

Civil Administrative Enforcement Actions

November 1 – 30, 2024¹

During this reporting period, NOAA charged 14 cases and settled 13 cases.²

Cases Charged in November 2024³

ALASKA

1. AK2205793; F/V Cape Caution – Operator Kerby Glen Mitchell was charged under the Northern Pacific Halibut Act with fishing for halibut in violation of the Act's annual management measures. Specifically, he possessed onboard a vessel Pacific halibut that had been filleted, mutilated, or otherwise disfigured in any manner. 232 pounds of chunked Northern Pacific halibut were forfeited by abandonment. A \$2,050 NOVA was issued.
2. AK2300524; F/V New Venture – Owner New Venture Fisheries LLC and Operator Peter T. Wilson, Jr. were charged jointly and severally under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with fishing for Pacific cod in violation of an in-season action, closure, or adjustment. \$5,031 in seized proceeds were forfeited by abandonment. A \$5,750 NOVA was issued, and the case settled for \$5,175.
3. AK2310754; F/V Jennifer Lee – Owner Jennifer Lee, Inc. and Operator Adam Lee Swanson 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. An \$8,800 NOVA was issued.

NORTHEAST

4. NE2107230; F/V Hot Tuna & F/V Bad Fish – Owner Hot Tuna Limited and Operator Timothy J. Ott were charged jointly and severally under the Magnuson-Stevens Act with failing to report Atlantic bluefin tuna landed and sold within twenty-four hours, on numerous occasions between 2021 and 2024. A \$10,000 NOVA was issued.
5. NE2307530; F/V Nicole Jean – Owner FV Shooting Star Inc. and Operator Joseph A. Scola were charged jointly and severally under the Magnuson-Stevens Act with failing to timely

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.

submit fishing vessel trip reports; exceeding the Atlantic cod possession limits; and failing to submit Northeast multispecies VMS trip end hail reports. A \$31,043.57 NOVA was issued.

6. NE2314234; M/Y Steadfast – Owner Down East Yachting LLC and Operator Michael Boryk 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, and the case settled for \$6,750.
7. NE2403043; F/V NY7515HD – Operator Steven M. Fernandez was charged under the Magnuson-Stevens Act with falsifying information on a Highly Migratory Species report involving the harvest of Atlantic bluefin tuna. A \$5,000 NOVA was issued.
8. NE2403189; F/V JNJ – Owner/Operator Reed C. Johnson was charged under the Magnuson-Stevens Act with falsifying information pertaining to his landing of bluefin tuna on his vessel catch report. A \$20,000 NOVA was issued, and the case settled for \$18,000.
9. NE2403407; F/V King Cod VII – Owner K C Fishing Inc. and Operator Joseph G. Tangel were charged jointly and severally under the Magnuson-Stevens Act with possessing undersized Atlantic cod and fishing for Northeast Multispecies during a closure. A \$5,000 NOVA was issued.

PACIFIC ISLANDS

None.

SOUTHEAST

10. SE2106100; F/V Anastasia – Owner Davis Charter Service Inc., Operator Anthony Jewel Davis, and Crewmember Cameron Williams were charged jointly and severally under the Marine Mammal Protection Act with illegal take. A \$25,053.50 NOVA was issued.
11. SE2306449; M/V American Serenade – Owner American Cruise Lines Inc. and Operator Gregg Scheiferstein were charged jointly and severally under the National Marine Sanctuary Act with operating a vessel greater than 50 meters in the Area To Be Avoided adjacent to the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued, and the case settled for \$6,750.
12. SE2307850; M/Y Vision – Owner Vision Power Delaware LLC and Operator Carlos Guillermo Sadagorsky 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.

13. SE2405142; F/V Intrepido II – Owner J & B Fisheries and Farms LLC and Operator Ronald Stephen Chicola were charged jointly and severally under the Magnuson-Stevens Act with fishing in the McGrail Bank Habitat Area of Particular Concern. A \$5,750 NOVA was issued.

WEST COAST

14. WC2306308; Unnamed 27' Sailboat; – Operator John Knotts was charged under the National Marine Sanctuaries Act with discharging/depositing unauthorized material in Monterey Bay National Marine Sanctuary when his vessel sank in the sanctuary during transit. A \$2,500 NOVA was issued.

Resolved Cases Charged Before November 1, 2024

ALASKA

1. AK2202348; C/P Northern Eagle – Owners American Seafoods Company, LLC and Northern Eagle, LLC were charged jointly and severally under the Magnuson-Stevens Act with failing to ensure no salmon of any species passed the observer collection point. A \$15,000 NOVA was issued, and the case settled for \$13,500. [See Charged Cases, Item 1, from August 2024 report]
2. AK2300850; F/V America's Finest – Owner America's Finest Fishing, LLC, was charged under the 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, and the case settled for \$41,000. [See Charged Cases, Item 2, from September 2024 report]

NORTHEAST

None.

PACIFIC ISLANDS

3. 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, and the case settled for \$2,000. [See Charged Cases, Item 7, from September 2024 report]

SOUTHEAST

4. SE2314664; F/V Team Explorer – Owner Captain Ron, Inc. and Operator Ronald J. Gauthier were charged jointly and severally under the Magnuson-Stevens Act with fishing for Gulf reef fish in the EEZ aboard a charter vessel without a federal charter permit. A \$19,800 NOVA was issued, and the case settled for \$15,000. [See Charged Cases, Item 7, from March 2024 report]

5. SE2403448; F/V Robalo – Owner/Operator Eliud Rios Santiago was charged under the Magnuson-Stevens Act with possessing prohibited queen conch in the EEZ around Puerto Rico. A \$5,000 NOVA was issued, and the case settled for \$0. [See Charged Cases, Item 8, from August 2024 report]

WEST COAST

6. WC2306887; F/V Pacific Hustler – Crew member Armando Nava Moreno was charged under the Magnuson-Stevens Act with assaulting and harassing an observer. Specifically, Respondent burned an observer with a cigarette and harassed the observer with conduct that has sexual connotations or creates an intimidating, hostile, or offensive environment. A \$36,000 NOVA was issued, and the case settled for \$10,000. [See Charged Cases, Item 17, from June 2024 report]
7. WC2307051; Unnamed 24' Motorboat – Owner/Operator Francisco Leal was charged under the National Marine Sanctuaries Act with discharging/depositing unauthorized material in Monterey Bay National Marine Sanctuary when the vessel ran aground in the sanctuary while attempting to fish offshore. A \$5,625 NOVA was issued, and the case settled for \$5,062.50. [See Charged Cases, Item 16, from July 2024 report]
8. WC2408379; F/V Pacific Challenger – Owner Kotlik Challenger LLC and Operator Christopher Peterson were charged jointly and severally under the Magnuson-Stevens Act with fishing in the Shorebased IFQ program with a vessel account deficit for any species or species group. A \$5,750 NOVA was issued, and the case settled for \$4,750. [See Charged Cases, Item 11, from March 2024 report]