurate reporting. A \$59,784 NOVA was issued.

---

<sup>1</sup> This report is not considered to be a publication. All data are provisional.

<sup>2</sup> 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.

<sup>3</sup> 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.

## **NORTHEAST**

6. NE2206548; F/V Ligia – Owner Ligia Pereira Scalloping Company LLC and Operator Antonio Alvernaz were charged jointly and severally under the Magnuson-Stevens Act with fishing for and harvesting Atlantic sea scallops from a closed area. A \$63,905.85 NOVA was issued.
7. 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.
8. NE2303158; MSC Los Angeles – Owner Los Angeles Navigation Ltd. and Operator MSC Mediterranean Shipping Ltd. 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 \$7,500 NOVA was issued.

## **PACIFIC ISLANDS**

None.

## **SILVER SPRING**

9. CRSRA230013; Carthage College – Remote sensing space system licensee was charged under the Land Remote Sensing Policy Act with failing to timely submit an Annual Compliance Certification. A Written Warning was issued.
10. CRSRA230015; University of Texas at El Paso – Remote sensing space system licensee was charged under the Land Remote Sensing Policy Act with failing to timely submit an Annual Compliance Certification and failing to timely submit a notification after the disposal of an on-orbit component of the system. A \$3,000 NOVA was issued.
11. CRSRA230016; Washington State University – Remote sensing space system licensee was charged under the Land Remote Sensing Policy Act with failing to timely submit an Annual Compliance Certification. A Written Warning was issued.
12. 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.
13. CRSRA230020; Pointblank, LLC – Private remote sensing space system licensee was charged under the Land Remote Sensing Policy Act with failing to timely submit an Annual Compliance Certification. A \$1,800.00 NOVA was issued, and the case settled for \$1,620.
14. CRSRA230021; Sidus Space – Private remote sensing space system licensee was charged under the Land Remote Sensing Policy Act with failing to timely submit an Annual Compliance Certification

and failing to obtain approval for a license modification before taking any action that would change a material fact in the license. A \$1,500 NOVA was issued.

## **SOUTHEAST**

15. SE2301043; F/V Mucho K – Owner Mucho K Inc. was charged under the Magnuson-Stevens Act with failing to submit timely electronic headboat reports. A \$4,750 NOVA was issued.
16. SE2301043B; F/V Hurricane – Owner Cap Rudy Inc. was charged under the Magnuson-Stevens Act with failing to submit timely electronic headboat reports. A \$4,750 NOVA was issued.
17. 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.
18. SE2304395; M/V Pinguinito – Owner Frhraga LLC and Operator Bruce Brooks 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 \$15,000.00 NOVA was issued.
19. SE2307844; M/Y Katharine – Owner Katharine Ltd. and operator James Edward Livingston 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 \$7,500.00 NOVA was issued, and the case settled for \$6,750.

## **WEST COAST**

20. WC2303520; F/V St John II – Owners St John Vessel LLC, Lorelei II Inc, F/V Vigorous Inc, and Operator Gary Olsen were charged jointly and severally under the Magnuson-Stevens Act with taking and retaining, possessing, or landing more than a single cumulative limit of a particular species, per vessel, per applicable cumulative limit period. Specifically, respondents landed 888 pounds of shortspine thornyhead rockfish in excess of the applicable limit of 2,000 pounds. A \$3,916.00 NOVA was issued, and the case settled for \$3,524.40.

### **Resolved Cases Charged Before December 1, 2023**

## **ALASKA**

1. AK1800358 – Rocky Point Resort/Alaska, Inc. and Guided Angler Fish (GAF) Permit Holders, Charter Vessel Guides, and Business Owners Walter J. Payne and Mikel J. Payne were charged jointly and severally under the Northern Pacific Halibut Act with failing to report and mark GAF and submitting inaccurate information to NMFS. A \$28,046 NOVA was issued, and the case settled for \$25,241.40. [See Charged Cases, Item 1, from November 2023 report].

2. 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 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, and the case settled for \$21,200. [See Charged Cases, Item 1, from September 2023 report].

