

August 7, 2012

**NOAA Office of the General Counsel, Enforcement Section
Enforcement Actions
January 1, 2012, through June 30, 2012¹**

NOVA and/or NOPS and/or Written Warning Issued and Served²

During this time period, NOAA charged 128 civil administrative cases, as follows:³

ALASKA

1. AK0700698; F/V American Dynasty – Owner, manager, and operator were charged in thirty-two counts under the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act) for failing to maintain or operate a flow scale to obtain accurate weights; for submitting inaccurate or false data, statements or reports; for failing to comply with flow scale testing requirements; for failing to provide notification to an observer and failing to have an observer present; for failing to comply with reporting requirements; and for failing to weigh catch, interfering with or biasing the observer's sampling procedure, and failing to provide reasonable assistance. A \$543,500 NOVA was issued.
2. AK0804849A; F/V Blue Pacific – Owner and operator were charged in eight counts under the Magnuson-Stevens Act for failing to notify the National Marine Fisheries Service (NMFS) observer at least 15 minutes prior to fish being harvested on board and for failing to properly release halibut from the harvesting line. A \$26,000 NOVA was issued.
3. AK0804849B; F/V Blue Pacific – Owner and operator were charged in four counts under the Magnuson-Stevens Act for failing to notify the NMFS observer at least 15 minutes prior to fish being harvested on board and for failing to properly release halibut from the harvesting line. A \$10,000 NOVA was issued.
4. AK0900589; F/V Alpine Cove – Owner and operator were charged in three counts under the Magnuson-Stevens Act for failing to carry an observer; for failing to ensure communication equipment on board was functional; and for engaging in directed fishing for Pacific cod. A \$15,911 NOVA was issued.

¹ Our next report will be posted on or about February 1, 2013, reporting on civil administrative cases charged and settled for the period July 1, 2012, through December 31, 2012. Earlier reports were posted on September 1, 2010, February 1, 2011, August 1, 2011, and February 6, 2012, reporting for the period March 18, 2010, through December 31, 2011. The reports are not considered to be publications. All data is provisional.

² NOVA stands for Notice of Violation and Assessment and NOPS stands for Notice of Permit Sanction. 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 those allegations through means set forth in NOAA's civil procedure regulations found at 15 C.F.R. Part 904.

³ These cases are listed by file number, separated by regions.

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5. AK0902437; F/V Reagan – Permit holder was charged in two counts under the Northern Pacific Halibut Act for intentionally submitting false information on Individual Fishing Quota (IFQ) Landing Reports and for landing IFQ halibut harvested from a regulatory area for which zero pounds of IFQ were available. A \$64,000 NOVA was issued.
6. AK0902691; F/V Nautilus Explorer – Owner and operator were charged under the Endangered Species Act and the Marine Mammal Protection Act for approaching within 100 yards of an endangered Humpback whale. A \$2,500 NOVA was issued.
7. AK1000315; F/V Alpine Cove – Owner and operator were charged under the Magnuson-Stevens Act for engaging in directed fishing for Pacific cod. An \$18,494 NOVA was issued.
8. AK1003465; F/V Alpine Cove – Owner and operator were charged under the Magnuson-Stevens Act for engaging in directed fishing for Pacific cod. A \$20,223 NOVA was issued.
9. AK1003466 and AK1101486; F/V Carlynn – Operator and permit holder were charged in two counts the Magnuson-Stevens Act for retaining IFQ sablefish in excess of the total amount of unharvested IFQ applicable to a regulatory area and for engaging in directed fishing for Pacific cod. A \$40,000 NOVA was issued.
10. AK1101259; F/V Providence – Operator/permit holder was charged under the Northern Pacific Halibut Act for submitting false information on an IFQ landing report. A \$64,260 NOVA was issued. [See, Settled cases, item 6, below, for resolution of this matter.]
11. AK1103859; F/V Letun – Owner/operator and permit holder were charged separately under the Northern Pacific Halibut Act for conspiring to violate the IFQ halibut regulations. A \$30,000 NOVA and an \$89,713.96 NOVA, respectively, were issued.
12. AK1104017; F/V Shalom II and F/V Pacman – Individual was charged under the Northern Pacific Halibut Act for transferring IFQ halibut from one vessel to another vessel. A \$1,500 NOVA was issued. [See, Settled cases, item 7, below, for resolution of this matter.]
13. AK1200005; F/V Ificiency – Owner/operator was charged under the Magnuson-Stevens Act for conducting a fishing trip without possessing a License Limitation Program permit. A \$2,000 NOVA was issued.

NORTHEAST

14. NE0701009; F/V Cheryl Lynn – Operator was charged under the Magnuson-Stevens Act for being over the legal limit on shucked scallops. A written warning was issued.
15. NE0701702; F/V Clover – Owner/operator was charged under the Magnuson-Stevens Act for failing to comply with monkfish landing restrictions and for interfering with an enforcement officer. A written warning was issued.

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16. NE0702130; F/V Miss Vertie Mae – Operator was charged under the Magnuson-Stevens Act for being over the legal limit on shucked scallops. A written warning was issued.
17. NE0702430; F/V Iron Horse – Owner and operator were charged under the Magnuson-Stevens Act for fishing within the Eastern United States/Canada Area. A written warning was issued.
18. NE0703176; F/V Endeavor – Owner and operator were charged under the Magnuson-Stevens Act for entering and fishing inside the restricted portion of Closed Area I. A written warning was issued.
19. NE0703533; F/V Knot Easy – Owner/operator was charged under the Magnuson-Stevens Act for possessing/landing more than 400 pounds of shucked sea scallops and for failing to maintain an accurate log report. A written warning was issued.
20. NE0704314; F/V Angela Michelle – Owner and operator were charged under the Magnuson-Stevens Act for using an incorrect Vessel Monitoring System (VMS) code; for not submitting a required daily catch report; and for not contacting the observer program as required. A written warning was issued.
21. NE0704570; F/V Olivia & Rafaella – Owners and operator were charged under the Magnuson-Stevens Act for fishing in the United States Canada management area without properly declaring the trip through the VMS at the dock prior to departing on the trip. A written warning was issued.
22. NE0704681; Company – Owner was charged under the Magnuson-Stevens Act for providing false statements to an officer and for not reporting purchasing monkfish into the NMFS Standard Atlantic Fishery Information System. A written warning was issued.
23. NE0800636; F/V Hurry Up – Operator was charged under the Magnuson-Stevens Act for fishing for, possessing or retaining, twelve Atlantic striped bass. A written warning was issued.
24. NE0800640; F/V Bethany Jean – Owner and operator were charged under the Magnuson-Stevens Act for fishing with an undersized cod end net mesh. A written warning was issued.
25. NE0800813; F/V Ocean One – Operator was charged under the Magnuson-Stevens Act for exceeding the daily limit for general category scallops and for failing to accurately complete fishing vessel trip reports. A written warning was issued.
26. NE0801532; F/V Bay of Isles – Owner/operator was charged under the Magnuson-Stevens Act for landing in excess of 400 pounds of Atlantic sea scallops; for landing Northeast Multispecies while not in the Days-at-Sea program; and for failing to accurately report. A written warning was issued.

