



NOAA
FISHERIES
SERVICE

Inside This Issue

Gulf of Mexico.....	1
South Atlantic/Caribbean.....	12
Investigations.....	20
Complaints.....	21
Joint Enforcement Activities.....	22
Media/Press	32

NOAA

Gulf of Mexico

Major Enforcement Activities:

MSFCMA

Saint Petersburg, FL Agents partnered with SERO Sustainable Fisheries Division to present updated information and to educate commercial fisherman on the January, 2010 Tilefish IFQ changes. This is one of the 12 meetings scheduled for presentation in the area in an attempt to reach and educate the fleet.

A NOAA Agent from Niceville, FL, Alabama DNR officers, and the U.S. Coast Guard initiated an investigation of commercial fishing vessel for fishing with it's VMS turned off. The vessel was boarded and it was discovered that the VMS unit was powered on but not transmitting due to a faulty power cable. The NOAA Agent coordinated with Southeast VMS staff after identifying a problem with VMS IFQ reporting. The problem was identified after a vessel operator properly reported to the 3 hour IFQ notification system through his VMS unit but a notification email was not sent out until 8 hours later. The vessel was originally thought to be missing by the owner, who contacted the Coast Guard. The Coast Guard and NOAA VMS staff successfully located the vessel using VMS technology.



MSFCMA

A NOAA Agent from St. Petersburg, FL, coordinated the successful retrieval of a man overboard and medevac with the USCG using VMS data to vector in a USCG Cutter. A commercial reef fish vessel captain reported a crewmember jumped overboard, but, was located and retrieved. The captain requested emergency assistance to remove him from the vessel due to safety concerns and provided the vessels current position data. While en route, the USCG cutter lost contact with the vessel. The NOAA Agent utilized the VMS and PIMS databases and passed position data to the USCG for rescue.

St. Petersburg, FL Agents assisted GCSE attorneys in preparation for an upcoming administrative hearing involving the F/V SOUTHWIND. The F/V SOUTHWIND received a NOVA in the amount of \$21,000.00 and a 75-day Notice of Permit Sanction for multiple violations of the MSFCMA. The Agent located the respondent and prospective witnesses for the case.



Special Agents from the Galveston, TX field office served an \$8000 NOVA issued by GCEL to the F/V ISLAND GIRL. The ISLAND GIRL was cited for harvesting prohibited species in federal waters (34 Red Drum)

A NOAA Enforcement Officer from the Slidell, LA field office boarded the shrimp vessel PRINCES JASMINE II in Biloxi, MS. During the course of the inspection 132 shark fins without corresponding carcasses, 12 red snapper and a variety of other species including what might be Sturgeon was located, the investigation continues.



Slidell, LA Officers received notification from GCEL that the F/V THIEN THANH was issued a Notice of Violation and Assessment (NOVA) in the amount of \$650.00 and a 10-day Notice of Permit Sanction (NOPS) for possession of red snapper and not keeping fin fish intact.

Galveston, TX: Charles GRAHAM, owner of the commercial reef fish vessel, ANGELA C, agreed to settle his federal fisheries violations for \$9,900.00, a 10 day permit sanction, and the forfeiture of \$5,609.10 in seized catch. SA Tyer proved that GRAHAM caught 18,000 pounds of greater amberjack and sold them in AL, LA, and TX.

ESA


Slidell, LA Agents and Officers partnered with NOAA gear specialist Dale Stevens and the USCG for an offshore patrol targeting TED's. A three day pulse operation targeted shrimping vessels of western Louisiana for TED compliance. Prior TED operations revealed lower than expected compliance at season opening. The operation is also a follow up to dockside outreach in the area conducted by Slidell OLE personnel.



Special Agents from the NOAA OLE Galveston, TX field office participated in a multi-agency inspection/operation targeting shrimp vessels and shrimp buyers at two locations in the Galveston area. The operational team consisted of: 2 Texas Parks and Wildlife wardens; 2 USCG LTJG's from Sector Houston; 6 CBP Marine Interdiction Officers; 1 Harris County Marine Enforcement Officer; 1 NOAA Port Agent; 2 NOAA OLE SA's and 1 NOAA OLE Intern.

During phase one at Texas Gulf Seafood, 6 shrimp vessels were inspected shoreside. Only two of the vessels had a captain or crew aboard capable of providing the required paperwork or the ability to operate the machinery necessary to lower the TEDs and hang them for inspection. The two vessels inspected were found to be in compliance. One of the crew members aboard the f/v MISS CATHY was found to have an outstanding ICE warrant for illegal re-entry into the US. The crew member was

a citizen of Honduras and was previously deported for criminal convictions. This individual was arrested by CBP, and turned over to ICE agents for prosecution and repatriation. An inspection was also performed on a 10,000 square foot shrimp processing facility, looking for everything from farm raised shrimp being mislabeled and packed as domestic wild caught shrimp from the Gulf of Mexico, or other illegal products for which the plant did not have permits for (red snapper, flounder etc). No evidence of violations was noted. The USCG terminated the voyage of one vessel for safety violations (it was about to leave to fish) but had no life raft or functioning EPRIB.



During phase two of the operation, the team traveled 30 minutes by vessel to Milt's Seafood on Bolivar Peninsula, 4 additional vessels were inspected, as well as the seafood house. There were no violations noted, though one crew member presented the boarding team with a false identification document (a homemade ID card). Using this card, team members were eventually able to ID the individual who turned out to be Vietnamese by birth, but living in the United States under refugee status. The suspect had multiple identities, multiple convictions for prostitution and drug possession, and had been a candidate for deportation. After consulting with ICE a determination was made for CBP to arrest and transport the individual back to Galveston. All in all, this was a very positive operation for all involved. It was good for these marine based agencies to work together for a common goal, using safe and sound tactics. It sent a strong message to those inspected that we can and will come and inspect their facility from time to time, hopefully discouraging them from becoming involved with illegal activities or possession of prohibited species.

