

Office for Law Enforcement



**FOURTH QUARTER
FY 2009 REPORT**

JULY 1, 2009 – SEPTEMBER 30, 2009

**National Marine Fisheries Service
Southeast Office for Law Enforcement**



OFFICE FOR LAW ENFORCEMENT

Quarterly Report – 4th Quarter FY 2009
July 01, 2009 - September 30, 2009

Significant Actions – Gulf of Mexico.....	3
Significant Actions – South Atlantic/Caribbean.....	10
Number of Cases by Investigation Type.....	15
Complaints by Investigation Type.....	16
Joint Enforcement Activity Report.....	17
Media/Press Releases.....	28

To report fisheries violations,
Call our National Hotline at 1-800-853-1964, or
Visit our web site at www.nmfs.noaa.gov/ole/Southeast.htm

GULF OF MEXICO **ENFORCEMENT OPERATIONS**

Significant Enforcement Activities

MSFCMA

NOAA Special Agents from St. Petersburg, FL responded to a telephone call from the captain of the FV BLACK JACK II after reporting he had landed in Madeira Beach, FL following the closure for deep water grouper. The agents spoke with the manager prior to interviewing the captain and monitoring the offload. The captain stated that he was having problems with the vessel and that it took him longer than it should have to get in. When he got closer to port, he had to wait offshore for several hours because of severe weather, vessel problems and his unfamiliarity with transiting the pass at night. Agents issued the captain a warning after confirming his claims.

A NOAA Special Agent from St. Petersburg, FL received notice that NOAA General Council for Enforcement and Litigation (GCEL) issued six NOVAS to vessel owners and operators targeted in a recent group II undercover operations along the Florida gulf coast. Separate undercover operations were conducted on six non-permitted Gulf of Mexico charter vessels that were allegedly operating without the required moratorium charter permits. Undercover investigators verified the non-permitted vessel operation while chartering the vessels within the Gulf of Mexico EEZ. Additional bag limit, undersize reef fish, and species specific violations were detected. Charles J. BULICX (F/V REEL ACTION), Bert BRADHAM III (F/V MOTHER OCEAN), Nicholas W. MELFI (F/V IN HOT PURSUIT), Larry J. IACOFANO (F/V WORKIN' ON IT), RICHARD W. FEATHERSTONE and Elizabeth A. FEATHERSTONE (F/V MAGIC HOOK), and Michael J. GAVALA III (F/V BACALLA) were charged and received NOVAs totaling \$78,050.

A NOAA Special Agent from St. Petersburg, FL received noticed that NOAA GCEL reached a settlement agreement with the owner and operator of the F/V RACHEL J. BELLE. The case was initiated after Vessel Monitoring System (VMS) vessel track data was observed within the Pulley Ridge Habitat Area of Particular Concern (HAPC). Vessel plotter positions and logbook data obtained upon the vessel's return to port confirmed the VMS track data. The vessel captain later provided a written statement admitting to fishing within the HAPC. Richard E. WAITES and RACHEL J. BELLE INC. received a NOVA in the amount of \$30,000 and a 30 Day NOPS. The NOVA penalty amount was settled for \$8,000.

A NOAA Special Agent from St. Petersburg, FL received notice that NOAA GCEL issued a NOVA to the owner and operator of the FV NICE ONE. Ryan ROLLAND and OUTRIGGERS SPORTFISHING CHARTERS, LLC were charged with possession of commercial quantities of reef fish and possession of undersized fish. ROLLAND, the vessel operator, later admitted that he intended on offloading the reef fish to a commercially permitted vessel. The penalty included a NOVA in the amount of \$5,750 and a 30 day NOPS.

A NOAA Special Agent from St. Petersburg, FL received notice that NOAA GCEL issued a NOVA to the owner and operator of the FV EASY GOING. Brian T. Dewald and EASY GOING ENTERPRISES Inc. were charged with possessing commercial quantities of reef fish while operating a recreational fishing trip. The penalty included a NOVA in the amount of \$4,000 and Notice of Proposed Forfeiture for the seized reef fish.

GULF OF MEXICO **ENFORCEMENT OPERATIONS**

A NOAA Special Agent from St. Petersburg, FL received notice that NOAA GCEL issued a NOVA to the owner and operator of the FV RESTLESS TOO. John Leyden and LAST WORD ENGINEERING Inc. were charged with landing IFQ red snapper in excess of their remaining allocation. The penalty included a NOVA in the amount of \$3,000, a 15 day NOPS and a Notice of Proposed Forfeiture for the seized red snapper.

A NOAA Special Agent from Niceville, FL was notified that Violet and Brian GARRITY, owners and operators of the F/V VIOLET MARIE, received a NOVA in the amount of \$3,150. The vessel was boarded by the FWCC and found to be in possession of closed season grouper and red snapper fillets.

A NOAA ASAC from Niceville, FL and two FWC officers were deposed as part of an ongoing reef fish investigation involving a Panama City charter boat. The vessel was observed returning nonstop from the GOM EEZ by the FWC and in possession 26 red snapper over the federal recreational bag limit. A \$4,000 NOVA has been issued in the case.

A NOAA Special Agent from St. Petersburg, FL and FWCC Officers visited several local seafood dealers in response to questions regarding the current Red Snapper IFQ program, the proposed Grouper and Tilefish IFQ program, and the GOM Shrimp Observer program.

A Notice of Violation and Assessment (NOVA) was issued by GCEL in the amount of \$18,750.00 along with a Notice of Permit Sanction (NOPS) for 18 days for the shrimp vessel KING DIAMOND III. The vessel landed large quantities of shrimp during the time frame an observer should have been on board. The case was investigated by the NOAA Slidell, LA field office.

A Notice of Violation and Assessment (NOVA) in the amount of \$30,000.00 and a Notice of Permit Sanction (NOPS) for 30 days for the shrimp vessel RANDY BOY were issue by NOAA GCEL based on an investigation by the NOAA officer in Slidell, LA. The investigation showed the vessel landed large quantities of shrimp during the time frame an observer should have been on board.

An investigation by NOAA agents in Harlingen, TX which resulted in a notice of a NOVA settlement issued by NOAA GCEL to the FV DREAMCATCHER was settled for \$2,000.00. The vessel was charged with violating the reef fish observer program.

NOAA agents in Galveston, TX personally served a \$16,250 NOVA to Chad Hartman of Extreme Island Adventures. The three count NOVA include fishing without federal permits, keeping undersize fish, and failure to use proper gear.

NOAA agents in Slidell, LA received notification from GCEL that the F/V MISS LENA (case number SE0704287FM) received a Notice of Violation Assessment (NOVA) in the amount of \$18,750 and a 18-day Notice of Permit Sanction (NOPS) for failing to take a NOAA Observer aboard the pelagic long line vessel after having been selected for NOAA Observer coverage (in 2007) by the NOAA Pelagic Observer Program (POP) coordinator.

GULF OF MEXICO **ENFORCEMENT OPERATIONS**

NOAA agents in Slidell, LA received notification from GCEL that the F/V MISS LENA (case number SE091196FM) received a Notice of Violation Assessment (NOVA) in the amount of \$5,000 and a 5-day notice of Permit Sanction (NOPS) for failing to take a NOAA Observer aboard the pelagic long line vessel after having been selected for NOAA Observer coverage (in 2009) by the NOAA Pelagic Observer Program (POP) coordinator.

NOAA agents in Slidell, LA received notification from GCEL that the F/V MISS CAROL (case number SE0803677FM) settled a \$3,000 NOVA and 15-day NOPS for the amount of \$1,980. Crewmembers aboard the F/V MISS CAROL were boarded while trawling for shrimp in Federal (EEZ) Waters and found to be in possession of three (3) skinned cobia and approximately one hundred and thirty one (131) pounds of fish fillets. They were cited for failure to maintain intact.