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27. NE0801545; F/V Susan C – Owner/Operator was charged under the Magnuson-Stevens Act for fishing without a valid and appropriate permit onboard and for making inappropriate and threatening comments towards federal officers. A written warning was issued.
28. NE0802207; F/V Eliza – Operator was charged under the Magnuson-Stevens Act for exceeding the monkfish landing limit. A written warning was issued.
29. NE0802234; F/V Capt Alec – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the daily limit for general category scallops and for failing to accurately complete a fishing vessel trip report. A written warning was issued.
30. NE0803242; F/V Miss Tamara – Owner and operator were charged under the Magnuson-Stevens Act for exceeding the possession limit for scallops. A written warning was issued.
31. NE0804076; F/V Gabrielle and Paige – Owners and operator were charged under the Magnuson-Stevens Act for fishing in, and possessing and landing scallops from, Closed Area II. A written warning was issued.
32. NE0900708; F/V Big Bob – Operator was charged under the Magnuson-Stevens Act for over fishing sea scallops; for making a false statement; and for false reporting on the fishing vessel trip report. A written warning was issued.
33. NE0900909; F/V Gold Nuggett II – Owner and operator were charged under the Magnuson-Stevens Act for having no operational VMS. A written warning was issued.
34. NE0901051; F/V It Ain't Easy – Owner and operator were charged under the Magnuson-Stevens Act for failing to accurately complete fishing vessel trip reports and for landing over the general category scallop trip limit. A written warning was issued.
35. NE0901160; F/V Ocean One – Owner was charged under the Magnuson-Stevens Act for selling scallops to a non-permitted dealer; for failing to fill out the required information; and for giving false statements to an authorized officer. Operator was charged under the Magnuson-Stevens Act for not having an accurate and complete fishing vessel trip report. Written warnings were issued.
36. NE0901896; F/V Leslie & Jessica – Operator was charged under the Magnuson-Stevens Act for making multispecies trips without having an operable and functional VMS unit aboard. A written warning was issued.
37. NE0902533; F/V Misty Lyn III – Owner/operator was charged under the Magnuson-Stevens Act for entering into the Delmarva Closed Area while on a scallop trip. A written warning was issued.

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38. NE0903391; F/V Suzee Q – Owner and operator were charged under the Magnuson-Stevens Act for failing to comply with sea scallop access area regulations. A written warning was issued.
39. NE0904139; F/V Dauntless – Owners and operator were charged under the Magnuson-Stevens Act for fishing for, possessing black sea bass during a closure; for giving a false statement to an officer; for obstructing an investigation; for violating minimum size limits for black sea bass; and for failing to submit fishing vessel trip reports. A written warning was issued.
40. NE1000804; F/V Noreen Marie – Owner and operator were charged under the Magnuson-Stevens Act for selling Atlantic sea scallops without a dealer permit and for submitting false information. A written warning was issued.
41. NE1003294; F/V Star Java – Owner/operator was charged under the Endangered Species Act and the Marine Mammal Protection Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$5,750 NOVA was issued. [See, Settled cases, item 8, below, for resolution of this matter.]
42. NE1003296; M/V Selendang Sari – Owner and operator were charged under the Endangered Species Act and the Marine Mammal Protection Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$5,750 NOVA was issued.
43. NE1003299; F/V Anette – Owner/operator was charged under the Endangered Species Act and the Marine Mammal Protection Act for violating speed restrictions to protect endangered North Atlantic Right whales. A \$5,750 NOVA was issued. [See, Settled cases, item 9, below, for resolution of this matter.]
44. NE1102929 – Company was charged under the Magnuson-Stevens Act for possessing live undersized American lobsters. Charged under the Lacey Act for transporting live female v-notched American lobsters. A \$7,500 NOVA was issued. [See, Settled cases, item 10, below, for resolution of this matter.]
45. NE1103700 – Company was charged in two counts under the Magnuson-Stevens Act for possessing live undersized and live berried American lobsters. Charged under the Lacey Act for transporting live female v-notched American lobsters. An \$11,500 NOVA was issued. [See, Settled cases, item 11, below, for resolution of this matter.]
46. NE1103881; F/V Capt. Joe – Owner and operator were charged under the Magnuson-Stevens Act for possessing live berried American lobsters. A \$4,000 NOVA was issued. [See, Settled cases, item 12, below, for resolution of this matter.]