Lacey Act

A NOAA ASAC from Niceville, FL and an Agent from St. Petersburg, FL participated in a conference call with two USDOJ Environmental Crimes Div (ECD) prosecutors this week and discussed the final "to do" list prior to indicting several persons for violating the Lacey Act, smuggling, conspiracy and other related charges.

After reviewing and compiling evidentiary documentation on the time frame, poundage and value of blue crabs purchased and sold, Slidell, LA field office Agents/Officers traveled to Raceland, LA to interview the owner/operator of Fishing Jim Seafood, Roger MANNING. The company is under investigation for criminal violations of the Lacey Act, wherein, during the time period between January 2005 and November of 2008, they illegally purchased, possessed, sold and transported across state lines, approximately 3,250,000 pounds of blue crabs valued at nearly \$3,000,000. MANNING is cooperating in the investigation and gave a written confession to the violations. The case will be criminally prosecuted by the Assistant U.S. Attorney in the eastern district of Louisiana.

Slidell, LA Special Agents responded to information from the AUSA in the eastern district of Louisiana that an agreement has been made with the defense council representing Charles FLANDERS. FLANDERS will plead guilty to misdemeanor Lacey Act charges for illegally transporting red drum across state lines. An arraignment is going to be scheduled in November where FLANDERS will receive probation, a fine, and forfeit over \$3,000.00 in proceeds from seized red drum.

Slidell, LA Special Agents interviewed and received a written confession from Bill PARKER, the owner of Pearl Reef Oysters. The company landed over-the-trip-limit, mis-reported, did not report and/or transported without a license over 15,000 sacks of oysters valued in excess of \$300,000. The illegally landed oysters were subsequently transported and sold across state lines in violation of the Lacey Act. The case is being jointed investigated by NOAA OLE and our state JEA partners, the LDWF. It will be criminally prosecuted by the AUSA in the western district of Louisiana.



MMPA

OLE Niceville, FL Supervisor attended a dolphin partnership meeting with the FWC's Colonel Brown and law enforcement staff, FWC legal counsel, NOAA Protected Resources and the FWRI in Tallahassee, FL. Discussions focused on accomplishments occurring during 2009 and methods to improve compliance and increase public awareness in 2010

Slidell, LA, Enforcement Officer received a Notice of Violation and Assessment (NOVA) in the amount of \$15,000.00 and a 45-day Notice of Permit Sanction (NOPS) for the F/V SOUTHERN GALE for fishing inside McGrail Bank HARC.

A Slidell, LA Enforcement Officer received a Notice of Violation and Assessment (NOVA) in the amount of \$5,000 on the F/V BOUT TIME for illegally anchoring in th McGrail Bank HARC

Slidell, LA Enforcement Officers completed a four day patrol on a USCG cutter. Two shrimp vessels were boarded with minor violations noted. Poor weather/seas prevented additional boardings. The vessel was diverted to assist in the search and rescue of a downed plane near Tampa/St Petersburg, FL but was instructed to stand down prior to arriving.

National Marine Sanctuaries (NMS)

Galveston, TX Special Agents received praise for their digital forensic assistance in an environmental USCG case, his expertise was crucial to case resolution. Their assistance with imaging the computer hard drives allowed the Coast Guard to recover numerous engineering logs/documents. The data recovered resulted in guilty pleas from the responsible parties. The \$1.2 Million fine will be given to the Flower Garden Banks National Marine Sanctuary Program for restoration as the pollution from the vessel affected this area.

A Special Agent from the Galveston, TX field office has officially been appointed as a member of the Flower Garden Banks National Marine Sanctuary Advisory Council.

Special Agents from the Galveston, TX field office attended the Sanctuary Advisory Council meeting for the Flower Garden Banks National Marine Sanctuary. The FGBNMS is moving forward with the implementation of a draft management plan intended to seek approval for the expansion of the boundaries of the marine sanctuary in the Gulf of Mexico. The Advisory Council also discussed the possible decommissioning and removal of Oil Rig HI389A which is inside the FGBNMS boundary. The current owner plans to decommission the rig in 2010. Many options were discussed such as use of the oil platform as a scientific, educational, and enforcement platform, complete removal, partial removal, and/or toppling. Any removal of the platform is highly sensitive due to its position inside the FGBNMS boundary.

Special Agents located in the Galveston, TX field office reviewed documents from the Flower Garden Banks National Marine Sanctuary which discussed the lack of funds to operate the new research vessel MANTA in Galveston, TX. The National Ocean Service/Office of National Marine Sanctuaries Director has advised the FGBNMS that the current and near future budgets as well as the state of the economy are not in a position to support the operating costs of this and other vessels. The \$3.8M may have to be placed in dry storage. The Director encouraged the FGBNMS to be resourceful, innovative, and 'Do More with Less'.

VMS, IFO, & Enforcement Technologies

Special Agents located in the Galveston, TX field office conducted digital forensics work on data seized during multiple search warrants. The data was imaged from hard drives, black berry(s), CD roms, thumb drives, and flash cards. The Special Agent combined and transferred all original image files from the latest warrant to two hard drives which are preserved as original evidence.

Galveston, TX Special Agents completed the task of creating FTK case files (including indexing) of 17 computers which were seized during a search warrant. The files will be made available to the case agent for analysis

Special Agent located in the Galveston, TX field office is assisting with the setup of a forensic computer for the Harlingen, Texas field office.