## **NORTHEAST**

3. NE2204267B – Restaurant Owner MacVane Tray Enterprises, Inc. and Principal Rattanak Tray were charged jointly and severally under the Magnuson-Stevens Act with first receiving an Atlantic bluefin tuna by way of purchase without the proper dealer permit. A \$6,500 NOVA was issued, and the case settled for \$5,850. [See Charged Cases, Item 5, from August 2023 report].
4. NE2204922; F/V Iron Tuna – Owner/Operator Cody Picaro was charged under the Magnuson-Stevens Act with failure to timely report. A \$7,000 NOVA was issued, and the case settled for \$700. [See Charged Cases, Item 8, from June 2023 report].
5. NE2301025; F/V Island Current III – Owner Island Current Fleet, Inc. and Operator Peter A. Jacobson were charged jointly and severally under the Magnuson-Stevens Act with possessing undersized Atlantic cod and making false statements to authorized officers. One whole Atlantic cod and 48 Atlantic cod fillets were voluntarily abandoned. A \$17,250 NOVA was issued, and the case settled for \$15,525. [See Charged Cases, Item 4, from November 2023 report].

## **PACIFIC ISLANDS**

None.

## **SILVER SPRING**

6. CRSRA230007; The Tomorrow Companies Inc. – A licensed private remote sensing space system operator was charged under the Land Remote Sensing Policy Act with failing to request and receive approval for a license modification before taking any action that would change a material fact in their license. A \$3,950 NOVA was issued, and the case settled for \$3,555. [See Charged Cases, Item 5, from November 2023 report].
7. CRSRA230008; Capella Space Corp. – A licensed private remote sensing space system operator was charged under the Land Remote Sensing Policy Act with failing to obtain approval for a license modification before taking any action that would change a material fact in the license. A \$4,600 NOVA was issued, and the case settled for \$4,140. [See Charged Cases, Item 6, from November 2023 report].
8. CRSRA230009; Ball Aerospace and Technologies Corp. – A licensed private remote sensing space system operator was charged under the Land Remote Sensing Policy Act with failing to timely submit an Annual Compliance Certification 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. [See Charged Cases, Item 7, from November 2023 report].

## **SOUTHEAST**

9. SE2103942; F/V Hailey Marie – Owner Hailey Marie Inc. and Operator Leonard Hunte were charged jointly and severally under the Magnuson-Stevens Act with exceeding the bag or possession limit for lane snapper. A \$8,500 NOVA was issued, and the case settled for \$7,650. [See Charged Cases, Item 9, from July 2023 report].
10. SE2300439; F/V FL3669PF – Owner/Operator Stanley Eugene Harrison (d/b/a Anchors Aweigh Fishing Charters & More LLC) was charged under the Magnuson-Stevens Act with fishing for Gulf reef fish in the EEZ aboard a charter vessel without a federal charter permit. A \$16,000.00 NOVA was issued, and the case settled for \$4,800. (Loren) [See Charged Cases, Item 10, from August 2023 report].
11. SE2300996; M/V Se-Lah – Owner BB Yachts Ltd. and Operator Jordy Gardiner were charged jointly and severally under the Endangered Species Act and the Marine Mammal Protection Act with two counts of violating the North Atlantic Right Whale speed restriction regulation. A \$15,000 NOVA was issued, and the case settled for \$12,000. [See Charged Cases, Item 13, from July 2023 report].
12. SE2303265; M/V Waste Knot – Owner Waste Knot LLC and Operator Michael Ray Tickle 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 \$22,500.00 NOVA was issued, and the case settled for \$20,250. [See Charged Cases, Item 10, from November 2023 report].
13. SE2306299; M/V Aldebaran J – Owner MS Aldebaran J Schiffahrtsgesellschaft UG Haftungsbeschränkt & Co KG was charged 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. [See Charged Cases, Item 12, from November 2023 report].
14. SE2309674; FL2666SY – Owner/Operator Larry Dewayne Hatfield (d/b/a Tidelife LLC) was charged under the Magnuson-Stevens Act with operating a Gulf reef fish charter in the EEZ without a federal permit. A \$5,750 NOVA was issued, and the case settled for \$5,175. (Loren) [See Charged Cases, Item 14, from November 2023 report].

## **WEST COAST**

None.