NOAA agents in Slidell, LA traveled to Denham Springs, LA to serve two (2) \$17,500 NOVAs on Brian and Deanna BYERS. The couple provides charter boat fishing trips aboard the F/V OCEAN HUNTER through the STRIKE ZONE CHARTERS business name. STRIKE ZONE CHARTERS became the target of a Group II Undercover Operation when it was discovered that the vessel was advertising offshore charter boat fishing voyages on the internet and did not have a GOM Reef Fish Permit, Coastal Migratory Pelagic Permit or a Highly Migratory Species (HMS) Permit. NOAA OLE Agents, posing as paying charter boat customers, booked a trip on the OCEAN HUNTER and documented numerous fishing violations in addition to not having the required federal fishing permits. Previous attempts to mail the NOVAs to the BYERS were unsuccessful.

The F/V KEVIN DANG was issued a NOVA in the amount of \$30,000.00 for fishing without a valid GOM Shrimp Moratorium Permit by NOAA GCEL. The F/V KEVIN DANG was boarded in Federal waters while actively trawling for shrimp. During the boarding the captain was unable to produce a valid GOM Shrimp Moratorium Permit. Through the course of investigation conducted by NOAA agents in Slidell, LA it was determined that the vessel's permit had expired four months prior to the boarding and has since not been renewed. The agents also contacted shrimp docks in Mississippi and determined the vessel had landed over \$80,000.00 worth of shrimp without a permit.

NOAA agents in Galveston, TX served William Dills, owner of Saltwater Advantage Charters, a \$10,000 NOVA for chartering within the Federal EEZ without permits. Dills was cooperative and stated he intended to contact GCEL with intent to settle the matter. He also noted the vessel has since obtained the proper permits.

NOAA agents in Galveston, TX served an \$18,900 NOVA to the owner and operator of the FV BACKLASH. The five count NOVA included fishing without federal permits, keeping undersize fish, and failure to use proper gear, failure to keep fish intact, and using reef fish for bait. The owner was located in Austin, Texas. The captain was located in Port Aransas (Corpus Christi, TX).

NOAA officer in Slidell, LA received a Notice of Violation and Assessment (NOVA) in the amount of \$18,750.00 and a Notice of Permit Sanction (NOPS) for 18 days for the shrimp vessel CAPT CHARLIE. The vessel landed large quantities of shrimp during the time frame an observer should have been on board.

GULF OF MEXICO **ENFORCEMENT OPERATIONS**

NOAA officer in Slidell, LA received a Notice of Violation and Assessment (NOVA) in the amount of \$15,000.00 for the shrimp vessel LA BELLE ID'EE. The vessel landed large quantities of shrimp during the time frame an observer should have been on board.

LACEY ACT

NOAA agents in Harlingen, TX responded to a foreign vessel intercepted by USCGC MANATEE. After Department of State approval vessel was escorted to USCG Station SPI, TX. SAs interviewed captain and crew members who admitted to trawling in the US EEZ. Owner captain and crew concurred with the violations and readily abandoned all catch onboard. FFV ROSA MARIA, a gulf shrimp vessel from Campeche was trawling for shrimp in the US EEZ. The vessel did not possess a Moratorium Federal Shrimp Permit, a violation of federal law. FFV ROSA MARIA possessed 21,964 lbs of shrimp. Bids were taken and the shrimp was sold at fair market value. The total of the catch when sold was \$10,372.00. Vessel was released and escorted by USCG to the Mexico EEZ.

ESA

NOAA Special Agents from St. Petersburg, FL responded to a request for assistance from NMFS Observer Program and arranged for the removal of an observer from a Gulf of Mexico shrimp trawler. The observer was removed for personal safety issues after being confronted by the vessel captain.

A NOAA Special Agent from Niceville, FL received notice of settlement by NOAA GCEL. Timothy BRANNON and the F/V PAPA HUNKY were cited for shrimping in offshore waters with undersized TEDs. A final amount of \$750.00 was reached.

NOAA agents in Harlingen, TX received notification from GCEL of a \$6,000 NOVA issued to the F/V MISS KENNEDY for operating with a sewn TED.

NOAA agents in Galveston, TX documented a violation against the commercial shrimp vessel, LOVELY LADY. The captain of the vessel failed to utilize a proper Turtle Excluder Device in two of shrimp nets. The improper issues included long flaps, short forward cuts, and small escape openings. SA Tyer issued a \$750 fine to the captain.

NOAA agents in Galveston, TX documented a violation against the commercial shrimp vessel, MARIA N II. The captain of the vessel failed to utilize a proper Turtle Excluder Device in a port side net. The angle of the deflector bar exceeded 55 degrees. The agents issued a \$250 fine to the captain.

GULF OF MEXICO ENFORCEMENT OPERATIONS

With the assistance of SWD and other districts within SED, District IV conducted an extensive TED enforcement operation along the Louisiana and Texas coast in response to complaints of improper TED construction.

- SED Agents traveled to Grand Isle, LA, Intracoastal City, LA, and Port Arthur, TX, to participate in the TED Operation. During the operation, numerous dockside and at sea TED enforcement boardings were conducted. A total of nineteen (19) vessels were boarded which resulted in six (6) NOVA's, two (2) Summary Settlements and four (4) Fix-it citations being issued. During the four day operation, one day was spent performing dockside boardings in Grand Isle, LA. Two days were spent performing at sea boardings with the Louisiana Department of Wildlife and Fisheries (LDWF) in Intracoastal City, LA and one day was spent performing at sea boardings with the U.S. Coast Guard in Port Arthur, TX. Violations noted were: trawling with no TEDs, trawling with TEDs with too steep a grid angle (over 55°), sewn TEDs, exit opening of insufficient dimensions and TED flaps that exceeded the 24 inch limit.
- A SED agent accompanied the USCGC SKIPJACK on a patrol out to 25 nautical miles. Numerous vessels started shrimping before the season opened. Two vessels were cited for starting to shrimp early during the Texas closure in federal waters and for TED violations.
- SED NOAA agents and CGIS worked the Galveston/Sabine Pass, TX area during the operation. SED NOAA agents requested a USCG aircraft for the operation for Intel purposes. The USCG committed a USCG 41' patrol boat in Sabine Pass. Nearly 25 vessels were boarded during three days, several summary settlements and three written warnings were issued for minor violations. For the most part, all vessels which were boarded had at least 75-100 % of their TEDS in compliance. However, a large pocket of 20+ vessels were observed fishing one hour before the season opening (which is 30 minutes after sunset). Six of these vessels were photographed, and three were boarded and documented. All in all, it was a very successful operation.

This is a photo of vessel fishing before legal time.



GULF OF MEXICO **ENFORCEMENT OPERATIONS**

- At the conclusion of the TED operation, the Slidell, LA office enforcement personnel and NOAA Gear Specialist Dale Stevens traveled to Cut Off, Golden Meadow and Grand Isle Louisiana to contact local shrimp trawl businesses and net shops in an effort to prevent Turtle Excluder Devices (TEDS) with incorrect grid angles, improperly sized escape openings and restricted escape flaps from being introduced into the fishery.

During the TED operation numerous incidents were recorded in which the angle of the TED grids were too steep, the escape openings were too small or the escape flaps were too restrictive. The vessel captains indicated that the TEDS had recently been purchased from local net shops and they thought their TEDS were in compliance. The names of the same net shops kept coming up so a COPPS/OUTREACH presentation was prepared and presented to the net shops so that the grid angles, escape openings and flaps could be corrected. It was discovered that part of the TED grid angle problems were caused by the use of new mesh materials that did not stretch after use as much as the previously used materials. This lack of stretch was causing TED grid angles to remain too steep after the nets were deployed. Net shop owners said that they would make adjustments to the grid angles on all new TEDS and would also assure that any TEDS that came into the shops for repair would be brought into regulatory compliance.