Training

NOAA Agents from Niceville and St. Petersburg, FL and 11 FWC officers attended a grouper tilefish IFQ training session in Shalimar, FL. NOAA Agents presented an informational power point followed by a question and answer period and extensive discussion of the current red snapper and upcoming grouper tilefish programs



COPPS, Education & Outreach

A NOAA OLE Supervisor in Niceville, FL met with AMRD Major and Lieutenant in Mobile, AL. Several issues were discussed including red snapper, HMS, and providing additional training for the grouper-tilefish IFQ.

NOAA Agents from St. Petersburg, FL and a Southeast Div VMS Technician assisted USCG Sector St. Petersburg with two ongoing search and rescue (SAR) cases involving the F/V SARAH LOUISE and F/V SUN DANCER. VMS position data was utilized to locate one vessel after it began reporting/transmitting following the SAR incident. VMS position data was also used to identify and locate surrounding fishing vessels in the vicinity of the second vessel to render assistance. USCG Sector St. Petersburg, FL later located both vessels and closed the SAR cases with no losses reported.

In preparation for the January 1, 2010 implementation of the grouper/tilefish IFQ regulations, IFQ participants submitted landing locations for registration and approval. NOAA Agents from Niceville and St. Petersburg, FL reviewed hundreds of landing locations for approval from Bayou la Batre, Alabama to Pine Island, FL.


NOAA ASAC in Niceville, FL an Agent attended the grouper-tilefish IFQ training workshops this week in Mobile, AL and Panama City, FL. Only one member of the public attended the Mobile meeting, however approximately 40 persons comprised of fishermen and dealers attended the Panama City meeting.

NOAA Agents from St. Petersburg, FL attended Gulf of Mexico grouper tilefish IFQ workshops held in Ft. Myers, FL and Naples, FL. The two workshops are part of a series of 12 public meetings scheduled throughout the Gulf of Mexico. The workshops were organized by the NOAA SERO Sustainable Fisheries Division and were designed to educate fishermen on the upcoming IFQ changes and requirements prior to implementation in January 2010.

A NOAA Agent from St. Petersburg, FL provided an emailed power point presentation while facilitating a conference call with SER Gulf of Mexico agents. The presentation focused on the law enforcement aspects of the upcoming grouper/tilefish IFQ program.

[USFWS REFERRAL]: During a criminal search warrant at a residence in Dunn, NC concerning the mislabeling of shrimp, a bird of prey preserved by taxidermy was found and photographed. Special Agent from the Harlingen, TX field office submitted this photographic evidence to the U.S. Fish and Wildlife Service who identified the bird as a red tailed hawk in which possession was illegal.

Slidell, LA Special Agents traveled to Baton Rouge, LA to complete a destruction of evidence order issued by GCEL. Thirty-three (33) undersized red snapper that were seized and held as evidence were transferred to the Plaquemines Parrish NOAA Port Agent for sampling and data collection. The Port Agent does not routinely get to sample red snapper in this age/class as they are illegal to possess and needed the data for the red snapper stock assessment.



Special Agent and Enforcement Officer located in Slidell, LA met with USCG and Gulf Regional Fisheries Training Center (GRFTC) personnel to discuss recent changes in the federal fishing regulations, investigative priorities, case package submission and upcoming fishery patrols

A Special Agent from the Galveston, TX field office participated in a multi-agency operation in Galveston, TX. The joint operation targeted commercial fishing vessels and commercial dealers in the area. All were inspected for applicable federal/state rules and regulations.


Special Agent from the Galveston, TX field office conducted a joint investigation with Texas Parks and Wildlife and seized \$7,500 of undersized red snapper imported from Mexico. The 4 vats of snapper were packed with the purpose to hide the undersized fish from CBP inspectors. The subject of investigation is the exporter.

Enforcement Officer located in Slidell, LA field office met with Lt Gunter and Sgt Webb of the Mississippi Department of Marine Resources (MDMR) and inspected Vincent', Cangelosi's, Cowear, Family's, and Bozo's fish houses. Multiple state violations were written for administrative problems and no "sell date" on the oyster containers. No federal violations were noted

Agents/Officers from the Galveston, Slidell and Harlingen participated in the webinar grouper, red snapper and tilefish individual fish quota (IFQ) Train the Trainer training program. The information received is used to train USCG and JEA personnel in Louisiana and Mississippi


Slidell, LA field office Special Agents traveled to Belle Chasse, LA to attend and participate in a NOAA Highly Migratory Species (HMS) sponsored public hearing regarding the quota and season length for the 2010 large coastal shark (LCS) season. Approximately 75 people attended who represented recreational and commercial shark fishermen, dealers, exporters and the shark finning industry. Attendees were almost unanimously in favor of the LCS season opening on January 1, 2010 instead of the proposed July 15, 2010 opening. Attendees also preferred the season only being open until the quota was filled rather than the season being open all year but having reduced bag limits.

Special Agents from the Galveston, TX field office participated in a GOM IFQ workshop in Galveston, TX. The workshop was well attended by the local reef fish fishermen and dealers (approximately 30). Following a presentation by Andy Strelcheck and Susan Gerhart Special Agents hosted a question/answer session with the fishermen and dealers. Although many issues were discussed such as 'estimated catch on prior notices' and 'approved landing locations', the main issue stressed by the fishermen and dealers was the need for assistance in fish identification. Many fishermen and dealers stated that they could not currently tell the difference between a black and gag grouper or a scamp and yellow edge grouper. The Special Agents to help produce a fish-id chart for Grouper which could be carried onboard the vessels and placed in the dealer's businesses. This was a very successful and productive meeting.



Assistant Special Agent in Charge and Special Agents from the Galveston, TX field office attended a Christmas luncheon hosted by JEA partners, Texas Parks and Wildlife. The three agents continue to build a great working relationship with the JEA group.

