

**NOAA Fisheries Office of Law Enforcement  
Southeast Division**

FISCAL YEAR 2021, QUARTER 4  
FISHERY MANAGEMENT  
COUNCIL REPORT

JULY 1, 2021- SEPTEMBER 30, 2021



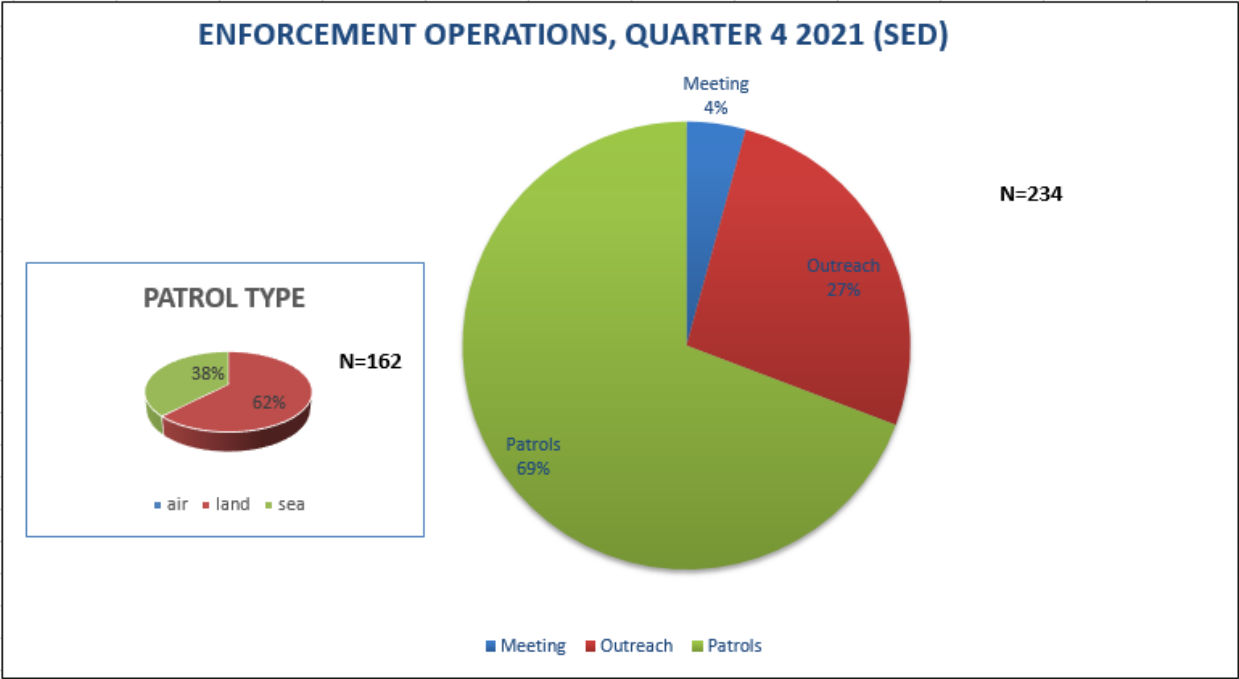
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# Enforcement and Compliance

Data represent National Oceanic and Atmospheric Administration, National Marine Fisheries, Office of Law Enforcement, Southeast Division’s (OLE-SED) enforcement effort conducted throughout FY Quarter 4 2021, **July 1, 2021- September 30, 2021**. When appropriate, information is separated by council, South Atlantic Fishery Management Council (SAFMC), Gulf of Mexico Fishery Management Council (GMFMC) and Caribbean Fishery Management Council (CFMC).

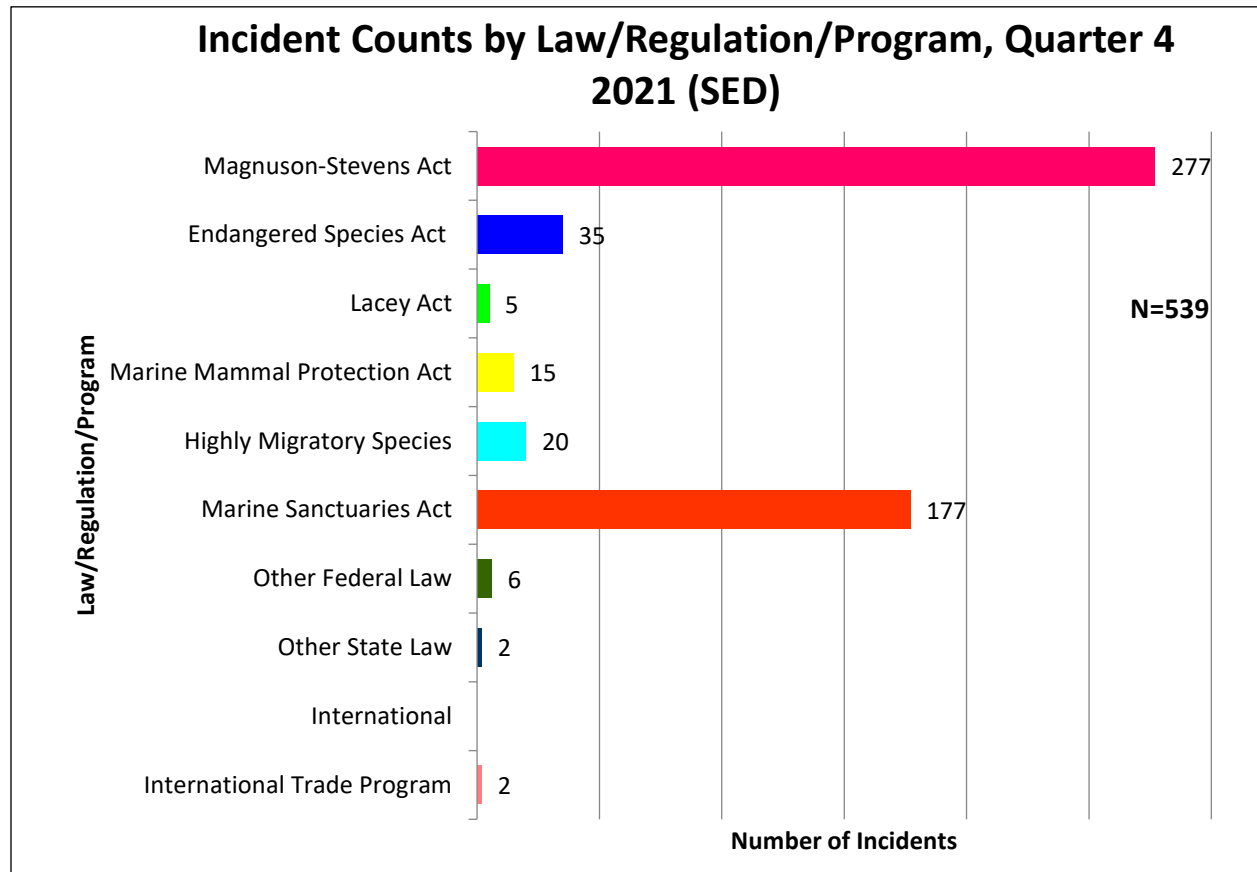
Patrols, outreach and education, compliance assistance, and investigations are the primary activities of OLE’s mission to protect marine wildlife and habitat by enforcing domestic laws and supporting international treaty requirements designed to ensure global resources are available for future generations. A multi-agency operation (Operation Sanctuary Savior) concentrated on lobster mini season activity throughout the Florida Keys National Marine Sanctuary. Overall this quarter, OLE-SED conducted and documented **162** patrols, **62** specific instances of outreach and attended **10** meetings.



