

Office for Law Enforcement



**THIRD QUARTER  
FY 2008 REPORT  
APRIL 01, 2008 - JUNE 30, 2008  
National Marine Fisheries Service  
Southeast Office for Law Enforcement**



**OFFICE FOR LAW ENFORCEMENT**  
**Southeast Division**

**FY 2008 - 3<sup>rd</sup> Quarter Report**  
**April 01, 2008- June 30, 2008**

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To report fisheries violations,  
call our National Hotline at 1-800-853-1964, or  
visit our web site at [www.nmfs.noaa.gov/ole/Southeast.htm](http://www.nmfs.noaa.gov/ole/Southeast.htm)

# **SIGNIFICANT ENFORCEMENT ACTIVITIES**

## **SOUTH ATLANTIC / CARIBBEAN ENFORCEMENT OPERATIONS**

### **ESA**

A National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA/NMFS) agent from Charleston, SC was informed by the Office of General Counsel for Enforcement and Litigation, Southeast Region (GCEL/SE) that an agreement was signed to settle a \$3,500 NOVA with the owner/captain of a commercial shrimping vessel. The case involved the use of a non-authorized TED and making false statements to the Georgia DNR rangers. A NOAA/NMFS agent subsequently interviewed the owner of the fishing vessel and obtained a written confession.

NOAA/NMFS agents from Morehead City, NC, were notified by NOAA GCEL/SE that a NOVA had been issued to a subject in the investigation of a “take” of a loggerhead sea turtle that had stranded on the beach. The subject admitted to Agents that he wanted to burn incense in the turtle’s shell and make jewelry out of other parts.

NOAA/NMFS agents from Morehead City, NC, and Charleston, SC, investigated allegations of an individual, who was suspected of importing gray seal skin sporrans from Canada.

In St. Croix, VI agents from NOAA OLE and US Fish and Wildlife Service investigated the take of an endangered species. This take was discovered by local patrol officers when they stopped a suspicious vehicle and found a dead 100 pound hawksbill sea turtle in the bed of the pickup. This investigation resulted in the arrest of six Saint Lucia citizens on several ESA charges. This case is being prosecuted by the US Attorney’s Office in St. Croix, VI.

NOAA/NMFS Agents in Puerto Rico conducted an ESA investigation that resulted in the arrest four (4) individuals. These individuals were involved in a sea turtle poaching ring that was profiting from illegal sales of turtle meat. This case is being prosecuted by the US Attorney’s Office in San Juan, PR.

A NOAA/NMFS agent from Charleston, SC assisted USCG Southeast Regional Fisheries Training Center and the CG cutter Shrike with the boarding of the FV KEVIN & CHAD. The FV was engaged in shrimp trawling with an expired federal shrimp permit off the coast of Jacksonville, FL. The NOAA agent recommended to the USCG to issue a \$1,500 summary settlement citation. The Coast Guard also terminated the vessel's voyage due to several safety violations.

### **MSFCMA**

NOAA/NMFS agents from Morehead City, NC, were notified by NOAA GCEL that a \$47,000 NOVA and a 90 day permit sanction had been issued jointly to the owner & operator of the F/V IRON MAIDEN which fished illegally on the high seas without the appropriate permits and for illegally fishing in the Bahamian EEZ. In addition, the vessel was in possession of undersized swordfish, valued at \$7,630, and its catch was subsequently seized and forfeited.

A NOAA Agent from Titusville, FL was informed by GCEL/SE that a \$35,000 NOVA was issued to the owner and operator of a Shallotte, NC rock shrimp trawler for an Oculina Bank Habitat Area of Particular Concern violation. In addition, a 45 day permit sanction against the vessel/owner was issued. The case was initiated when agents received a VMS alert indicating the vessel had entered the Oculina protected coral area.

A NOAA Agent from Titusville, FL was informed by GCEL/SE that the enforcement actions were upheld by HQ GCEL after the defendants had appealed their case. The case was initiated in June 2005 when a FL FWCC officer conducted a JEA dockside boarding of a commercial snapper-grouper vessel in Jacksonville, FL. The subsequent investigation revealed that the vessel had fished for two years without a limited access snapper-grouper permit and sold over \$100,000 in snapper-grouper species to an unpermitted dealer.

NOAA/NMFS agents from Titusville, FL were informed by GCEL/SE that a NOVA totaling \$2,000 was issued to the owner and operator of a shrimp trawler for the possession of commercial quantities of bonnet head sharks without the requisite federal permit. The case was initiated when the vessel was boarded by a FL FWCC officer on JEA patrol in Port Canaveral, FL.

NOAA/NMFS agents from Morehead City, NC investigated an individual in Supply, NC, who refused to accept an observer in the Atlantic Shrimp Fishery. The subject had been selected for observer coverage for the first time since obtaining the federal shrimp permit and had initially refused the observer. The subject was brought into compliance.

NOAA agents from Titusville, FL, along with FL FWCC officers, conducted an Oculina Bank Experimental Closed Area patrol 25 miles offshore onboard NOAA RHIB M/V TITUSVILLE. The patrol was conducted due to an offshore fishing tournament out of Sebastian Inlet that targeted snapper-grouper and pelagic species. Four recreational fishing vessels were boarded with one citation being issued for fishing for and retaining snapper-grouper species within the Oculina closed area.

## **MMPA**

A NOAA/NMFS agent from Charleston, SC issued a citation to the owner of a commercial charter operation after crew members were photographed by a private citizen feeding dolphins while the vessels were docked after their daily fishing trip. The agent interviewed the owner of the company who agreed to publicize the MMPA regulations in a newsletter and daily radio show in the Savannah, GA area.

A NOAA agent from Titusville, FL was notified by NOAA General Counsel that they upheld three enforcement actions which were appealed by three surfers who interacted with a right whale off the central FL coast.

## **Lacey Act**

NOAA/NMFS agents from Titusville, FL, traveled to Nicaragua to arrest and escort a defendant in a Lacey Act investigation to Miami, FL, to face charges for importing mislabeled seafood from Nicaragua. Nicaraguan Immigration deported the resident based on efforts by NOAA Law Enforcement to revoke the defendant's US passport. Each defendant was released on a \$1 million bond. The criminal trial is scheduled for February 2009.

NOAA/NMFS agents from Charleston, SC and Morehead City, NC conducted inspections of multiple seafood dealers around Greensboro, North Carolina specifically looking for potential illegal purchases of black groupers, gag groupers and amberjacks. During the inspections, a violation of Canadian law (false labels) was discovered and referred to the Canadian Food Inspection Agency.

## **National Marine Sanctuaries**

NOAA/NMFS agents participated in a three day patrol off the Dry Tortugas and surrounding Florida Keys National Marine Sanctuary Ecological Reserves aboard the FWCC's P/V PETER GLADDING. Citations were issued involving a commercial permit violation and an over the bag limit shark case.

NOAA/NMFS agents from Charleston traveled to Savannah, Georgia to meet with personnel from the Georgia Department of Natural Resources and Gray's Reef National Marine Sanctuary for a law enforcement summit – numerous OLE personnel, NOAA GC and Sanctuary personnel also participated in the meeting. At the meeting, presentations were given and multiple issues were discussed including but not limited to: additional pending Gray's Reef regulations, research area, enforcement operations, investigative updates, JEA issues, etc.

