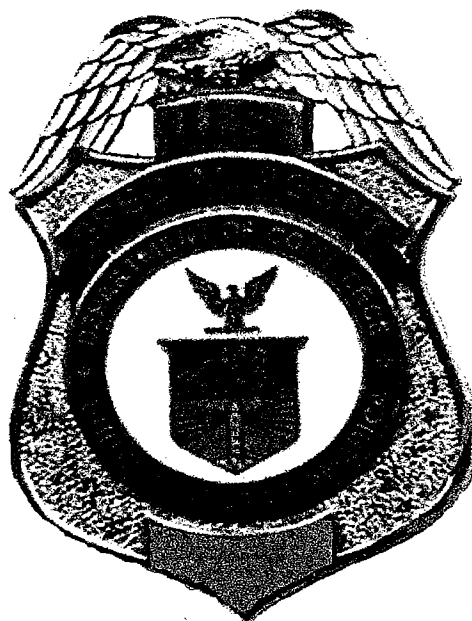


**NOAA/NMFS
SOUTHEAST DIVISION
OFFICE OF LAW ENFORCEMENT**

**FIRST QUARTER
FY 2008 REPORT
OCTOBER 01, 2007- DECEMBER 31, 2007**

**GULF OF MEXICO
AND
SOUTH ATLANTIC/CARIBBEAN**



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

**OFFICE FOR LAW ENFORCEMENT
Southeast Division**

**FY 2008 - 1st Quarter Report
October 01, 2007- December 31, 2007**

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SIGNIFICANT ACTIONS

South Atlantic Districts

SOUTH ATLANTIC / CARIBBEAN ENFORCEMENT OPERATIONS

Significant Enforcement Activities

ESA

National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA/NMFS) Special Agents in Puerto Rico worked closely with the PDNR to address complaints of turtle poaching.

MSFCMA

NOAA/NMFS agents from Titusville, FL, were informed by the Southeast General Counsel for Enforcement and Litigation (GCEL/SE) that a \$750 NOVA was issued to a Brunswick, Georgia shrimp trawler for permit violations. The case was initiated when the vessel was boarded by a team from the USCGC Shrike west of the Oculina Bank. Penaeid shrimp was discovered onboard, however the vessel did not have a valid South Atlantic penaeid shrimp permit. NOAA agents met the vessel at the dock to conduct a dockside investigation to verify the violation.

NOAA/NMFS agents from Charleston, SC, investigated a company importing tuna without the appropriate International Trade Permit. The investigation showed the company had only had one been involved in one shipment. A Written Warning was issued.

NOAA/NMFS agents from Titusville, FL, were advised by NOAA GCEL/SE that a \$7,500 NOVA, 30 day NOPS, and Notice of Proposed Forfeiture for the proceeds from the sale of 547 lbs. of tuna were issued to the operator and owner of a Fort Pierce pelagic longliner for fishing without the required HMS permits, illegal tuna carcass condition and undersized tuna violations. The case was the result of a joint USCG/NOAA dockside boarding after research by SE VMS staff revealed that the vessel's permits were no longer valid.

NOAA/NMFS agents from Titusville, FL, attended a change of plea hearing in Jacksonville, FL, where Mr. Zane Fennelly pled guilty to 18 USC 2232(a) - Destruction or Removal of Property To Prevent Seizure. Mr. Fennelly was charged by Indictment in August 2006 for disposing, upon approach of a USCG Cutter, clipped and egg bearing lobster tails he harvested during closed season. The NOAA agents conducted an investigation into the matter and worked with the US Attorneys Office to bring charges against the subject.

NOAA/NMFS agents from Miami, FL, have worked with the Miami US Attorneys Office in a case involving criminal charges of interference and obstruction of a State Deputized Officer attempting to investigate the landing of billfish by two charter vessels, as well as wire fraud and consumer fraud stemming from a scheme to coerce customers into paying for a mount of the billfish landed during their fishing trip. Lacey act charges included failure to report HMS landings as per Florida Law, undersize billfish, and permit violations. To date three defendants have entered into plea agreements. A trial is scheduled for the remaining defendants.

MMPA

NOAA/NMFS agents from Morehead City, NC, responded to multiple investigative issues in the Outer Banks, NC, and conducted follow up investigations on humpback whale entanglement in gillnets.

NOAA/NMFS agents from Titusville, FL, investigated complaints of close approach of a right whale mother/calf pair by an aircraft off of Ponte Vedra Beach, FL. The incident was reported by a FL FWCC right whale project observer.