# Incident Information

During the fourth quarter, OLE-SED opened 529 incidents, which included 539 individual counts- 433 counts in the SAFMC area, 352 counts in the GMFMC area and 3 counts in the CFMC area<sup>1</sup>. Opened incidents originate from both NOAA personnel and our enforcement partners.

## Summary of Incidents by Law/Regulation/Program; Quarter 4 2021



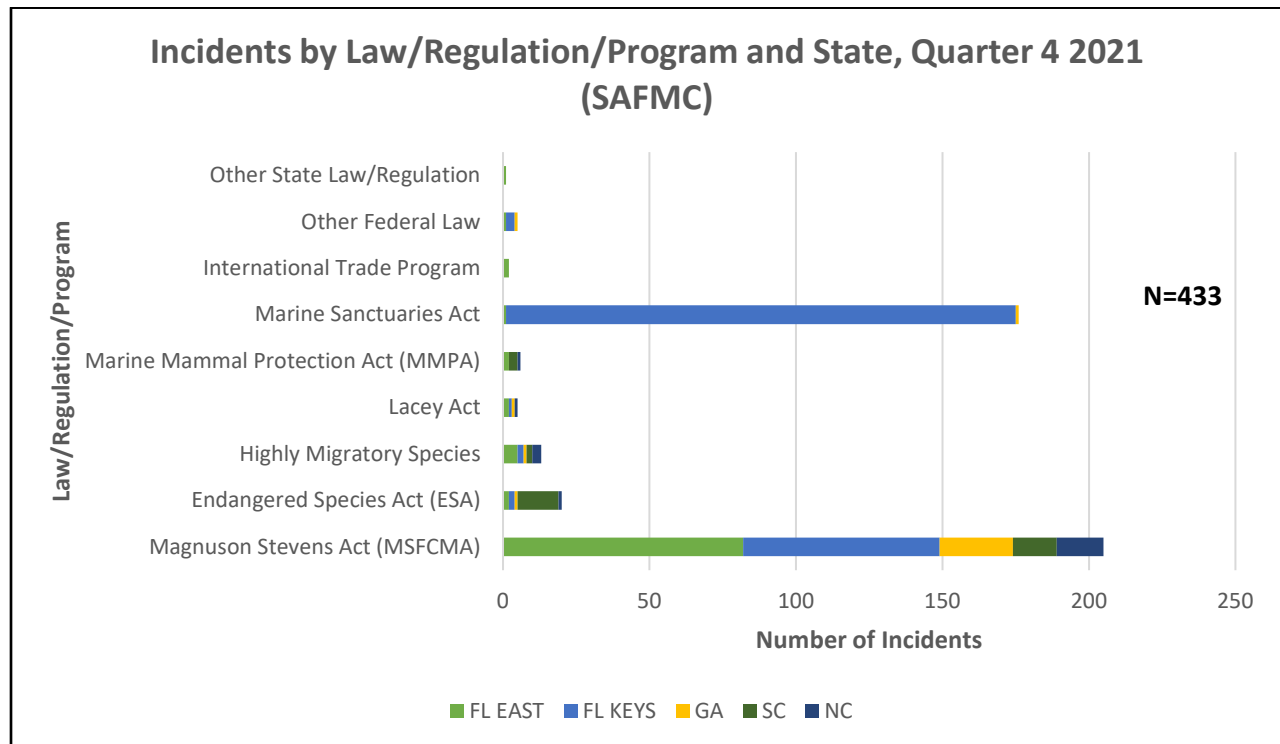
<sup>1</sup> Incidents occurring in the Florida Keys area are included in both SAFMC and GMFMC counts; total individual counts are greater than opened incidents due to multiple counts charged for separate incidents

## South Atlantic Fishery Management Council Summary

\*\*Total number of incidents listed below includes effort by OLE and enforcement partners, by location

### Number of Incidents by Law/Regulation/Program and Location; Quarter 4 2021 (SAFMC)

Law/Regulation/Program	FL EAST	FL KEYS	GA	SC	NC	Total
Magnuson Stevens Act (MSFCMA)	82	67	25	15	16	205
Endangered Species Act (ESA)	2	2	1	14	1	20
Highly Migratory Species	5	2	1	2	3	13
Lacey Act	2	1	1		1	5
Marine Mammal Protection Act (MMPA)	2			3	1	6
Marine Sanctuaries Act	1	174	1			176
International Trade Program	2					2
Other Federal Law	1	3	1			5
Other State Law/Regulation	1					1
<b>TOTAL</b>	<b>98</b>	<b>249</b>	<b>30</b>	<b>34</b>	<b>22</b>	<b>433</b>

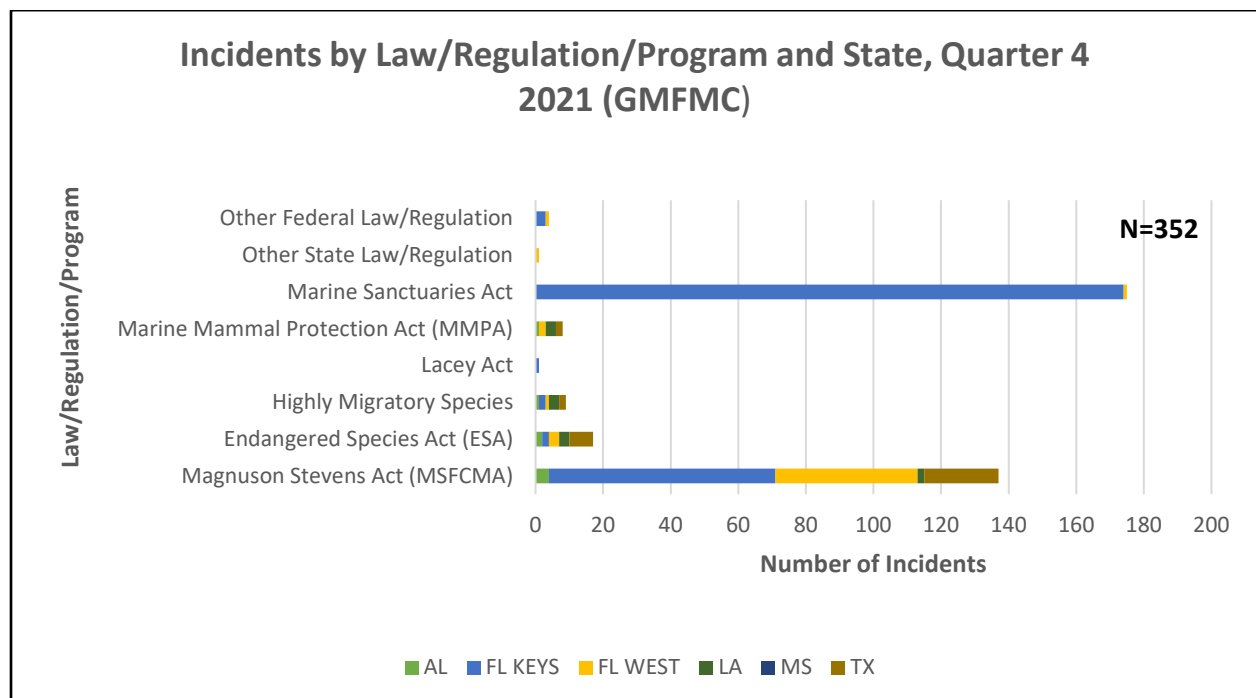


## Gulf of Mexico Fishery Management Council Summary

\*\*Total number of incidents listed below includes effort by OLE and enforcement partners, by location