## **COPPS & Outreach**

NOAA/NMFS agents from Titusville, FL, attended the Deepwater Coral Teachers Workshop at the Harbor Branch Oceanographic Institute in Fort Pierce, Florida. OLE gave a presentation about Oculina Bank enforcement to a group of approximately forty high school science and technology teachers. The workshop was sponsored by the NOAA Coral Program and the South Atlantic Fishery Management Council.

NOAA/NMFS agents from Charleston, SC, routinely provide instruction on the roll of NOAA OLE and the investigations it conducts to boarding officers attending the U.S. Coast Guard's Southeast Regional Fisheries Training Center (SRFTC) in Charleston, SC.

# **SIGNIFICANT ENFORCEMENT ACTIVITIES**

## **GULF OF MEXICO ENFORCEMENT OPERATIONS**

### **ESA**

National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA/NMFS) Special Agents out of Galveston, TX, conducted patrols with the Texas Parks and Wildlife to monitor the shrimping fleet during the Texas Shrimp Opening. Several summary settlement tickets were issued for improper TED construction.

Galveston, Texas NOAA/NMFS agents also participated in two patrols with Texas Parks and Wildlife wardens for TEDS work during the opening of the Galveston Bay State Shrimp Fishery. While on board, agents assisted in the State seizure of two catches, one from the F/V RICKY, and one from the F/V CAPT LINH, for trawling with oversized nets (70ft as opposed to the 32' requirement).

### **MSFCMA**

NOAA/NMFS agents from St. Petersburg, FL were informed by GCEL/SE that the longliner F/V LJ, owned by Outriggers Commercial Fishing, LLC, and operated by Matthew Jacobs, agreed to pay a \$9,900 NOVA and forfeit the catch of red grouper valued at \$11,192.25. The F/V LJ was cited for fishing within the Longline-Buoy Gear Restricted Area. The vessel had been detected from its VMS tracks, as repeatedly operating within the closed area. NOAA agents, VMS personnel and the *USCGC HAWK* worked to together to apprehend the vessel.

NOAA/NMFS agents out of Niceville, FL, were notified by GCEL/SE that a \$4,000 NOVA and 30 day NOPS were assessed to Billy Archer, owner and operator of the F/V SEMINOLE WIND for violating federal red snapper bag limits and interfering with FWCC boarding officers. With the assistance of NOAA VMS technicians, the charter vessels movements were documented during its trip, proving all of the fishing had occurred in the Gulf of Mexico EEZ, refuting the captains claims he had harvested his party's snapper catch in Florida waters which had twice the allowable bag limit.

NOAA/NMFS agents out of St. Petersburg, FL were told by GCEL/SE that a \$500 settlement agreement was reached with Robert Callahan, Douglas Jernigan and James Kagan for possession of red snapper during the closed season and exceeding the bag limit for red grouper. The recreational anglers also forfeited the catch which was sold for \$244.00.

NOAA/NMFS agents out of Niceville, FL were told by GCEL/SE that Marvin Foran, owner and operator of the F/V THE FAMILY TRADITION agreed to pay a \$1,500 NOVA for possessing over the bag limit red snapper while operating a charter vessel in the Gulf of Mexico.

NOAA/NMFS agents out of Niceville, FL were told by GCEL/SE that a NOVA in the amount of \$4,000.00, a 30 day Notice of Permit Sanction and a Notice of Proposed forfeiture of \$744.00 was issued to owner/operator Brian P. Annan of the F/V GULF REBEL for harvesting red snapper out of season in gulf waters off the Alabama coast.

NOAA/NMFS agents out of St. Petersburg, FL were told by GCEL/SE that a NOVA in the amount of \$23,000.00 was issued to the owner and operator of the F/V LADY MARITZA. At the time of the boarding, the captain was in possession of over 120 pieces of grouper which were being used as bait. Additionally, the captain was charged with interference during the investigation.

NOAA/NMFS agents out of St. Petersburg, FL were told by GCEL/SE that a NOVA in the amount of \$15,000.00 and the forfeiture of seized proceeds was issued to the owner and operator of the F/V FISHIN' MAGICIAN for violations of the Magnuson-Stevens Fishery Conservation and Management Act. The Gulf of Mexico reef fish permit issued to the F/V FISHIN' MAGICIAN expired in March, 2007 and had subsequently been terminated by the NMFS Southeast Permits division. During the timeframe in which the permit had been expired, the F/V FISHIN' MAGICIAN conducted thirteen (13) trips and harvested over 6,500 pounds of federally regulated species from the Gulf of Mexico.

NOAA/NMFS agents out of St. Petersburg, FL were told by GCEL/SE that a NOVA in the amount of \$750.00 and the forfeiture of seized proceeds was issued to the owner and operator of the recreational fishing vessel FL5027KP. The three (3) individuals onboard were in possession of red snapper during the closed season and red grouper in excess of the daily bag limit after returning from an overnight fishing trip in the Florida Middle Grounds.

NOAA/NMFS agents out of St. Petersburg, FL were told by GCEL/SE that an agreement in the amount of a \$4,500.00 NOVA, a 30-day NOPS and forfeiture of catch was reached with Manuel Diaz, owner and operator of the F/V LAS TRES PINTICAS. The F/V LAS TRES PINTICAS was in possession of 108 undersized stone crab claws. The owner/operators standard practice was to remove the stone crab claws while offshore, measure them on the vessel's return trip, and dispose of the undersized claws before he reached port.

NOAA/NMFS agents out of Niceville, FL, were received notice from NOAA GCEL of a settlement in the amount of \$1,980.00 and forfeiture of the seized proceeds in the amount of \$64.00, by the operator, James K. GOLDEN, of the F/V MISS VERA regarding violation of undersized vermillion snapper.

NOAA/NMFS agents out of St. Petersburg, FL were told by GCEL/SE that A NOVA and NOPS were issued to the owner and operator of the FV LISA M BELLE. TERRANCE M BRITTON and LISA M BELLE INC. were charged with failure to maintain finfish intact after approximately 700 grouper baited longline ganions were discovered during a boarding in federal waters. The owner and operator were also charged with failure to possess turtle mitigation gear. The penalty included a NOVA in the amount of \$30,000 and a 60 NOPS.

NOAA/NMFS agents out of St. Petersburg, FL were told by GCEL/SE that A NOVA and NOPS were issued to the owner and operator of the FV CHANCES R III. Thomas F. MOORS and Chances R Fisheries, Inc. were charged with fishing in violation of Steamboat Lump area closure restrictions. The penalty included a \$25,000 fine and a 30 day NOPS.

NOAA/NMFS agents out of Niceville, FL were told by GCEL/SE that a \$4,500.00 NOVA was issued to Marcus Murphy III, captain of the F/V SLICK AS GLASS, for possession of prohibited species, red snapper during a closure and failing to land fish intact.

NOAA/NMFS agents out of St. Petersburg, FL were told by GCEL/SE that a \$2,000 NOVA and 5 day NOPS was issued to Ronnie Avery, Star Chief, Inc. and the longline F/V STAR CHIEF for possession of numerous bags of fillets while conducting a commercial fishing trip in the Gulf of Mexico.