Special Agent located in the Galveston, TX field office assisted the JEA partner, Texas Parks and Wildlife (TPW) with an IFQ overage investigation. SA Tyer received initial information from an IFQ dealer who was attempting to purchase a red snapper IFQ overage and SA Tyer determined that the overage was more than 10%. SA Tyer contacted a TPW Officer who located, boarded, and inspected the commercial IFQ vessel. The TPW Officer documented additional violations.



A NOAA Agent from Titusville, FL and FWC officers conducted a boarding on a commercial king mackerel boat, in Port Canaveral, FL. The investigators were looking into allegations that several vessels were exceeding the trip limits for king mackerel. The operator of the apprehended vessel had a recent prior federal offense for violating the allocated trip limits, but was alleged not to have ceased his illegal practices. Upon inspecting the vessel, the NOAA agent uncovered a hidden compartment on the vessel that contained illegal overages of kingfish. Approximately 530 lbs of king mackerel were seized, and the subject was cited for (1) violating the commercial trip limits; (2) failure to make fish available for inspection; (3) failure to maintain fish intact; and (4) making false statements to an authorized officer.

A NOAA Agent from Morehead, NC was notified by southeast region GCEL that the F/V MISS KAYLEE was issued a NOVA in the amount of \$1,000 for fishing within a marine protected area (MPA).

Titusville, FL Agents worked with NOAA Southwest Division Agents regarding a complaint from an Orlando resident that Florida snook was being sold in a California retail market. Market employees stated the fish was being supplied weekly from FL. Florida law strictly prohibits the commercialization of snook. Samples are being made to collect DNA on the fish to confirm the species, investigation continues.

A NOAA Agent from Titusville, FL worked with the USCG on a boarding of the charter vessel DIAMOND DIVER. The boarding determined the vessel's federal charter permits were expired and the owner/operator admitted to harvesting snapper grouper species in the U.S. EEZ. The owner/operator, LINDLEY, had several significant priors with NMFS that resulted in a commercial permit ban and vessel forfeiture

South Atlantic & Caribbean Major Enforcement Activities;

MSFCMA

A NOAA Agent from Morehead, NC received notification from NOAA GCEL that NOVAs in four separate illegal bluefin tuna “transfer-at-sea” investigations were issued to NC fishermen/vessels. Over the limit BFT are illegally transferred by unscrupulous fishermen that do not hold the applicable federal permits, many of these transactions are result of fisherman conspiring with other fishermen. These giant tunas eventually sell for thousands of dollars on the Japanese markets. The following NOVA amounts were issued: (1) Brant McMullan (F/V Carolina Contender) : \$10,000 fine and 30 day permit suspension; (2) Brant McMullan/Roger Gales (F/V World Cat) : \$12,500 fine and 60 day permit suspension; (3) Bonner Stiller (F/V Not Guilty) : \$8,000 fine and 30 day permit suspension; and (4) Mr. Patrick (F/V Twister) : \$8,000 fine and 30 day permit suspension. These individuals have 30 days to appeal their permit sanctions before the permit suspensions are effective.

NOAA Agents from Titusville, FL and Wall, NJ 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 tails originating from Central and South America

A NOAA/NMFS agent from Titusville, FL was informed by GCEL/SE that a \$5,500 NOVA and 15 day NOPS was issued to the owner and operator of a Fort Pierce pelagic longliner for sea turtle mitigation gear and operator permit card violations. The case was initiated when the agent, USCG personnel, and a FL FWCC officer conducted a boarding of the vessel in Port Orange, FL.

A NOAA/NMFS agent from Charleston, SC issued a citation to the captain of the FV HOOKER of Murrells Inlet, SC for failing to install weak links on his fish traps, which is required by the Atlantic Large Whale Take Reduction Plan. The FV HOOKER was also levied a \$1,500 fine by SC DNR for harvesting 3,500 pounds of snapper/grouper without possessing a valid commercial permit and for having untagged black sea bass pots onboard.

A NOAA/NMFS agent from Charleston, SC issued a \$1,500 summary settlement to Larry HOROWITZ of the FV STARSHIP. SC DNR officers boarded this vessel in the South Carolina EEZ operating as a vessel for hire without having any charter/headboat permits. The vessel had not been permitted to fish since July 2008.

A NOAA/NMFS Agent from Morehead City, NC traveled to Hilton Head, SC to conduct an investigation of federal observer non-compliance. The subject of the investigation failed to comply with the requirements of his federal shrimp permit and allowed his hired captain to continue to shrimp without an observer after repeated attempts by the observer program to get him to do so. The case has been forwarded to the SE Region, NOAA GC for review and penalty assessment.

MSFCMA

A NOAA/NMFS Agent from Morehead City, NC traveled to Hatteras, NC to conduct an investigation on the F/V MISS KALEIGH for possible shark violations. The investigation revealed the subject was in possession of small coastal sharks while in federal waters without the required shark permit. The subject additionally violated the regulations governing atlantic whales by using a non-compliant gillnet. The net did not have the required “weak-links”, a measure implemented to protect right whales. The case has been forwarded to the SE Region, NOAA GC for review and penalty assessment.

NOAA/NMFS agents from Titusville, FL and a FL FWCC officer conducted a dockside investigation of a rock shrimp trawler suspected of trawling within the Oculina HAPC. The captain made false statements regarding the vessel’s presence in the closed area, including a false claim that a crewmember fell overboard. Further investigation revealed the vessel was fishing for and possessed rock shrimp while in the Oculina HAPC. The vessel’s computer was seized for forensic analysis.