### Number of Incidents by Law/Regulation/Program and Location; Quarter 4 2021 (GMFMC)

Law/Regulation/Program	AL	FL KEYS	FL WEST	LA	MS	TX	Total
Magnuson Stevens Act (MSFCMA)	4	67	42	2		22	137
Endangered Species Act (ESA)	2	2	3	3		7	17
Highly Migratory Species	1	2	1	3		2	9
Lacey Act		1					1
Marine Mammal Protection Act (MMPA)	1		2	3		2	8
Marine Sanctuaries Act		174	1				175
Other State Law/Regulation			1				1
Other Federal Law/Regulation		3	1				4
<b>TOTAL</b>	<b>8</b>	<b>249</b>	<b>51</b>	<b>11</b>	<b>0</b>	<b>33</b>	<b>352</b>

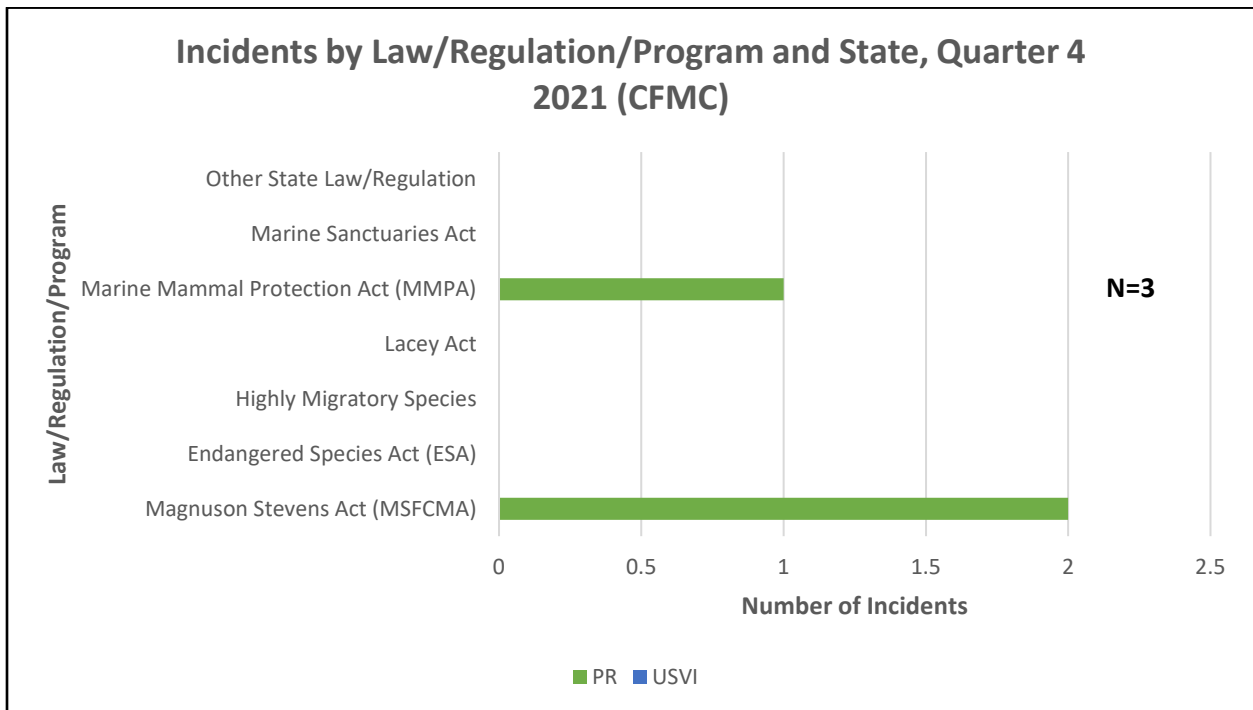


## Caribbean Fishery Management Council Summary

\*\*Total number of incidents listed below includes effort by OLE and enforcement partners, by location

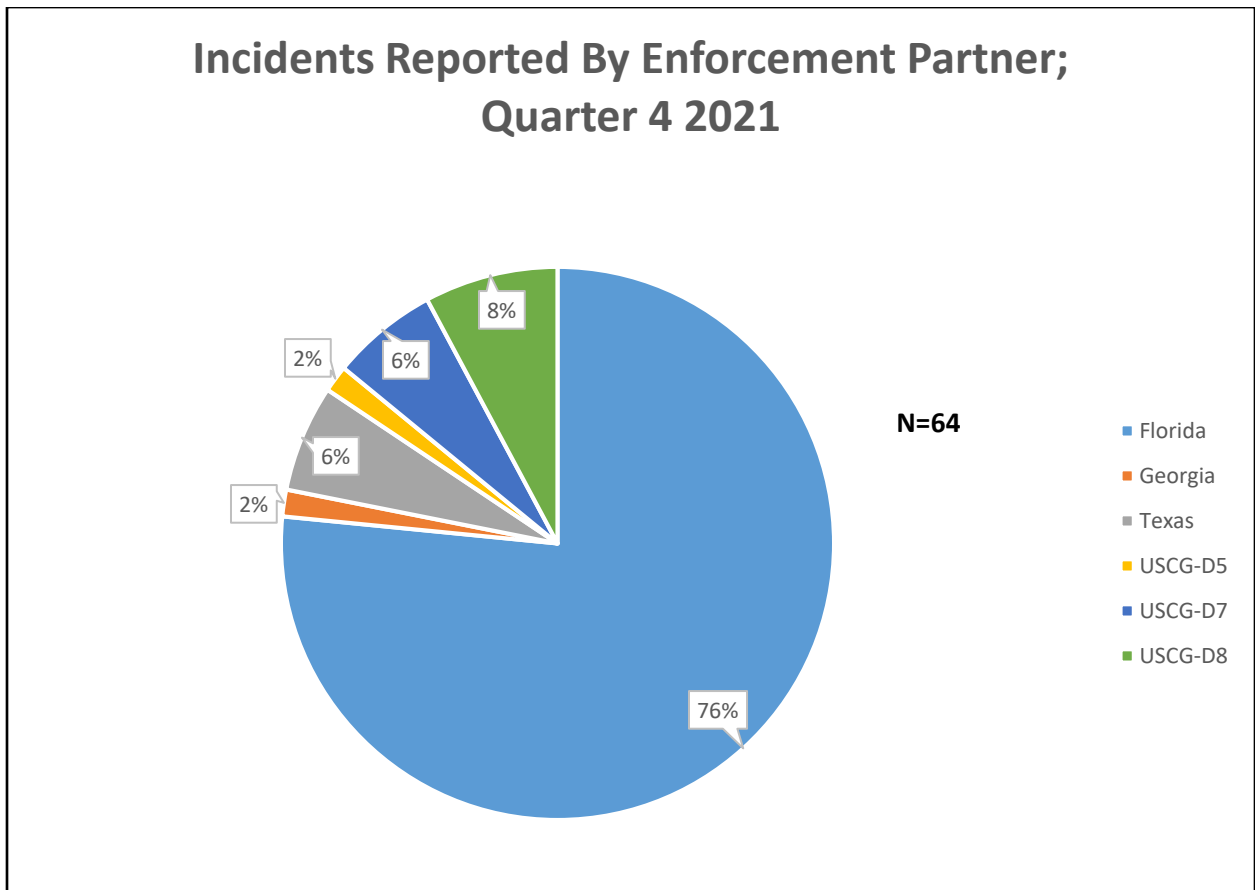
### Number of Incidents by Law/Regulation/Program and Location; Quarter 4 2021 (CFMC)

