

Civil Administrative Enforcement Actions

September 1 – 30, 2024¹

During this reporting period, NOAA charged 17 cases, settled 15 cases, and otherwise resolved 2 cases.²

Cases Charged in September 2024³

ALASKA

1. AK2205728; F/V Norse Maid – Operator/IFQ Hired Master Nick A. Carlson was charged under the Northern Pacific Halibut Act with failing to log one fishing trip in the Observer Deploy and Declare System as required. A \$4,500 NOVA issued.
2. AK2300850; F/V America's Finest – Owner America's Finest Fishing, LLC, was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with directed fishing for groundfish with trawl gear in the Nearshore Bristol Bay Trawl Area when that area was closed to trawling. A \$121,984.48 NOVA was issued.

NORTHEAST

3. NE2205648; Starkist Corp. – International Fisheries Trade Permit Holder Starkist Corp. was charged under the Magnuson-Stevens Act with submitting incomplete and inaccurate information and with failing to maintain records for inspection under the Seafood Import Monitoring Program. A \$12,750 NOVA was issued.
4. NE2304399; M/V Sweetie – Owner/Operator George P. Denny III 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 \$15,000 NOVA was issued. The case was dismissed.
5. NE2309754; F/V Barbara Pauline – Owner Barbara Pauline Inc. and Operator Ross Dickinson were charged jointly and severally under the Magnuson-Stevens Act with fishing for and harvesting Atlantic scallops from a closed area. A \$102,829 NOVA was issued, and the case settled for \$100,729.

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. NE2314319; M/V Boardwalk – Owner Boardwalk Ltd., Technical Manager Vessel Safety Management, LLC, and Operator Tristan Judson 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.

PACIFIC ISLANDS

7. PI2407961 – David Cervantes was charged under the Endangered Species Act with the take of an endangered Hawaiian monk seal. A \$4,000 NOVA was issued.

SOUTHEAST

8. SE2206610; F/V Coastal Cowboy – Owner/Operator Louis James Krolczyk dba Coastal Cowboy Fishing Charters was charged under the Magnuson-Stevens Act with fishing for Gulf reef fish and coastal migratory pelagic fish in the EEZ aboard a charter vessel without a federal charter permit. A \$21,900 NOVA was issued.
9. SE2301071; F/V Ana Y Vale – Recreational Speargun Fishermen Enrique Arrieta, Rafael Cermenio Cardenas, Rigoberto Roriquez Abreu, and Arnaldo Avila Hidalgo were charged jointly and severally under the National Marine Sanctuaries Act with spearfishing within the Elbow Sanctuary Preservation Area. A \$7,500 NOVA was issued, and the case settled for \$6,750.
10. SE2302370; M/V Glori Days – Owner Arnold S. Goldstein 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.
11. SE2302858; F/V Ana Y Vale – Recreational Speargun Fishermen Enrique Arrieta, Rafael Cermenio Cardenas, and Enrique Loret De Mola 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, and the case settled for \$2,025.
12. SE2314811; M/V Paradise – Owner/Operator Ray William Dehart and Owner Linda Charlene Dehart 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 and the case settled for \$6,750.
13. SE2400003; F/V Skirt Chaser – Owner Skirt Chaser, LLC, Operator Kevin Michael Mahfood, and Anglers Zachary Michael Mahfood, Suzanne Mahfood, Pierce Geoffrey Statham, Shane Michael O'Connor, Kelly Sullivan O'Conner, and John Preston Larsen were charged jointly and severally under the Lacey Act and Magnuson-Stevens Act with possessing within the Special Maritime and Territorial Jurisdiction of the United States, fish or wildlife taken, possessed, or transported in violation of Bahamian law, and with exceeding the possession limit for wahoos. A \$4,500 NOVA was issued, and the case settled for \$4,050.

14. SE2400745; M/V Caribe Legend – Owner Caribe Shipping LTD and Operators Hyde Shipping Corporation and Manuel Morales 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. An \$11,000 NOVA was issued.
15. SE2403525, M/V EM Spetses – Owner Spetses Shipowners Ltd. and Operator Zim Integrated Shipping Services Ltd. 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.
16. SE2403592, M/Y Gail Force – Owner 656 Braga Way LLC and Operator James Dixey Castengera 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 NOVA was issued, and the case settled for \$13,500.
17. SE2403795; F/V Freak Show – Owner Contagious LLC and Operator Jarrett Thomas Anthony O’Grady were charged jointly and severally under the Magnuson-Stevens Act with fishing for, catching, possessing, or retaining Atlantic highly migratory species without the appropriate valid vessel permit. A \$5,750 NOVA was issued.

WEST COAST

18. WC2200417, Jeffrey Stacy – Kayaker Jeffrey Stacy was charged under the Marine Mammal Protection Act with taking a marine mammal by feeding sea lion pups on the docks at Oceanside, California. A \$1,000 NOVA was issued.

Resolved Cases Charged Before September 1, 2024

ALASKA

1. AK2300770; F/V Intrepid – Owner F/V Intrepid, LLC and Operator Alexey P. Fefelov were charged jointly and severally under the Northern Pacific Halibut Act with failing to return halibut discards to the sea with a minimum of injury. A \$49,500 NOVA was issued, and the case settled for \$39,600. [See Charged Cases, Item 3, from June 2024 report]

NORTHEAST

2. NE2200822; F/V Orion – Owner Princess Diana 1 Inc. and Operator Pasquale Dimaio were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act with possessing 57 egg-bearing female lobsters and with an overage of 106 lobsters. 64 lobsters were voluntarily abandoned. An \$8,250 NOVA was issued, and the case settled for \$6,500. [See Charged Cases, Item 4, from June 2024 report]

3. 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, and the case settled for \$12,515.51. [See Charged Cases, Item 2, from August 2024 report]
4. NE2306724 – International Fisheries Trade Permit holder John Nagle Co. 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. A \$7,000 NOVA was issued, and the case settled for \$6,300. [See Charged Cases, Item 6, from July 2024 report]

SILVER SPRING

5. CRSRA240007; Cal Poly Corporation – Remote sensing space system licensee was charged under the Land Remote Sensing Policy Act with failing to timely submit annual compliance certifications for each of its four licensed remote sensing systems. A \$2,500 NOVA was issued, and the case settled for \$2,250.⁴

PACIFIC ISLANDS

None.

SOUTHEAST

6. SE2100421 – Timothy Prescot Maddock, Jr. was charged under the Magnuson-Stevens Act with selling swordfish without a permit. A \$5,990 NOVA was issued, and the case settled for \$5,415. [See Charged Cases, Item 10, from July 2024 report]
7. SE2107134; F/V CJR – Owner C&G of Murrells Inlet Inc. and Operator Darrell Anthony Bessent were charged jointly and severally under the Magnuson-Stevens Act with fishing in the Northern South Carolina Marine Protected Area and with failing to maintain fish intact. A \$12,783.25 NOVA was issued, and the case settled for \$11,504.92. [See Charged Cases, Item 11, from June 2024 report]
8. 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. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 4, from August 2024 report]

⁴ This NOVA was issued in August 2024, but was not included in previous reports.

WEST COAST

9. WC2300079; F/V Heather G – Owner Atlantic Pacific Tuna Inc. and Operators John Allen and Oliver Jones were charged jointly and severally under the Magnuson-Stevens Act with failing to operate VMS at sea as required by Pacific Highly Migratory Species Fishery regulations and High Seas Fishing Compliance Act. A \$15,000 NOVA was issued, and the case settled for \$10,000. [See Charged Cases, Item 16, from January 2024 report]