NOAA/NMFS agents out of Niceville, FL were told by GCEL/SE that a NOVA in amount of \$3,000.00, a 30 day NOPS and forfeiture of \$1,812 was issued to the F/V CAPT TOM, owner Tommy Nguyen and captain William Harper for violating red snapper IFQ regulations.

NOAA/NMFS agents out of Niceville, FL, were notified by GCEL/SE that Dean COX, owner and operator of the F/V LUCKY ONES agreed to pay \$1,980.00 after being cited for violating red snapper IFQ regulations. Cox was cited for landing his red snapper catch with zero IFQ allocation.

NOAA/NMFS agents from St. Petersburg, FL, were informed by NOAA GCEL that a NOVA in the amount of \$1,500.00 as well as the forfeiture of the seized proceeds was issued to the owner and operator of the F/V GAYLE WIND III. The F/V GAYLE WIND III had failed to make the proper Individual Fishing Quota (IFQ) Notification report prior to landing red snapper and possessed several undersized red grouper.

NOAA/NMFS OLE agents in Miami completed a long term criminal investigation involving wire fraud, obstruction of justice and the illegal take of HMS. This investigation identified five individuals and two corporations involved in a scheme to defraud their charter vessel customers in obtaining taxidermy sailfish mounts. To entice customers into a mounting contract the subjects would unnecessarily kill the sailfish to guilt the customer to enter into a mounting contract. Although the mounts were plastic replicas of sailfish, customers were told the actual fish or fish parts were used in the mounting process. The incentive to mislead the customers into a mounting contract was the deposit amount went directly to the defendants. In this case approximately 80 undersized sailfish were detected and approximately 400 sailfish went unreported to NMFS. The estimated fraud also exceeded \$400,000. All subjects plead guilty to Lacey Act counts, and a Federal Judge sentenced two individuals to prison terms of a year and a day each, the others received probations with fines exceeding \$200,000. One of the charter vessels was also forfeited to the government. This case was prosecuted by the US Attorney's Office, Economic and Environmental Crimes Division in Miami.

An investigation conducted by NOAA/NMFS agents in St. Petersburg, FL, and the Ft. Myers US Attorney's Office resulted in a guilty plea by the corporate defendant in United States vs. Pell Bros. Inc. The defendant signed a plea agreement to misdemeanor charges for its role in the illegal shipment of blue crab from Florida to Virginia, on more than 120 occasions during the period from May of 2003 through September of 2004. In open court, Pell Bros. consented to conducting the trial and sentencing before a magistrate, then pled guilty to the misdemeanor Lacey Act charge. The magistrate ordered a presentence investigation, and scheduled the sentencing for September 15.

As the result of a two year joint investigation by NOAA/NMFS agents, the FWCC and the United States Attorney's Office in Albany, Georgia, a fifty seven count indictment was returned by a federal Grand Jury. The indictment alleged Guy and James Stovall the owners of ROAD RUNNER SEAFOOD Incorporated in Colquitt, Georgia, conspired with other dealers and fishermen in Florida to purchase fish taken in violation of state law and then enter the fish into interstate commerce in violation of the Lacey Act. In furtherance of the scheme, the indictment alleges the individuals then mislabeled the fish and falsified documents that were sent to the state of Florida and the National Marine Fisheries Service (NMFS). Approximately 100 violations were identified by law enforcement from records, computers and other seized documents taken when search warrants were executed at ROAD RUNNER SEAFOOD, BROWNS SEAFOOD in Medart, Florida and ROBBIE'S SEAFOOD in Perry, Florida during the investigation. A total of seven individuals were indicted.

NOAA/NMFS agents out of Slidell, Louisiana received notice from GCEL that a NOVA in the amount of \$30,000.00, a 30 day permit sanction, and forfeiture of seized proceeds in the amount of \$2,098.00 was assessed to the F/V BLUE FIN for using live bait aboard a pelagic longline vessel. VMS reporting data revealed the F/V BLUE FIN had remained stationary at a known live bait site for a period of 11 hours. In response to this information a Slidell agent coordinated a boarding by the USCG which resulted in the discovery of 150 bait fish in live wells aboard the vessel. The F/V BLUE FIN's trip was terminated and the vessel was escorted back to port. This case was a collaborated effort between NOAA Special Agent's, Southeast VMS personnel, and the USCG.

NOAA/NMFS agents out of Slidell, Louisiana, received notice from GCEL that a NOVA in the amount of \$30,000.00, a 30 day permit sanction, and forfeiture of seized proceeds in the amount of \$11,069.75 was assessed to the F/V CAPT DAVID for using live bait aboard a pelagic longline vessel. VMS reporting data revealed the F/V CAPT DAVID had remained stationary at a number of known live bait sites for a period of 61 hours. In response to this information a Slidell agent coordinated a boarding by the USCG which resulted in the discovery of 1096 bait fish in live wells aboard the vessel. The F/V CAPT DAVID's trip was terminated and the vessel was escorted back to port. During the offload of the seized fish it was determined that a bluefin tuna aboard the vessel had been tagged with an electronic archival tag that was part of 10 year 6 million dollar study and was the first tag to be recovered from the Gulf of Mexico. This case was a collaborated effort between NOAA Special Agent's, Southeast VMS personnel, and the USCG.

NOAA/NMFS agents out of Slidell, Louisiana received notification from NOAA GCEL that the investigation against Glenn COLEMAN and Dwight ANDREWS was settled in the amount of \$2,310. An original NOVA in the amount of \$3,500 was issued when COLEMAN and ANDREWS were written citations for illegally taking and possessing seventy-nine (79) red snapper during the closed recreational red snapper season and for possessing four (4) prohibited species (red drum) in Federal (EEZ) Waters.

A NOAA/NMFS Officer from Slidell, Louisiana received information from GCEL/SE that a Notice of Violation and Assessment in the amount of \$1,500.00 and a 15 day Permit Sanction were issued to the fishing vessel LADY HAZEL. This vessel was cited for possession of undersized Red Snapper.

### **Lacey Act**

A complex investigation by NOAA/NMFS agents from the Miami Field Office lead to the Lacey Act conviction of an IUU vessel owner/operator working out of Trinidad and Tobago. The case was initiated after a NOAA/NMFS special agent received a complaint from a confidential source about a potential illegal activity by US longline vessels operating out of Trinidad. Through the investigation it was learned a Canadian flagged vessel controlled by a US citizen was operating on the high seas contrary to the Canadian Fisheries Act, and the vessel's illegal catch (Yellowfin tuna) was imported into Miami, FL. The defendant was sentenced by a Federal Judge to 2 years probation, fined \$3,000, and ordered to forfeit \$23,140.04 from the illegal proceeds. For this investigation NOAA OLE received assistance from Canadian Department of Fisheries and Oceans, Trinidad and Tobago Customs, US Customs and Boarder Protection, and US Immigration Customs Enforcement. This case was prosecuted by the US Attorneys Office, Economic and Environmental Crimes Division in Miami.

