

NOAA Office of General Counsel, Enforcement Section
Civil Administrative Enforcement Actions
May 1 - 31, 2023¹
During this reporting period, NOAA charged 13 cases,
settled 12 cases, and otherwise resolved 3 cases.²

Cases Charged in May 2023³

ALASKA

1. AK2003678; F/V American Dynasty – Medic Daniel Craig Azcarate was charged under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) with sexually harassing a female fisheries observer. A \$36,000 NOVA was issued.
2. AK2206212; F/V Alaska Beauty – Owner Jireh Fisheries, LLC and Operator Curtis Waters were charged jointly and severally under the Magnuson-Stevens Act with directed fishing for pollock in an area closed to directed fishing. A \$9,249 NOVA was issued, and the case settled for \$9,141.50.
3. 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 has been filleted, mutilated, or otherwise disfigured in any manner. A \$8,000 NOVA was issued. The NOVA became a final administrative decision due to default.

NORTHEAST

4. NE2203317; M/V On the Edge – Owner On The Edge NYC, LLC and Operator Leonard Palmucci 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 \$12,500 NOVA was issued.⁴

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 The charge for this case was originally issued in February 2023 but revised to split into two separate cases with two separate operators. This case was not included in the February 2023 report.

5. NE2203317B; M/V On the Edge – Owner On The Edge NYC, LLC and Operator Alexander Hummel, 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 \$7,500 NOVA was issued.⁵
6. NE2204993; F/V Jane Elizabeth – Owner John and Jane, LLC and Operator Russell G. Isabel were charged jointly and severally under the Magnuson-Stevens Act with violating the closed area requirements by fishing in a habitat management area. A \$74,319.12 NOVA was issued.
7. NE2205923; F/V Reel Buzz – Operator Alex Defreitas was charged under the Magnuson-Stevens Act with landing an oversized tuna on a restricted fishing day. A \$12,000 NOVA was issued.
8. NE2302462 – Shipper Molina Internacional Trading, S.A. and Consignee Fortune Resource International, Ltd. were alleged to have caused the import, export, and/or transport of 645 kg of dried shark fins within the jurisdiction of the United States, in violation of the Endangered Species Act, Lacey Act, and Shark Fin Sales Elimination Act. A Notice of Seizure and Proposed Forfeiture for 480 kg of dried silky shark fins, valued at \$51,298.56; 85 kg of dried bull shark fins, valued at \$13,265.44; and 80 kg of dried scalloped hammerhead shark fins, valued at \$10,484.96 was issued.

PACIFIC ISLANDS

9. PI2201006 – Owner Hang Loose Boat Tours, LLC and Operator Simon Velaj were charged jointly and severally under the Marine Mammal Protection Act with the illegal take of a Humpback whale. A \$4,250 NOVA was issued.
10. PI2202959; F/V Triple Dragon – Owner Triple Dragon, LLC and Operator Lam Ngoc Lu were charged jointly and severally under the Magnuson-Stevens Act with conducting prohibited commercial fishing in the Pacific Remote Islands Marine National Monument. A \$17,071 NOVA was issued, and the case settled for \$15,363.90.

SOUTHEAST

11. SE2206424; FL3455RV – Owner Suncoast Nursery & Tiki Huts Inc., Operator Miguel Rodriguez, and Anglers Isaac Fernandez Hayes and Jeremias Gil were charged jointly and severally under the National Marine Sanctuary Act with fishing in the Tortugas North Ecological Reserve in the Florida Keys National Marine Sanctuary. A \$3,750 NOVA was issued, and the case settled for \$3,375.
12. 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.

⁵ See previous footnote.

WEST COAST

13. WC2300553; F/V Ossian – Owner Keltie Fishing, Inc. and Operator Scott Hartzell were charged jointly and severally under the Magnuson-Stevens Act with landing more groundfish than specified under applicable trip limits. A \$15,764.43 NOVA was issued and the case settled for \$14,187.99.