NOAA agents in Harlingen, TX received notice from GCEL that a NOVA issued to FV ADRIANA, a gulf shrimp vessel from Port Isabel, TX. The NOVA issued was \$8,000.00 for numerous TED violations.

NOAA agents in Harlingen, TX received notice of a NOVA settlement from GCEL for FV PRINCESS ROSITA, a gulf shrimp vessel from Port Isabel, TX. The NOVA was settled at \$9,375.00 for violating the shrimp observer program.

NOAA agents in Harlingen, TX received notice of a NOVA settlement from GCEL for FV PRINCESS ANNA, a gulf shrimp vessel from Port Isabel, TX. The NOVA was settled at \$9,375.00 for violating the shrimp observer program.

NOAA agents in Harlingen, TX responded to a foreign vessel intercepted by USCGC MANATEE. After Department of State approval vessel was escorted to USCG Station SPI, TX. SAs interviewed captain and crew members who admitted to trawling in the US EEZ. Owner captain and crew concurred with the violations and readily abandoned all catch onboard. FFV ROSA MARIA, a gulf shrimp vessel from Campeche was trawling for shrimp in the US EEZ. The vessel did not possess a Moratorium Federal Shrimp Permit, a violation of federal law. FFV ROSA MARIA possessed 21,964 lbs of shrimp. Bids were taken and the shrimp was sold at fair market value. The total of the catch when sold was \$10,372.00. Vessel was released and escorted by USCG to the Mexico EEZ.

GULF OF MEXICO **ENFORCEMENT OPERATIONS**

MMPA

A NOAA Special Agent from Niceville, FL was interviewed by a reporter from the Associate Press this week in regards to a fishing trip he had taken out of Panama City, Florida. The reporter was interested in reports about dolphins stealing fish from fishermen and the investigations the Niceville office have worked in the past involving fishermen attempting to harm the dolphins. The story was picked up by several news organizations from Cape Code to Corpus Christi.

A NOAA Special Agent from Niceville, FL was notified by NOAA GCEL that a 2 count, \$12,000 NOVA was issued to Michael KREGLOW, the operator of the parasail vessel M/V TURN N BURN and P.C. Watersports. During 2008, KREGLOW were cited twice by the FWCC officers for feeding wild dolphins in the Panama City, FL area.

TRAINING

A NOAA Special Agent from Niceville, FL along with members of the NOAA laboratory in Pascagoula, MS conducted TED training and boarding's with Alabama DNR officers in Dauphin Island, AL.

SOUTH ATLANTIC / CARIBBEAN **ENFORCEMENT OPERATIONS**

Significant Enforcement Activities

MSFCMA

A NOAA agent in Titusville, FL was informed by NOAA GCEL that a \$15,000 NOVA was issued to the F/V FOX Y MICHELE for possessing more than two gillnets and fishing with more than one gillnet in the U.S. EEZ, a violation of the Spanish mackerel regulations.

The respondent in a king mackerel trip limit case initiated by the FWC while on a JEA patrol in Sebastian Inlet, FL, and transferred to the NOAA Titusville, FL, office reached a settlement with NOAA GCEL/SE. The respondent agreed to pay \$3,750 and to forfeit the proceeds from the sale of the seized king mackerel.

A NOAA agent in Titusville, FL was informed by GCEL/SE that a settlement was reached in an out of season and undersized lobster case involving a Bahamian national. The respondent has agreed to pay \$750. The case was initiated when a FL FWCC officer boarded a Bahamian flag M/V in Titusville and discovered illegal spiny lobster tails.

A \$30,000 NOVA was issued by NOAA GCEL to the owner of a Charleston fishing vessel based on an investigation by NOAA agents in Charleston, SC. The vessel's owner was in non-compliance with the NMFS observer requirements on at least 25 commercial fishing trips from 2006 thru 2008, and had ignored several notices from NMFS that reminded him of the observer regulations.

A NOAA agent in Morehead, NC traveled to Engelhard, NC, to serve a Notice of Permit Sanction (NOPS) on a NC Resident. The service of this NOPS had been requested from the NOAA OLE, Northeast Region for violations involving the Scallop Fishery.

A recreational fisher received a \$1000.00 NOVA from NOAA GCEL for allegedly importing undersized spiny lobster from the Bahamas. The case was investigated by A NOAA agent in Titusville, FL.

A NOAA/NMFS Agent from Charleston, SC assisted SCDNR with the apprehension of two fishermen who allegedly were gill netting shortnose sturgeon. The two fishermen were apprehended with 8 bushels of Blue Crabs harvested from a protected state sanctuary in Georgetown, SC using unmarked ghost traps on a trotline. In addition to several commercial fishing violations, the two fishermen were cited for simple possession of personal use quantities of marijuana and schedule II drugs; the fishermen received fines in excess of \$3,000 each.

A NOAA agent in Charleston, SC and SCDNR officers interviewed the lessee of the FV STARSHIP in Calabash, NC. SCDNR had previously boarded this vessel in the EEZ off South Carolina operating as a vessel for hire without any charter/headboat permits. The vessel had not been permitted to fish since July 2008. A \$1,500 Summary Settlement was issued to the lessee.

SOUTH ATLANTIC / CARIBBEAN **ENFORCEMENT OPERATIONS**

A HMS investigation worked by a NOAA agent in Miami, FL resulted in a \$5,280 settlement by NOAA GCEL. The investigation involved a sailfish caught aboard the charter vessel LADY K. At the time the vessel did not have a valid HMS permit, and the intent was not to keep the sailfish. However, the fish was gaffed and brought aboard the LADY K to be photographed with the fisher then released. In this case a NOVA was issued for violations of the HMS regulations for fishing for and catching sailfish without a valid permit and using improper release techniques by gaffing and bring on board a sailfish prior to release.

In a King mackerel investigation worked by a Miami Field Office NOAA Special Agent received notice from NOAA GCEL that a NOVA in the amount of \$8,000 and a 14 day Notice of Permit Sanction were issued to Maltby Watkins for exceeding the daily bag limit for King mackerel and failure to maintain fish intact. In this case Watkins made multiple commercial trips that resulted in the bag limit violation.

LACEY ACT

A NOAA/NMFS agent in Charleston, SC participated in the sentencing hearing of Mark L. Harrison and Harrison International, LLC in federal district court in Atlanta, GA. Harrison was the self-proclaimed largest dealer of shark fins in the United States (claiming 80% of the national market) and had previously pleaded guilty to multiple counts of the Lacey Act, state and FDA regulations dealing with adulteration of seafood. From 2005-2007, multiple shipments of Harrison's shark fins destined for China contained fins of prohibited species. Search warrants of his facility documented additional fins from prohibited species on his FL rural property. Harrison also admitted to purchases of shark fins directly from fishermen, without the appropriate federal permit, which he also didn't report to Florida officials. During Harrison's sentencing Magistrate Judge Vineyard ordered the following sentence and terms against Harrison and his company:

- \$10,000.00 criminal fine to Mark Harrison and Harrison International, LLC,
- 4 months of home detention with electronic monitoring,
- 5 years probation during which he is completely banned from the shark industry,
- 5 years probation for corporation (Harrison International, LLC)
- Harrison is also required to publish a ½ page advertisement in a national seafood magazine, detailing what he did.



SOUTH ATLANTIC / CARIBBEAN **ENFORCEMENT OPERATIONS**

Agents from the Miami Field Office responded to a complaint concerning an internet auction of grouper filets. The allegations made to OLE were that the grouper filets did not meet the federal marking requirements for the packaging or have the country of origin stated. After Agents contacted the auction site the product was pull from bidding. The complaint was also referred to FDA for additional investigation.

A NOAA agent in Titusville, FL and a Deputy US Marshal witnessed the destruction of 2,400 lbs of sea bass fillets at a cold storage facility in Miami, FL. Additionally, 9,200 lbs of undersized and mislabeled spiny lobster tails were also destroyed as the product was not fit for human consumption. These seized products were from two adjudicated criminal cases and forfeited.