Law/Regulation/Program	PR	USVI	Total
Magnuson Stevens Act (MSFCMA)	2		2
Endangered Species Act (ESA)			0
Highly Migratory Species			0
Lacey Act			0
Marine Mammal Protection Act (MMPA)	1		1
Marine Sanctuaries Act			0
Other State Law/Regulation			0
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>3</b>



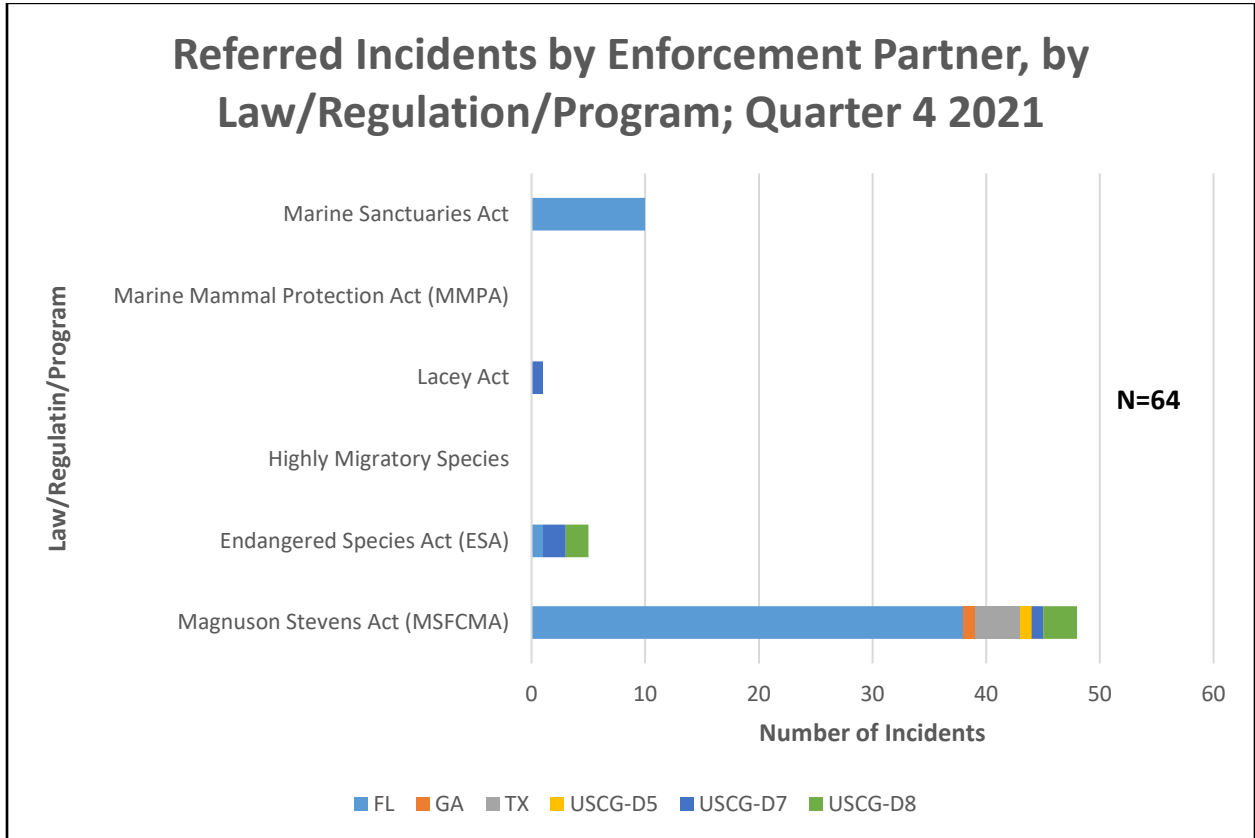
# Summary of Cases by Joint Enforcement Agreement and United States Coast Guard Partners

Throughout Quarter 4, 2021, there were **64** cases referred to OLE-SED through Joint Enforcement Agreement (JEA) and United States Coast Guard (USCG) partners. Below is a summary showing the overall distribution of cases initiated by partner, and a breakdown of case counts by law/regulation/program per enforcement partner<sup>1</sup>. Effort consisted of dockside vessel boardings, offshore vessel boardings and interaction with the general public and industry members.





