

Office of Law Enforcement

2nd Quarter FY 2010 Report

January 31, 2010 - March 31, 2010



NOAA FISHERIES SERVICE

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NOAA

Gulf of Mexico

MSFCMA

NOAA GCEL Southeast issued a NOVA in the amount of \$10,000.00 to the F/V NAUTI-GAL for violations of the MSFCMA. The owner and operator of the F/V NAUTIGAL were selected to participate in the Gulf of Mexico Reef Fish Observer Program and failed to notify the program prior to conducting commercial fishing trips.

A NOAA/NMFS Agent from St. Petersburg, FL initiated an investigation involving the F/V FANTA SEAS in response to allegations that the vessel was deploying longline gear shoreward of the 35-fathom depth contour. During the at-sea boarding, over six-hundred hooks baited with pieces of federally regulated species, some of which were from undersized red grouper, were located. The entire catch consisting of 2,876 pounds of red grouper and 73 pounds of red snapper was seized and sold for \$9,373. A NOVA in the amount of \$34,000.00 and a 60-day NOPS were issued for the numerous violations of the MSFCMA which included false statements and use of prohibited methods for fishing.

A NOAA/NMFS Agent from St. Petersburg, FL testified in a civil administrative hearing involving the F/V SOUTHWIND. The F/V SOUTHWIND previously received a NOVA in the amount of \$21,000.00 and a 75-day Notice of Permit Sanction for multiple violations including the failure to comply with VMS requirements; possession of undersized reef fish; possession of an IFQ species without the required approval code; failure to provide IFQ notification; and failure to maintain finfish intact.



The OLE Galveston, TX field office learned the results of an investigation involving the F/V MARGIE L landing 9000 lbs of amberjack in a closed season. Based on the case prepared by the OLE agents, the owner and operator were issued a NOVA which included a \$25,000 fine, a 40 day permit sanction, and the forfeiture of the \$5500 worth of seized amberjack.

Special Agents from the Galveston, TX field office received notification from NOAA GCEL regarding the settlement of 5 longstanding violations against a habitual violator. The owner and operator of the commercial reef fish vessel, RICHARD II, had outstanding fines, penalties, and permit sanctions dating back to 2001. These violations included using live bait on HMS longline, possessing undersize fish, fishing without permits, making false statements, interference in an investigation, selling to unlicensed dealer, and failing to comply with red snapper IFQ rules. During the past 9 years, the owner and operator have failed to pay previous settlement agreements and continued to fish while the federal permit was sanctioned. In December 2009, the owner and operator signed new settlement agreements on all five cases. These new settlement agreements suspend the permit sanction and a portion of the fines contingent on payments and no new violations for 5 years. The owner/operator have agreed to pay \$74,800.28 in monthly installments over the next five years. The remaining portion of the civil penalties, \$90,813.71, and 330 days of permit sanctions are suspended pending completion of the 5 year probation.

Special Agents from the Galveston, TX field office completed a summary settlement case against the owner/operator of the Gulf of Mexico commercial reef fish vessel, ST PETER. The owner/operator paid a \$500.00 summary settlement for failing to release fish in good condition (did not use circle hooks or venting tools).

Special Agents from the Galveston, TX field office received notice from NOAA GCEL/SE regarding the settlement of a charter boat investigation. Al MANICA, the owner and operator of the FV The Carloyn Jane, agreed to pay \$8000.00 for operating a charter boat in federal waters without the required Federal Charter Boat permits. This case was one of several investigations in a Group II covert operation conducted by NOAA OLE.

The Slidell, LA Enforcement Officer received notification from GCEL that the shrimp vessel CAPT CHARLIE was issued a Notice of Violation and Assessment (NOVA) in the amount of \$9,375.00 for landing 54,226 pounds of shrimp during a time frame an observer should have been on board.

Lacey Act

A NOAA/NMFS Agent from St. Petersburg, FL provided Lacey Act testimony to a Grand Jury in Mobile, AL, detailing a conspiracy to smuggle falsely labeled seafood, mislabel Vietnamese catfish as sole and grouper, re-tag expired oysters and sell Lake Victoria perch as grouper and snapper. The Grand Jury subsequently returned a 28 count True Bill indicting Karen Blyth, David Phelps and John Popa, owners of two Phoenix, AZ and Pensacola, FL based seafood businesses. The defendants were subsequently arraigned in February and March, 2010.

<http://www.nwfdailynews.com/news/popa-25688-club-eglin.html>

Slidell, LA Special Agents received information from the AUSA for the Eastern District of Louisiana that Charles



FLANDERS pled guilty to misdemeanor Lacey Act charges on February 11, 2010. FLANDERS pled guilty to charges that resulted from the illegal transportation of farm raised red drum imported from Mexico into the state of Louisiana. FLANDERS transported the fish into the state of Louisiana without first obtaining a saltwater game fish approval code from the Louisiana Department of Wildlife and Fisheries (LDWF) and without having a valid wholesale/retail seafood dealer's license. The Magistrate accepted FLANDERS plea and set a sentencing hearing for May 25, 2010.

NOAA agents from the Harlingen, TX field office responded to USCG Station South Padre Island to document vessel information and interview crew of a Mexican Lancha interdicted by USCG aircraft and the stations small boats. This vessel was interdicted seven miles north of the U.S. /MX EEZ and forty miles offshore with twenty-nine juvenile shark onboard. Several other lanchas were pursued by vessels from the USCG Station South Padre Island but failed to heave to before entering Mexican waters.

VMS, IFQ & Enforcement Technologies

NOAA/NMFS Agents from Niceville, FL conducted a boarding of a commercial fishing vessel in Panama City, Florida after receiving information the vessel was in violation of the Grouper/Tilefish IFQ fishery. After interviewing the captain and dealer, the agents determined there had been an error in the transfer of the quota. The captain was advised of the correct procedure to follow to avoid future incidents.

COPPS, Education & Outreach



NOAA/NMFS Agents from St. Petersburg, FL visited dealer locations in the St. Petersburg area to conduct outreach and address concerns with the newly implemented IFQ program. Dealers and fishermen unable to attend local workshops conducted by NOAA Sustainable Fisheries were provided with instructional packets and contact information for the new IFQ program.