A NOAA agent in Titusville, FL traveled to California and assisted SWD OLE and a DOJ paralegal specialist in an ongoing criminal Lacey Act case involving the illegal importation and false labeling of Vietnamese catfish.

NOAA agents in Titusville, FL welcomed a contingent of four Brazilian Federal Police officers regarding a joint financial crime investigation involving various US/Brazilian seafood importers/exporters. The investigative team spent the majority of their time reviewing voluminous evidentiary items including search warrant documents and seized hard drives, as well as bank account records from over 40 US shell bank accounts held by Brazilian exporters. A NOAA agent also provided the team with 5 hard drives containing 20 images of computers obtained in the US investigation. A NOAA agent prepared an update for the Brazilian team regarding the environmental crime aspects related to millions of dollars of illegal spiny lobster. The focus of the Brazilian investigation involves tax evasion, money laundering, smuggling, undersized lobster, and conspiracy. The Brazilian police indicated they would fully cooperate with NOAA OLE in apprehending two Lacey Act fugitives who have fled to Brazil to avoid a U.S. indictment. There will be amended MLAT requests forthcoming based on this visit.

SANCTUARY

A NOAA/NMFS Agent from Charleston, SC attended the Gray's Reef National Marine Sanctuary Advisory Council Meeting on Tybee Island, Georgia. Numerous issues were discussed, including the pending ban on spearfishing, designation of a research area within the sanctuary, and the invasion of lionfish in surrounding waters.

NOAA Special Agent in the Florida Keys completed a criminal investigation where the primary defendant, David DREIFORT, received a 30-month prison sentence. From this investigation a total of six conspirators were convicted for their involvement in a scheme to place and use artificial habitat in the Florida Keys National Marine Sanctuary to harvest lobsters in violation of State and Federal regulations. This investigation, known as Operation Freezer Burn, also resulted in forfeitures of three vehicles and three vessels, and a civil penalty of \$1.1 million. The civil penalty will be used to remove over 700 illegal artificial habitats placed in the Sanctuary.

SOUTH ATLANTIC / CARIBBEAN **ENFORCEMENT OPERATIONS**

MMPA

At a NOAA Agent's request, FWCC personnel provided OLE with analyzed and processed information, including individual PDF maps, regarding over 129 alleged speeding incidents in the Southeast Seasonal Management Area off of Georgia and Florida and adjacent to the Right Whale critical habitat area. The incidents occurred during the 2008-2009 calving season and all vessels were documented to be speeding for more than five nautical miles.

A NOAA/NMFS Agent from Titusville, FL issued COPPS letters to the registered agents of a charter yacht and two large container ships for speeding within the Southeast U.S. seasonal management area.

A NOAA/NMFS Agent from Morehead City, NC represented NOAA OLE at the Bottlenose Dolphin Take Reduction Team (BDTRT) Meeting in Wilmington, NC. A primary concern amongst the team members was the usage of pound nets in the State of Virginia near the mouth of the Chesapeake Bay. This concern was predicated on several takes of Bottlenose dolphins within the last year by this type of gear.

COPPS & OUTREACH

NOAA Agents from Titusville, FL attended a charity benefit for FWCC Officer Vann Streety. The benefit was held to raise money for Officer Streety, who was shot six times during a recent vehicle stop. The incident occurred as the Officer was checking a subject in a wooded area in Cocoa, Brevard County. The FWC Officer was air-lifted to a local hospital with serious injuries. His vest stopped two shots in the back and a FWC "challenge coin" deflected another shot to his hip. He was wounded in the hand, shoulder, and hip. He is expected to make a full recovery. The subject was apprehended in Melbourne Beach 2 days later in an intensive man-hunt.

A NOAA/NMFS Agent from Titusville, FL worked with Brevard County Parks and Recreation to place dolphin feeding signs at the Jorgensen's Landing boat ramp on the Indian River in South Brevard County.

A NOAA/NMFS Agent from Charleston, SC participated in an enforcement task force coordination meeting with personnel from CBP, USFWS, APHIS, SITC and FSIS.

NOAA ASACs from Titusville and Miami participated in a Florida Fish and Wildlife Commission supervisor's meeting in Ocala, FL. It was attended by all the FWC Captains that supervise the state's covert investigative squads. It was also attended by two FL based US FWS Resident Agents-In-Charge. Specific cooperative investigations were discussed and planned. In addition, the NOAA ASACs detailed the priority NOAA OLE issues related to federal investigations in the state.

NOAA SE Agents attended a law enforcement meeting with Georgia DNR, Georgia Coastal Resources Division, USCG, NOAA GCEL, and Gray's Reef National Marine Sanctuary personnel. The meeting was the third annual ad-hoc JEA meeting with GADNR and NOAA OLE gave a presentation to the group, updating them on numerous investigations affecting Georgia.

SOUTH ATLANTIC / CARIBBEAN **ENFORCEMENT OPERATIONS**

A NOAA/NMFS Agent from Morehead City, NC attended the HMS Advisory Panel's annual meeting; wherein, he provided an OLE presentation to the AP members. The OLE PowerPoint focused on Enforcement's investigative case work during 2009, related to HMS violations. Some of the topics discussed by the AP included: closure of the shark gillnet fishery, moving BFT to the CITES list, allowing the retention of HMS species in the vicinity of Fish Attraction Devices, and establishing mandatory HMS reporting stations in the U.S. Caribbean.

A NOAA/NMFS Agent from Titusville, FL gave a presentation on Oculina Bank HAPC enforcement at the Brevard Parks - Barrier Island Sanctuary. The presentation followed a lecture by sanctuary staff about the Oculina coral habitat. The Agent also distributed South Atlantic Fishery Management Council Oculina regulations and dolphin/MMPA brochures.

A NOAA/NMFS Agent from Charleston, SC attended the SCDNR Regional meeting in Charleston, SC and briefed SCDNR personnel on ongoing NOAA OLE investigations and priorities.

A NOAA agent in Titusville, FL worked with NOAA's Charleston Forensic Lab and biologists from Massachusetts and the State of FL, to implement and develop field kits to test for the presence of stripped eggs from lobsters. Biologists in Massachusetts and Maine have developed a chemical field test for American lobsters that will identify if there is existing 'glue/cement' residue on a female lobster when the eggs are removed. Additionally, the test can determine if the lobster had been dipped in a chemical solution (bleach) to remove the eggs. Tests are being done in FL to determine if the same application will work for spiny lobsters, and if so, field kits will be assembled and distributed for use.

TRAINING

A NOAA agent in Titusville, FL attended the Northeast Central Florida Maritime Law Enforcement Alliance meeting at USCG Station Ponce Inlet. Representatives from the USCG, FL FWCC, Volusia County SO and Beach Patrol, and the Port Orange, Ponce Inlet, New Smyrna Beach, and Daytona Beach PDs were present. The NOAA Agent provided a fisheries update regarding current shark and tilefish closures, right whale calving season, and dolphin feeding issues and distributed new recreational snapper-grouper regulation summaries.