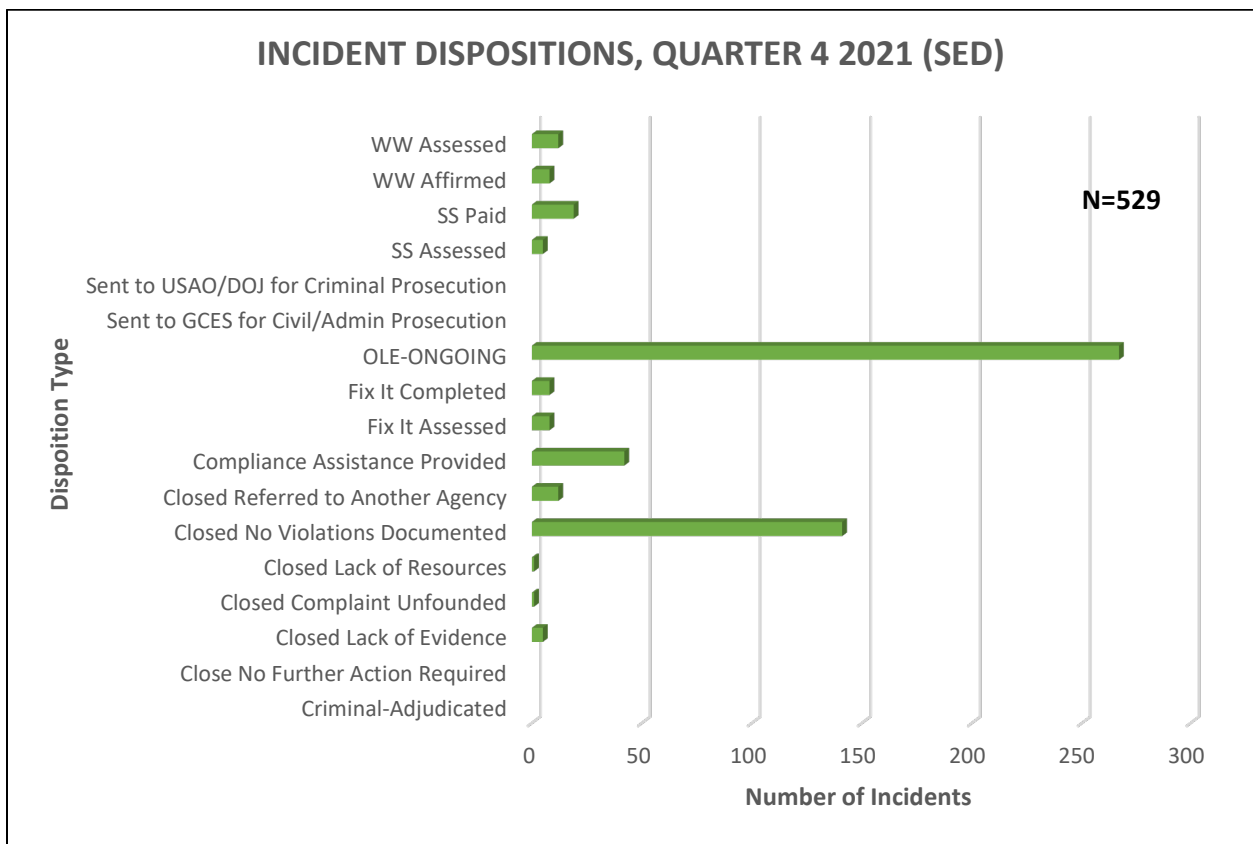
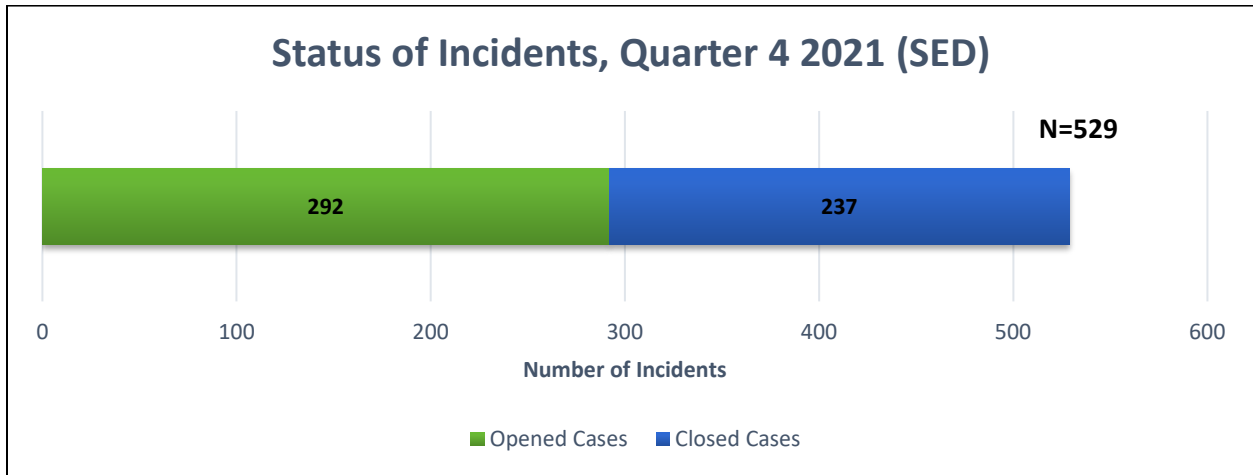
## Referred Incidents by Enforcement Partner, by Law/Regulation/Program; Quarter 4 2021



<sup>1</sup> total individual counts may be greater than opened cases due to multiple counts charged for separate cases

# Caseload Snapshot

Below is a breakdown of the initiated incidents (529) throughout the quarter, by status and disposition. The total also includes cases referred to OLE-SED by our enforcement partners. Throughout the quarter, enforcement personnel were able to complete investigations and close 45% of the incoming workload.



# Enforcement Highlights

## **Lacey Act**

On June 24, 2021, Joshua Moak appeared before a U.S. District Judge in Mississippi for sentencing. Moak was sentenced to a term of two (2) years of probation, a \$2,000 fine; and a \$100 special assessment. Moak, the owner of Moak's Minnows was charged for violations of the Lacey Act. As part of a plea agreement, on April 1, 2021, Moak pled guilty to one of the charged counts. This criminal Lacey Act investigation involved the illegal sale of live bait across state lines. The case was investigated by a NOAA special agent (SA) in the Slidell, LA field office, and a NOAA enforcement officer (EO) in the Houma, LA field office and officers with the Mississippi Department of Marine Resources (MDMR).

## **Illegal, Unregulated and Unreported (IUU) Fishing, Seafood Import Monitoring Program (SIMP), and Port State Measures Act (PSMA)**

A Sunrise, FL SA participated in the 4th quarter U.S. Customs and Border Protection (CBP) Trade Enforcement meeting consisting of all of the Florida Ports of Entry. This meeting was designed for all agencies working in the ports to learn what other ports and agencies are working on, to establish future operations, and to see how each agencies mission can support the other agencies.

## **Magnuson-Stevens Fishery Conservation and Management Act**

A \$24,000 penalty was assessed from an Administrative Law Judge (ALJ) onto a Texas based fishing captain who conceded that he operated the for-hire charter vessel, F/V Paradise, to fish for American red snapper without a federal permit and that he earned \$2,500 for his charter fishing services at that time. He acknowledged that the season was closed to American red snapper in federal waters at this time, thus it was illegal to possess American red snapper. The ALJ noted the respondent's non-permitted fishing undermined permitted fishermen who comply with the regulations to protect the American red snapper stock, and gave him an unfair business advantage because he can offer lower prices, and more fishing days.

## **Marine Mammal Protection Act**

A Slidell, LA SA participated in the coordination and subsequent rescue of an out of habitat bottlenose dolphin. The dolphin was located in a water retention pond in Slidell, LA following Hurricane Ida. The dolphin was released into the Gulf of Mexico off the beach in Waveland, Mississippi.

## Endangered Species Act

A Jacksonville, FL SA issued a \$500 summary settlement to two subjects for the harassment of a green sea turtle. The investigation was conducted by JEA partner Florida Fish and Wildlife Conservation Commission (FWCC). The subjects posted a video on social media of themselves catching the sea turtle and passing it back and forth to each other before releasing it.

## National Marine Sanctuaries



During a targeted operation in the Florida Keys, OLE-SED coordinated enforcement efforts throughout the area before, during and after the 2021 lobster mini season. OLE-SED deployed five boat crews and coordinated effort with FWC and USCG. Over 245 and 1,100 people were contacted throughout the operation. Varying violations were cited as well as compliance assistance given throughout the patrolled Sanctuary Preservation Areas.

## Cooperative Enforcement/Partnerships

A Saint Thomas, USVI EO participated in an interagency training session that included CBP Air Marine, Border Patrol, DEA and the US Coast Guard. The training was performed underway between the island of Saint Thomas and eastern Puerto Rico and developed operating procedures and communications.



