



**U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of General Counsel
Enforcement Section**

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MEMORANDUM FOR: Pacific Fishery Management Council

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DATE: June 1, 2013

SUBJECT: Fisheries-related Civil Prosecution Activity;
January 1, 2013 – May 15, 2013

The NOAA General Counsel Office, Enforcement Section, publishes enforcement case charging and settlement information online, covering all regional offices, updated twice annually: <http://www.gc.noaa.gov/enforce-office.html>

This memorandum supplements the online report, and provides the Council with an interim update on West Coast charging and settlement actions by the Enforcement Section since January 1, 2013.

Next online update (January-June, 2013) will be on or about 8/1/2013.



SOUTHWEST REGION

A) Cases referred to the Enforcement Section:

Four cases were referred for civil prosecution during this period.

B) Enforcement Actions:

- 1) SW1201771, F/V DONNA J – Magnuson Act – Vessel operator charged with one count of harassment/intimidation of a NMFS-authorized observer. NOVA issued 1/23/13, \$18,500.
- 2) SW1001526, F/V PALE HORSE – Magnuson Act – Vessel owner/operator charged with one count of illegal vessel operation in the Non-Trawl RCA. NOVA issued 2/25/13, \$12,614.
- 3) SW0804714, F/V CATHERINE – Magnuson Act – Vessel owner/operator charged with one count of failure to operate a vessel monitoring system unit on a fishing trip in federal waters. Written warning issued 2/25/13.
- 4) SW1003250, F/V RENABEL – Magnuson Act – Vessel owner/operator charged with one count of failure to file a fishery declaration report. NOVA issued 5/2/13, \$1,000.
- 5) SW1100183, F/V GINA B – Magnuson Act - Vessel owner/operator charged with one count of failure to file a fishery declaration report. NOVA issued 5/2/13, \$1,000.

C) Cases Settled/Closed:

- 1) SW0703629, F/V PALO – Magnuson Act - Vessel owner/operator charged with four counts of illegal vessel operation in a non-trawl RCA. Respondent appealed decision of Administrative Law Judge assessing a \$21,786 civil penalty. Decision of Administrative Law Judge upheld by NOAA Administrator, and case became final on 2/11/13.
- 2) SW0800616, F/V HAZEL A – Magnuson Act – Vessel owner/operator charged with two counts of illegal vessel operation in a non-trawl RCA. Respondent appealed decision of Administrative Law Judge assessing a \$8,754 civil penalty. Decision of Administrative Law Judge upheld by NOAA Administrator, and case became final on 2/11/13.

- 3) SW0803838, F/V SAN GIOVANNI – Magnuson Act – Vessel owner and operator charged \$33,545 for two counts of illegal vessel operation in a trawl RCA. Case settled 3/22/13 with penalty suspended pending two years pending no further violations. Respondents must also improve navigational equipment on vessel and distribute compliance information.
- 4) SW1003280, F/V CHERYL M – Magnuson Act – Vessel operator charged \$13,950 for one count of falsifying landing information on a CA Department of Fish and Wildlife landing receipt. Case settled 1/30/13 for \$11,150, and an additional \$2,790 suspended two years pending no further violations.
- 5) SW0904416, F/V KATHRYN – Magnuson Act – Vessel owner/operator charged \$12,538 for one count of illegal vessel operation in a non-trawl RCA. Case settled 3/13/13 for \$10,000, with an additional \$2,538 suspended two years pending no further violations.

D) Hearings held or scheduled:

- 1) SW1002974, F/V RISA LYNN – Magnuson Act – Vessel owner and operator charged \$17,345 for one count of illegal vessel operation in a non-trawl RCA. Administrative hearing held 4/9/13. Awaiting decision of Administrative Law Judge.

NORTHWEST REGION

A) Cases referred to the Enforcement Section:

One case was referred for civil prosecution during this period.