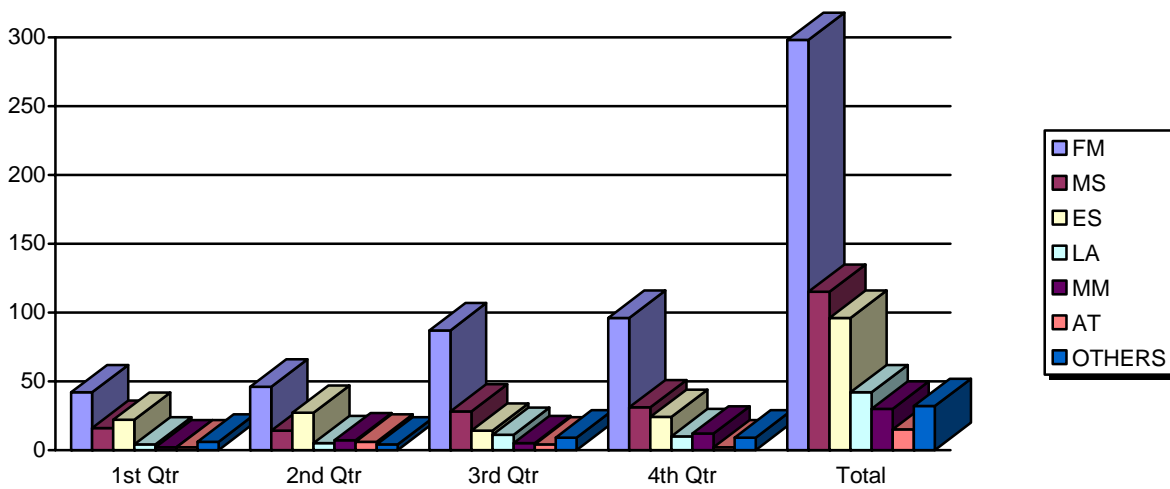
Per the request of the Commanding Officer of the USCG's Southeast Regional Fisheries Training Center (SRFTC), a NOAA/NMFS Agent from Charleston, SC provided training to approximately 20 USCG boarding officers and gave a presentation on NOAA OLE investigations/techniques at the USCG's training facility in Charleston, SC.

NOAA Agents in Titusville, FL provided training to approximately 40 U.S. Customs and Border Protection Officers and Import Specialists in Jacksonville, Florida. The Agents gave an overview of OLE and federal fisheries regulations pertinent to Northeast Florida. They also gave a presentation on seafood import investigations. CBP requested the training due to officers being assigned to augment CBP Marine patrols off of Jacksonville and the fact that Jacksonville is a rapidly growing port for imported products.

**NUMBER OF CASES OPENED BY INVESTIGATION TYPE
FY 2008 and FY 2009 4th QUARTER**

	FY 2008		FY 2009	
Investigation Type	4 th Quarter	Total For Year	4 th Quarter	Year To Date
AT	1	10	2	15
ESA	25	79	24	96
Lacey Act	19	50	10	42
Magnuson Act	88	327	96	298
MMPA	8	38	12	30
MSA	45	200	31	115
Other Federal or State Regulations	13	27	9	32
TOTAL	199	731	184	628

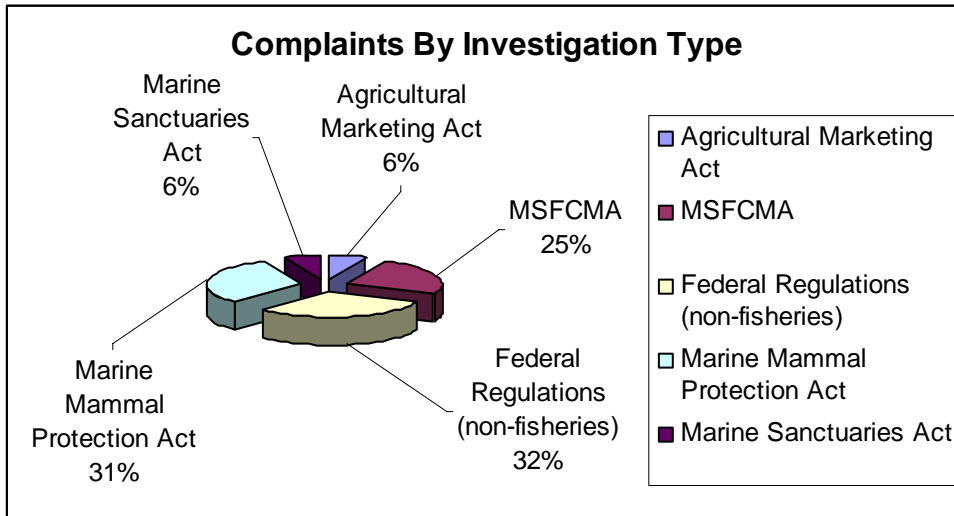
Cases by Investigation Type



Complaints Opened by Investigation Type

**Fourth Quarter FY 2009
July 1, 2009 – September 30, 2009**

<u>Investigation Type</u>	<u>Complaints</u>
Agricultural Marketing Act	1
MSFCMA	4
Federal Regulations (non-fisheries)	5
Marine Mammal Protection Act	5
Marine Sanctuaries Act	1
Grand Total:	16



National Marine Fisheries Service



**NOAA Office for
Law Enforcement**

**Fourth Quarter 2009
SOUTHEAST REGION
JOINT ENFORCEMENT AGREEMENT**

Alabama
JEA QUARTERLY REPORT / FY09-4th QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
HOURS	JEA	294.00	331.00	253.00	878.00	761.50
	Personnel	446.00	493.00	336.00	1275.00	1132.00
CONTACTS	Commercial	49	76	71	196	
	Recreational	321	233	97	651	
	Headboat/Tournaments	38	26	23	87	
	Number of Inspections	0	0	0	0	
	TOTAL	408	335	191	934	1241
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
WARNINGS	State	36	10	10	56	21
	Federal	6	4	3	13	13
CITATIONS	State	20	4	6	30	54
	Federal	0	7	0	7	9
TOTAL TICKETS		62	25	19	106	95

Florida
JEA QUARTERLY REPORT / FY09-4th QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
HOURS	JEA	355.00	255.25	425.25	1035.50	1463.75
	Personnel	589.00	327.25	503.75	1420.00	2410.25
CONTACTS	Commercial	29	23	37	89	
	Recreational	163	83	89	335	
	Headboat/Tournaments	0	0	0	0	
	Number of Inspections	0	0	0	0	
	TOTAL	192	106	126	424	731
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
WARNINGS	State	45	34	69	148	553
	Federal	0	0	0	0	1
CITATIONS	State	19	13	20	52	168
	Federal	0	1	3	4	5
TOTAL TICKETS		64	48	92	204	727

**GEORGIA
JEA QUARTERLY REPORT / FY09-4th QUARTER**

PATROL ACTIVITY		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
HOURS	JEA	68.00	87.00	74.00	229.00	582.00
	Personnel	197.00	155.00	102.00	454.00	876.50
CONTACTS	Commercial	3	3	4	10	
	Recreational	11	14	3	28	
	Headboat/Tournaments	0	0	0	0	
	Number of Inspections	0	0	0	0	
	TOTAL	14	17	7	38	129
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
WARNINGS	State	4	2	0	6	8
	Federal	0	0	0	0	2
CITATIONS	State	0	0	4	4	1
	Federal	1	1	4	6	1
TOTAL TICKETS		5	3	8	16	12

Louisiana
JEA QUARTERLY REPORT / FY09-4th QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
HOURS	JEA	573.00	861.00	569.00	2003.00	2067.33
	Personnel	1255.00	1693.00	939.00	3887.00	3521.51
CONTACTS	Commercial	125	160	136	421	
	Recreational	443	660	185	1288	
	Headboat/Tournaments	16	18	4	38	
	Number of Inspections	20	51	35	106	
	TOTAL	604	889	360	1853	870
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
WARNINGS	State	36	18	9	63	48
	Federal	0	0	0	0	0
CITATIONS	State	47	65	28	140	126
	Federal	14	1	4	19	10
TOTAL TICKETS		97	84	41	222	184

Mississippi
JEA QUARTERLY REPORT / FY09-4th QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
HOURS	JEA	241.00	308.00	270.25	819.25	1236.51
	Personnel	324.00	569.50	469.00	1362.50	2312.00
CONTACTS	Commercial	50	54	54	158	
	Recreational	74	382	176	632	
	Headboat/Tournaments	2	9	10	21	
	Number of Inspections	18	1	13	32	
	TOTAL	144	446	253	843	1068
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
WARNINGS	State	1	1	1	3	1
	Federal	1	0	0	1	4
CITATIONS	State	3	3	9	15	27
	Federal	1	0	0	1	8
TOTAL TICKETS		6	4	10	20	40