A NOAA/NMFS Agent from Morehead City, NC traveled to Southport, NC to investigate an individual that was suspected of deploying black sea bass traps in violation of the large whale reduction plan. At the conclusion of the investigation, the individual was issued an Enforcement Action Report (EAR) for failure to have weak-links attached to the buoy, failure to have sinking buoy line and failure to have two escape vents installed in the traps

A NOAA/NMFS agent from Charleston, SC worked jointly with SC DNR, assisting them with the boarding of the F/V STORMY SEAS offshore of Myrtle Beach, SC. The boarding resulted in several state violations including trawling at night after hours and trawling for shrimp in a restricted area

Miami Agents received notice from GCEL tha a \$3,500 NOVA and 30 day permit sanction was issued to Fernando RODRIGUEZ for taking undersized sailfish and no HMS permit

Miami Agents received notice from GCEL of a \$2,000 NOVA was issued to the operator of the F/V PENNY MARIE for possession of undersized king mackerel, possession of filleted wahoo, blackfin tuna and gag grouper.

Miami Agents received notice of a \$10, 000 NOVA and 60 day permit sanction from GCEL on the F/V MISS T and owner/operator Patrick PURSLOW for fishing with illegal fish traps, overage of reef fish limits, and fishing with an expired permit.

The Miami field office received notice of a \$5,5000 NOVA and 30 day permit sanction from GCEL issued to Slice N Ice LLC, Swordfish II LLC, and Ryan COLBERT operator of the F/V COMPETITION II for improperly marked gear and possessing swordfish without a permit.

Lacey Act

NOAA Agents in Titusville, FL received a follow up MLAT request from the Brazilian Federal Police related to a joint, ongoing international Lacey Act/conspiracy/bank fraud investigation between NOAA OLE and the Brazilian Federal Police. The MLAT is a formal request for US documents by the government of Brazil that specifically requests NOAA OLE obtain information from over 38 US bank accounts held by various Brazilian citizens. These documents are being obtained and will be provided to the government of Brazil for use in their formal judicial proceedings. Since Jan 2009, two US fugitives that were indicted for US Lacey Act/bank fraud charges have resided in Brazil and NOAA OLE is working with Brazilian authorities to bring them to justice.

A NOAA/NMFS Agent from Morehead City, NC received a complaint from county health department officials regarding restaurants widely mislabeling and selling Vietnamese catfish as U.S. grouper. The NOAA/NMFS Agent purchased a grouper sandwich from the restaurant and forwarded samples to the NOAA lab for DNA testing. The results of the test positively identified the grouper as being Sutchi catfish, a farm-raised catfish from Viet Nam.

ESA


A NOAA/NMFS agent from Titusville, FL worked with the US State Dept's (DOS) Office of Marine Conservation related to 61,000 lbs of shrimp that was imported into the US from an uncertified country in violation of PL 101-69. SA Oravetz learned through the SED Protected Resources division from Mozambique, through South Africa, into California. Agents obtained the import records from the LA customs broker which was later determined to contain false information. Foreign countries lawfully importing wild caught shrimp into the US must use US certified (DOS & NOAA) turtle excluder devices (TEDs) and they harvest by means of aquaculture, or turtles are not found in those areas. Mozambique has not done so.

The Guayabo, PR office received notice from GCEL tha a \$ 1,500 NOVA will be issued to a Florida resident for importing, exporting and transporting elkhorn and other corals through the US mail labeled as books from the USVI to Florida.

MMPA

NOAA/NMFS agent from Charleston, SC and GADNR Officers interviewed the owner/operators of the FV MISS AMBER and FV SASSY C near Tybee Island, GA. Researchers from the Savannah State University photographed crewmembers of these vessels hand feeding bait fish to wild dolphins. Both owners/operators gave written admissions that they accept responsibility as the captain of the vessels. An EAR was subsequently given to them for their violations.

NOAA/NMFS agents from Titusville, FL conducted an interview of a fisherman regarding a right whale close approach off of southern Brevard county. The fisherman was cited for violation of the 500 yard close approach regulation.



Miami, FL Agents responded to Miami International Airport with USFWS Agents to investigate FedEx suspected shipments of whale meat. The shipments originated from Belize and were enroute to California, Canada, and the UK. Samples were taken for analysis and the NOS forensics lab in Charleston concluded the samples were not whale meat.

COPPS, Education & Outreach

NOAA/NMFS agents from Titusville, FL and Charleston, SC issued approx 90 COPPS letters to individuals and vessel companies from around the world for alleged violations of the right whale speed restriction violations that occurred off of Georgia and Florida during the 2008-2009 calving season. The letters were issued as an overall effort to improve compliance during OLE's "outreach phase" and specifically targeted companies/individuals and vessels greater than 65 ft with excessive sustained speeding for multiple miles within the seasonal management area and/or near critical habitat. For the 2010 winter calving season, monetary fines are planned for egregious violators.

A NOAA/NMFS agent from Titusville, FL met with US FWS and EPA agents at their joint computer forensics laboratory located in Jacksonville, FL. Lab personnel offered to assist NOAA in their computer forensic/technical investigation duties.


NOAA/NMFS Agents from Morehead City, NC conducted the 3rd Annual Blue Fin Tuna Public Informational Meeting at the Carteret County Community College in Morehead City, NC. This event included PowerPoint presentations from the NOAA agents, and a presentation from the USCG Commercial Vessel Safety Program. Approximately 40 people gathered for the meeting.

A NOAA/NMFS agent from Titusville, FL contacted outdoor writer Capt. Ted Lund regarding the Oculina Bank Experimental Closed Area; Lund included a reminder of the regulations in his weekly fishing forecast for the "Florida Today" newspaper.

COPPS, Education & Outreach

A NOAA/NMFS agent from Titusville, FL contacted outdoor writer Capt. Ted Lund regarding the Oculina Bank Experimental Closed Area; Lund included a reminder of the Large Whale Take Reduction Plan, Close Approach, and ship strike reduction rule activities regulations in his weekly fishing forecast for the "Florida Today" newspaper.