NOAA/NMFS Agents from Niceville, FL attended the Gulf of Mexico, Fishery Management Council Meeting in Mobile, AL. The agents talked with fishermen from both the commercial and recreational sectors about issues relating to the fishery.

A NOAA/NMFS ASAC and Agent from Niceville, FL were contacted by the Outreach Specialist with NOAA's Office of the Assistant Administrator in reference to developing a nationwide NOAA OLE publically accessible web site where people can query enforcement agents about regulatory questions and other matters related to the fishing industry. The Southeast Region's OLE and a Niceville agent have partnered with the *Florida Sportsman* magazine and operated an "Ask the Law!" online forum for approximately two years.

<http://forums.floridasportsman.com/>

NOAA/NMFS Agents from Niceville, FL visited seafood dealers and boats in the Carrabelle, FL area and responded



to questions from industry about the newly implemented Grouper/Tilefish IFQ fishery. It appeared that participants were able to work through any issues they had.

Agents from Niceville, FL attended an FWC area meeting where an AUSA from the Northern District of FL presented an officer with a letter of recognition for his exemplary investigative effort in the Alvy Key case. (Panama City commercial fisherman was sentenced to 2 years imprisonment for building and then deploying pipe bombs on dolphins).

Agents from Niceville, FL contacted two fishermen. Each fisherman was seeking information about the grouper/tilefish IFQ. The agents were able to work with the fishermen to identify landing locations and the proper procedure for unloading, weighing and transporting catch.

Slidell, LA Special Agents traveled to Houma, Louisiana to meet with two federally permitted fish dealers and NOAA Gear Specialist, Charlie Bergmann, regarding the bid process and participation of numerous pelagic long line vessels in ongoing circle hook research being conducted by the NOAA Lab in Pascagoula, Mississippi. As a management measure, the new circle hooks were designed to straighten under controlled stress conditions and thereby reduce the bycatch of Blue Fin Tuna (BFT) by the pelagic long line fleet.

Slidell, LA Special Agents traveled to Houma, Louisiana to meet with the vice president of Jensen Tuna, Dave Maginnis, regarding the installation and utilization of thermal imaging equipment on the F/V KIM THANH PN as required by a settlement agreement issued by NOAA's GCEL. Maginnis is assisting the vessel owner, PHUC TRUONG, in selecting the equipment, arranging for satellite service, obtaining the thermal imaging charts and setting up a billing account. Other topics discussed included the new IFQ regulations governing Red Snapper, Grouper and Tilefishes, Vessel Monitoring System (VMS) outages/service, NOAA Observer selection, permit renewals, live bait long lining issues and the mislabeling of imported shrimp.

The Slidell, LA Enforcement Officer office traveled to Biloxi, MS to conduct outreach/COPPS. The purpose was to engage fishermen pertaining to shrimp prices, fuel prices, their participation in the Texas shrimp opening as well as provide courtesy TED/net inspections.

Special Agents from the NOAA OLE Galveston, TX Field Office assisted a Texas based charter boat owner. Although the boat owner received his new charter permits from NOAA OLE, the required vessel sticker was not in the package. SAs worked with the fisherman to solve the issue.

Galveston, TX Special Agents assisted a commercial GOM IFQ vessel by addressing potential violation issues. Due to harsh weather conditions, the vessel needed to land the IFQ product prior to the time noted on the advance notice of Landing. SAs cleared the vessel to land early and notified the local JEA partners of the situation.

Special Agents from the NOAA OLE Galveston, TX Field Office provided assistance to two commercial GOM IFQ vessels. Special Agents helped the captain of the first vessel properly identify his landing location within the system and assisted the captain of the second vessel with cancelling a three hour notice of landing. The agents also assisted the captain with resetting his PIN for his IFQ account.

Training

A NOAA/NMFS Agent from Niceville, FL provided Red Snapper and Grouper/Tilefish IFQ training to approximately 25 FWC officers and dispatcher in Carrabelle, FL.

NOAA/NMFS Agents from St. Petersburg, FL provided approximately 40 FWCC officers with grouper/Tilefish IFQ training at the FWCC's Crystal River office.

Slidell, LA Special Agents/ Enforcement Officer traveled to New Orleans, LA to give a grouper, tilefish and red snapper



IFQ presentation to JEA partners, the Louisiana Department of Wildlife and Fisheries (LDWF). A request was received from Lt. Robert Martin with Region 8 of the LDWF for OLE to give a presentation at the LDWF's regional meeting. The LDWF wanted to receive additional training and clarification on the new regulations regarding the newly implemented grouper, tilefish and red snapper IFQ Program. IFQ shares, allocation, callouts, three hour notifications and approval codes were covered. The LDWF also had questions concerning the seizure, documentation, retention and destruction of evidence collected during offshore boardings. Approximately 30 agents attended the training.

South Atlantic/ Caribbean

MSFCMA

A NOAA Agent from Charleston seized 662 pounds of Golden Tilefish from the F/V MAXIMUM RETRIEVER as the vessel was in excess of the 4,000 pound trip limit. In addition, a SCDNR Officer issued a state ticket to the operator for not having in his possession a valid SC Commercial Fishing License. The seizure was abandoned by the operator, Danny Lee JUEL and subsequently sold for \$1,881.25.

Titusville, FL and Wall, NJ Agents monitored and coordinated several "CBP holds" and/or inspections on spiny lobster imports into the Jacksonville, FL and Newark, NJ areas in an attempt to enforce the panulirus argus lobster laws involving undersized lobster originating from Latin America.

A NOAA Agent from Titusville, FL prepared 38 subpoena requests for bank records in response to an MLAT request from the Brazilian Federal Police (BFP). NOAA and BFP have ongoing and parallel investigations involving charges of Lacey Act, bank fraud, money laundering and tax evasion.

A NOAA Agent from Morehead, NC conducted a joint operation with the North Carolina Marine Patrol (NCMP) and the US Coast Guard targeting vessels suspected of illegally harvesting Atlantic Striped Bass near the Outer Banks of North Carolina. A total of four recreational vessels were apprehended in possession of Striped Bass while in federal waters. The violations were well documented and all the fish was seized and subsequently abandoned by the subjects. All four of the vessel captains admitted to harvesting the striped bass in the prohibited EEZ.