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47. SE0900643; Florida State registered vessel – Owner/operator was charged under the Magnuson-Stevens Act for engaging in an activity for which a valid Gulf reef fish charter vessel permit is required. A \$10,800 NOVA was issued. [See, Settled cases, item 26, below, for resolution of this matter.]
48. SE0902854 – Company owner and vessel operator were charged under the Marine Mammal Protection Act for taking, by feeding, wild dolphins. A \$5,000 NOVA was issued.
49. SE0903717 – Individuals were charged under the Marine Mammal Protection Act for taking, by feeding, wild dolphins. A \$5,000 NOVA was issued.
50. SE1000167; F/V Sally Rose – Owner and operator were charged in six counts under the Magnuson-Stevens Act for failing to comply with any provision related to a VMS; for failing to comply with any provision of the IFQ program for Gulf groupers and tilefishes; for failing to maintain Gulf reef fish intact through offloading ashore; and for possessing undersized fish. A \$21,000 NOVA was issued.
51. SE1003858; F/V Meant to Be – Co-owner/operator and co-owner were charged in four counts under the Magnuson-Stevens Act for failing to comply with any provision of the Gulf red snapper IFQ program or the IFQ program for Gulf groupers and tilefishes and for failing to comply with any provision related to a VMS. A \$20,000 NOVA was issued.
52. SE1004285; F/V Animal Control – Owner/operator was charged under the Magnuson-Stevens Act for harvesting or possessing red snapper in or from the South Atlantic Exclusive Economic Zone (EEZ); and/or for fishing during the seasonal closure for vermilion snapper; and/or for possessing undersized gag grouper; and/or for failing to maintain South Atlantic snapper-grouper intact through offloading ashore. A \$1,000 NOVA was issued. [See, Settled cases, item 35, below, for resolution of this matter.]
53. SE1004291; F/V Dirty Oar – Owner/operator was charged under the Magnuson-Stevens Act for entering or transiting the Madison-Swanson closed area with gear not properly stowed. A \$1,000 NOVA was issued. [See, Settled cases, item 36, below, for resolution of this matter.]
54. SE1100813; F/V Shannon D – Owner and operator were charged under the Magnuson-Stevens Act for operating a fishing vessel without a valid commercial spiny dogfish vessel permit. A \$2,450 NOVA was issued.
55. SE1100881; F/V Sea Suds – Owner/operator was charged under the Magnuson-Stevens Act for operating a fishing vessel without a valid commercial spiny dogfish vessel permit. A \$2,450 NOVA was issued.

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56. SE1100885; F/V Lucy B – Owner/operator was charged under the Magnuson-Stevens Act for operating a fishing vessel without a valid commercial spiny dogfish vessel permit. A \$2,450 NOVA was issued.
57. SE1100907; F/V Koko – Owner/operator was charged under the Magnuson-Stevens Act for operating a fishing vessel without a valid commercial spiny dogfish vessel permit. A \$2,450 NOVA was issued.
58. SE1100908; F/V Play Pen – Owner/operator was charged under the Magnuson-Stevens Act for operating a fishing vessel without a valid commercial spiny dogfish vessel permit. A \$4,450 NOVA was issued.
59. SE1102960; F/V Mr. Irvin – Owner and operator were charged in two counts under the Endangered Species Act for having a vessel not in compliance with Turtle Excluder Device (TED) regulations. A \$7,000 NOVA was issued.
60. SE1103204; F/V Lady Hawk – Owners and operator were charged under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$5,750 NOVA was issued.
61. SE1103257; F/V So Fine – Individual was charged under the Lacey Act for possessing snapper and Queen conch in excess of that allowed for recreational anglers under Bahamian law. A \$5,000 NOVA was issued. [See, Settled cases, item 45, below, for resolution of this matter.]
62. SE1103899; Florida State registered vessel – Owner/operator and passenger were charged separately under the National Marine Sanctuaries Act for fishing with, carrying or possessing, a speargun within the Key Largo Management Area, in the Florida Keys National Marine Sanctuary. A \$1,500 NOVA and a \$250 NOVA, respectively, were issued. [See, Settled cases, item 48, below, for resolution of this matter.]
63. SE1103915; Florida State registered vessel – Owner/operator and passenger were charged separately under the National Marine Sanctuaries Act for failing to have gear capable of harvesting fish not available for immediate use in the Alligator Reef Species Protected Area, in the Florida Keys National Marine Sanctuary. A \$1,500 NOVA and a \$250 NOVA, respectively, were issued. [See, Settled cases, item 49, below, for resolution of this matter.]
64. SE1103953; F/V Miss Dawn – Owner and operator were charged under the National Marine Sanctuaries Act for anchoring in the Tortugas Ecological Reserve North, in the Florida Keys National Marine Sanctuary. A \$3,000 NOVA was issued. [See, Settled cases, item 52, below, for resolution of this matter.]
65. SE1104031; V Cougar Ace – Owner and operator were charged under the National Marine Sanctuaries Act for operating a tank vessel or a vessel greater than 50 meters in registered

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length in an Area to be Avoided, in the Florida Keys National Marine Sanctuary. A \$6,000 NOVA was issued.

66. SE1104043; Florida State registered vessel – Owner/operator and passengers were charged under the National Marine Sanctuaries Act for fishing in the Carysfort Sanctuary Preservation Area in the Florida Keys National Marine Sanctuary, and/or for fishing with, carrying or possessing, a speargun within the Key Largo Management Area, in the Florida Keys National Marine Sanctuary, and/or for diving or snorkeling without flying in a conspicuous manner the “divers down” flag (or the “alpha” flag). A \$1,000 NOVA was issued. [See, Settled cases, item 57, below, for resolution of this matter.]
67. SE1104099; F/V Morning Lord – Owner and operator were charged in four counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$2,000 NOVA was issued.
68. SE1104283; F/V Pirate’s Pride – Owner and operator were charged under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$1,250 NOVA was issued.
69. SE1104311; F/V Sally Kim IV – Owner and operator were charged in two counts under the Magnuson-Stevens Act for operating a fishing vessel without a valid Federal fishing permit and for possessing Atlantic angel sharks, species prohibited by Atlantic highly migratory species regulations. A \$52,000 NOVA was issued.
70. SE1104323; F/V Rebellious – Operator was charged under the National Marine Sanctuaries Act for in for operating a vessel in such a manner to cause prop-scarring in the vicinity of Grecian Rocks, in the Florida Keys National Marine Sanctuary. A \$3,000 NOVA was issued.
71. SE1104372; F/V C Power – Co-owners and operator were charged in two counts under the Magnuson-Stevens Act for fishing in violation of closure provisions applicable to Steamboat Lumps with bandit gear for benthic species, red porgy and for failing to comply with VMS reporting requirements. A \$14,747.50 NOVA was issued.
72. SE1104394; F/V Texas Lady – Owner and operator were charged in two counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$2,500 NOVA was issued. [See, Settled cases, item 61, below, for resolution of this matter.]
73. SE1104485; F/V Lucky Jean II – Owner and operator were charged in four counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$14,000 NOVA was issued.
74. SE1104493; F/V Blue Thunder – Owner/operator was charged in two counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$7,000 NOVA was issued. [See, Settled cases, item 63, below, for resolution of this matter.]