A NOAA/NMFS agent from Titusville, FL staffed a booth at the Public Service Careers Showcase held at the University of Central Florida. Other agencies present included U.S. Pretrial Services, Central Intelligence Agency, U.S. Public Health Service, Social Security Administration, and Orange County Sheriff's Office. The agent distributed OLE brochures and spoke with potential internship applicants.



NOAA/NMFS Agents from Morehead City, NC met with members of the USCG, NC Marine Patrol, NMFS gear specialists and the general public to hold two separate training presentations on “weak links” in gill net and pot fishing gear, as it pertains to the Atlantic Whale Take Reduction Plan.

A NOAA/NMFS Agent from Morehead City, NC traveled to Wilmington, NC to participate in a Joint Terrorism Task Force (JTTF) meeting

Training

A NOAA/NMFS agent from Charleston, SC organized and facilitated a training session with GA DNR personnel in Brunswick, GA regarding summary settlement authority, federal case processing, current weak link/marketing regulations, and speed restriction regulations involving the protection of right whales.

A NOAA/NMFS agent from Titusville, FL provided Oculina Bank refresher training to two duty sections at USCG Station Fort Pierce. The training covered Oculina Bank boundaries, regulations, and case package preparation.

A NOAA/NMFS Agent from Morehead City, NC traveled to Oak Island USCG Station and conducted federal fisheries training for approximately eight NC Marine Patrol Officer’s and 22 US Coast Guard officers.

NUMBER OF CASES OPENED BY

INVESTIGATION TYPE

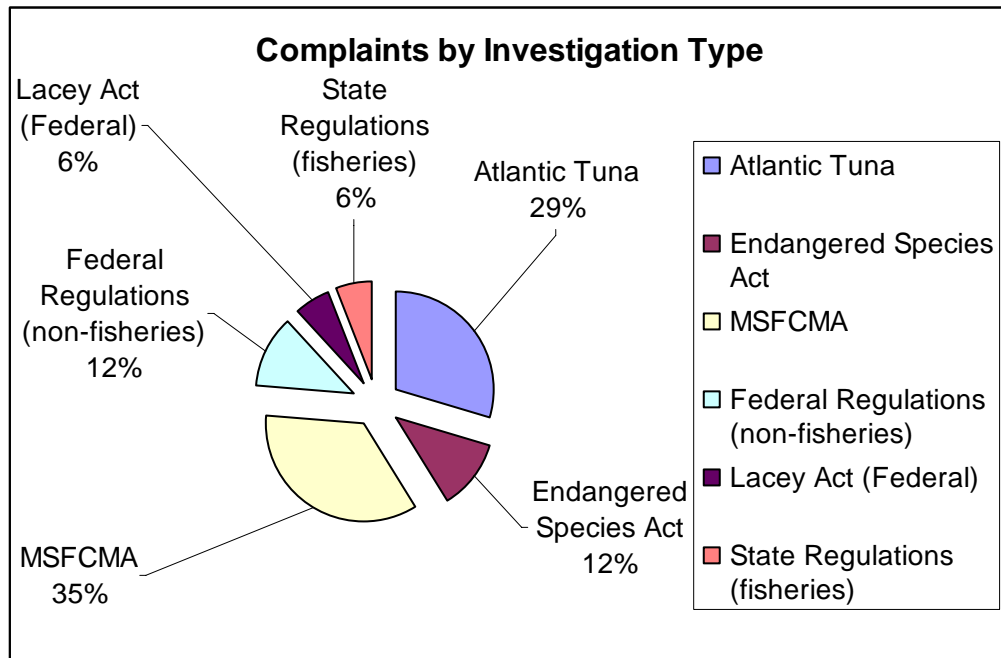
FY 2009 and FY 2010 1st QUARTER

	<u>FY 2009</u>		<u>FY 2010</u>	
<u>Investigation Type</u>	<u>1st Quarter</u>	<u>Total For Year</u>	<u>1st Quarter</u>	<u>Year To Date</u>
<u>AT</u>	2	15	7	7
<u>ESA</u>	24	162	8	8
<u>Lacey Act</u>	16	44	6	6
<u>Magnuson Act</u>	51	314	37	37
<u>MMPA</u>	4	30	6	6
<u>MSA</u>	23	128	8	8
<u>Other Federal or State Regulations</u>	7	35	10	10
<u>TOTAL</u>	127	728	82	82

Complaints Opened by Investigation Type

**First Quarter FY 2010
October 01, 2009 – December 31, 2009**

<u>Investigation Type</u>	<u>Complaints</u>
Atlantic Tuna	5
Endangered Species	2
MSFCMA	6
Federal Regulations (non-fisheries)	2
Lacey Act	1
State Regulations (fisheries)	1
Grand Total:	17



Alabama
JEA QUARTERLY REPORT / FY2010-1st QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
HOURS	JEA	338.00	194.0	133.5	665.50	1182.83
	Personnel	515.00	277.5	133.5	926.00	1449.00
CONTACTS	Commercial	86	30	20	136	489
	Recreational	285	155	11	451	565
	Headboat/Tournaments	40	15	0	55	20
	Number of Inspections	0	0	0	0	1
	TOTAL	411	200	31	642	1075
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
WARNINGS	State	23	21	0	44	39
	Federal	6	2	0	8	0
CITATIONS	State	16	6	0	22	31
	Federal	8	0	1	9	3
TOTAL TICKETS		53	29	1	83	73

Florida
JEA QUARTERLY REPORT / FY2010-1st QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
HOURS	JEA	216.00	339.50	275.5	831.00	1015.75
	Personnel	266.50	409.00	437.00	1112.50	1648.25
CONTACTS	Commercial	9	25	46	80	
	Recreational	44	24	55	123	
	Headboat/Tournaments	0	0	0	0	
	Number of Inspections	0	0	0	0	
	TOTAL	53	49	101	203	564
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
WARNINGS	State	14	0	45	59	332
	Federal	0	0	0	0	
CITATIONS	State	8	0	11	19	111
	Federal	0	0	0	0	
TOTAL TICKETS		22	0	56	78	443