NOAA/NMFS agents from Harlingen, Texas, sponsored a joint Mexico/USA border operation. The Operation consisted of participants from NOAA/NMFS Office of Enforcement, NOAA Consumer Safety Officer (CSO), Department of Homeland Security (DHS) Office of Investigation (OI), DHS Customs Border Protection (CBP) Officers, DHS/CBP Import Specialist, Food & Drug Administration CSOs, United States Fish & Wildlife (USF&W) Inspectors/S/A, and a Texas Parks and Wildlife (TP&W) Game Warden. This operation was conducted on two Ports of Entries (POE) for a period of two days in South Texas. Both inbound (importations) and outbound (exports) were reviewed at Los Tomates POE located in Brownsville, TX and the Pharr/McAllen POE in Pharr, TX. NOAA agents were able to work both inbound and outbound lanes in order to become familiar with the common commerce practices.

### **National Marine Sanctuaries**

A NOAA/NMFS agent gave a presentation to the Flower Garden Banks National Marine Sanctuary (FGBNMS) Research Area Monitoring Workshop attendees. The presentation covered the regulations enforced by NOAA OLE as well as available assets for enforcement of regulations at the FGBNMS.

### **COPPS & Outreach**

A NOAA/NMFS agent from Niceville, FL, worked closely with *Florida Sportsman* magazine, establishing “**Ask the Law!**,” an online forum where the agent answers law enforcement questions and provides regulatory information to anglers.

### **OTHER**

While working with a member of the public this week, a NOAA/NMFS agent from Titusville, FL, was able to locate, identify and recover a stolen vessel. The agent became suspicious of an individual attempting to sell a boat with a partial state documentation number. After sequentially running the missing registration number the agent received a match, determined the skiff was stolen and then contacted an FWCC investigator to retrieve the stolen property.

# **SIGNIFICANT ENFORCEMENT ACTIVITIES**

## **VMS & OTHER ENFORCEMENT TECHNOLOGIES**

VMS Technicians monitored the May 1<sup>st</sup> opening for Highly Migratory species within the Charleston Bump closed area and detected a number of vessels entering the area prior to the actual opening. Subsequent investigations found that one vessel had commenced fishing prior to the authorized opening and a written warning was issued.

VMS Technicians detected a Gulf Reef Fish vessel actively fishing with expired reef fish permits. A NOAA/NMFS agent met the vessel upon mooring and a \$1,500 summary settlement was issued.

VMS Technicians detected a Gulf Reef Fish vessel conducting bottom longlining within the Longline Buoy Gear Restricted Area (LLBGRA). A Coast Guard cutter was diverted to the vessel, conducted a boarding and ultimately escorted the vessel to port where NOAA/NMFS agents seized their catch and cited the vessel.

GCEL/SE notified the VMS staff that the owners of the F/V LJ, which was previously detected by VMS technicians bottom longlining within the Longline-Buoy Gear Restricted Area, had agreed to pay a \$9,900 NOVA and forfeit the catch of red grouper valued at \$11,192.25.

GCEL/SE notified the VMS staff that a NOVA in the amount of \$30,000, a 30 day permit sanction, and forfeiture of \$2,098 of seized catch was assessed to the F/V BLUE FIN. VMS Technicians had previously detected the vessel at known live bait sites and a Coast Guard boarding had confirmed the illegal use of live bait onboard.

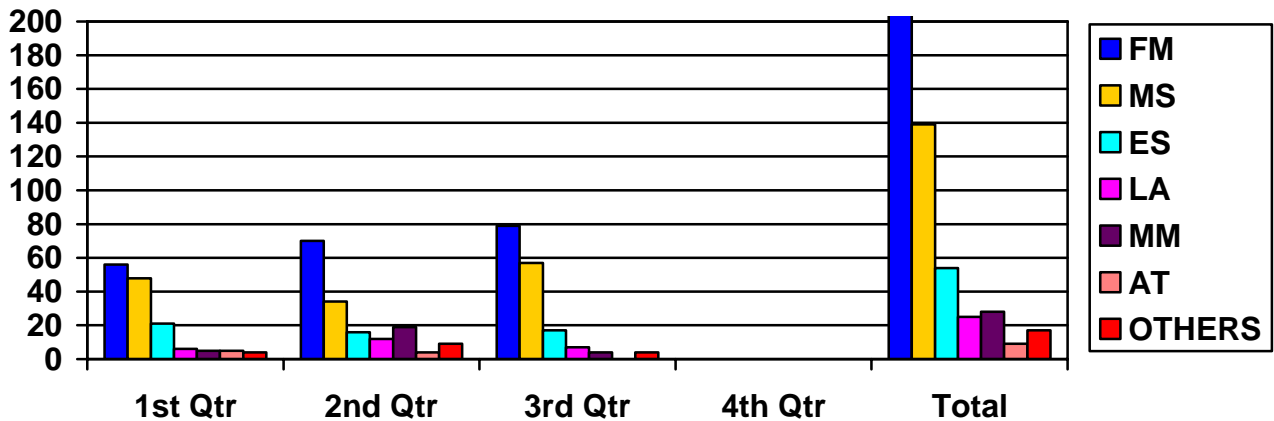
GCEL/SE notified the VMS staff that a NOVA in the amount of \$30,000, a 30 day permit sanction, and forfeiture of \$11,069.75 of seized catch was assessed to the F/V CAPT DAVID. VMS Technicians had previously detected the vessel at known live bait sites and a Coast Guard boarding had confirmed the illegal use of live bait onboard.

GCEL/SE notified the VMS staff that a NOVA in the amount of \$47,000 and a 90 day permit sanction had been assessed to the F/V IRON MAIDEN. VMS Technicians had previously detected that the vessel had fished on the high seas without the appropriate permits and had illegally fished in the Bahamian EEZ. A subsequent boarding by NOAA/NMFS agents also located \$7,630 worth of undersized swordfish that were also seized.