Puerto Rico
JEA QUARTERLY REPORT / FY09-4th QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
HOURS	JEA	246.70	142.50	246.30	635.50	617.28
	Personnel	528.39	210.15	474.60	1213.14	2067.98
CONTACTS	Commercial			0	0	
	Recreational			2	2	
	Headboat/Tournaments			0	0	
	Number of Inspections			0	0	
	TOTAL			2	2	
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
WARNINGS	State			0	0	0
	Federal			0	0	0
CITATIONS	State			2	2	0
	Federal			0	0	0
TOTAL TICKETS				2	2	0

South Carolina
JEA QUARTERLY REPORT / FY09-4th QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
HOURS	JEA	210.00	106.00	148.00	464.00	635.00
	Personnel	299.00	241.00	240.00	780.00	935.50
CONTACTS	Commercial	7	3	4	14	
	Recreational	10	20	9	39	
	Headboat/Tournaments	37	29	1	67	
	Number of Inspections	0	3	3	6	
	TOTAL	54	55	17	126	126
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
WARNINGS	State	0	0	0	0	35
	Federal	1	6	2	9	5
CITATIONS	State	0	0	0	0	75
	Federal	9	0	2	11	1
TOTAL TICKETS		10	6	4	20	116

Texas
JEA QUARTERLY REPORT / FY09-4th QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
HOURS	JEA	924.00	658.00	407.00	1989.00	1114.31
	Personnel	1879.00	902.00	619.00	3400.00	2705.17
CONTACTS	Commercial	98	129	47	274	
	Recreational	157	16	6	179	
	Headboat/Tournaments	17	1	0	18	
	Number of Inspections	1	4	2	7	
	TOTAL	273	150	55	478	228
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
WARNINGS	State	11	7	1	19	7
	Federal	0	0	0	0	0
CITATIONS	State	60	31	17	108	47
	Federal	0	0	0	0	5
TOTAL TICKETS		71	38	18	127	59

Virgin Islands
JEA QUARTERLY REPORT / FY09-4th QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
HOURS	JEA	318.00	126.00	148.00	592.00	14.67
	Personnel	503.00	228.00	254.00	985.00	14.67
CONTACTS	Commercial	16	26	15	57	
	Recreational	16	0	0	16	
	Headboat/Tournaments	0	0	0	0	
	Number of Inspections	0	0	0	0	
	TOTAL	32	26	15	73	1
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4 th QTR	FY08 4 th QTR
WARNINGS	State	28	2	4	34	0
	Federal	0	0	10	10	0
CITATIONS	State	0	1	4	5	0
	Federal	0	0	0	0	0
TOTAL TICKETS		28	3	18	49	0

Summary
JEA QUARTERLY REPORT / FY09-4th QUARTER

PATROL ACTIVITY		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
HOURS	JEA	3229.70	2874.75	2540.80	8645.25	8492.35
	Personnel	6020.39	4818.90	3937.35	14776.64	15975.58
CONTACTS	Commercial	377	474	368	1219	
	Recreational	1195	1408	567	3170	
	Headboat/Tournaments	110	83	38	231	
	Number of Inspections	39	59	53	151	
	TOTAL	1721	2024	1026	4771	4394
ENFORCEMENT ACTIONS		MONTH			TOTALS	
		JUL	AUG	SEP	FY09 4th QTR	FY08 4th QTR
WARNINGS	State	161	74	94	329	673
	Federal	8	10	15	33	25
CITATIONS	State	149	117	90	356	498
	Federal	25	10	13	48	39
TOTAL TICKETS		343	211	212	766	1233

National Marine Fisheries Service

**Southeast Division
Office of Law Enforcement**

NEWS RELEASES



**Fourth Quarter FY 2009
July 01, 2009 – September 30, 2009**



**U.S. Department of Justice
United States Attorney
Southern District of Florida**

99 N.E. 4 Street
Miami, FL 33132
(305) 961-9001
July 17, 2009

**KEYS COMMERCIAL LOBSTER OPERATION RESULTS IN
CONVICTIONS, SEIZURES, AND FORFEITURES**

Jeffrey H. Sloman, Acting United States Attorney for the Southern District of Florida, Eddie McKissick, Resident Agent in Charge, U.S. Fish & Wildlife Service (FWS), Hal Robbins, Special Agent in Charge, NOAA Fisheries Office of Law Enforcement, Southeast Division, Sean Morton, Superintendent of the Florida Keys National Marine Sanctuary (FKNMS), and Major Mike Edwards, Regional Commander South B, Florida Fish & Wildlife Conservation Commission (FWCC), announced today that the final defendants in an anti-poaching investigation, Operation Freezer Burn, were sentenced in federal District Court in Miami. The investigation focused on a group illegally harvesting lobsters from artificial habitat placed in the FKNMS. According to evidence presented to the Honorable Jose E. Martinez, United States District Court Judge, the six defendants were directly involved in the harvest of 922 whole lobster, as part of a conspiracy that illegally took 1,197 lobster on the opening day of Florida's commercial lobster season in August 2008, and stockpiled approximately 1,700 pounds of wrung lobster tail harvested during the closed season, which was intended for sale after opening day.

The six conspirators in the Indictment were David W. Dreifort, 41, and Denise D. Dreifort, 48, both of Cudjoe Key, Robert H. Hammer, 46, of Miami, Sean N. Reyngoudt, 25, of Summerland Key, and John R. Niles, 50, of Labelle, and Michael Delph, 39, of Key West. They were each charged with harvesting spiny lobster within the FKNMS from illegally installed artificial habitat and in violation of applicable bag limits, for commercial sale in violation of the federal Lacey Act, all in violation of the federal conspiracy statute, Title 18, United States Code, Section 371.

Defendant John Niles, the first to enter a guilty plea in this matter, cooperated in the case, and testified against his co-defendant Delph. In recognition of his acceptance of responsibility, minor role, and assistance in the case, Niles was sentenced on April 2 to a term of probation of one year.

Michael Delph was sentenced on June 2, 2009, to a ten month term of imprisonment, a term of home confinement of six months with electronic monitoring, 100 hours of community service, and a period of supervised release of two years.

Defendant Sean Reingoudt, who was sentenced on June 10, to a term of home confinement for four months with electronic monitoring, a period of probation of four years, and 300 hours of community service. The Court also prohibited Reingoudt from any fishing activities, commercial or pleasure, within the Southern District of Florida and adjacent waters for four years.

On June 11, Robert Hammer was sentenced to a term of imprisonment of two months, a term of home confinement for six months, with electronic monitoring, followed by a period of supervised release of two years. The Court also prohibited Hammer from any fishing activities, commercial or pleasure, within the Southern District of Florida and adjacent waters for the duration of his supervised release.

David Dreifort was sentenced to imprisonment for a period of thirty months, followed by three years of supervised release. As a special condition of his sentence, Dreifort is prohibited from engaging in any fishing activities for a period of five years, in the Southern District of Florida, and waters contiguous thereto.

Denise Dreifort was sentenced to imprisonment for a period of seven months, followed by three years of supervised release. As a special condition of her sentence, Denise Dreifort must also serve a term of home confinement of seven months, with electronic monitoring and is prohibited from engaging in any fishing activities for a period of five years, in the Southern District of Florida, and waters contiguous thereto.

In addition to the other terms of their sentence, the Dreiforts were further ordered to forfeit all their right, title, and interest in three vehicles and three vessels identified in the forfeiture count of the Indictment, which were used in the commission of the offenses charged.