**GEORGIA
JEA QUARTERLY REPORT / FY2010-1st QUARTER**

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
HOURS	JEA	80.00	81.00	74.00	235.00	128.15
	Personnel	115.00	184.00	143.00	442.00	280.00
CONTACTS	Commercial	4	5	3	12	6
	Recreational	3	5	2	10	22
	Headboat/Tournaments	0	0	0	0	0
	Number of Inspections	0	0	0	0	0
	TOTAL	7	10	5	22	28
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
WARNINGS	State	1	1	1	3	8
	Federal	0	0	0	0	0
CITATIONS	State	0	0	1	1	4
	Federal	0	0	0	0	0
TOTAL TICKETS		1	1	2	4	12

Louisiana
JEA QUARTERLY REPORT / FY2010-1st QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
HOURS	JEA	667.00	327.00	367.00	1361.00	1307.00
	Personnel	811.00	385.00	417.00	1613.00	1536.00
CONTACTS	Commercial	91	60	53	204	105
	Recreational	265	29	8	302	130
	Headboat/Tournaments	12	0	0	12	5
	Number of Inspections	27	18	18	63	51
	TOTAL	395	107	79	581	291
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
WARNINGS	State	22	5	0	27	5
	Federal	0	0	0	0	0
CITATIONS	State	46	11	2	59	7
	Federal	0	0	2	2	1
TOTAL TICKETS		68	16	4	88	13

Mississippi
JEA QUARTERLY REPORT / FY2010-1st QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
HOURS	JEA	241.75	303.50	117.50	635.75	539.91
	Personnel	462.00	501.50	188.50	1152.00	710.50
CONTACTS	Commercial	96	138	5	239	181
	Recreational	94	89	59	242	280
	Headboat/Tournaments	1	2	0	3	2
	Number of Inspections	15	7	10	32	21
	TOTAL	206	236	74	516	484
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
WARNINGS	State	1	0	0	1	3
	Federal	0	1	0	1	2
CITATIONS	State	19	5	0	24	12
	Federal	2	3	6	11	2
TOTAL TICKETS		22	9	6	37	19

Puerto Rico
JEA QUARTERLY REPORT / FY2010-1st QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
HOURS	JEA	164.69	91.72	26.13	282.54	124.36
	Personnel	164.69	91.72	26.13	282.54	124.36
CONTACTS	Commercial	0	0	0	0	2
	Recreational	0	0	0	0	1
	Headboat/Tournaments	0	0	0	0	0
	Number of Inspections	0	0	0	0	0
	TOTAL	0	0	0	0	3
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
WARNINGS	State	0	0	0	0	0
	Federal	0	0	0	0	0
CITATIONS	State	0	0	0	0	0
	Federal	0	0	0	0	0
TOTAL TICKETS		0	0	0	0	0

South Carolina
JEA QUARTERLY REPORT / FY2010-1st QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
HOURS	JEA	187.00	100.00	51.00	338.00	255.33
	Personnel	289.00	156.00	59.00	504.00	359.00
CONTACTS	Commercial	4	6	3	13	16
	Recreational	30	11	7	48	23
	Headboat/Tournaments	73	0	0	73	80
	Number of Inspections	2	5	3	10	5
	TOTAL	109	22	13	144	124
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
WARNINGS	State	5	3	1	9	11
	Federal	5	5	1	11	13
CITATIONS	State	4	4	1	9	5
	Federal	11	3	0	14	12
TOTAL TICKETS		25	15	3	43	41

Texas
JEA QUARTERLY REPORT / FY2010-1st QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
HOURS	JEA	382.00	288.00	184.00	854.00	269.50
	Personnel	558.00	531.00	268.00	1357.00	346.00
CONTACTS	Commercial	48	51	25	124	86
	Recreational	12	10	7	29	10
	Headboat/Tournaments	0	0	0	0	0
	Number of Inspections	0	0	0	0	0
	TOTAL	60	61	32	153	96
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
WARNINGS	State	2	1	2	5	3
	Federal	0	0	0	0	0
CITATIONS	State	17	3	5	25	23
	Federal	0	0	0	0	4
TOTAL TICKETS		19	4	7	30	30

Virgin Islands
JEA QUARTERLY REPORT / FY2010-1st QUARTER

PATROL ACTIVITY		MONTH			TOTALS		
		OCT	NOV	DEC	FY2010 1st QTR	FY09 1st QTR	
HOURS	JEA	277.00	169.00			No JEA	
	Personnel	357.00	320.00				
CONTACTS	Commercial	20	140				
	Recreational	0	0				
	Headboat/Tournaments	0	0				
	Number of Inspections	0	0				
	TOTAL	20	140				
ENFORCEMENT ACTIONS		MONTH			TOTALS		
		OCT	NOV	DEC	FY2010 1st QTR		FY09 1st QTR
WARNINGS	State	0	0				NO JEA
	Federal	0	0				
CITATIONS	State	0	0				
	Federal	0	0				
TOTAL TICKETS		0	0				

Summary
JEA QUARTERLY REPORT / FY2010-1st QUARTER

PATROL ACTIVITY		OCT			TOTALS	
		JEA	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
HOURS	Personnel	2553.44	1893.72	1228.63	5675.79	4822.83
	Commercial	3538.19	2855.72	1672.13	8066.04	6453.11
CONTACTS	Recreational	358	455	155	968	885
	Headboat/Tournaments	733	323	149	1205	1031
	Number of Inspections	126	17	0	143	107
	TOTAL	44	30	31	105	78
	TOTAL	1261	825	335	2421	2665
ENFORCEMENT ACTIONS		OCT			TOTALS	
		State	NOV	DEC	FY2010 1st QTR	FY09 1st QTR
WARNINGS	Federal	68	31	49	148	401
	State	11	8	1	20	15
CITATIONS	Federal	110	29	20	159	193
	210	21	6	9	36	22
TOTAL TICKETS				79	363	631

NEWS RELEASES



**First Quarter FY 2010
October 01, 2009 – December 31, 2009**



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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.