A Jacksonville, FL Assistant Special Agent in Charge (ASAC) and Panama City, FL SA, were invited by the U.S. Embassy in the Bahamas to attend a first of its kind ceremony regarding the transfer of ownership of a vessel being donated to the Bahamas Royal Defense Force. The vessel will be used for IUU fishing enforcement. The 29 foot Contender enforcement vessel was built to satisfy restitution of a convicted IUU fisherman, Henry Danzig, as a part of a plea agreement from an OLE-SED case out of the Florida Keys. Danzig was sentenced this year for Lacey Act violations regarding the unlawful take of commercial quantities of demersal fin fish from the waters of the Bahamas. Danzig, on multiple occasions, entered Bahamian waters for the sole purpose of unlawfully exceeding their bag limits and permit requirements to supply fish for his restaurant in Tavernier, FL.

A Charleston, SC Supervisory Enforcement Officer (SEO) and EO conducted a brief at the USCG Southeast Regional Fisheries Training Center during the final day of a Living Marine Resources (LMR) Boarding Officer class. NOAA processes, recent USCG cases, and other current hot topics

were discussed and questions were answered. The SED Compliance Liaison assisted with preparing a useful NOAA contact list for all USCG LMR boarding officers.

A San Juan, PR SA provided compliance assistance after interviewing an individual who posted a video that showed a dolphin apparently being fed from a dock. The subject owns a waterside short-term rental property with a dock and uploaded the dolphin video as advertisement. During the interview, the subject admitted that the video was not recorded at his property, but rather retrieved from the internet, edited and voiced over to appear as if it was taken from his property. The subject showed the SA the original unedited video and demonstrated how it was edited. In addition, the subject accepted informational brochures and a permanent sign with dolphin regulations and law enforcement contacts from the SA to display at his site.

## Patrols/VMS/Catch Shares



An EO in Charleston, SC conducted an underway patrol with the USCG Cutter (USCGC) Raymond Evans spanning from Little River, SC to Mayport, FL and out to 60 nautical miles from shore during the recreational and commercial openings of the red snapper season. Two commercial vessels were boarded before the USCGC was diverted to Mayport, FL for a highly publicized SAR case regarding a missing diver. The EO assisted by standing lookout while searching. Tragically, the diver's gear was ultimately recovered with signs of a marine predator attack.

A Corpus Christi, TX EO conducted a joint patrol with Texas Parks & Wildlife. TEDs were inspected aboard a shrimp trawler, no violations were documented. Four recreational fishing vessels were stopped and three retained red snapper during a closed season.



Charleston, SC and Savannah, GA EOs along with the USCG, conducted underway patrols out of Charleston, SC. Two patrols targeted shrimping vessels and one patrol targeted fishing vessels near the Edisto and Charleston Deep MPAs east of Charleston. 6 shrimping vessels were boarded and 2 vessels were provided compliance assistance for minor TED violations. Two fishing vessels were boarded and found with violations for possession during a closed season, possession without a permit, undersized fish, and fish not in whole form.

A Cape Canaveral, FL EO took part in a two day JEA TED detail with FWCC out of Jacksonville, FL. Four shrimp trawlers were boarded and TEDS examined with one vessel receiving a Fix-It Notice for two small tears on one of their nets. All other TEDS were found to be compliant.

## Compliance Assistance/Outreach/Education/Public Affairs

A Corpus Christi, TX SA, with the assistance of the local Boy Scout troop, installed signs at boat ramps in the North Padre Island residential development area discouraging feeding and negative interactions with dolphins. This was done ahead of the busy Fourth of July holiday weekend to assist in the on-going outreach.

A San Juan, PR SA participated in a virtual workshop for commercial fishermen regarding the new changes in the HMS Caribbean Commercial Small Boat Permit. The workshop was given by NOAA Fisheries and DNER staff.

The SED compliance liaison provided a presentation at a Sea Grant Marine Fisheries Regulations Workshop. Topics focused on Florida east coast and South Atlantic region areas. Attendees included JEA partners, local sheriff offices, fishery council staff and natural resource managers.

A Corpus Christi, TX SA completed an investigation into marine mammal parts being offered for sale on eBay by a Texas seller. This seller had posted whale vertebrae, later identified as dolphin vertebrae that had been collected from a Texas beach for sale. The SA interviewed the subject resulting in compliance assistance, and provided information on how to properly register legally obtained marine mammal parts. These items were immediately removed from eBay by subject upon initial notification of being an illegal item.



A Charleston, SC EO was traveling to Little River, SC to deliver a Summary Settlement Offer when he was first on scene to a motor vehicle accident where a Toyota Tacoma was struck by a flatbed Semi truck. Utilizing his vehicle and emergency lights he blocked the intersection to avoid further collisions. The EO saw that two citizens were attempting to lift and remove the partially extricated, unconscious driver from the pickup. After stabilizing the driver, the EO checked for vital signs; the driver was not breathing and had no pulse. The EO began CPR compressions and continued for

approximately 5 or 6 minutes until he was relieved by arriving EMS personnel. The driver was intubated and a CPR automated compression machine was placed on him before being transported to the local trauma center for further treatment.

The compliance liaison and a St Petersburg, FL SA presented OLE related observer training to an initial class at the SEFSC Galveston Lab. Emergency protocol, SASH and fishery violation reporting protocol were discussed as well as conflict resolution scenarios.

A St. Petersburg, FL SA participated in the 1st Virtual Global Fisheries Enforcement Training Workshop organized by The International Monitoring, Control, and Surveillance Network. The theme of this year's workshop was uncovering the unknown in regards to combating IUU fishing.

## Media

Dolphin rescue:

<https://abc30.com/dolphin-rescue-hurricane-ida-slidell-louisiana/11003983/>

<https://www.fox8live.com/2021/09/05/slidell-police-department-help-rescue-dolphin-after-hurricane-idas-storm-surge/>

## Overview of Summary Settlements

Listed below is a summary of the **43** Summary Settlements issued during the quarter. The three highest violation types cited involved retention during closure and/or undersize possession (11), fishing within national marine sanctuaries (10) and unpermitted charter operations (open access) (7). **8** violations were cited throughout the Gulf region and ranged in subject, including 3 citations for shrimp vessel TED/BRD requirements and 3 violations involving retention during closure. **15** violations were cited throughout the South Atlantic region, which included 6 citations related to retention during closure and/or undersize possession. The majority of the **20** violations in the Keys area consisted of fishing activity and improper operation of vessels, including 5 unpermitted charter operations (open access), within the Florida Keys National Marine Sanctuary.