**NUMBER OF CASES OPENED BY INVESTIGATION TYPE**  
**FY 2007 and FY 2008 3rd QUARTER**  
**Southeast Division**

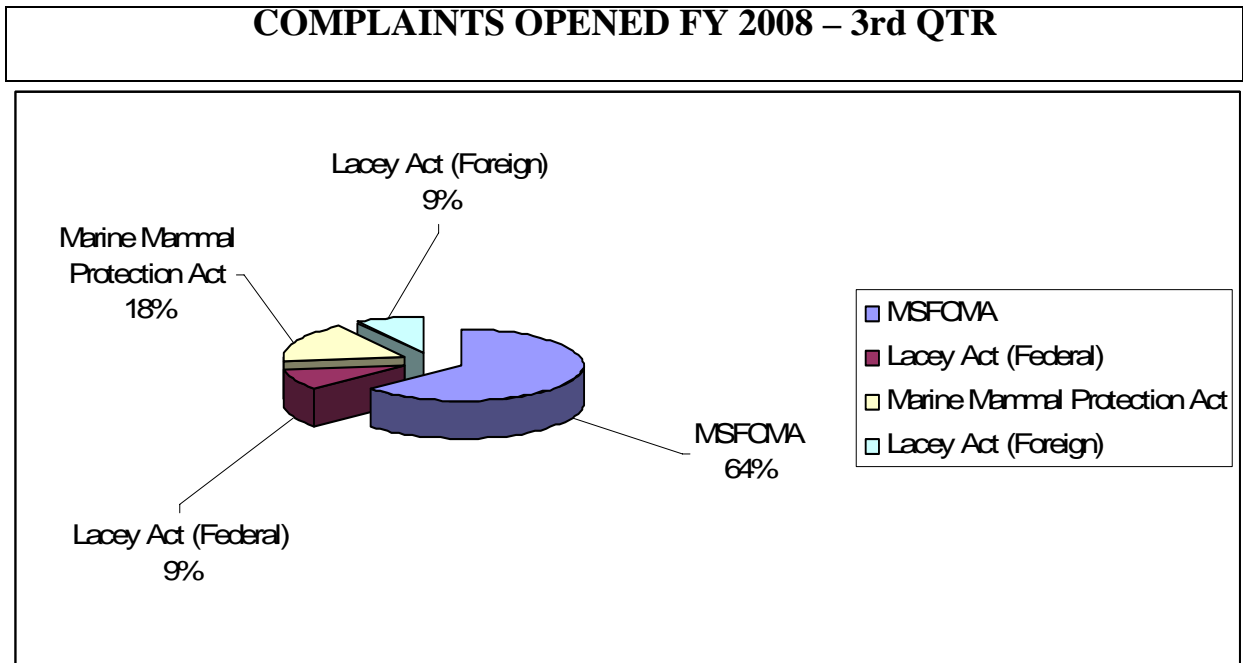
Investigation Type	FY 2007		FY 2008	
	3 <sup>rd</sup> Quarter	Total For Year	3 <sup>rd</sup> Quarter	Year To Date
AT	5	12	0	9
ESA	12	54	17	54
Lacey Act	10	13	7	25
Magnuson Act	56	200	79	205
MMPA	11	28	4	28
MS	103	255	57	139
Other Federal or State Regulations	7	8	4	17
<b>TOTAL</b>	<b>204</b>	<b>592</b>	<b>168</b>	<b>477</b>

**Cases Opened By Investigation Types**



**Complaints Opened by Investigation Type  
 FY 2008 – 3rd QUARTER  
 Southeast Division**

<u>Investigation Type</u>	<u>Complaints</u>
Endangered Species Act	0
MSFCMA	7
Lacey Act (Federal)	1
Lacey Act (Foreign)	1
Gear Conflict (EMIS)	0
Marine Mammal Protection Act	2
<b>Grand Total:</b>	<b>11</b>



# **JOINT ENFORCEMENT AGREEMENT**

Southeast Office for Law Enforcement

## **Third Quarter FY 2008 REPORT**

**April 01, 2008 – June 30, 2008**

ALABAMA						
JEA QUARTERLY REPORT / FY08-3rd QUARTER						
PATROL ACTIVITY		MONTH			TOTALS	
		APR	MAY	JUN	FY08 3rd QTR	FY07 3rd QTR
No. of Patrols		149	70	25	244	92
HOURS	JEA	799.00	367.00	143.00	1309.00	491.00
	Personnel	1521.50	716.00	244.00	2481.50	743.00
CONTACTS	Vessels Boarded	1360	647	294	2301	818
	Vessels Not Boarded	0	0	0	0	0
	At-Sea Boardings	1047	518	219	1784	494
	Dockside Boardings	313	129	75	517	324
	TOTAL	1360	647	294	2301	818
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		APR	MAY	JUN	FY08 3rd QTR	FY07 3rd QTR
CITATIONS	Federal	0	0	3	3	1
	State	2	27	4	33	6
WARNINGS	Federal	7	11	16	34	9
	State	11	48	4	63	24
TOTAL TICKETS		20	86	27	133	40

FLORIDA						
JEA QUARTERLY REPORT / FY08-3rd QUARTER						
PATROL ACTIVITY		MONTH			TOTALS	
		APR	MAY	JUN	FY08 3rd QTR	FY07 3rd QTR
No. of Patrols		158	139	53	350	331
HOURS	JEA	792.85	735.50	251.25	1779.60	1875.15
	Personnel	1305.25	1074.00	475.25	2854.50	2616.61
CONTACTS	Vessels Boarded	410	336	129	875	773
	Vessels Not Boarded	0	1	1	2	0
	At-Sea Boardings	272	196	78	546	461
	Dockside Boardings	38	141	47	226	312
	TOTAL	410	337	130	877	773
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		APR	MAY	JUN	FY08 3rd QTR	FY07 3rd QTR
CITATIONS	Federal	7	1	5	13	5
	State	40	32	33	105	160
WARNINGS	Federal	0	0	0	0	0
	State	174	139	92	405	233
TOTAL TICKETS		221	172	130	523	0

GEORGIA						
JEA QUARTERLY REPORT / FY08-3rd QUARTER						
PATROL ACTIVITY		MONTH			TOTALS	
		APR	MAY	JUN	FY08 3rd QTR	FY07 3rd QTR
No. of Patrols		21	20	11	52	154
HOURS	JEA	164.50	132.50	106.50	403.50	1268.36
	Personnel	292.00	206.00	184.50	682.50	1940.32
CONTACTS	Vessels Boarded	33	35	35	103	265
	Vessels Not Boarded	0	3	0	3	0
	At-Sea Boardings	28	35	35	98	221
	Dockside Boardings	5	3	0	8	44
	TOTAL	33	38	35	106	265
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		APR	MAY	JUN	FY08 3rd QTR	FY07 3rd QTR
CITATIONS	Federal	0	0	0	0	1
	State	2	5	0	7	8
WARNINGS	Federal	0	0	2	2	10
	State	1	5	9	15	16
TOTAL TICKETS		3	10	11	24	25

LOUISIANA						
JEA QUARTERLY REPORT / FY08-3rd QUARTER						
PATROL ACTIVITY		MONTH			TOTALS	
		APR	MAY	JUN	FY08 3rd QTR	FY07 3rd QTR
No. of Patrols		35	3		38	1811
HOURS	JEA	550.73	59.98		610.71	3293.00
	Personnel	1028.44	77.94		1106.38	5582.00
CONTACTS	Vessels Boarded	199	13		212	1132
	Vessels Not Boarded	0	0		0	0
	At-Sea Boardings	189	5		194	988
	Dockside Boardings	10	8		18	144
	TOTAL	199	13		212	1132
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		APR	MAY	JUN	FY08 3rd QTR	FY07 3rd QTR
CITATIONS	Federal	1	0		1	9
	State	32	10		42	171
WARNINGS	Federal	0	0		0	9
	State	10	5		15	47
TOTAL TICKETS		43	15		58	236

MISSISSIPPI						
JEA QUARTERLY REPORT / FY08-3rd QUARTER						
PATROL ACTIVITY		MONTH			TOTALS	
		APR	MAY	JUN	FY08 3rd QTR	FY07 3rd QTR
No. of Patrols		35	54	54	143	135
HOURS	JEA	338.50	525.50	533.25	1397.25	1348.06
	Personnel	717.00	848.00	884.00	2449.00	2248.92
CONTACTS	Vessels Boarded	227	424	531	1182	1318
	Vessels Not Boarded	0	0	0	0	16
	At-Sea Boardings	209	364	359	932	1062
	Dockside Boardings	18	60	172	250	272
	TOTAL	227	424	531	1182	1334
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		APR	MAY	JUN	FY08 3rd QTR	FY07 3rd QTR
CITATIONS	Federal	0	2	13	15	9
	State	15	5	7	27	28
WARNINGS	Federal	0	1	0	1	6
	State	1	1	0	2	11
TOTAL TICKETS		16	9	20	45	54