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75. SE1104495; F/V Miss Jenny – Owner and operator were charged in two counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. An \$11,500 NOVA was issued.
76. SE1104625; F/V Lady Diane – Owner and operator were charged under the Magnuson-Stevens Act for fishing for and/or possessing South Atlantic snapper-grouper in the North Florida Marine Protected Area. An \$11,250 NOVA was issued.
77. SE1104639; F/V Thien Thanh – Co-owners and operator were charged under the Magnuson-Stevens Act for failing to maintain intact through offloading ashore finfish harvested from the Gulf Exclusive EEZ and/or for possessing red snapper during the recreational closure and possessing prohibited red drum. A \$2,000 NOVA was issued. [See, Settled cases, item 64, below, for resolution of this matter.]
78. SE1104656; F/V Master Hai – Owner/operator was charged under the Magnuson-Stevens Act for failing to maintain intact through offloading ashore finfish harvested from the Gulf EEZ; for possessing red snapper during the recreational closure; and for possessing prohibited red drum. A \$2,000 NOVA was issued. [See, Settled cases, item 65, below, for resolution of this matter.]
79. SE1104762; F/V Miss Linda – Owner/operator was charged under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$1,250 NOVA was issued. [See, Settled cases, item 66, below, for resolution of this matter.]
80. SE1104779; F/V River Rat – Owner and operator were charged in two counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. An \$11,500 NOVA was issued.
81. SE1104818; F/V Five Queens – Owner and operator were charged in three counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$2,750 NOVA was issued. [See, Settled cases, item 67, below, for resolution of this matter.]
82. SE1104897; F/V Lady Stephanie – Owner/operator was charged in two counts under the Endangered Species Act for having a vessel not in compliance with TED regulations. An \$11,500 NOVA was issued. [See, Settled cases, item 68, below, for resolution of this matter.]
83. SE1105018; F/V Out the Way – Owner/operator was charged under the National Marine Sanctuaries Act for fishing within the Western Sambo Ecological Reserve, in the Florida Keys National Marine Sanctuary. A \$5,400 NOVA was issued.
84. SE1105054; F/V Perfect Shot – Owner and operator were charged under the Magnuson-Stevens Act for failing to comply with the advance notice of landing provisions related to the Gulf red snapper IFQ program and the IFQ program for Gulf groupers and tilefishes. A \$5,000 NOVA was issued.

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85. SE1105235; F/V McKenzie – Owner and operator were charged under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$1,250 NOVA was issued.
86. SE1200014; Florida State registered vessel – Owner/operator was charged under the National Marine Sanctuaries Act for operating a vessel in such a manner to cause prop-scarring in the vicinity of Anne’s Beach Flat, in the Florida Keys National Marine Sanctuary. A \$4,500 NOVA was issued. [See, Settled cases, item 69, below, for resolution of this matter.]
87. SE1200022; F/V Johnny Le – Owner and operator were charged under the Magnuson-Stevens Act for failing to maintain intact through offloading ashore finfish harvested from the Gulf EEZ and for possessing red snapper during the recreational closure. An \$8,000 NOVA was issued.
88. SE1200074; F/V Capt Lam – Owner/operator and owner were charged under the Endangered Species Act for having a vessel not in compliance with TED regulations. A \$3,500 NOVA was issued.
89. SE1200144; Florida State registered vessel – Co-owner/operator and passenger were charged under the Magnuson-Stevens Act for exceeding a bag or possession limit for South Atlantic black sea bass. A \$1,800 NOVA was issued.
90. SE1200304; Florida State registered vessel – Owner/operator was charged under the National Marine Sanctuaries Act for operating a vessel in such a manner to cause prop-scarring in the vicinity of Pigeon Key Bank, in the Florida Keys National Marine Sanctuary. A \$3,000 NOVA was issued.
91. SE1200305; F/V First Priority – Operator was charged under the National Marine Sanctuaries Act for operating a vessel in such a manner to cause prop-scarring in the vicinity of Grecian Rocks, in the Florida Keys National Marine Sanctuary. A \$9,000 NOVA was issued.
92. SE1200380; Florida State registered vessel – Owner/operator and passengers were charged under the Magnuson-Stevens Act for violating various regulations regarding South Atlantic red snapper, gag grouper, vermillion snapper, and black sea bass. A \$4,000 NOVA was issued. [See, Settled cases, item 70, below, for resolution of this matter.]
93. SE1200408; F/V Gulf Wave II – Owner and operator were charged under the National Marine Sanctuaries Act for anchoring in the Tortugas Ecological Reserve North, in the Florida Keys National Marine Sanctuary. A \$4,500 NOVA was issued.
94. SE1200465; F/V Coal Miner’s Daughter – Co-owner/operator was charged under the National Marine Sanctuaries Act for operating a vessel in such a manner to cause prop-scarring in the vicinity of Basin Hill Shoal, in the Florida Keys National Marine Sanctuary.

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A \$6,000 NOVA was issued. [See, Settled cases, item 71, below, for resolution of this matter.]

95. SE1201272; F/V Miss Ruby – Owner and operator were charged under the Magnuson-Stevens Act for fishing in violation of the closure provisions applicable to the Edges. An \$11,250 NOVA was issued.