Titusville, FL Agents received information from a FFWCC officer that a Port Canaveral headboat was returning with vermilion snapper onboard. The agents conducted a dockside boarding of the vessel which revealed 12 vermilion snapper and an undersized sailfish. The captain was issued an EAR documenting fishing in the closed season, vermilion snapper and undersized sailfish violations. The fish were abandoned. GCEL/SE issued a \$2,500 joint and several NOVA against William Golding and Miss Cape Excursions LLC. The respondents have requested a hearing.

A NOAA/NMFS agent from Titusville, FL received a hotline call from the USCG reporting a cargo container had drifted into the Oculina Bank HAPC. The container was one of approximately 30 that had fallen overboard off of the SEABOARD INTREPID on January 26 south of Key West. The USCG sent a small boat which located a freezer container with its doors open. The USCG was in contact with the contract towing company to remove the container.

NOAA/NMFS agents from Titusville, FL conducted a dockside inspection of a pelagic longliner in Port Canaveral. Agents monitored the offload of big eye, albacore, yellowfin, bluefin tuna, and swordfish for compliance with size limits. One undersized swordfish was discovered. Agents issued the operator a summary settlement for \$200, which has been paid.

NOAA/NMFS agents from Titusville and Sunrise, FL conducted a dockside inspection of a pelagic longliner in Fort Pierce. The inspection revealed one undersized swordfish. Agents issued the operator a summary settlement for \$200; which has been paid.

A NOAA/NMFS agent from Titusville, FL cited recreational fishers in two JEA cases. The first case

involved the retention of red snapper during the closure. The second case involved the retention of vermilion snapper during the closure and undersized black sea bass. Both cases were initiated by FFWCC officers on JEA patrol approximately 20 miles offshore of St. Augustine, FL.

A NOAA/NMFS agent from Titusville, FL and FFWCC officers conducted an inspection of a fish house in Mayport, FL. Several hundred pounds of black grouper from Mexico was inspected for compliance with Florida imported reef fish size limits. FFWCC issued a citation for undersized black grouper and scamp.

NOAA Agents from Morehead, NC conducted a pulse operation with the USCG regarding the alleged widespread abuses of illegally harvesting striped bass in the EEZ offshore North Carolina. The F/V LADY SAMAIRA, a trawler, was apprehended by the USCG in federal waters with 174 Striped Bass on-board. The vessel returned to port in Engelhard, NC; wherein, NOAA SAs obtained a confession that the fish were illegally harvested approximately nine miles offshore. The 2,819 lbs of striped bass were seized and sold for \$4,228. The case will be forwarded to GCEL for disposition.

Miami, FL Agents received notice from GCEL that a NOVA in the amount of \$37,500 was issued to Robert KANE, owner/operator of the F/V JANICE ANN for violation of the Magnuson-Stevens Fishery Conservation and Management Act regulations. Kane failed to take an observer on board the F/V JANICE ANN after being notified and failed to maintain a current Commercial Fishing Vessel Safety Decal during the observer period.



Guayabo, PR Agents received notification that a Florida resident who attempted to smuggle elkhorn coral from the USVI to Florida labeled as books settled and paid a lump sum penalty of \$1,000.00.

Lacey Act

NOAA/NMFS agent from Titusville, FL assisted FFWCC and GADNR with a case involving the illegal harvest, sale, and interstate transport of redbfish. FFWCC apprehended a subject in possession of multiple gilled redbfish. Further investigation revealed the fish to be purchased illegally. FFWCC officers shared the information with GADNR rangers who apprehended another suspect at a Georgia boat ramp later that evening in possession of 56 freshly gilled oversize and undersize redbfish and one spotted sea trout. That subject was cited with multiple charges in Georgia.

Titusville, FL Agents sampled Brazilian spiny lobster tails forfeited in the WINN DIXIE STORES criminal Lacey Act case. The samples were retained for evidence in an ongoing criminal Lacey Act case. The remaining product Brazilian Federal police which will require issuance of multiple subpoenas for bank records.

ESA

During the cold snap this winter, NOAA/NMFS agents from Titusville, FL participated in sea turtle recovery efforts in the Banana River and Merritt Island barge canal onboard a FFWCC patrol vessel. Two green sea turtles were recovered, one live and one dead. The turtles were transferred to USFWS refuge officers for transport to the Merritt Island National Wildlife Refuge. Due to an extended period of freezing temperatures, cold stunned sea turtles have been stranding throughout the area. Over 2200 sea turtles were recovered.

consisting of approximately 6,000 lbs. of lobster tails was destroyed. NOAA Agents from Titusville, FL are working on complying with a third MLAT request from the



Training

A NOAA/NMFS agent from Titusville, FL provided a fisheries update to USCG and FFWCC officers attending a Southeast Regional Fisheries Training Center living marine resources enforcement class at USCG Station Ponce Inlet.

COPPS, Education & Outreach

NOAA/NMFS Agent from Charleston, SC gave three “Career Day” presentations to approximately 100 students at a local Charleston, SC elementary school regarding NOAA OLE, fisheries law enforcement and environmental laws.

Titusville, FL Agents provided right whale outreach material to several Mayport, FL shrimpers and reminded them of close approach regulations as a result of FFWCC aerial observer vessel/whale interaction reports.



A NOAA/NMFS agent from Titusville, FL gave presentations on the Marine Mammal Protection Act (Dolphins) and North Atlantic Right Whale regulations at the Lagoon House in Palm Bay. The presentations were part of the “Brown Bag” series on environmental issues put on by the Marine Resources Council.

A NOAA/NMFS agent from Titusville, FL issued a COPPS letter to a Ponce Inlet diver who self-reported a right whale close approach incident. The agent also included a right whale identification placard and SERO marine mammal viewing guidelines.

A NOAA/NMFS agent from Titusville, FL issued a COPPS letter regarding Atlantic Large Whale Take Reduction Plan (ALWTRP) crab trap marking and weak link requirements to a Jacksonville crab fisher. The letter was sent in response to a FFWCC inspection of traps offshore Atlantic Beach and Jacksonville Beach, FL during a JEA patrol.