In a related matter before the Honorable James Lawrence King, United States District Court Judge, Robert H. Hammer was also convicted and sentenced in connection with the sale of fish which had been illegally received and acquired, knowing said fish was taken, possessed, transported, and sold in violation of the laws and regulations of the United States, in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1)(B). Hammer formerly held a special use permit to operate a commercial enterprise at Dry Tortugas National Park. The permit authorized him to bring passengers for hire to the Park [at Fort Jefferson] and engage in various activities, including recreational angling. The permit, and National Park Service (NPS) regulations, prohibit commercial fishing activities, which bars the sale of any fish harvested from Park waters.

According to information presented in Court, FWS agents, assisting NPS Rangers, conducted surveillance of Hammer's operations and determined that he was commercially selling fin fish to brokers and retail fish dealers in the Miami area. Witness statements and observation of his activities established that between \$10,000 and \$30,000 in fair market value fish were taken from the federally protected areas and sold commercially. For his role in that case, Hammer was sentenced to serve a term of supervised release of six months to run concurrently with his sentence in Operation Freezer Burn. The Court further ordered Hammer to pay \$20,000 to the National Fish and Wildlife Foundation, a Congressionally-chartered organization authorized by law to receive payments arising as a result of criminal convictions. These funds will be used by the organization to acquire and distribute commercially available side-scan sonar and Global Positioning

System Tracker equipment to assist in the location, identification, and abatement of resource violations within the National Sanctuaries, Refuges, and Parks of the Florida Keys and adjacent waters, and to assist in the identification and apprehension of violators of the marine resource and wildlife protection laws.

The FKNMS is a 2,900 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. It 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. The FKNMS supports rich biological communities with extensive conservation, recreational, commercial, ecological, historical, research, educational, and aesthetic values of national significance.

Marine Sanctuary regulations prohibit any alterations of, or construction on the seabed of the FKNMS, as part of the effort to preserve the marine environment. In addition, the Florida Administrative Code, Chapter 68B, which apply to the FKNMS, prohibits anyone from harvesting any spiny lobster from artificial habitat. Artificial habitat is defined as "any material placed in the waters of the state that is reasonably suited to providing cover and habitat for spiny lobster. . ." Other parts of Chapter 68B prohibit any person from commercially harvesting, attempting to harvest, or having in their possession, regardless of where taken, ny spiny lobster during the closed season. The commercial season runs from August 6 through March 31 of the following year. An exception exists for the annual lobster sport mini-season. Those holding appropriate licenses and endorsements to commercially dive for lobster are limited to 250 lobster per day.

NOAA and FWS Special Agents became aware of a group constructing artificial lobster habitat, often referred to informally as "casitas" or "condos" in the lower Keys. According to testimony at trial, agents tracked a oat on July 28, 2008, owned by David Dreifort, as it traveled entirely within the waters of the Sanctuary, harvesting spiny lobsters out of season. Subsequently the lobsters were placed in a freezer at a lower Keys residence, which held about 650 pounds of previously harvested, frozen tails. The pattern of stock piling and freezing lobsters taken ahead of the legal season led agents to dub the case "Operation Freezer Burn." Officers returned to the GPS logged sites within the FKNMS and found each site held artificial habitats. The divers also found freshly wrung spiny lobster heads.

On opening day of the annual commercial lobster season, August 6, 2008, a multi-agency team executed a search warrant at the Dreifort residence, and executed five seizure warrants, taking custody of boats, vehicles, and a trailer used in the criminal violations. Over 1,700 pounds of frozen lobster tails, representing more than 1,000 times the legal bag limit for a mini-season sport dive were seized by agents. The defendants, with the exception of Reyngoudt, were intercepted as they returned from a morning harvesting trip in the FKNMS, during which more than 922 lobsters were illegally harvested. Part of the harvest effort was recorded by a surveillance aircraft, and shown to the jury during the Delph trial. The jury also heard a statement recorded by agents on August 6, during which Delph admitted to diving on illegal habitat and harvesting an excessive number of lobsters that day. He further admitted that he had contacted David Dreifort before the season to offer his services as a lobster diver, in anticipation of being paid for his involvement, and confessed to having been involved in the same activity on multiple occasions during the prior year's open season.

In a parallel civil proceeding, the federal government brought suit against the Dreiforts under the National Marine Sanctuaries Act, seeking compensation for costs and damages incurred as a result of natural resource injuries caused by the Dreiforts' artificial habitats within the Sanctuary. On June 17, 2009, a civil

consent decree was approved and entered in the case on behalf of NOAA, to settle the federal government's civil claims against the Dreiforts. Under the terms of the consent decree, the Dreiforts must sell two properties in the Florida Keys, including their residence at Cudjoe Key, which was the staging ground for the criminal conduct, to reimburse the agency's costs and pay damages in the case. The Dreiforts will pay NOAA the proceeds from the sales, up to a maximum of \$1.1 million. The funds will be used by NOAA to remove approximately 700 casitas that were illegally placed in the FKNMS.

Mr. Sloman commended the coordinated investigative efforts of the NOAA Office for Enforcement, the U. S. Fish and Wildlife Service, Florida Fish & Wildlife Conservation Commission, and the personnel of the National Marine Fisheries Service Restoration Center and the Damage Assessment & Resource Protection Office of the National Marine Sanctuary Program which brought the matter to a successful conclusion. The criminal case is being prosecuted by Assistant U.S. Attorney Thomas Watts-FitzGerald, in coordination with Steven Keller of the Environmental Enforcement Section of the U.S. Department of Justice in Washington, DC, which prosecuted the civil claims.

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 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 www.flsd.uscourts.gov or on <http://pacer.flsd.uscourts.gov>.



U.S. Department of Commerce
The United States Attorney's Office
Southern District of Florida

FOR IMMEDIATE RELEASE

August 3, 2009

KEYS LOBSTER OPERATION RESULTS IN ARRESTS

Jeffrey H. Sloman, Acting 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), Sean Morton, Superintendent of the Florida Keys National Marine Sanctuary (FKNMS) announced today that two lower Florida Keys residents, JOHN BUCKHEIM, 23, and NICK DEMAURO, 23, were arrested Friday in connection with an anti-poaching investigation, Operation Frost Bite, and made their first court appearances today in Miami. The defendants were arrested on federal charges alleging a conspiracy to illegally harvest spiny lobsters from artificial habitat placed in the FKNMS. According to the Indictment in the case and statements in court, the two defendants were directly involved in the harvest of spiny lobster over approximately a six month period beginning in the early summer of 2008 and extending into early 2009. Further court proceedings are not yet scheduled.

The two conspirators in the Indictment were each charged with harvesting spiny lobster within the FKNMS from illegally installed artificial habitat both prior to and during the lawful commercial harvest season, for sale in violation of the federal Lacey Act, all in violation of the federal conspiracy statute, Title 18, United States Code, Section 371. In addition, they each are charged with three substantive counts of violations of the federal Lacey Act, Title 16, United States Code, Sections 3372(a)(2)(A) and 3373, for taking spiny lobster in violation of the laws and regulations of the State of Florida. A Forfeiture Count in the Indictment alleges that a vehicle and a vessel are therefore subject to forfeiture to the United States upon the conviction of the defendants. The Lacey Act provides for forfeiture of vehicles, boats, gear, and equipment used to facilitate criminal conduct.

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. The Indictment specifically charges 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 “(10) 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.

Allegations contained in the Indictment include a non-exclusive list of dates of dive harvesting trips, weights of illegally harvested product, and payments made by check to the defendants from a Key West fish house for the illegally harvested spiny lobster, totaling approximately \$11,398.00. The Indictment also asserts that the defendants 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 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. Within these waters are spectacular, unique, and nationally significant marine environments, including seagrass meadows, mangrove islands, and extensive coral reefs. The FKNMS supports rich biological communities with extensive conservation, recreational, commercial, ecological, historical, research, educational, and aesthetic values of national significance. These environments also support high levels of biological diversity, which are fragile and easily susceptible to damage from human activities, but possess high value if properly conserved.