Lacey Act

NOAA/NMFS agents from Titusville, FL, attended the sentencing of Lawrence Beckman in U.S. District Court in West Palm Beach, FL, in connection with his illegal importation of approximately 500 pounds of live rock, coral, and sea fans illegally harvested from Bahamian waters. Mr. Beckman had previously pled guilty to the charges. A United States District Court Judge sentenced Mr. Beckman to three months in federal custody, followed by a two year term of supervised release. In addition, the Court ordered Mr. Beckman to pay a criminal fine of \$2,000. The case was initiated in October 2002 when Beckman's vessel was intercepted by a USCGC Cutter twenty miles offshore of Lake Worth Inlet, FL. A boarding revealed live well compartments and a converted fuel tank holding 500 Gorgonia sea fans and 500 lbs. of live rock and coral. The investigation conducted by NOAA agents and interview of Mr. Beckman led to an admission that he had harvested the marine life in The Bahamas and was going to sell the product at his aquarium shop.

NOAA/NMFS agents from Titusville, FL, investigated a suspect shipment imported from Guyana and entered into the U.S. in West Palm Beach, FL. The agents had samples analyzed and found the shipment contained 1,377 pounds of tarpon. The shipment of tarpon into FL was a violation of Florida law and the Lacey Act. Agents interviewed the importer of record who subsequently voluntarily abandoned the product which was later destroyed.

COPPS & Outreach

During their normal investigative duties, agents distributed regulation summary materials to fish houses and other user groups to help the fishing community keep up with the latest changes in the law.

NOAA/NMFS agents from St. Petersburg, FL, provided a fisheries law enforcement presentation to Environmental Politics and Policy students at Eckerd College in St. Petersburg, FL. The discussion included an overview of the MSFCMA, MMPA, EPA, and Lacey Act.

NOAA/NMFS agents from Titusville, FL, gave a presentation on Enforcement of the Marine Mammal Protection Act at the "Workshop of Florida Consortium of Minimizing Human Impacts on Wild Dolphins" The workshop was held at the Goldstein Marine Mammal Center, Mote Marine Lab, in Sarasota, Fl. The consortium is comprised of stakeholders (Federal and State regulators and NGOs) dealing with marine mammal issues. The goal of the workshop was to discuss wild dolphin feeding, depredation and harassment issues, and to develop consistent educational messages.

The NOAA/NMFS outreach officer attended the Diving Equipment and Marketing Association (DEMA) show in Orlando, FL. DEMA is a non-profit membership-based association created to help businesses in the Scuba Diving and Action Water Sports industries. The annual trade show it produces attracts industry members and private citizens who frequent protected sites over which NOAA OLE has enforcement jurisdiction.

NOAA/NMFS agents from Morehead City, NC, gave an overview of the NOAA Enforcement mission at a workshop provided by the North Carolina Shellfish Sanitation Division in Pine Knoll Shores, NC.

Partnerships

NOAA/NMFS agents from Morehead City, NC, assisted the NC Marine after being contacted regarding a vehicle stop that netted approximately 100 bushels of illegal oysters. SA Byrd responded to the scene and helped with interviews.

NOAA/NMFS Supervisory Agents from St. Petersburg, FL, attended the FBI sponsored "Second in Command" meeting. It is a meeting of all of the agency deputies in the area. The goal of the group is to maintain an open line of communication between agencies. The group meets once a month.

NOAA/NMFS agents from Charleston, SC, worked with multiple federal agencies at the Port of Savannah in an operation focused on refrigerated containers of seafood and perishables which were targeted for potential fish/wildlife violations. The team inspected multiple 40' containers and prohibited items were seized.

NOAA/NMFS agents from Titusville, FL, routinely participate in the monthly NE Central Florida Maritime Law Enforcement Alliance meeting. Representatives from the USCG, CGIS, USFWS, FL FWCC, Volusia SO and Beach Patrol, Ponce Inlet and Sanford PDs are in attendance.

Training:

A NOAA/NMFS agent from Charleston, SC, gave a presentation on NOAA OLE investigations and JEA to a recently hired class of SCDNR officers undergoing Wildlife Basic training at the Federal Law Enforcement Training Center in Charleston, SC.

SIGNIFICANT ACTIONS

GULF OF MEXICO ENFORCEMENT OPERATIONS

MSFCMA

NOAA/NMFS agents from Slidell, LA, received notice from the SE General Counsel for Enforcement and Litigation (GCEL/SE) that legal action had been taken in the following cases.