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Contact: ENRD
Department of Justice
202-514-2007
TDD 202-514-1888

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
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.

1. Fishing captain is slain at sea; accused Foley man pleads not guilty

1.1.1.1. By [Ryan Dezember](#)

November 15, 2009, 8:02AM

2. NEW ORLEANS -- On the seventh day at sea, the arguing between the Miss Sharlott's captain and a crew member came to a head in the early morning, according to FBI findings.



3. Thomas Poole IV is accused of murder in the fatal stabbing of fishing boat captain Michael Gene Holman. When the melee was over, the 53-year-old captain of the Alabama-based fishing boat, Michael Gene Holman, lay dying of numerous stab wounds, and Thomas Judson Poole IV, a Foley laborer who would soon be accused of murder, had suffered serious cuts to his hands.

Investigators say that Poole, 44, told them he stabbed Holman in self-defense, although he has offered no such explanation in court papers. At his arraignment last month in New Orleans' federal court, Poole, bound in chains, spoke only to plead not guilty.

His court-appointed lawyer, Valerie Welz Jusselin, declined to comment on the case. Prosecutors in the U.S. Attorney's office also declined to discuss the case, which is scheduled for trial Dec. 14.

A third man aboard the boat, identified in court papers only as Witness 1, told federal agents that Holman and Poole began arguing almost as soon as the Miss Sharlott shoved off Sept. 30 from the docks at Billy's Seafood on the Bon Secour River.

In an FBI agent's affidavit, the third man said that they were all in the boat's wheelhouse, some 18 miles off Louisiana, when the fight broke out at about 2 a.m. Oct. 7.



4. [View full size](#) (Courtesy Holman family) Michael Gene Holman, 53, pictured in 2007 with a Warsaw grouper was killed at sea last month. The lifelong fisherman, whom friends called "Mickey," was captain of the Miss Charlott, a vessel that operated out of Bon Secour. At one point, Holman turned away from Poole, the witness said, and the latter unsheathed a knife and drove it into the captain's back.

Holman swung around and wrestled Poole to the ground, calling to the witness, who said he ran over and helped pin Poole down.

Poole barked at him, he said, threatening "a knife for him, too."

Holman grabbed a hammer and struck Poole in the head, the witness said.

His adversary unconscious, the captain walked to the back of the 37-foot boat and died. When Poole came to, the witness said, he slid his blade across his palms.

Around daybreak, the U.S. Coast Guard arrived. Holman was found with seven stab wounds to his back, a fatal puncture to his chest, and numerous other lacerations.

Though court records offer a play-by-play of the fight, they don't address the four hours between Holman's death and the Coast Guard's arrival, nor do they broach the subject of the disagreement.

Holman, who lived in Alabama off and on, was a native of Panama City, Fla. He'd been in prison himself: In the early 1980s, he served time for trying with three accomplices to smuggle 25,000 pounds of marijuana aboard a fishing vessel, according to court records and newspaper accounts.

Released in 1986, he'd apparently caused no further trouble, court records suggest.



His father, Deral Gene Holman of Bayou La Batre, owned the Miss Sharlott.

"He was a good fisherman," Deral Holman said of his son. "He was a good, caring person, and when he was on the boat and you needed something, he would do it. Everyone knew he would carry his end."

After the killing, Deral Holman said that he spoke with the witness. He described him as a Mexican man whom he had frequently hired to crew the fishing boat.

"He told me the guy didn't want to work and wanted Michael to take him back to the docks," Deral Holman said.

His son, he said, "was going to stay another day and try to make a pay day."

He said that the boat was at some point steered into an oil platform by Poole -- in an effort to destroy evidence -- collapsing the wheelhouse.

The way that the Holmans fish, everyone's catch is combined and sold. After expenses, for purchases like ice and fuel, the profit gets split, with the captain collecting about 30 percent more than the crew.

A crew member could risk his cut if the captain felt he hadn't earned it, Deral Holman said.

At stake for Poole on this trip was about \$1,000, perhaps \$1,500. That would amount to nearly a month's pay for him, according to a financial affidavit that he filed to secure a public defender.

Deral Holman, 74 and recently retired from the fishing business, said his son met Poole shortly before hiring him for the Sept. 30 fishing trip.

"No one around there seemed to know a lot about him," he said.

On the affidavit, Poole, who lives in a camper near the Bon Secour River, said he ran a landscape operation, Gulf Shores Tree Service, alongside his common-law wife. He listed as his sole possession a 15-year-old Dodge pickup, the title to which he had pawned.

Relatives and acquaintances of Poole's declined interviews for this story. Public records offer little on Poole between his birth in Newport News, Va., and the first part of this decade, when an Elberta woman with whom he fathered two children filed for divorce among allegations of violence. (Baldwin County court records show that Poole was arrested in 2002 and 2004 on domestic violence and other charges.)

His father, Thomas Judson Poole III, is serving a 40-year sentence in a penitentiary outside Huntsville for the 1987 rape of a Phenix City woman. The day after the rape, the woman was killed by confessed serial murderer Curtis Grantham.

Court filings from that trial painted the elder Poole as a lonesome drifter; the younger Poole was not mentioned in some 400 pages of transcripts.