SOUTHWEST

96. SW0701042; F/V Starward – Company was charged under the Magnuson-Stevens Act for purchasing chilipepper rockfish and whiting unlawfully landed by a vessel on a fishing trip where the vessel failed to land a sufficient amount of whiting to have the trip qualify under an Exempted Fishing Permit. A written warning was issued.
97. SW0703482; F/V Leann – Owner and operator were charged under the Magnuson-Stevens Act for landing highly migratory species in the United States EEZ off the Pacific Coast without a highly migratory species fishing permit for the use of authorized fishing gear and for failing to submit an original logbook to NMFS or appropriate state management agency within 30 days of a landing of highly migratory species. A written warning was issued.
98. SW0800529; F/V Rockfish – Owner/operator was charged under the Magnuson-Stevens Act for operating a vessel inside a Rockfish Conservation Area (RCA) while having non-trawl gear on board; for not being registered to a limited entry permit, while retaining groundfish; and for not continuously transiting the RCA. A written warning was issued.
99. SW0800690; F/V Irene's Way – Company was charged in three counts under the Magnuson-Stevens Act for failing to identify Petrale sole, lingcod, and rockfish landed by a vessel on California Department of Fish and Game landing receipts. A \$36,020 NOVA was issued.
100. SW0803003 – Individual was charged under the Lacey Act for selling or transporting in interstate or foreign commerce red abalone that was taken and/or sold in violation of Oregon State law. A written warning was issued.
101. SW0803338; F/V Irene's Way – Owner and operator were charged in six counts under the Magnuson-Stevens Act for failing to operate and maintain a mobile transceiver unit on board a vessel at all times and for fishing with bottom trawl within Essential Fish Habitat Conservation Areas. A \$109,271 NOVA was issued.
102. SW0803737; F/V Hannah Marie – Owner/operator was charged under the Magnuson-Stevens Act for failing to submit an original logbook to NMFS or appropriate state management agency within 30 days of a landing of albacore. A written warning was issued.

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103. SW0803838; F/V San Giovanni – Owner and operator were charged in two counts under the Magnuson-Stevens Act for operating a vessel inside the RCA by fishing with trawl fishing gear. A \$33,545 NOVA was issued.
104. SW0804717; F/V Catherine – Owner/operator was charged under the Magnuson-Stevens Act for departing on a fishing trip without a VMS transceiver unit on the vessel. A written warning was issued.
105. SW0805010; F/V Kandi Dawn – Owner/operator was charged under the Magnuson-Stevens Act for failing to submit an original logbook to NMFS or appropriate state management agency within 30 days of a landing of highly migratory species. A written warning was issued.
106. SW0805114; F/V Beverly – Owner/operator was charged under the Magnuson-Stevens Act for failing to submit an original logbook to NMFS or appropriate state management agency within 30 days of a landing of highly migratory species. A written warning was issued.
107. SW0900518 – Company was charged under the Magnuson-Stevens Act for importing as an entry for consumption or purchase swordfish without a valid trade permit and for failing to submit swordfish statistical documents and/or bi-weekly reports for entries of swordfish. A written warning was issued.
108. SW0900647 – Company was charged under the Magnuson-Stevens Act for failing to timely file California Department of Fish and Game landing receipts for landings of groundfish or other federally managed species. A written warning was issued.
109. SW0902616 – Individual was charged under the Marine Mammal Protection Act for using a motorized personal watercraft to pursue at least one Humpback whale at a speed and proximity to the whale so as to have the potential to injure it in the wild. A \$1,125 NOVA was issued.
110. SW0902294; F/V Yellowfin – Owner/operator was charged under the Magnuson-Stevens Act for failing to operate and maintain a VMS transceiver unit on board a vessel. A written warning was issued.
111. SW0902486; F/V Mega – Owner/operator was charged under the Magnuson-Stevens Act for fishing for swordfish in the United States EEZ off the Pacific coast without a highly migratory species fishing permit for the use of authorized fishing gear. A written warning was issued.
112. SW0902497; F/V Bear Flag – Owner/operator was charged under the Magnuson-Stevens Act for fishing for swordfish in the United States EEZ off the Pacific coast without a highly migratory species fishing permit for the use of authorized fishing gear. A written warning was issued.

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113. SW0902541; F/V Ball – Owner/operator was charged under the Magnuson-Stevens Act for removing fishing gear flagpoles and a buoy belonging to another person from the fishing grounds. A written warning was issued.
114. SW0902615 – Company was charged under the National Marine Sanctuaries Act for discharging or depositing materials into the Channel Islands National Marine Sanctuary without authorization. A written warning was issued.
115. SW0903057; F/V Sophia – Owner/operator was charged under the Magnuson-Stevens Act for completing a California Department of Fish and Game landing receipt with an inaccurate amount of shark species landed by the vessel on the date of violation. A written warning was issued.
116. SW0903236 – Company was charged under the Magnuson-Stevens Act for completing a California Department of Fish and Game landing receipt with an inaccurate amount of shark species landed by the fishing vessel on the date of violation. A written warning was issued.
117. SW0903917 – Individual was charged under the Marine Mammal Protection Act for using a motorized personal watercraft to pursue at least one Humpback whale at a speed and proximity to the whale so as to have the potential to injure it in the wild. A \$1,125 NOVA was issued. [See, Settled cases, item 73, below, for resolution of this matter.]
118. SW0903941; F/V Verna Jean – Owner/operator was charged under the Magnuson-Stevens Act for landing sablefish in excess of the cumulative limit for the period and for failing to file a report of a groundfish landing. A written warning was issued.
119. SW0904360 – Individual was charged under the Magnuson-Stevens Act for failing to deposit fees from the purchase of federally managed groundfish from various fish sellers. A \$30,000 NOVA was issued.
120. SW0904489 – Company was charged in two counts under the Magnuson-Stevens Act for failing to collect fees from the purchase of California coastal Dungeness crab from various fishermen and for failing to deposit fees from the purchase of California coastal Dungeness crab from various fishermen. A \$42,500 NOVA was issued.
121. SW1000146 – Company was charged under the Magnuson-Stevens Act for failing to deposit fees from the purchase of California coastal Dungeness crab from various fishermen. A \$30,000 NOVA was issued.
122. SW1001790; F/V Johnny L – Owner/operator was charged under the Magnuson-Stevens Act for departing on a fishing trip without a VMS transceiver unit on the vessel. A written warning was issued.
123. SW1002701 – Individual was charged under the Marine Mammal Protection Act for importing a sea lion skull into the United States. A written warning was issued.