A NOAA/NMFS agent from Titusville, FL participated in the Criminal Justice Career Fair at the University of Central Florida. Representatives from the U.S. Marshals, ATF, and numerous sheriff offices and police departments were also present. The agent educated numerous students on the missions of NOAA OLE; many expressed an interest in internship and career opportunities.

A NOAA Agent from Charleston, SC received a call from SCDNR reporting approximately 50 crab traps offshore of Murrells Inlet without attached weak links as required by the ALWTRP. It was later learned that a SCDNR biologist mistakenly informed local crabbers that the weak link requirements didn’t apply to state waters. Those crabbers, who were mistakenly informed, were notified that the weak link requirement does apply and the crab pots were subsequently removed from the ocean.

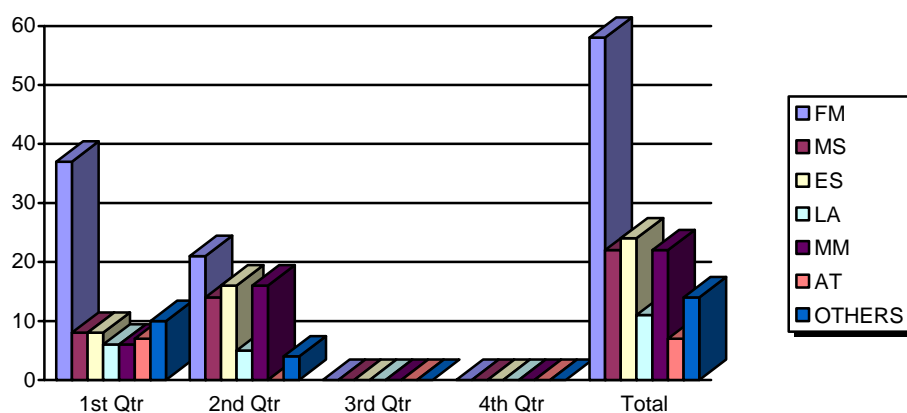




**NUMBER OF CASES OPENED BY INVESTIGATION TYPE
FY 2009 and FY 2010 2nd QUARTER**

Investigation Type	FY 2009		FY 2010	
	2 nd Quarter	Total For Year	2 nd Quarter	Year To Date
AT	7	15	0	7
ESA	31	162	16	24
Lacey Act	7	44	5	11
Magnuson Act	57	315	21	58
MMPA	9	32	16	22
MSA	30	131	14	22
Other_Federal or State Regulations	6	22	4	13
TOTAL	147	734	76	158

Cases by Investigation Type

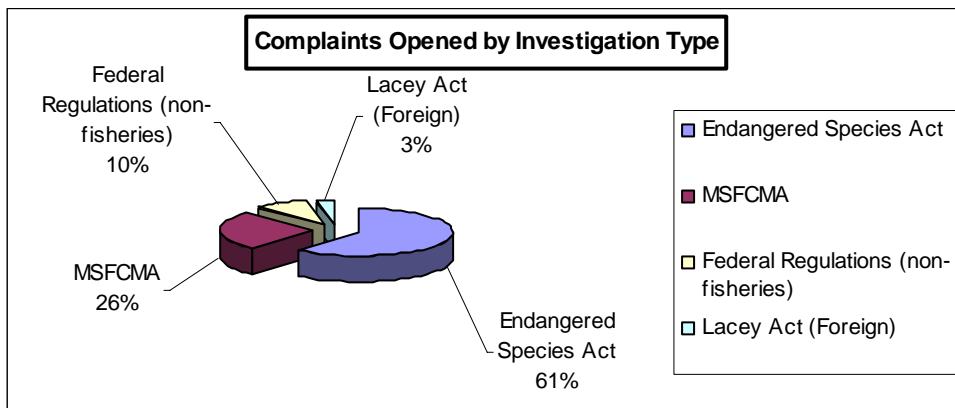




Complaints Opened by Investigation Type

Second Quarter FY 2010
January 01, 2010 – March 31, 2010

<u>Investigation Type</u>	<u>Complaints</u>
Endangered Species	19
MSFCMA	8
Federal Regulations (non-fisheries)	3
Lacey Act (Foreign)	1
Grand Total:	31





**JOINT ENFORCEMENT AGREEMENT
Southeast Division**

Alabama
JEA QUARTERLY REPORT / FY10-2nd QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
HOURS	JEA	287.50	317.50	369.00	974.00	475.00
	Personnel	396.50	413.50	424.00	1234.00	635.00
CONTACTS	Commercial	69	90	136	295	78
	Recreational	120	110	221	451	274
	Headboat/Tournaments	1	14	13	28	5
	Number of Inspections	0	0	0	0	0
	TOTAL	190	214	370	774	357
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
WARNINGS	State	7	14	13	34	26
	Federal	2	1	1	4	0
CITATIONS	State	0	4	3	7	18
	Federal	0	1	0	1	1
TOTAL TICKETS		9	20	17	46	63



Florida
JEA QUARTERLY REPORT / FY10-2nd QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
HOURS	JEA	426.50	192.50	950.65	1569.65	1435.37
	Personnel	1110.50	667.50	2358.00	4136.00	2383.68
CONTACTS	Commercial	26	61	135	222	
	Recreational	73	41	143	257	
	Headboat/Tournaments	0	0	0	0	
	Number of Inspections	0	0	0	0	
	TOTAL	99	102	278	479	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
WARNINGS	State	39	29	145	213	
	Federal	0	0	0	0	97
CITATIONS	State	10	5	30	45	
	Federal	0	5	0	5	319
TOTAL TICKETS		49	39	175	263	416



**GEORGIA
JEA QUARTERLY REPORT / FY10-2nd QUARTER**

PATROL ACTIVITY		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
HOURS	JEA	87.00	36.00	131.00	254.00	
	Personnel	225.65	131.66	396.00	753.31	
CONTACTS	Commercial	1	0	0	1	
	Recreational	5	5	13	23	
	Headboat/Tournaments	0	0	0	0	
	Number of Inspections	0	0	0	0	
	TOTAL	6	5	13	24	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
WARNINGS	State	0	0	0	0	
	Federal	0	0	0	0	
CITATIONS	State	0	0	0	0	
	Federal	0	0	0	0	
TOTAL TICKETS		0	0	0	0	