Mr. Sloman commended the coordinated investigative efforts of the NOAA Office For Enforcement, the U. S. Fish & Wildlife Service, and the technical assistance of the crew of the Florida Fish & Wildlife Conservation Commission vessel Peter Gladding and the Miami-Dade Police Department Underwater Recovery Unit for their assistance in this matter. This case is being prosecuted by Assistant United States Attorney Thomas Watts-FitzGerald.

An indictment is only a charge and is not evidence of guilt. A defendant is presumed innocent and is entitled to a fair trial at which the government must prove guilt beyond a reasonable doubt.

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 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 www.flsd.uscourts.gov or on <http://pacer.flsd.uscourts.gov>.

**United States Attorney David E. Nahmias
Northern District of Georgia**

FOR IMMEDIATE RELEASE

08/19/09

<http://www.usdoj.gov/usao/gan/>

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**SHARK FINS DEALER SENTENCED FOR ILLEGALLY DEALING
IN FINS FROM PROTECTED SPECIES**

ATLANTA, GA – MARK L. HARRISON, 48, of Southport, Florida, and “HARRISON INTERNATIONAL LLC,” a Florida corporation, were sentenced today on multiple charges including violating the Lacey Act, a federal fish and wildlife trafficking law, by dealing in shark fins and not reporting their landing as required by law. United States Attorney David E. Nahmias said, “This case highlights the importance of compliance with federal and state wildlife statutes and regulations. We are satisfied that today's sentences will alert those who trade in protected species of the potential for criminal consequences if they do not follow the law.”

National Oceanic and Atmospheric Administration Assistant Special Agent in Charge Paul Raymond said, “The U.S. has been an international leader in passing strong shark finning laws that prohibit wasteful practices, and it is good to see these laws effectively enforced. We are appreciative of the collaborative investigative work of the Agents with NOAA, USFWS, and the FDA, as well as the federal prosecutors with the U.S. Attorney’s Office.”

James Gale, Special Agent in Charge for the U.S. Fish & Wildlife Service, Office of Law Enforcement Southeast Region, said, “The sentences today were the result of a lengthy and complex investigation conducted jointly by U.S. Fish and Wildlife Service Special Agents, NOAA Office of Law Enforcement Special Agents, and Food and Drug Administration, Office of Criminal Investigation Special Agents. Hopefully, this sentence will raise the public's awareness of how unlawful commercialization impacts certain species of wildlife.”

HARRISON was sentenced to probation for five years, ordered to pay a fine of \$5,000, and ordered to perform 150 hours of community service. He was also ordered to take out an advertisement in a publication of wide circulation within the fish industry regarding compliance with shark fin reporting requirements. HARRISON INTERNATIONAL was sentenced to pay a fine of \$5,000 and placed on probation for five years. HARRISON and his company pleaded guilty to the charges on June 12, 2009.

According to United States Attorney Nahmias and other information presented in court: HARRISON represented himself to be the nation’s largest shark fin buyer, purchasing “millions” of shark fins over the years since 1989 that he had been in the business. In February 2005, HARRISON purchased shark fins in Florida from an individual fisherman and later resold them in interstate commerce. No report of the landing (bringing to shore) or sale of those fins was filed with any Florida authorities, as required by law.

In August 2007, HARRISON attempted to export through Atlanta a shipment of shark fins that included at least 211 fins from Caribbean sharp-nosed sharks, 2 fins from bignose sharks, and 2 fins from night sharks, all of which are protected by Florida and/or federal laws due to their low population levels. For almost four years, HARRISON processed shark fins by drying them on open air racks and/or tarpaulins laid on the ground, outdoors, on his property in Southport, Florida. The fins were left out at all times until dry and were exposed to bird droppings and insects. Dogs ran freely among the drying racks. HARRISON then sold the dried fins and shipped them in interstate commerce through the Northern District of Georgia.

The Lacey Act, enacted in 1900, is the first national wildlife law and was passed to assist states in enforcing wildlife laws. It provides additional protection to fish, wildlife, and plants that were taken, possessed, transported or sold in violation of state, tribal, foreign, or federal law. Since 1993, the NOAA Fisheries Service has managed, through federal fishery management plans, the commercial harvest and sale of sharks in or from federal waters of the Atlantic Ocean, Gulf of Mexico and Caribbean Sea. In 1998, the United Nations' Food and Agriculture Organization finalized and adopted an "International Plan of Action for the Conservation and Management of Sharks," recognizing the worldwide pressure being placed on declining shark populations by commercial fishing and the demand for shark fin soup. U.S. management of sharks has included prohibitions against retaining and/or selling particular species, including some in which HARRISON was dealing, the populations of which are so reduced that further harvesting cannot be sustained. There are currently 19 federally protected species of sharks.

This case was investigated by Special Agents of the NOAA Office for Law Enforcement, the U.S. Fish and Wildlife Service Office of Law Enforcement, and the Food and Drug Administration Office of Criminal Investigations. Assistant United States Attorney Mary C. Roemer and the Justice Department's Environmental Crimes Section prosecuted the case.

For further information please contact David E. Nahmias (pronounced NAH-me-us), United States Attorney, or Charysse L. Alexander, Executive Assistant United States Attorney, through Patrick Crosby, Public Affairs Officer, U.S. Attorney's Office, at (404) 581-6016. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is www.usdoj.gov/usao/gan.

**Department of Commerce
NOAA Fisheries Service
FOR IMMEDIATE RELEASE**

Contact:Lesli Bales-Sherrod

September 4, 2009

301-427-2300 ext 115

NOAA's Fisheries Service Cracks Down on Charter Boat Companies Operating Illegally

Charter boat companies feeling the sting of unfair competition have looked to NOAA's Fisheries Service Office of Law Enforcement for help.

After receiving multiple complaints about allegedly illegal charter boat trips undercutting legal businesses, undercover agents with NOAA OLE's southeast enforcement division and state special operations divisions from Florida, Mississippi, Louisiana and Texas chartered trips on vessels across the Gulf of Mexico and documented numerous violations for operating without federal charter boat moratorium permits.

NOAA's Office of General Counsel has sent notices of violation and assessment to owners and operators of 15 charter boats, detailing alleged violations of the Magnuson-Stevens Fishery Conservation and Management Act.

"The goal of this type of investigation is not only to document illegal activity for prosecution, but also to protect law-abiding charter operations from unfair competition," said Hal Robbins, special agent in charge of the NOAA division in St. Petersburg, Fla.

On June 16, 2003, NOAA's Fisheries Service placed a moratorium on charter boat permits for both the Gulf reef fish and coastal migratory pelagics fisheries in an effort to maintain sustainability of the species there, including red snapper, one of the most over-fished resources in the Gulf of Mexico. Since this moratorium, the only way to obtain a permit is to purchase one from an existing holder, which has raised the value of the permits to between \$8,000 and \$10,000.

"Business is being taken away from legal charter boat companies because the illegal companies, who do not obtain permits, can charge much less for trips," explained OLE special agent Charles Tyer of the Galveston, Texas, field office.

Also documented during the one-year operation were several other federal fisheries violations, including undersize fish, harvesting fish during a closed season, filleting fish at sea, concealing fish from enforcement, and failure to use venting tools, dehookers and circle hooks to fish for reef fish.

Multiple state and U.S. Coast Guard violations were detected as well.

"With the current status of the red snapper fishery, law enforcement plays an essential part ensuring that all participants play by the same rules," said Robby Byers, executive director of Coastal Conservation Association of Texas. "It is unfortunate that there are always a few that feel the laws do not apply to

them. Violating regulations only hurts the ones that are trying to do the right thing. CCA commends the special agents of NOAA that are tasked with catching those who jeopardize our public resources."

The mission of NOAA OLE is to ensure compliance with the laws and regulations enacted to conserve and protect our nation's marine resources. Anyone with information regarding illegal charter fishing should contact the national hotline at 1-800-853-1964.

NOAA understands and predicts changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and conserves and manages our coastal and marine resources. Visit <http://www.noaa.gov>.