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124. SW1002974; F/V Risa Lynn – Owner and operator were charged under the Magnuson-Stevens Act for operating a vessel inside a RCA while having non-trawl gear on board; for not being registered to a limited entry permit, while retaining groundfish; and for not continuously transiting the RCA. A \$17,345 NOVA was issued.
125. SW1101731 – Individual was charged under the Marine Mammal Protection Act for attempting to kill a California sea lion by shooting it with an arrow, thereby causing serious injury to the sea lion, which required that the animal be euthanized. A \$5,850 NOVA was issued.
126. SW1102750; F/V Blazer II – Owner/operator was charged under the Marine Mammal Protection Act for intimidating and/or interfering with an observer. An \$11,000 NOVA was issued.
127. SW1200952 – Company was charged under the Magnuson-Stevens Act for failing to deposit fees from the purchase of federally managed groundfish from various fish sellers. A \$30,000 NOVA was issued.
128. SW1201258 – Company was charged under the Magnuson-Stevens Act for failing to deposit fees from the purchase of federally managed groundfish from various fish sellers. A \$30,000 NOVA was issued.

Agreed Disposition or Settlement Agreement

During this time period, there were settlements in 75 civil administrative cases, as follows:

ALASKA

1. AK035039A - Magnuson-Stevens Act and American Fisheries Act \$3,444,000 Administrative Law Judge assessment, on remand, settled for \$615,000. The original assessment was \$3,444,000. Companies were charged for processing crab in excess of a crab processing cap.
2. AK0802893; F/V Ocean Ranger – Magnuson-Stevens Act \$2,000 NOVA settled for \$2,000. Owner and operator were charged for engaging in fishing within the territorial sea of the State of Alaska.
3. AK0903927; F/V Sea Venture – Magnuson-Stevens Act \$137,779.80 NOVA settled for \$120,652.80. [See, Charged cases, item 3, from August 1, 2011, posting for initial charging information.]
4. AK1000645 – Northern Pacific Halibut Act \$20,000 NOVA settled for \$18,000. [See, Charged cases, item 6, from February 6, 2012, posting for initial charging information.]

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5. AK1003383 – Magnuson-Stevens Act \$5,000 NOVA settled for \$4,500. [See, Charged cases, item 8, from February 6, 2012, posting for initial charging information.]
6. AK1101259; F/V Providence – Northern Pacific Halibut Act \$64,260 NOVA settled for \$64,260. [See, Charged cases, item 10, above, for initial charging information.]
7. AK1104017; F/V Shalom II and F/V Pacman – Northern Pacific Halibut Act \$1,500 NOVA settled for \$1,500. [See, Charged cases, item 12, above, for initial charging information.]

NORTHEAST

8. NE1003294; F/V Star Java – Endangered Species Act and Marine Mammal Protection Act \$5,750 NOVA settled for \$5,750. [See, Charged cases, item 41, above, for initial charging information.]
9. NE1003299; F/V Anette – Endangered Species Act and Marine Mammal Protection Act \$5,750 NOVA settled for \$5,750. [See, Charged cases, item 43, above, for initial charging information.]
10. NE1102929 – Magnuson-Stevens Act and Lacey Act \$7,500 NOVA settled for \$7,500. [See, Charged cases, item 44, above, for initial charging information.]
11. NE1103700 – Magnuson-Stevens Act and Lacey Act \$11,500 NOVA settled for \$9,000. [See, Charged cases, item 45, above, for initial charging information.]
12. NE1103881; F/V Capt. Joe – Magnuson-Stevens Act \$4,000 NOVA settled for \$4,000. [See, Charged cases, item 46, above, for initial charging information.]

NORTHWEST

13. NW0800580; F/V Cassandra Anne – Magnuson-Stevens Act \$10,120 NOVA settled for \$4,000. [See, Charged cases, item 14, from August 1, 2011, posting for initial charging information.]
14. NW0804364; F/V Capt. Ryan – Magnuson-Stevens Act \$35,388 NOVA settled for \$35,388. [See, Charged cases, item 15, from February 6, 2012, posting for initial charging information.]

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PACIFIC ISLANDS

15. PI0700254; F/V Astara – Magnuson-Stevens Act \$54,000 Administrative Law Judge assessment against the operator settled for \$10,500. (The owner paid \$7,000.) The original assessment was \$61,000. Owner and operator were charged for violating various regulations regarding the Papahānaumokuākea Marine National Monument and for failing to possess a valid Hawaii longline permit.
16. PI1003976; F/V Capt Millions I – Magnuson-Stevens Act \$31,146 NOVA settled for \$10,000. [See, Charged cases, item 18, from August 1, 2011, posting for initial charging information.]
17. PI1004008; F/V Holly – Magnuson-Stevens Act \$30,886 NOVA settled for \$18,386. [See, Charged cases, item 19, from August 1, 2011, posting for initial charging information.]
18. PI1100389; F/V Lady Betty – Magnuson-Stevens Act \$16,264.66 NOVA settled with the owner, only, for \$8,132.22. [See, Charged cases, item 18, from February 6, 2012, posting for initial charging information.]
19. PI1100938; M/V Ikaika-Kai – Endangered Species Act \$NOVA settled for \$8,750. Operator and crewmember were charged for striking and injuring two endangered Humpback whales while operating the vessel.