Louisiana
JEA QUARTERLY REPORT / FY10-2nd QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
HOURS	JEA	463.00	537.00	1047.00	2047.00	2341.00
	Personnel	473.00	956.00	1805.00	3234.00	3425.50
CONTACTS	Commercial	61	120	140	321	451
	Recreational	0	87	328	415	379
	Headboat/Tournaments	0	0	5	5	32
	Number of Inspections	31	35	32	98	141
	TOTAL	92	242	505	839	1003
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
WARNINGS	State	0	4	26	30	25
	Federal	0	0	0	0	0
CITATIONS	State	0	28	44	72	48
	Federal	0	0	0	0	4
TOTAL TICKETS		0	32	70	102	77



Mississippi
JEA QUARTERLY REPORT / FY10-2nd QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
HOURS	JEA	168.00	209.00	339.50	716.50	380.16
	Personnel	388.50	542.00	819.50	1750.00	708.00
CONTACTS	Commercial	32	39	44	115	62
	Recreational	36	26	125	187	200
	Headboat/Tournaments	0	2	15	17	7
	Number of Inspections	10	15	7	32	21
	TOTAL	78	82	191	351	290
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
WARNINGS	State	0	1	0	1	2
	Federal	0	0	0	0	1
CITATIONS	State	0	1	1	2	4
	Federal	6	0	0	6	0
TOTAL TICKETS		6	2	1	9	7



Puerto Rico
JEA QUARTERLY REPORT / FY10-2nd QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
HOURS	JEA	64.62	956.60	283.59	1304.81	201.35
	Personnel	98.32	1129.00	687.58	1914.90	273.10
CONTACTS	Commercial	2	13	2	17	
	Recreational	1	4	0	5	
	Headboat/Tournaments	0	0	0	0	
	Number of Inspections	0	0	0	0	
	TOTAL	3	17	2	22	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
WARNINGS	State	0	0	0	0	
	Federal	0	0	0	0	
CITATIONS	State	2	16	0	18	
	Federal	1	1	0	2	
TOTAL TICKETS		3	17	0	20	



South Carolina
JEA QUARTERLY REPORT / FY10-2nd QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
HOURS	JEA	226.00	224.00	215.00	665.00	457.66
	Personnel	272.16	300.83	307.00	879.99	627.00
CONTACTS	Commercial	2	2	3	7	25
	Recreational	2	17	25	44	77
	Headboat/Tournaments	0	3	0	3	0
	Number of Inspections	17	5	7	29	9
	TOTAL	21	27	35	83	111
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
WARNINGS	State	9	0	0	9	85
	Federal	13	9	36	58	25
CITATIONS	State	0	1	1	2	23
	Federal	3	6	7	16	22
TOTAL TICKETS		25	16	44	85	155



Texas
JEA QUARTERLY REPORT / FY10-2nd QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
HOURS	JEA	180.00	248.00	247.00	675.00	224.58
	Personnel	418.00	676.00	521.00	1615.00	323.08
CONTACTS	Commercial	18	39	53	110	
	Recreational	7	4	11	22	
	Headboat/Tournaments	0	0	1	1	
	Number of Inspections	0	0	4	4	
	TOTAL	25	43	69	137	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
WARNINGS	State	0	4	11	15	0
	Federal	0	0	0	0	8
CITATIONS	State	1	0	11	12	0
	Federal	0	12	0	12	1
TOTAL TICKETS		1	16	22	39	9



Virgin Islands
JEA QUARTERLY REPORT / FY10-2nd QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
HOURS	JEA	12.00	0.00	33.00	45.00	38.00
	Personnel	12.00	0.00	74.00	86.00	56.50
CONTACTS	Commercial	0	0	7	7	20
	Recreational	0	0	0	0	0
	Headboat/Tournaments	0	0	0	0	9
	Number of Inspections	0	0	0	0	11
	TOTAL	0	0	7	7	20
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
WARNINGS	State	0	0	0	0	0
	Federal	0	0	0	0	0
CITATIONS	State	0	0	0	0	0
	Federal	0	0	2	2	0
TOTAL TICKETS		0	0	2	2	0



Summary
JEA QUARTERLY REPORT / FY10-2nd QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
HOURS	JEA	1914.62	2720.60	3615.74	8250.96	5553.12
	Personnel	3394.63	4816.49	7392.08	15603.20	8431.86
CONTACTS	Commercial	211	364	520	1095	636.00
	Recreational	244	294	866	1404	930.00
	Headboat/Tournaments	1	19	34	54	53.00
	Number of Inspections	58	55	50	163	182.00
	TOTAL	514	732	1470	2716	1781
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JAN	FEB	MAR	FY10 2nd QTR	FY09 2nd QTR
WARNINGS	State	55	52	195	302	665
	Federal	15	10	37	62	132
CITATIONS	State	13	55	90	140	243
	Federal	10	25	9	42	351
TOTAL TICKETS		93	142	331	546	305



MEDIA/PRESS RELEASES
Southeast Division

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FOR IMMEDIATE RELEASE
January 22 , 2010

Bahamian National Pleads Guilty in International Seafood Smuggling Operation

Jeffrey H. Sloman, 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, Eddie McKissick, Resident Agent in Charge, U.S. Fish & Wildlife Service, and Anthony V. Mangione, Special Agent in Charge, U.S. Immigration and Customs Enforcement (ICE), Office of Investigations, announced that defendant Robbie Franklin Smith , 45, of Bimini, Commonwealth of the Bahamas, pled guilty today in Fort Lauderdale District Court, on charges related to the illegal importation of quantities of queen conch and spiny lobster from the Bahamas to the United States, which had been harvested and exported in violation of Bahamian law, all contrary to the Lacey Act, Title 16 , United States Code, Sections 3372(a)(2)(A) and 3373(d)(1)(A) and Title 18, United States Code, Section 2.