PUERTO RICO						
JEA QUARTERLY REPORT / FY08-3rd QUARTER						
PATROL ACTIVITY		MONTH			TOTALS	
		APR	MAY	JUN	FY08 3rd QTR	FY07 3rd QTR
No. of Patrols		62	46	42	150	0
HOURS	JEA	163.29	150.59	112.47	426.35	0.00
	Personnel	186.63	150.59	112.47	449.69	0.00
CONTACTS	Vessels Boarded	0	0	0	0	0
	Vessels Not Boarded	0	0	0	0	0
	At-Sea Boardings	0	0	0	0	0
	Dockside Boardings	0	0	0	0	0
	TOTAL	0	0	0	0	0
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		APR	MAY	JUN	FY08 3rd QTR	FY07 3rd QTR
CITATIONS	Federal	0	0	0	0	0
	State	0	0	0	0	0
WARNINGS	Federal	0	0	0	0	0
	State	0	0	0	0	0
TOTAL TICKETS		0	0	0	0	0

SOUTH CAROLINA						
JEA QUARTERLY REPORT / FY08-3rd QUARTER						
PATROL ACTIVITY		MONTH			TOTALS	
		JUN	MAY	MAR	FY08 3rd QTR	FY07 3rd QTR
No. of Patrols		82	125	51	258	149
HOURS	JEA	641.50	1189.80	443.00	2274.30	1622.00
	Personnel	898.50	1862.83	629.00	3390.33	2228.50
CONTACTS	Vessels Boarded	112	360	150	622	558
	Vessels Not Boarded	6	91	28	125	0
	At-Sea Boardings	112	356	150	618	0
	Dockside Boardings	7	8	1	16	558
	TOTAL	118	451	178	747	558
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JUN	MAY	MAR	FY08 3rd QTR	FY07 3rd QTR
CITATIONS	Federal	0	0	0	0	4
	State	28	32	17	77	85
WARNINGS	Federal	1	5	1	7	10
	State	11	28	10	49	120
TOTAL TICKETS		40	65	28	133	219

TEXAS						
JEA QUARTERLY REPORT / FY08-3rd QUARTER						
PATROL ACTIVITY		MONTH			TOTALS	
		JUN	MAY	MAR	FY08 3rd QTR	FY07 3rd QTR
No. of Patrols		37	37	10	84	168
HOURS	JEA	206.46	213.25	76.92	496.63	749.50
	Personnel	313.18	332.25	157.92	803.35	1313.14
CONTACTS	Vessels Boarded	46	115	10	171	237
	Vessels Not Boarded	1	2	0	3	1
	At-Sea Boardings	20	103	9	132	118
	Dockside Boardings	27	14	1	42	120
	TOTAL	47	117	10	174	238
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JUN	MAY	MAR	FY08 3rd QTR	FY07 3rd QTR
CITATIONS	Federal	0	0	0	0	0
	State	5	23	3	31	31
WARNINGS	Federal	0	0	0	0	0
	State	0	1	0	1	2
TOTAL TICKETS		5	24	3	32	33

VIRGIN ISLANDS						
JEA QUARTERLY REPORT / FY08-2ND QUARTER						
PATROL ACTIVITY		MONTH			TOTALS	
		JAN	FEB	MAR	FY08 2ND QTR	FY07 2ND QTR
No. of Patrols		0	0	0	0	0
HOURS	JEA	0	0	0	0	0
	Personnel	0	0	0	0	0
CONTACTS	Vessels Boarded	0	0	0	0	0
	Vessels Not Boarded	0	0	0	0	0
	At-Sea Boardings	0	0	0	0	0
	Dockside Boardings	0	0	0	0	0
	TOTAL	0	0	0	0	0
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JAN	FEB	MAR	FY08 2ND QTR	FY07 2ND QTR
CITATIONS	Federal	0	0	0	0	0
	State	0	0	0	0	0
WARNINGS	Federal	0	0	0	0	0
	State	0	0	0	0	0
TOTAL TICKETS		0	0	0	0	0

**National Marine Fisheries Service  
Southeast Division  
Office of Law Enforcement**

**NEWS  
RELEASES**



**Third Quarter FY2008  
April 1, 2008 – June 30, 2008**

MiamiHerald.com

Posted on Thu, May. 22, 2008

## Boat captain facing jail in sailfish scheme

BY SUE COCKING

Longtime Haulover Park charter-boat captain Stan Saffan is scheduled to be sentenced in federal court in Fort Lauderdale Thursday -for leading a scheme to land undersize sailfish and then pressure customers to pay to have them mounted.

Under sentencing guidelines for Saffan's guilty plea to two counts of a federal indictment, the 58-yearold fisherman could receive 18 to 24 months in prison from Judge William J. Loch. He's also subject to hefty corporate fines.

On Wednesday, the judge sentenced one of Saffan's crew members, Adam Augusto, 36, of North Miami, to one year and one day in prison, plus two years' supervised release for his role in the scheme. Augusto is scheduled to surrender to authorities by Aug. 29 after undergoing gall bladder surgery.

At the opening of Saffan's sentencing hearing Wednesday, defense attorney Richard Sharpstein and assistant U.S. attorney Thomas Watts-Fitzgerald agreed the captain would pay \$75,000 to a restitution fund for customers of his two Therapy IV charter boats. Saffan previously agreed to forfeit his 48-foot boat and to pay 125 percent of the value of the 54-footer to the government.

The courtroom was packed with Saffan family members and supporters, including a Miami-Dade commissioner, several marine law enforcement officers and a retired judge.

Saffan pleaded for mercy.

"I've been doing this 40-plus years. I never planned to harm anybody," he said of his fishing career. "I try to do right in my heart."

He told the judge of his charity work -- saving injured seabirds, escorting Iraq war veterans on fishing trips, handing out free bicycles to needy children at Christmas, and donating charters for community fundraising campaigns.

But Watts-Fitzgerald called it a "Dr. Jekyll/Mr. Hyde situation."

"It was a pervasive, multiyear pattern of conduct where he knowingly and intentionally violated the law," the prosecutor told the judge. "This defendant requires a deterrent, and deterrence to others in the industry."

The government charges that between 2003 and 2005, Saffan and four employees, captains Brian Schick and Sean Lang, and mates Ralph Pegram and Augusto led customers -- mostly novice anglers from out of town -- to catch 80 sailfish smaller than the 63-inch minimum size. Landings were not called in, as required by law.

Once the fish were boated, anglers were pressured to sign contracts to have their catch mounted by Gray Taxidermy in Pompano Beach. They weren't told that mounts could be made without killing the fish, nor that the Therapy crews were making hefty commissions on the mounts.

"He made money; he apologizes," Sharpstein told the judge. "His life is in shambles. He stands before you humiliated, remorseful. I'm asking you not to send him to jail."