SOUTHEAST

20. SE040068A; F/V Victory - Magnuson-Stevens Act \$6,000 NOVA and 30-day NOPS was forgiven. Owner and operator were charged for exceeding a commercial retention limit for shark.
21. SE0703621; Florida State registered vessel – Magnuson-Stevens Act \$12,500 NOVA settled for \$12,500, with \$11,860 suspended for 1 year. Operator was charged for engaging in an activity for which a valid charter vessel permit for Gulf reef fish is required.
22. SE0801107; Georgia State registered vessel – National Marine Sanctuaries Act \$10,000 was forgiven. Owner/operator was charged for anchoring in and possessing or using a trap in the Gray's Reef National Marine Sanctuary.
23. SE0801919; F/V Capt. Charlie – Magnuson-Stevens Act \$80,000 NOVA and 210-day NOPS settled for \$10,000. Owner and operator were charged for fishing in violation of the prohibitions applicable to the recreational fishery for red snapper seasonal closure and/or possessing undersized red snapper.
24. SE0802654; F/V Dyno Mike – Magnuson-Stevens Act and Endangered Species Act \$24,000 NOVA and 45-day NOPS settled for \$24,000, with \$6,000 suspended for 18 months. Owner

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and operator were charged for fishing in violation of the prohibitions applicable to the Texas shrimp closure; for not having a vessel not in compliance with TED regulations; and for failing to maintain a shark in its proper form and/or disposing of fish in any manner after communication or signal from an authorized officer.

25. SE0900489; F/V Southern Gale – Magnuson-Stevens Act \$15,000 NOVA and 45-day NOPS settled with the owner, only, for \$6,750. Owner and operator were charged for fishing in violation of the prohibitions applicable to the McGrail Bank seasonal and/or area closures.
26. SE0900643; Florida State registered vessel – Magnuson-Stevens Act \$10,800 NOVA settled for \$10,800. [See, Charged cases, item 47, above, for initial charging information.]
27. SE0902348; F/V Miss Cher – Magnuson-Stevens Act \$12,500 NOVA settled with the owner, only, for \$2,500, with \$1,300 suspended for 1 year. [See, Charged cases, item 22, from February 6, 2012, posting for initial charging information.]
28. SE0902888; Louisiana State registered vessel – Magnuson-Stevens Act \$5,850 NOVA settled for \$5,850, with \$5,350 suspended for 6 months. Individuals were charged for exceeding a bag or possession limit and possessing undersized red snapper and scamp.
29. SE1000545; Florida State registered vessel – Magnuson -Stevens Act \$5,500 NOVA settled with the owner/operator, only, for \$5,500, with \$4,500 suspended for 7 months. Settled with one of the passengers, only, by suspending the penalty against that passenger only. Owner/operator and passengers were charged for possessing undersized South Atlantic black sea bass and/or exceeding a bag or possession limit for South Atlantic black sea bass.
30. SE1000558; Florida State registered vessel – Magnuson-Stevens Act \$30,000 NOVA settled for \$18,000. [See, Charged cases, item 11, from September 1, 2010, posting for initial charging information.]
31. SE1001462; Florida State registered vessel – Magnuson-Stevens Act \$1,000 NOVA settled for \$1,000. [See, Charged cases, item 31, from February 6, 2012, posting for initial charging information.]
32. SE1002933; M/V Cygnus Leader – Endangered Species Act and Marine Mammal Protection Act \$23,000 NOVA settled for \$23,000, with \$4,600 suspended for 1 year. [See, Charged cases, item 39, from February 6, 2012, posting for initial charging information.]
33. SE1002970; M/V Stadiongracht – Endangered Species Act and Marine Mammal Protection Act \$11,500 NOVA settled for \$11,500. [See, Charged cases, item 44, from February 6, 2012, posting for initial charging information.]
34. SE1003192; Florida State registered vessel – National Marine Sanctuaries Act \$2,700 NOVA settled for \$2,700, with \$2,700 suspended. [See, Charged cases, item 50, from February 6, 2012, posting for initial charging information.]

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35. SE1004285; F/V Animal Control – Magnuson-Stevens Act \$1,000 NOVA settled for \$1,000. [See, Charged cases, item 52, above, for initial charging information.]
36. SE1004291; F/V Dirty Oar – Magnuson-Stevens Act \$1,000 NOVA settled for \$1,000. [See, Charged cases, item 53, above, for initial charging information.]
37. SE1004292; F/V The Shadow – Magnuson-Stevens Act \$3,000 NOVA settled for \$3,000. [See, Charged cases, item 32, from August 1, 2011, posting for initial charging information.]
38. SE1102299; F/V Jimmy & Andy Jr. – Endangered Species Act \$10,750 NOVA settled for \$10,750, with \$2,150 suspended for 1 year. [See, Charged cases, item 65, from February 6, 2012, posting for initial charging information.]
39. SE1102330; F/V Midnight Prowler – Endangered Species Act \$6,000 NOVA settled for \$6,000, with \$1,200 suspended for 18 months. [See, Charged cases, item 67, from February 6, 2012, posting for initial charging information.]
40. SE1102561; F/V Thanh Phu – Endangered Species Act \$2,500 NOVA settled for \$2,500, with \$500 suspended for 1 year. [See, Charged cases, item 69, from February 6, 2012, posting for initial charging information.]
41. SE1102633; F/V Golden Dragon – Endangered Species Act \$23,000 NOVA settled for \$23,000, with \$4,600 suspended for 1 year. [See, Charged cases, item 74, from February 6, 2012, posting for initial charging information.]
42. SE1102731; F/V Scaled Down – Magnuson-Stevens Act \$1,000 NOVA settled for \$1,000. [See, Charged cases, item 77, from February 6, 2012, posting for initial charging information.]
43. SE1103019; F/V Sherry D – Endangered Species Act \$4,750 NOVA settled for \$4,750, with \$950 suspended for 1 year. [See, Charged cases, item 78, from February 6, 2012, posting for initial charging information.]
44. SE1103247; F/V St. John Bosco – Endangered Species Act \$7,000 NOVA settled for \$7,000, with \$1,400 suspended for 1 year. [See, Charged cases, item 82, from February 6, 2012, posting for initial charging information.]
45. SE1103257; F/V So Fine – Lacey Act \$5,000 NOVA settled for \$4,500. [See, Charged cases, item 61, above, for initial charging information.]
46. SE1103258; F/V Sea Fox – Magnuson-Stevens Act \$17,500 NOVA settled for \$17,500, with \$3,500 suspended for 19 months. [See, Charged cases, item 79, from February 6, 2012, posting for initial charging information.]