According to the allegations in the Indictment, court records, and statements in Court, in December 2005 a vessel operated by a Miami-based seafood dealer, James Hanson, was intercepted by a Coast Guard

patrol vessel. During a boarding and inspection, officers found more than 1,000 pounds of undeclared spiny lobster and approximately 340 pounds of queen conch, which had been supplied to Hansen in the Bahamas by Smith. Hanson planned to land the seafood in the United States and market it through Hansen Seafood, Inc., a company which he owned. According to records in the related cases, between June and December 2005, on approximately a dozen occasions, Hanson purchased spiny lobster and conch from Smith and imported it illegally into the United States using boats owned through his companies, and employees of his companies. According to Court documents, the total fair market value of the trips exceeded \$87,000.

United States District Court Judge William J. Zloch, who accepted the guilty plea from the defendant, set sentencing in this matter for April 6, 2010 at 10:00 am. On the single count to which Smith pled guilty, he faces a possible sentence of up to five years in prison and a three-year period of supervised release. Smith's associate, Hanson, was previously convicted and sentenced to pay a criminal fine of



\$75,000, perform 300 hours of community service, and to serve a period of three years' probation. He was also ordered to relinquish any claim to the proceeds of the seized product, which was valued at \$13,930. Additionally, Hanson was ordered to forfeit the boat used in the commission of the offense, a 2000, 37.8' fiberglass hulled sport fishing vessel, "REDEEMED."

Statute Law of the Bahamas, Revised Edition 2000, Chapter 244 Fisheries Resources (Jurisdiction & Conservation), Section 21(1)(a), prohibits the sale and export of any fishery resource from the Commonwealth of the Bahamas except under and in accordance with the terms of a license granted by the Government of the Bahamas. None of the individuals or corporations involved in this matter ever received or possessed a lawfully issued licence from the Government of the Bahamas, to export spiny lobster or queen conch.

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 ("ESA"), 16 U.S.C. § 1533©, 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 the Commonwealth of the Bahamas, by implementing domestic laws to effectuate its underlying goals.

CITES classifies protected species in its Appendices. Appendix II includes all species "which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival." Accordingly, 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.

Mr. Sloman expressed his appreciation for the assistance provided in this matter by the Ministry of Agriculture and Marine Resources, Department of Marine Resources, of the Commonwealth of the Bahamas, and commended the coordinated investigative efforts of the NOAA Office For Law Enforcement, U. S. Fish & Wildlife Service, and ICE's Office of Investigations in Miami, which brought the investigation to a successful conclusion. The case was 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>.

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.



Contact: ENRD
Department of Justice
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FOR IMMEDIATE RELEASE
January 28, 2010
WWW.USDOJ.GOV

THREE INDIVIDUALS INDICTED FOR FALSE LABELING, SMUGGLING, AND MISBRANDING OF SEAFOOD PRODUCTS

WASHINGTON—A federal Grand Jury in the Southern District of Alabama returned today a twenty-eight count indictment against Karen L. Blyth, David H. M. Phelps, and John J. Popa. Blyth, Phelps and Popa were charged with conspiracy to: (1) falsely label fish and shellfish, including a type of catfish commonly called basa, swai, or sutchi, Lake Victoria perch, grouper, oysters, and shrimp, in violation of the Lacey Act; (2) receive, buy, sell, and transport merchandise after importation, specifically frozen fillets of fish of the genus *Pangasius*, a type of catfish, commonly called basa, swai, and sutchi, knowing it to have been imported contrary to law; and (3) misbrand seafood products, including a type of catfish commonly called basa, swai, or sutchi, Lake Victoria perch, grouper, oysters, and shrimp sold in interstate commerce with the intent to defraud and mislead. The charge describes over 325,000 pounds of falsely labeled seafood involved in a conspiracy spanning from January 1, 2004 to November 8, 2006.

Blyth and Phelps were also charged with six felony counts of false labeling of approximately 283,500 pounds of imported *Pangasius* fillet, a type of catfish, as sole, in violation of the Lacey Act; two felony counts of the receipt, sale, and transportation of this falsely labeled fish, which was imported

falsely labeled and without applicable tariffs having been paid; and one felony count of misbranding of this catfish as sole.

In addition, Blyth, Phelps, and Popa were charged with:

- one felony count of falsely labeling and purchasing or selling approximately 34,100 pounds of imported catfish fillet as sole, in violation of the Lacey Act; one felony count of the receipt, sale, and transportation of this falsely labeled fish, which was imported contrary to law; and one felony count of misbranding of this fish as sole.
- two felony counts for purchasing and creating false labels describing approximately 2,800 pounds of imported *Pangasius* fillet as grouper; and one felony count for misbranding this fish as grouper.
- five felony counts of falsely labeling and selling to customers in southern Alabama and the Florida panhandle region approximately 18,350 pounds of an imported catfish as grouper and sole, in violation of the Lacey Act; and two felony counts of misbranding of this catfish as grouper and sole.



- three felony counts of falsely labeling and selling Lake Victoria perch as grouper and/or snapper to customers in Alabama and the Florida panhandle region, in violation of the Lacey Act, and one felony count for the misbranding of this falsely labeled fish.

Finally, Popa was charged with three felony counts of falsely labeling live and shucked oysters in violation of the Lacey Act, resulting from his changing the harvest date on the oyster tags and labels to falsely indicate a more recent harvest date.

The case was investigated by the National Oceanic and Atmospheric Administration, Office of Law Enforcement; the Department of Homeland Security, Immigration and Customs Enforcement; the United States Air Force Office of Special Investigations; the Department of Defense, Defense Criminal Investigative Service. The case is being prosecuted by the Environmental Crimes Section of the Department of Justice and the United States Attorney's Office for the Southern District of Alabama.

Charges in the indictment are merely accusations and defendants are presumed innocent until they are proven guilty.