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## Southern District of Florida

### Press Release

#### SENTENCES IMPOSED IN HAULOVER INLET THERAPY-IV CHARTER BOAT CASE

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May 22, 2008

##### FOR IMMEDIATE RELEASE

R. Alexander Acosta, United States Attorney for the Southern District of Florida, Hal Robbins, Special Agent in Charge, NOAA Fisheries Office of Law Enforcement, Southeast Division, Major Mike Edwards, Regional Commander, South Region Bravo, Florida Fish & Wildlife Conservation Commission (FWCC) announced that after a sentencing hearing over two-days, **STANLEY S. SAFFAN**, 57, of Miami Beach, **ADAM AUGUSTO**, 36, of North Miami, **THERAPY CHARTER FISHING YACHT, INC.**, and **DUCHESS CHARTER FISHING YACHT, INC.**, were each sentenced in Fort Lauderdale federal court, for their role in connection with charges of illegally harvesting and landing sailfish, in violation of Title 16, United States Code, Sections 3372(a)(2)(A), (a)(4), (c)(1)-(2), and **18 U.S.C. § 2**.

In addition, according to the government and the Factual Statements, the contracts for sailfish mounts were secured through false representations to the anglers and/or the omission of material facts, including, among others, concealing the lack of required permits and licenses for the THERAPY vessels to harvest billfish and that illegally undersized billfish were being harvested and landed. Defendants also concealed from the customers that the sailfish need not be killed and landed to secure what were merely replica mounts constructed from artificial materials. The defendants also falsely claimed that the taxidermy company needed and would use parts of landed billfish in preparing the mounts. On one of his counts of conviction, STANLEY S. SAFFAN responded to a customer's phone call seeking to cancel a mounting contract by falsely representing that the sailfish at issue was already at a local taxidermy company and being processed when, in fact, the sailfish had been seized by enforcement officers with FWCC and being held as evidence.

According to the Indictment, statements in court, and an agreed Statement of Facts signed by the defendants, during the period October 2003 through May 2005, the individual defendants and the companies operated two charter fishing vessels both named THERAPY-IV from Haulover Inlet in North Miami Beach. STANLEY S. SAFFAN, the owner of two corporations, was also licensed by the U.S. Coast Guard to carry passengers for hire and personally operated one of the THERAPY-IV vessels on charter trips. The Indictment charged and the defendants admitted through their guilty

pleas, that undersized billfish were boated and subsequently landed by the masters and the crew members. None of the defendants complied with State of Florida and federal requirements that the landings be reported to federal authorities as part of a conservation and management plan regulation implemented in 2003. Further, the Indictment alleged that an undisclosed deal existed between the charter operation and a local taxidermy company to pay the crew and the boats' owner for inducing anglers to sign contracts for mounting the sailfish that were caught.

The defendants were sentenced by the Honorable William J. Zloch, United States District Judge. STANLEY S. SAFFAN was sentenced to court-supervised probation for a period of five years and to pay a fine of \$35,000. As sole owner of the THERAPY CHARTER corporation, SAFFAN was also ordered to make a substitute forfeiture payment of \$50,000, representing 125% of the appraised value of the THERAPY-IV vessel to which it held title, and which was the subject of a forfeiture count in the Indictment. As sole owner of the DUCHESS CHARTER corporation, SAFFAN was ordered to forfeit to the United States a second vessel, also named THERAPY-IV, to which the corporation held title and which was the also the subject of a forfeiture count. SAFFAN was further ordered to make a restitution payment to victims of the fraud in the amount of \$75,000, and to perform 500 hours of community service during the period of probation. The court placed special conditions on SAFFAN during his probationary term, including a prohibition on his service under any Coast Guard issued license as a vessel captain, and a restriction against his continued self-employment.

THERAPY CHARTER FISHING YACHT, INC., as an entity, was sentenced to pay a criminal fine of \$50,000 and placed on three years court-supervised probation. THERAPY CHARTER was also subject to the same \$50,000 substitute forfeiture order entered against defendant SAFFAN. Judge Zloch determined that DUCHESS CHARTER FISHING YACHT, INC. had no separate assets from which to pay a fine, but placed the corporation on probation for one year. Additionally, DUCHESS CHARTER was included in the order to forfeit to the United States the second THERAPY-IV vessel, to which it held title.

Co-defendants **BRIAN M. SCHICK**, and **RALPH B. PEGRAM** were sentenced previously by Judge Zloch. Codefendant **SEAN P. LANG**'s sentence is set for May 23, 2008.

Mr. Acosta commended the coordinated investigative efforts of the NOAA Office For Enforcement, the Florida Fish & Wildlife Conservation Commission, and the U. S. Fish & Wildlife Service, which brought the matter to a successful conclusion. This case is being prosecuted by Assistant United States Attorney Thomas Watts-FitzGerald.

A copy of this press release may be found on the website of the United States Attorney's Office for the Southern District of Florida at <http://www.usdoj.gov/usao/fls>. Related court documents and information may be found on the website of the District Court for the Southern District of Florida at <http://www.flsd.uscourts.gov> or on <http://pacer.flsd.uscourts.gov>.

Technical comments about this website can be e-mailed to the Webmaster. PLEASE NOTE: The United States Attorney's Office does not respond to non-technical inquiries made to this website. If you wish to make a request for information, you may contact our office at 305-961-9001, or you may send a written inquiry to the United States Attorney's Office, Southern District of Florida, 99 NE 4th Street, Miami, Fl. 33132.

# Southern District of Florida

## Press Release

### CANADIAN SEAFOOD DEALER CONVICTED IN INTERNATIONAL SMUGGLING OPERATION

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May 23, 2008

#### FOR IMMEDIATE RELEASE

R. Alexander Acosta, United States Attorney for the Southern District of Florida, Eddie McKissick, Resident Agent in Charge, U.S. Fish & Wildlife Service, H. Jeff Radonski, Assistant Special Agent in Charge, National Oceanic and Atmospheric Administration (NOAA), Office for Law Enforcement, and David Bourne, Special Agent in Charge, Miami Field Office, U.S. Food & Drug Administration, announced that **Zamorro Shone**, 27, of Vancouver, British Columbia, Canada, pled guilty today to a two-count Indictment that charged him with assisting in smuggling quantities of queen conch from Canada to the United States in violation of the marking requirements of the U.S. Food, Drug & Cosmetic Act, Title 21, United States Code, Sections 331(a) and 333(a)(2).

Defendant faces a possible sentence for each of the two counts of up to five years' imprisonment, three years of supervised release, and a criminal fine. Sentencing has been scheduled for June 27, 2008 at 3:00 PM before U.S. District Court Judge Alan S. Gold.

According to the allegations of the Indictment and statements in Court, from about October 2005 through March 2006, the defendant, in cooperation with others associated with a Hialeah-based seafood company, known as Caribbean Conch, Inc., caused multiple shipments, totaling 6,972 pounds of queen conch from Haiti, through Canada to the United States. At the time, queen conch from Haiti was under international embargo, and in any event would have required special permit documentation to enter the United States if legally harvested elsewhere.

Queen conch (*Strombus gigas*) is a commercially valuable seafood product, which falls within the taxonomic phylum *Mollusca*. Queen conch is a protected species under the Endangered Species Act, 16 U.S.C. § 1533(c), and is a species listed for protection since 1992 in Appendix II of an international treaty known as the

Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES"). A purpose of CITES is to monitor and restrict trade in certain species of fish, wildlife, and plants to protect them from commercial exploitation that might diminish the ability of the species to survive in the wild. More than 170 countries cooperate in the enforcement of the provisions of CITES, including the United States and Canada, by implementing domestic laws to effectuate its underlying goals. The U.S. ESA makes it unlawful "for any person subject to the jurisdiction of the United States to engage in any trade in any specimens [of wildlife] contrary to the provisions of [CITES]."