Resolved Cases Charged Before May 1, 2023

ALASKA

1. AK2202701; AK9728AM – Subsistence Fisherman Anthony P. Charles was charged under the Northern Pacific Halibut Act with fishing for subsistence halibut in and off Alaska without a valid subsistence halibut registration certificate. A \$250 NOVA was issued. The NOVA became a final administrative decision due to default. [See Charged Cases, Item 1, from March 2023 report].

NORTHEAST

2. NE2106716; F/V Lady Dee – Owner Noah Fishing, LLC and Operator Nicholas L. Baird were charged jointly and severally under the Magnuson-Stevens Act, with fishing for, possessing, and/or landing Atlantic sea scallops harvested from a habitat management area. A \$17,058.58 NOVA was issued, and the case settled for \$14,048.48. [See Charged Cases, Item 4, from April 2023 report].
3. NE2200570; F/V Second Wind – Owner Second Wind Fisheries, Inc. and Operator Michael Monteforte, Jr. were charged jointly and severally under the Magnuson-Stevens Act with failure to accurately comply with the fishing vessel trip reporting requirements. A \$5,750 NOVA was issued, and the case settled for \$5,175. [See Charged Cases, Item 6, from April 2023 report].
4. NE2203002; F/V Nathaniel Lee – Owner Sea King of Florida, LLC and Operator Paul J. Carey were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act with possession of seven egg-bearing female lobsters and 37 undersized lobsters, which were voluntarily abandoned. A \$5,000 NOVA was issued, and the case settled for \$4,500. [See Charged Cases, Item 7, from April 2023 report].
5. NE2203425; R/V Shearwater – Owner Duke University and Operator Matthew Dawson 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 \$45,000 amended NOVA was issued, to include past violations of the North Atlantic Right Whale speed restriction regulation, and the case settled for \$40,500. [See Charged Cases, Item 8, from April 2023 report].
6. NE2206149; F/V Nathaniel Lee – Owner Sea King of Florida, LLC and Operator Walter J. Silvia were charged jointly and severally under the Atlantic Coastal Fisheries Cooperative Management Act with possession of 14 undersized lobsters, 5 v-notched female lobster, and 1 berried lobster, which were voluntarily abandoned. A \$10,000 NOVA was issued, and the case settled for \$9,000. [See Charged Cases, Item 11, from April 2023 report].

PACIFIC ISLANDS

7. PI1903876; Nelson Edward Lynch and Green Mountain LLC– Owner and operator were charged under the Marine Mammal Protection Act for fishing in the Southern Exclusion Zone (SEZ) after it had been closed to fishing in 2019. A NOVA in the amount of \$11,000 was issued, and the case settled for \$6,000. [See Charged Cases, Item 12, from April 2023 report].
8. PI2203681; F/V Fetuolemoana – Owner Tuna Ventures, Inc. and Operator Tovio Fano Pitoua were charged jointly and severally under the Magnuson-Stevens Act with fishing for Pacific pelagic MUS with a large longline US fishing vessel in the American Samoa Large Vessel Prohibited Area. A \$5,750 NOVA was issued, and the case settled for \$5,175. [See Charged Cases, Item 13, from April 2023 report].
9. PI2205511; F/V Princess Jasmine II – Owner Nguyen Fishery, Inc. and Operator Stephen Randel Thatcher were charged jointly and severally under the Magnuson-Stevens Act with conducting prohibited commercial fishing in the Pacific Remote Islands Marine National Monument. A \$4,868 NOVA was issued, and the case settled for \$4,381.20. [See Charged Cases, Item 14, from April 2023 report].

SOUTHEAST

10. SE2203060; F/V Gulf Offshore – Owner/Operator John William Fagan was charged under the Magnuson-Stevens Act with fishing for or possessing Gulf reef fish on a charter trip with an expired Gulf reef fish charter permit. A \$5,000.00 NOVA was issued. The NOVA became a final administrative decision due to default in January 2023. The parties entered into a revised settlement agreement for \$5,000. [See Charged Cases, Item 3, from the December 2022 report].
11. SE2205618; F/V Chem Gallium – Owner Chem Galium SA and Operator ASM Maritime BV 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 \$15,000 NOVA was issued, and the case settled for \$13,500. [See Charged Cases, Item 22, from the April 2023 report].

WEST COAST

None.