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NEWS RELEASE
January 28, 2010

TWO KEYS RESIDENTS SENTENCED ON CONSPIRACY TO ILLEGALLY HARVEST SPINY LOBSTERS

Jeffrey H. Sloman, United States Attorney for the Southern District of Florida, Hal Robbins, Special Agent in Charge, NOAA Fisheries Office of Law Enforcement, Southeast Division, Eddie McKissick, Resident Agent in Charge, U.S. Fish & Wildlife Service (FWS), and Sean Morton, Superintendent of the Florida Keys National Marine Sanctuary (FKNMS), announced that defendants John Buckheim, 23, and Nick Demauro, 24, of Baypoint in the Florida Keys, were sentenced yesterday in federal District Court in Key West for having conspired to illegally harvest spiny lobsters from artificial habitat placed in the FKNMS and various federal wildlife refuges. Their convictions arose from an anti-poaching investigation, called Operation Frost Bite.

Buckheim and Demauro were each sentenced by U.S. District Court Judge James Lawrence King to prison terms of a year and a day, to be followed by two years of supervised release. The Court also ordered the defendants to make a payment of \$10,559.58 to the United States Marshall's Service, representing costs to secure and deploy previously seized assets for use in dive support operations in the FKNMS and elsewhere, identifying, documenting, and investigating illegal activities associated with the use of artificial habitat sites and other wildlife resource violations. Additionally, the

defendants were ordered to make a payment in the amount of \$12,187.30 to the Miami-Dade Police Department Intergovernmental Bureau, representing the costs for personnel, equipment, and travel for dive operations in the FKNMS that identified and documented the illegal artificial habitat sites employed by the defendants.

Defendant Buckheim was also ordered to forfeit a 1999 Pathfinder vessel and a 2006 GMC pick-up truck, which were used in the commission of the criminal offenses charged. Due to an intervening sale of the vessel, Buckheim was ordered to forfeit the proceeds of that sale, \$1,000.00.

Judge King also ordered the defendants, at the request of the government, to continue to remove the artificial habitat they had placed in the FKNMS. Since October 2009, as part of their plea agreements, the defendants at their own expense have been removing the illegal habitat under the supervision of FKNMS personnel. Thus far, approximately 300 sites have been removed.

According to the Indictment, Court records, and statements at the sentencing hearing, the two defendants were involved in the illegal harvest of more than 8,500 pounds of spiny lobster over six months, beginning in the early summer of 2008.



FKNMS regulations implemented in 1977, at Title 15, CFR §922.163(a)(3), prohibit any alterations of, or construction on the seabed of the Sanctuary. Constructing, placing, or abandoning any structure, material, or other matter on the seabed is prohibited as part of the effort to preserve the marine environment. Defendants admitted constructing, placing and using more than 500 of the artificial structures, and that defendant Buckheim sunk a vessel in October 2008 as part of their effort to place artificial habitat in the FKNMS.

Florida Administrative Code, Section 68B-24.006, which in part addresses gear that may be employed in harvesting lobster, and “Prohibited Devices,” states “ No person shall harvest any spiny lobster from artificial habitat.” The regulation defines artificial habitat as “any material placed in the waters of the state that is reasonably suited to providing cover and habitat for spiny lobster. Such material may be constructed of, but is not limited to, wood, metal, fiberglass, concrete, or plastic, or any combination thereof, and may be fabricated for this specific purpose or for some other purpose....” Other regulations in Chapter 68B prohibit any person from commercially harvesting, attempting to harvest, or having in their possession, regardless of where taken, any spiny lobster during the closed season. The sanctioned commercial season runs from August 6 through March 31 of the following year. An exception exists for the annual lobster sport mini-season.

According to Court records, the defendants made more than 32 trips to illegally harvest lobster by diving on artificial habitat. The defendants received payments made by check to Buckheim of more than \$45,000 from a Key West fish house for the illegally harvested spiny lobster. The illegal lobster, including frozen lobster tails harvested in advance

of the legal season, had a retail value exceeding \$155,000. To reduce the risk of detection, the defendants acquired and displayed a commercial dive placard on Buckheim's vessel during the legitimate dive season although they were not entitled to use the commercial dive endorsement under Florida law. The defendants acquired the placard by paying \$4,000 to another individual who legitimately held the required licenses. However, a false “lease” agreement was filed with State authorities to conceal the illegal scheme.

The Florida Keys National Marine Sanctuary (FKNMS) is a 2,800 square nautical mile area that surrounds the entire archipelago of the Florida Keys and includes the productive waters of Florida Bay, the Gulf of Mexico, and the Atlantic Ocean. The FKNMS encompasses coastal and oceanic waters, and the submerged lands thereunder, surrounding the Florida Keys, and extending westward to include the Tortugas islands, but excluding Dry Tortugas National Park.

Mr. Sloman commended the coordinated investigative efforts of the NOAA Office for Law Enforcement, the FWS, Office of Law Enforcement, and the technical assistance of the crew of the Florida Fish & Wildlife Conservation Commission vessel Peter Gladding, a United States Coast Guard Dolphin helicopter aircrew, the FWS Southeast Regional Dive Team, and the Miami-Dade Police Department Underwater Recovery Unit for their assistance in this matter. This case was prosecuted by Assistant U.S. Attorney Thomas Watts-FitzGerald.



Contact: 5th District Public Affairs
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NEWS RELEASE
February 12, 2010

Joint federal effort nets large haul of illegal striped bass

OREGON INLET, N.C. - Coast Guard and National Oceanic and Atmospheric Administration personnel combined efforts Tuesday to stop illegal striped bass fishing off Oregon Inlet and found one vessel with illegally caught fish that had more than 2,900 pounds of fish aboard.

The economic pressures being felt nationwide and the meteorological conditions driving the striped bass population farther off shore into warmer waters have set the stage for a situation that may entice fishermen to break the law, as evidenced by recent reports from members of the maritime community.

However, in an effort to ensure the longevity of the striped bass population and maintain a level playing field for all fishermen, federal authorities are taking action. Tuesday, in response to multiple reports of commercial and recreational striped bass fishing within the Exclusive Economic Zone, the Coast Guard and NOAA conducted a joint effort to curtail this illegal activity.

Fishing for striped bass is permitted within State waters, but catching or possessing striped bass outside three nautical miles from shore is a violation of federal regulations. In an effort to catch fishermen participating in this illegal activity, the Coast Guard mounted a patrol within known fishing grounds off Oregon Inlet using Station Oregon Inlet's small boats with the assistance of additional

boarding team personnel from Station Hatteras Inlet.