B) Enforcement Actions:

- 1) NW1202708, Michael Baran - Magnuson Act – Fishery observer cited for releasing confidential catch data collected by another observer to a vessel owner/operator. Written warning issued 3/29/13.
- 2) NW0804614, Ocean Gold Seafoods, Inc. - Magnuson Act – Company cited for violating the terms of its exempted fishing permit in the Pacific whiting fishery by failing to notify the catch monitor prior to receiving fish. Written warning issued 1/28/13.

- 3) NW0803662, F/V PRIVATEER - Magnuson Act – Vessel owner and operator cited for landing a 11,619 pound arrowtooth flounder overage. Written warning issued 1/28/13.
- 4) NW0803474, Jessie's Ilwaco Fish Co. - Magnuson Act – Company cited for violating the terms of its exempted fishing permit in the Pacific whiting fishery by failing to sort catch prior to first weighing. Written warning issued 1/28/13. The warning has been appealed to the NOAA General Counsel Office.
- 5) NW0901366, F/V LILY MARLENE - Magnuson Act – Vessel owner/operator cited for fishing without required observer coverage. Written warning issued 1/28/13.
- 6) NW0902152, F/V WESCO - Magnuson Act – Vessel owner and operator cited for fishing with salmon troll gear in the Yelloweye RCA. Written warning issued 1/28/13.
- 7) NW0902417, Da Yang Seafood, Inc. - Magnuson Act – Pacific whiting first receiver cited for offloading fish without required catch monitoring. Written warning issued 1/24/13.
- 8) NW1000009, F/V NICOLE - Magnuson Act – Vessel owner and operator cited for operating in the trawl RCA. Written warning issued 1/24/13.
- 9) NW0903134, F/V VIGOROUS - Magnuson Act – Vessel owners and operator cited for operating in the non-trawl RCA. Written warning issued 1/23/13.
- 10) NW0900567, F/V GLORIA II - Magnuson Act – Vessel owner/operator cited for failure to submit an HMS logbook. Written warning issued 1/23/13.
- 11) NW0803745, F/V OCEAN BEAUT - Magnuson Act – Vessel owners and operator cited for fishing in the trawl RCA. Written warning issued 1/23/13.
- 12) NW0800923, F/V OCEAN BEAUT - Magnuson Act – Vessel owners and operator cited for fishing in the trawl RCA. Written warning issued 1/23/13.
- 13) NW1000412, F/V DOMINION - Halibut Act/Magnuson Act – Vessel owner and operator charged with one count of fishing for halibut and groundfish in the non-trawl RCA. NOVA was issued 1/17/13, for \$12,466.60. Case settled 5/13/13, for \$11,716.60.

- 14) NW1001318, F/V WESTERN BREEZE - Magnuson Act – Vessel owner/operator and crewman charged with one count of fishing in the trawl RCA. NOVA was issued 1/16/13, for \$12,500.
- 15) NW1001768, F/V JAMIE K - Magnuson Act – Vessel owner and operator charged with two counts of fishing in the trawl RCA and EFH. NOVA was issued 1/15/13, for \$39,982.65. Case settled 3/25/13, together with case NW1102834, for \$7,000, with \$58,982.65 suspended for one year pending no further violations.

C) Cases Settled/Closed (some cases may also appear above):

- 1) NW1001768, F/V JAMIE K - Magnuson Act – Vessel owner and operator charged with two counts of fishing in the trawl RCA and EFH. NOVA was issued 1/15/13, for \$39,982.65. Case settled 3/25/13, together with case NW1102834, for \$7,000, with \$58,982.65 suspended for one year pending no further violations.
- 2) NW1102664, F/V LADY CECELIA – Magnuson Act – Vessel owner and operator charged with three counts of failure to maintain a lookout, failure to notify observer prior to haulback, discarding catch prior to sampling. NOVA was issued 7/19/12, for \$11,500.00. Case partially settled with owner 4/29/13, for \$4,500.00.
- 3) NW1000412, F/V DOMINION - Halibut Act/Magnuson Act – Vessel owner and operator charged with one count of fishing for halibut and groundfish in the non-trawl RCA. NOVA was issued 1/17/13, for \$12,466.60. Case settled 5/13/13, for \$11,716.60.

D) Hearings held or scheduled: None.