LAW/REG/PROGRAM	VIOLATION	AMOUNT	STATE
Endangered Species Act (ESA)	TED/BRD Requirements	\$500	SC
Endangered Species Act (ESA)	TED/BRD Requirements	\$600	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$100	TX
Endangered Species Act (ESA)	TED/BRD Requirements	\$1,500	TX
Highly Migratory Species	Fishing without valid permit; Undersize possession	\$1,000	FL EAST
Lacey Act	Fishing without valid permit	\$500	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention during closure; Undersize possession; Lack of descender device	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure; Lack of descender device	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Unpermitted charter activity-Open Access Permit; Retention during closure	\$500	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	FL EAST
Magnuson Stevens Act (MSFCMA)	Commercial trip limit exceeded	\$1,000	FL EAST
Magnuson Stevens Act (MSFCMA)	Retention during closure; Undersize possession	\$925	FL EAST
Magnuson Stevens Act (MSFCMA)	Lack of descender device	\$250	FL EAST
Magnuson Stevens Act (MSFCMA)	Prohibited gear	\$300	FL EAST
Magnuson Stevens Act (MSFCMA)	Unpermitted charter activity-Open Access Permit	\$500	FL KEYS
Magnuson Stevens Act (MSFCMA)	Unpermitted charter activity-Open Access Permit	\$1,000	FL KEYS



Magnuson Stevens Act (MSFCMA)	Unpermitted charter activity-Open Access Permit	\$500	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	FL KEYS
Magnuson Stevens Act (MSFCMA)	Turtle mitigation gear requirements	\$1,500	FL KEYS
Magnuson Stevens Act (MSFCMA)	Undersize possession	\$275	FL KEYS
Magnuson Stevens Act (MSFCMA)	Possession limit exceeded	\$325	FL KEYS
Magnuson Stevens Act (MSFCMA)	Unpermitted charter activity-Open Access Permit; Turtle mitigation gear requirements	\$750	FL KEYS
Magnuson Stevens Act (MSFCMA)	Unpermitted charter activity-Open Access Permit; Turtle mitigation gear requirements	\$1,000	FL KEYS
Magnuson Stevens Act (MSFCMA)	Retention during closure; Reef fish as bait	\$850	FL WEST
Magnuson Stevens Act (MSFCMA)	Gear violations; Invalid permits	\$750	SC
Magnuson Stevens Act (MSFCMA)	Unpermitted charter activity-Open Access Permit	\$500	SC
Magnuson Stevens Act (MSFCMA)	Turtle mitigation gear requirements; Lack of descender device	\$1,750	SC
Magnuson Stevens Act (MSFCMA)	Retention during closure; Undersize possession	\$1,875	SC
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$950	TX
Magnuson Stevens Act (MSFCMA)	Expired Permits	\$500	TX
Magnuson Stevens Act (MSFCMA)	Retention during closure	\$600	TX
Marine Mammal Protection Act (MMPA)	Marine mammal harassment	\$100	TX
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$300	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
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Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$300	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS
Marine Sanctuaries Act	Fishing within Sanctuary Preservation Area	\$600	FL KEYS

# Investigative Support Program

Southeast Division Active Vessel Monitoring System (VMS) Population: **928**

## Population Breakdown by (VMS) Fisheries and VMS Vendor

FISHERY	NETWORK INNOVATIONS	WOODSHOLE	SKYMATE	FARIA	Nautic Alert	MetOcean	TOTAL
HMS Pelagic Longline	9	40	15	24			<b>88</b>
HMS Shark		4	1	3			<b>8</b>
Gulf reef fish	104	311	88	118		106	<b>727</b>
Rock shrimp	3	34	9	13	1	6	<b>66</b>
Charter		23	15	1			<b>39</b>
<b>TOTAL</b>	116	412	128	159	1	112	<b>928</b>

Violations ranging from fishing in a closed area, improper gear use and failure to comply with reporting requirements (trip declarations, daily reports, pre-landing notices) were detected by Investigative Support staff and referred to enforcement officers or special agents for follow-up. Additionally, staff conducted daily calls with the industry relating to compliance during the quarter.

Numerous vessels were referred to the Investigative Support Program for not complying with SEFHIER reporting requirements. Investigations continue on these referrals. Program staff have also been working with NOAA Southeast Regional Office personnel to coordinate development of forthcoming functionality which will allow for online submission of Gulf Reef Fish and SEFHIER powerdown exemption requests.

## Observer Program Highlights

During FY Quarter 4 2021, the Southeast Division Observer Programs deployed on **131** trips for **787** sea days. Approximately **98%** of all selected trips were completed without an observer related enforcement incident [assault/harassment (sexual and non-sexual), safety]. Observer programs reported **19** fishery violations and International Convention for the Prevention of Pollution From Ships (MARPOL) violations and **5** observer coverage refusals to OLE-SED. The Gulf of Mexico Shrimp Program deployed on 30 trips for 401 sea days, and the Gulf of Mexico Reef Fish Program deployed on 18 trips for 93 sea days. Effort for the Panama City Gillnet Program were 14 trips for 16 sea days, and the Panama City Bottom Longline Program (includes Shark Research Fishery) deployed on 14 trips for 30 sea days. The Panama City Reef Fish Vertical Line Program deployed on 35 trips for 58 sea days. The Pelagic Observer Program deployed on 20 trips for 189 sea days. The summary below details the type of observer related complaints received during Quarter 2 (calendar year) of 2021, for all three programs.

COMPLAINT TYPE	Galveston Reef Fish and Shrimp Programs	Panama City Shark Bottom Longline and Gillnet Programs	Pelagic Observer Program	TOTALS
ASSAULT				0
HARASSMENT/INTIMIDATE/IMPEDEMENT	2			2
SAFETY	1			1
NON-COMPLIANT FOR OBSERVER COVERAGE			5	5
HANDLING	1		7	8
GEAR			2	2
RETENTION			3	3
SPATIAL				0
MARPOL-USCG	4		2	6
<b>TOTALS</b>	<b>8</b>		<b>19</b>	<b>27</b>

# Cases Referred For Civil and/or Criminal Prosecution

Listed below is a summary of the **11** cases forwarded to NOAA Office of General Counsel Enforcement Section (GCES) and/or the United States Attorney Office/Department of Justice for this quarter. Cases varied in violation type, with 7 occurring in the South Atlantic area, 3 in the Gulf area and 1 in the Florida Keys area.

LAW/REG/PROGRAM	VIOLATION	STATE
Endangered Species Act (ESA)	North Atlantic Right Whale speed reduction violations	MULTIPLE
Lacey Act	Harvest lobster from artificial habitat; Improper seafood sales	FL KEYS
Lacey Act	International harvest regulations	FL EAST
Lacey Act*	Improper seafood sales	SC
Magnuson Stevens Act (MSFCMA)*	Seafood Import Monitoring Program Requirements	GA
Magnuson Stevens Act (MSFCMA)	Shrimping without a permit	FL WEST
Magnuson Stevens Act (MSFCMA)	Gear Prohibitions	SC
Magnuson Stevens Act (MSFCMA)	Shrimping without a permit	LA
Magnuson Stevens Act (MSFCMA)	Fishing in Closed Area	GA
Magnuson Stevens Act (MSFCMA)	Seasonal Closure Violations	TX
Magnuson Stevens Act (MSFCMA)*	Seafood Import Monitoring Program Requirements	FL EAST

\*Cases sent to the United States Attorney Office/Department of Justice for criminal prosecution.