The importation of queen conch, alive or dead, and its parts and derivatives, is subject to the requirements of CITES, the ESA, and the regulations thereto. To engage in trade in queen conch, all imports or exports must be accompanied by a CITES export certificate from the country of origin, or a re-export permit from a country of re-export.

In September 2003, an embargo was enacted by the CITES parties for queen conch and conch products that originated from many of the conch producing countries of the Caribbean in an effort to help stem the continued and significant declines in the species, due in large part to rampant illegal harvest of the conch. The embargo banned all imports of queen conch to any nation that was a signatory to CITES.

Defendant's activities in support of the smuggling venture involved his Canadian-based company, Pacific Marine Union Corporation, receiving queen conch shipped by air from Haiti to Toronto, and re-packing the conch as "Frozen Whelk meat, product of Canada", and then arranging transportation by refrigerated truck to Hialeah, Florida. The criminal conduct was detected in March 2006 when a shipment of 2,100 pounds of the falsely labeled queen conch was intercepted by Food & Drug Administration and Fish & Wildlife Service Inspectors at the Peace River bridge in Buffalo, New York, consigned to Caribbean Conch, Inc. The Fish & Wildlife Service's National Forensic Laboratory in Ashland, Oregon conducted DNA analysis of the seafood product and confirmed it was queen conch, and not whelk as indicated on the shipping documents. Whelk is another species of marine mollusc, not indigenous to the Caribbean, sometimes used as a cheap substitute for queen conch. However, it is not as desirable in the seafood industry and is not subject to ESA or CITES protection.

Investigative efforts by Canadian and American enforcement authorities led to the simultaneous execution of search warrants in both countries and the seizure of more than 63,000 pounds of illegally traded queen conch, involving Shone and other parties already convicted in separate proceedings in the United States and Canada.

Mr. Acosta commended the coordinated investigative efforts of the U. S. Fish & Wildlife Service, NOAA Office for Law Enforcement, Food & Drug Administration and the Wildlife Officers of Environment Canada's Wildlife Enforcement Branch, Wildlife Enforcement Division, in Halifax, Montreal, Toronto, and Vancouver. This case is being prosecuted by Assistant United States Attorneys Thomas Watts-FitzGerald.

A copy of this press release may be found on the website of the United States Attorney's Office for the Southern District of Florida at <http://www.usdoj.gov/usao/fls>. Related court documents and information may be found on the website of the District Court for the Southern District of Florida at <http://www.flsd.uscourts.gov> or on <http://pacer.flsd.uscourts.gov>.

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# Southern District of Florida

## Press Release

### INTERNATIONAL TUNA SMUGGLING OPERATION RESULTS IN SENTENCING

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June 2, 2008

#### FOR IMMEDIATE RELEASE

R. Alexander Acosta, United States Attorney for the Southern District of Florida, H. Jeff Radonski, Assistant Special Agent in Charge, National Oceanic and Atmospheric Administration (NOAA), Office of Law Enforcement, and Anthony V. Mangione, Special Agent in Charge, U.S. Immigration and Customs Enforcement, Miami Office, announced that defendant **George A. Townsend, III**, 64, of St. Petersburg, Florida, was sentenced today in federal court in Miami in connection with his involvement in the illegal importation of more than 11,000 pounds of yellowfin tuna from Trinidad and Tobago, in violation of the laws, treaties, and regulations of the United States, contrary to the Lacey Act, Title 16, United States Code, Sections 3372(a)(2)(A) and 3373(d)(1)(A).

The Honorable Joan A. Lenard, United States District Court Judge, who had previously accepted Townsend's guilty plea in the matter, sentenced him to two years of probation and a criminal fine of \$3,000. Judge Lenard also ordered that Townsend forfeit \$23,140.04 in funds derived from the criminal conduct to the United States. Townsend was also placed under a special condition that his finances, employment information, and **all** travel be fully disclosed to the Court's Probation Office over the term of his supervision.

According to the Information filed in the case, pleadings, and statements in Court, Townsend, a citizen of the United States, owned and operated a Canadian registered fishing vessel, the UNDA, through a Bahamian registered company, "SUNDANCE BRAZIL, LTD.," and a business he incorporated in Canada, "3093731 NOVA SCOTIA LIMITED." The F/V UNDA was a commercial longline fishing vessel.

In order to meet its treaty obligations related to international fisheries conservation, regulate the activities of its registered fishing vessels, and insure compliance with its conservation and safety regulations, the Government of Canada prohibits any person on board a Canadian vessel such as the UNDA from fishing or trans-shipping fish in waters other than Canadian fisheries waters, unless the vessel holds a license issued by the Minister of Fisheries and Oceans, The F/V UNDA did not hold the

required license, necessary to legally fish or trans-ship fish on the high seas or through Trinidad and Tobago. On June 7, 2005, Townsend caused approximately 11,063 pounds of yellowfin tuna (*Thunnus albacares*) to be shipped in foreign commerce from Trinidad and Tobago to a dealer in Miami, Florida, contrary to Sections 65.(1) and 68 of Canada's Fishery (General) Regulations. Through a joint venture in a Brazilian company in which he held 99% ownership, Townsend at one time secured a Brazilian permit to fish for yellowfin. However, that permit required the fish to be landed in a Brazilian port in order to allow oversight of the fishing activities, and had been cancelled by Brazilian authorities by the time relevant to this case.

Yellowfin tuna is a valuable seafood product. The species has been heavily impacted by Illegal, Unreported, and Unregulated (IUU) fisheries efforts. Atlantic yellowfin is regulated through the efforts of many maritime nations, through the International Convention for the Conservation of Atlantic Tunas (ICCAT), a multi-lateral treaty to which the United States, Canada, and Brazil are parties. ICCAT is responsible for the science-based conservation of some 30 types of tunas and tuna-like species in the Atlantic Ocean and adjacent seas. The Convention, formally entered into force in 1969 and now has 45 contracting parties.

The ICCAT group conducts a wide range of research into the biometry, ecology, and oceanography of the focus species, with a special emphasis on the effects of fishing on stock abundance. The Commission's efforts also include data compilation work relative to current trends and conditions of the fishery resources in the Convention area. Additionally, ICCAT undertakes collateral research on fish species caught during directed efforts for tuna in the Convention area, known as "by-catch" (principally sharks) which are not investigated by any other international fishery organization. The United States currently chairs ICCAT.

Mr. Acosta commended the coordinated investigative efforts of the NOAA Office of Law Enforcement, Special Agents of Immigration & Customs Enforcement Miami and Officers of the Canadian Department of Fisheries and Oceans which brought the investigation to a successful conclusion. This case was prosecuted by Assistant United States Attorney Thomas Watts Fitzgerald.

A copy of this press release may be found on the website of the United States Attorney's Office for the Southern District of Florida at <http://www.usdoj.gov/usao/fls>. Related court documents and information may be found on the website of the District Court for the Southern District of Florida at <http://www.flsd.uscourts.gov> or on <http://pacer.flsd.uscourts.gov>,

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