One of the boarding teams sighted the fishing vessel Lady Samaira as it was heading back into port. It was within the Exclusive Economic Zone when the team boarded the vessel to ensure compliance with both fishery and vessel safety regulations. Their investigation revealed more than 150 striped bass aboard the vessel. The boarding team documented their findings and relayed all pertinent information to NOAA for further guidance as they are the regulatory agency for this type of violation. As a result of the boarding team's findings, NOAA asked the Coast Guard to direct the Lady Samaira to port where NOAA agents met the vessel. When the vessel moored in North Carolina there were less fish aboard, approximately 100 striped bass. The fish, weighing in at almost 3,000 pounds, were abandoned by the vessel's captain to the NOAA Office of Law Enforcement.

Typically, if less than 10 illegal fish are discovered, in addition to having to abandon their catch the master is levied a \$100 fine per fish and the matter is closed. A violation of this magnitude, though, far exceeds the threshold whereby these simple fines can be levied. The NOAA OLE investigation continues, and the final action to be taken against the master and/or vessel has yet to be determined.



This case, while significant, is just one example of illegal striped bass fishing activity recently interdicted by federal, state, and local authorities. Operations driving additional enforcement efforts continue in the interest of maintaining the viability of the striped bass fish stocks and also supporting legitimate fishermen operating within the law.

"Times are tough for many in today's world, but we must ensure we're working together and within existing regulations in order to be fair for all," said Tim Brown, Coast Guard 5th District deputy chief of enforcement.



Contact: Department of Justice

FOR IMMEDIATE RELEASE

March 11, 2010

WWW.USDOJ.GOV/

TAIWANESE COUPLE PLEADS GUILTY TO ILLEGALLY TRADING PROTECTED BLACK CORAL

Two Taiwanese nationals pleaded guilty today in federal court in the U.S. Virgin Islands for conspiracy to ship internationally protected black coral into the United States in violation of federal wildlife statutes, the Department of Justice announced.

Gloria Chu and Ivan Chu of Taipei, Taiwan, each pleaded guilty to nine counts including conspiracy, false statements, and violations of both the Endangered Species Act and the Lacey Act. The Lacey Act makes it a felony to falsely label wildlife that is intended for international commerce. The Endangered Species Act is the U.S. domestic law that implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Each of the species of black coral is listed in Appendix II of CITES and is subject to strict trade regulations.

Black coral is one of the several types of precious corals that can be polished to a high sheen, worked into artistic sculptures and used in inlaid jewelry. Use of black coral in artistry has existed for centuries in the Indo-Pacific and Mediterranean. Black coral is typically found in deep waters, and many species have long life spans and are slow-growing. One specimen was reported by scientists to be more than 4,200 years old with a growth rate

of only 5 micrometers (one millionth of meter) per year. Additionally, using deep sea submersibles, scientists have observed that fish and invertebrates tend to accumulate around the black coral colonies. In the last few decades, pressures from overharvesting, due in part to the wider availability of scuba gear and invasive species, have threatened this group of coral.

According to plea agreements filed with the court, the Chus ran a business named Peng Chia Enterprise Co. Ltd. that supplied materials including black coral to customers outside of Taiwan for jewelry design and manufacture. At times prior to 2007, the Chus were issued CITES export permits by the Taiwanese government in order to ship black coral overseas. Since 2007, however, they have been unable to obtain permits because they are unable to produce a legitimate certificate of origin.

Both Chus admitted that in order to supply a company based in the Virgin Islands with black coral, they would falsely label shipments in order to conceal the coral from U.S. Customs and Border Protection officers. The conspiracy included travel to a warehouse in mainland China to choose coral from a Chinese supplier and the use of an intermediary to ship the black coral from Hong Kong to Company X in St. Thomas. The scheme



took place for at least two years prior to the customs seizure of an August 2009 shipment destined for Company X.

On Aug. 19, 2009, Peng Chia sent a shipment comprised of 10 boxes of black coral that were labeled "plastic of craft work." A U.S. Customs' Contraband Enforcement Team flagged the shipment as suspicious and contacted U.S. Fish and Wildlife (USFWS) from San Juan, Puerto Rico. As a result, USFWS, National Oceanic and Atmospheric Administration and Immigration and Customs Enforcement opened a joint investigation, "Operation Black Gold," that led to the arrest of the Chus in January 2010. Analysis by the U.S. Fish and Wildlife Service's National Forensics Laboratory in Ashland, Ore., revealed that shipment from the Chus contained internationally-protected black coral. Today, the Chus admitted that from 2007 to 2009, they sent more than \$194,000 worth of black coral to Company X.

"Trafficking in protected species like black coral violates international and domestic law and threatens the existence of that important resource," said Ignacia S. Moreno, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "We will continue to enforce environmental and natural resource laws so that future generations can continue to enjoy these important marine resources."

"This should send a strong and clear message to those individuals foreign and domestic, who deliberately break our environmental laws, that their conduct will not be tolerated. Those who illegally plunder nature's resources in favor of profits will be brought to justice," said James Gale, Special Agent in Charge of the Fish and Wildlife Services's Southeast Region. "The cooperative efforts show

the commitment of all agencies involved to protect coral and the natural resources against the illegal international trade, we are all stewards."

"Stopping the illicit trade and depletion of protected species such as black coral is critical to preserving a healthy and viable marine environment," said U.S. Attorney Ronald W. Sharpe for the District of the U.S. Virgin Islands. "The U.S. Attorney's Office will continue to work closely with its domestic and international law enforcement partners to detect, investigate and prosecute those who plunder and traffic in endangered species for their selfish gain."

According to the plea agreements, Ivan Chu has agreed to serve 30 months in prison and pay a \$12,500 fine. Gloria Chu has agreed to serve 20 months in prison and pay a \$12,500 fine. Both defendants would also be prohibited from shipping coral and other wildlife products to the United States for a three-year period after their release from prison. A sentencing date has been set for June 23, 2010.

The case was investigated by agents of the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration with support from Immigration and Customs Enforcement and U.S. Customs and Border Protection. The case is being prosecuted by the Justice Department's Environmental Crimes Section and the U.S. Attorney's Office for the District of the Virgin Islands.