# NOAA GCES Enforcement Charging Information

The following Civil Administrative Enforcement Actions are results from NOAA GCES that occurred in the Southeast Division, from May-August 2021. Nationwide results may also be found at the [enforcement charging information site](#)

1. F/V BIG B — Owner Bube Baby Fisheries LLC and Operator Daniel Jenkins were charged jointly and severally under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ and with falsifying or failing to record required information in the vessel's logbooks submitted to NOAA. A \$75,000 NOVA was issued.
2. F/V Miss Ann — Operator Timothy McGrath was charged under the Magnuson-Stevens Act with possessing and selling blacknose sharks in 2017 and 2018 when the base annual commercial quota for Gulf of Mexico blacknose sharks was zero. An \$11,144 NOVA was issued.
3. F/V Joshua Nicole — Owner H and S Fisheries LLC was charged under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ. A \$60,000 NOVA was issued.
4. F/V Day Boat One — Owner Palm Beach Fisheries LLC and Operator Arthur Owen were charged jointly and severally under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ. A \$60,000 NOVA was issued.
5. F/V Patricia Lee — Owner Patricia Lee LLC and Operator Michael Wayne Williams were charged jointly and severally under the Endangered Species Act with fishing for shrimp in the Gulf of Mexico with non-compliant Turtle Excluder Devices (TEDs), and under the Magnuson-Stevens Act for non-compliant Bycatch Reduction Devices. An \$8,375 NOVA was issued.
6. F/V Joshua Nicole — Owner H and S Fisheries LLC was charged under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act with illegally fishing in the Bahamian EEZ, fishing in the East Florida Coast closed area, and failing to continuously operate the vessel's Electronic Monitoring System for the duration of the vessel's fishing trip. An \$82,500 NOVA was issued.
7. F/V FL0501RB — Owner/Operator Vasiliy Obukhov was charged under the Magnuson-Stevens Act with operating a reef fish charter in the US (EEZ) in the Gulf of Mexico without a permit and failing to maintain Gulf reef fish intact. A \$19,000 NOVA was issued.
8. T/V C. Angelo — Owner Waterfront Enterprises LLC d/b/a Gateway Terminal was charged under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the Area To Be Avoided (ATBA) in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued and the case settled for \$6,750.
9. F/V Capt Scott II — Owner J&N Marine LLC and Operator Kevin Nguyen were charged jointly and severally under the Endangered Species Act for failing to comply with the TED requirements. A \$7,500 NOVA was issued.

10. F/V Patricia Lee — Owner Patricia Lee LLC and Operator Michael Shawn Robbins were charged jointly and severally under the Endangered Species Act with fishing for shrimp in the Gulf of Mexico with non-compliant TEDs. A \$17,500 NOVA was issued.

11. Conchita Foods, Inc. — Seafood importer Conchita Foods, Inc. was charged under the Marine Mammal Protection Act and the International Dolphin Conservation Program Act with unlawfully importing yellowfin tuna product from a nation subject to embargo and importing tuna product without accurate and complete Fisheries Certificates of Origin. A \$42,733 NOVA was issued, and the case settled for \$36,000.

12. F/V Amy Michelle — Owner Headley, Inc. and Operator David Eugene Smith were charged jointly and severally under the Magnuson-Stevens Act with exceeding a commercial trip limit for vermillion snapper. A \$5,279.20 NOVA was issued, and the case settled for \$4,751.28.

13. F/V Tuna Time — Owner/Operator Shawn McKee was charged under the Magnuson-Stevens Act with possessing Gulf red snapper during a seasonal closure. A \$1,750 NOVA was issued, and the case settled for \$1,575.

14. M/V Ocean Promise — Owner Ocean Promise Shipping Ltd. and Technical Manager V Ships Asia Group Pte. Ltd. were charged jointly and severally under the Endangered Species Act and Marine Mammal Protection Act with violations of the North Atlantic Right Whale speed restriction regulation. A \$45,000 NOVA was issued, and the case settled for \$35,000.

15. F/V Ambush — Owner/Operator John P. Fish was charged under the Magnuson-Stevens Act with fishing without an observer when the vessel was required to carry an observer. A \$7,000 NOVA was issued.

16. F/V Grouper Therapy — Owners Wholesail Ventures and Palmer Charters, and Operator Christopher H. Gercken were charged jointly and severally under the Magnuson-Stevens Act with fishing without observer coverage when the vessel was required to carry an observer. A \$5,750 NOVA was issued.

17. F/V Fish Hound — Owner Fish Hound Seafood, LLC was charged under the Magnuson-Stevens Act with fishing without an observer when the vessel was required to carry an observer. A \$12,500 NOVA was issued, and the case settled for \$10,000.

### **Resolved Cases Charged Before May 1, 2021<sup>i</sup>**

1. Owner Sea Goddess LLC and operator Chau Ngoc Trinh were charged jointly and severally under the Endangered Species Act for fishing for shrimp with noncompliant TEDs. A \$14,000 NOVA was issued. The case against the Owner settled for \$5,000. The NOVA became a final administrative decision against the Operator due to default.

2. F/V FL5426RY — Operator Pedro Pons Betancourt and Recreational Anglers Jorge Raul Fernandez and Oberlan Rivera Figueroa were charged jointly and severally under the National

Marine Sanctuaries Act with fishing in the Grecian Rocks Sanctuary Preservation Area in the Florida Keys National Marine Sanctuary. A \$2,500 NOVA was issued. The case against Recreational Angler Oberlan Rivera Figueroa settled for \$2,250. The NOVA became a final administrative decision against Operator Pedro Pons Betancourt and Recreational Angler Jorge Raul Fernandez due to default.

3. F/V Get You Some — Operator Michael Meyers was charged under the Magnuson-Stevens Act with fishing for gray triggerfish after NOAA closed the fishery. A \$21,000 NOVA was issued, and the case settled for \$250.

4. M/V K-STORM — An amended NOVA was issued in this case to pro hac vice Owner Crowley Latin Americas Services LLC. The Respondent was charged under the Endangered Species Act with violating speed restrictions to protect endangered North Atlantic Right Whales in the Mid-Atlantic Seasonal Management Area in the vicinity of Cape Fear/Wilmington, NC. A \$52,500 penalty was assessed, and the case settled for \$33,750.

5. F/V FL2795RX — Operator Roberto Mandina was charged under the National Marine Sanctuaries Act with fishing in an Ecological Reserve and anchoring on coral inside the Reserve. A \$2,500 NOVA was issued and the case settled for \$500.

6. F/V Twister — Owner Steel Roy Rockett and Operator Michael Conrad Ross were charged jointly and severally under the National Marine Sanctuaries Act with fishing inside the Tortugas South Ecological Reserve. The proceeds of the violation (\$2,318.25) were voluntarily abandoned. A \$7,500 NOVA was issued, and the case settled for \$6,750.

7. M/Y Lady Kathryn V — Owner Lady Kathryn V Ltd. and Operator Christopher Torri Ramos were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the ATBA in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued and the case settled for \$5,000.

8. T/V J.J. Cenac — Owner Kirby Corporation and Operator Rickey Joseph Verdin were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters in the ATBA in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued and the case settled for \$6,750.

9. M/Y Turquoise — Owner BBW Turquoise Ltd. and Operator Gareth Harris were charged jointly and severally under the National Marine Sanctuaries Act with operating a vessel greater than 50 meters inside the ATBA in and around the Florida Keys National Marine Sanctuary. A \$7,500 NOVA was issued and the case settled for \$6,750.

<sup>i</sup>All cases in this portion of the report were charged before May 1, 2021, but settled or otherwise resolved during this four-month period.