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47. SE1103657; F/V Ramblin Cajun – Endangered Species Act \$16,000 NOVA settled for \$16,000, with \$3,200 suspended for 1 year. [See, Charged cases, item 87, from February 6, 2012, posting for initial charging information.]
48. SE1103899; Florida State registered vessel – National Marine Sanctuaries Act \$1,500 NOVA against owner/operator, only, settled for \$1,500. [See, Charged cases, item 62, above, for initial charging information.]
49. SE1103915; Florida State registered vessel – National Marine Sanctuaries Act \$1,500 NOVA against owner/operator, only, settled for \$1,500. [See, Charged cases, item 63, above, for initial charging information.]
50. SE1103918; F/V Capt Quang – Endangered Species Act and Magnuson-Stevens Act \$27,750 NOVA settled for \$27,750, with \$5,500 suspended for 1 year. [See, Charged cases, item 92, from February 6, 2012, posting for initial charging information.]
51. SE1103937; F/V Polyphonic – National Marine Sanctuaries Act \$3,000 NOVA settled for \$3,000. [See, Charged cases, item 93, from February 6, 2012, posting for initial charging information.]
52. SE1103953; F/V Miss Dawn – National Marine Sanctuaries Act \$3,000 NOVA settled for \$2,700. [See, Charged cases, item 64, above, for initial charging information.]
53. SE1103985; F/V My Three Sons – National Marine Sanctuaries Act \$12,000 NOVA settled for \$12,000. [See, Charged cases, item 94, from February 6, 2012, posting for initial charging information.]
54. SE1103988; Florida State registered vessel – National Marine Sanctuaries Act \$6,000 NOVA settled for \$6,000. [See, Charged cases, item 95, from February 6, 2012, posting for initial charging information.]
55. SE1103990; F/V Nauti Lady – National Marine Sanctuaries Act \$12,000 NOVA settled for \$12,000. [See, Charged cases, item 96, from February 6, 2012, posting for initial charging information.]
56. SE1104033; F/V Justifiable – National Marine Sanctuaries Act \$2,700 NOVA settled for \$2,700. [See, Charged cases, item 97, from February 6, 2012, posting for initial charging information.]
57. SE1104043; Florida State registered vessel – National Marine Sanctuaries Act \$1,000 NOVA settled for \$1,000. [See, Charged cases, item 66, above, for initial charging information.]
58. SE1104080; F/V Lady Kristie – Endangered Species Act \$8,000 NOVA settled for \$8,000, with \$1,600 suspended for 1 year. [See, Charged cases, item 98, from February 6, 2012, posting for initial charging information.]

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59. SE1104115; F/V Capt Quang – Endangered Species Act \$8,000 NOVA settled for \$8,000, with \$1,600 suspended for 1 year. [See, Charged cases, item 99, from February 6, 2012, posting for initial charging information.]
60. SE1104263; F/V Ms. Trella – National Marine Sanctuaries Act \$6,000 NOVA settled for \$6,000. [See, Charged cases, item 100, from February 6, 2012, posting for initial charging information.]
61. SE1104394; F/V Texas Lady – Endangered Species Act \$2,500 NOVA settled for \$2,500. [See, Charged cases, item 72, above, for initial charging information.]
62. SE1104492; F/V Lucky Angel – Endangered Species Act \$4,750 NOVA settled for \$4,750. [See, Charged cases, item 101, from February 6, 2012, posting for initial charging information.]
63. SE1104493; F/V Blue Thunder – Endangered Species Act \$7,000 NOVA settled for \$7,000, with \$1,400 suspended for 1 year. [See, Charged cases, item 74, above, for initial charging information.]
64. SE1104639; F/V Thien Thanh – Magnuson-Stevens Act \$2,000 NOVA settled for \$2,000. [See, Charged cases, item 77, above, for initial charging information.]
65. SE1104656; F/V Master Hai – Magnuson-Stevens Act \$2,000 NOVA settled for \$2,000. [See, Charged cases, item 78, above, for initial charging information.]
66. SE1104762; F/V Miss Linda – Endangered Species Act \$1,250 NOVA settled for \$1,250. [See, Charged cases, item 79, above, for initial charging information.]
67. SE1104818; F/V Five Queens – Endangered Species Act \$2,750 NOVA settled for \$2,750. [See, Charged cases, item 81, above, for initial charging information.]
68. SE1104897; F/V Lady Stephanie – Endangered Species Act \$11,500 NOVA settled for \$11,500, with \$9,700 suspended for 18 months. [See, Charged cases, item 82, above, for initial charging information.]
69. SE1200014; Florida State registered vessel – National Marine Sanctuaries Act \$4,500 NOVA settled for \$4,500. [See, Charged cases, item 86, above, for initial charging information.]
70. SE1200380; Florida State registered vessel – Magnuson-Stevens Act \$4,000 NOVA settled for \$4,000. [See, Charged cases, item 92, above, for initial charging information.]
71. SE1200465; F/V Coal Miner’s Daughter – National Marine Sanctuaries Act \$6,000 NOVA settled for \$6,000. [See, Charged cases, item 94, above, for initial charging information.]

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SOUTHWEST

72. SW0902792 – Lacey Act \$3,000 NOVA settled for \$3,000, with \$3,000 suspended for 2 years. [See, Charged cases, item 38, from August 1, 2011, posting for initial charging information.]
73. SW0903917 – Marine Mammal Protection Act \$1,125 NOVA settled for \$1,125, with \$1,025 suspended for 2 years. [See, Charged cases, item 117, above, for initial charging information.]
74. SW1003377; motorized personal watercraft – National Marine Sanctuaries Act \$1,000 NOVA settled for \$500. [See, Charged cases, item 105, from February 6, 2012, posting for initial charging information.]
75. SW1101300; motorized personal watercraft – National Marine Sanctuaries Act \$2,500 NOVA settled for \$2,500, with \$1,000 suspended for 2 years. [See, Charged cases, item 107, from February 6, 2012, posting for initial charging information.]