The case against the F/V MISS IRENE had been settled in the amount of \$1,000.00 and the forfeiture of the seized proceeds in the amount of \$558.75, for failing to land IFQ red snapper without a proper approval code.

A Notice of Violation and Assessment (NOVA) in the amount of \$3,000.00 and a 15 day Notice of Permit Sanction (NOPS) had been issued to the F/V VIET PRIDE for possession of 16 one gallon freezer bags filled with fresh filleted fish while underway.

A NOVA in the amount of \$22,000.00 and a 60 day Notice of Permit Sanction (NOPS) was issued to the owner of the fishing vessel GYPSY WIND. This vessel was cited for landing 93 shark fins without corresponding shark carcasses and filleting approximately 75 pounds of fin fish.

A NOVA was issued to the sport fishing vessel MI-2629-AE for possession of Red Snapper during a closed season and possession of undersized Red Snapper. The NOVA was in the amount of \$1,500.00.

A NOVA in the amount of \$3,500.00 was issued to the fishing vessel BILLY B. This vessel was cited for possession of undersized Red Snapper and possession of filleted fin fish.

A NOVA in the amount of \$8,750.00 and a 70 day Notice of Permit Sanction (NOPS) was issued for the fishing vessel SEA HORSE. The vessel was cited for failure to maintain shark in its proper form (fining), Possession of a prohibited species, Possession of undersized species, possession of fillets, No shark permit and failure to display a shark permit.

A NOVA in the amount of thirty thousand (\$30,000) dollars and a sixty (60) day Notice of Permit Sanction (NOPS) was issued to the captain/owner of the F/V CECELIA II for illegally using live bait while engaged in the pelagic long line fishery and for failure to maintain a Vessel Monitoring System (VMS).

A NOVA in the amount of four thousand (\$4,000) dollars and a sixty (60) day Notice of Permit Sanction (NOPS) was issued to the captain/owner of the F/V CAPT. JIMMY II for the possession of twenty-four (24) prohibited species (red drum).

A NOVA in the amount of \$22,000.00 and a 60 day Notice of Permit Sanction (NOPS) was issued to the owner of the fishing vessel GYPSY WIND. This vessel was cited for landing 93 shark fins without corresponding shark carcasses and filleting approximately 75 pounds of fin fish.

NOAA/NMFS agents from Niceville, FL, received notice from the SE General Counsel for Enforcement and Litigation (GCEL/SE) that legal action had been taken in the following cases.

Vessel owners Martin Arnold and Lloyd Cuthrell, and the operator of the F/V SIR MARTIN E, recently settled charges stemming from a permit and red snapper IFQ violation. The parties agreed to pay a \$3,750 NOVA, forfeit \$1,576 worth of seized fish and accept a 15 day permit sanction.

A \$5,000 NOVA and 15 day NOPS was issued to Captain Lloyd Cuthrell and Martin Arnold, owner of the F/V SIR MARTIN E. The above were charged with violating Gulf of Mexico IFQ red snapper regulations.

Jorge Hernandez, captain of the F/V WOLF, also owned by Martin Arnold, received an \$8,000 NOVA, 45 day NOPS and forfeiture of it's catch of undersized red grouper.

Agents located in Gulf of Mexico duties stations have been doing random monitoring of Red Snapper IFQ off loads while conducting their investigative duties. The random checks have proven to be worthwhile based on information provided by other contacts in the fishing community

NOAA/NMFS agents from Galveston, TX, accompanied the USCG on an at sea patrol in the Gulf of Mexico. With the assistance of SE VMS Enforcement staff, the boarding team located a longline vessel fishing for Tuna using live bait. On approach by the boarding team, the fishing vessel crew began throwing the live bait back into the ocean. All in violation of the federal permitted HMS regulations. The agent interviewed the vessel captain who gave him a confession. The vessel was escorted to Galveston by the cutter and its crew. Approximately 3,000 pounds of yellowfin tuna was seized and sold.

Lacey Act

NOAA/NMFS agents from Harlingen, TX; Galveston, TX; Slidell, LA and Niceville, FL, participated in joint NOAA OLE, CBP, ICE, TPW and FDA border operation located in Brownsville, Texas. The operation targeted imported seafood crossing into Texas from Mexico. Shipments were inspected and follow up investigations were scheduled. As a result of the operation, CBP agreed to monitor imports and exports of seafood at the Mexico borders for NOAA OLE.

COPPS & Outreach

NOAA/NMFS agents from Slidell, LA, received a copy of the December issue of the *Louisiana Game & Fish* magazine that contained a press release covering the conviction of a Louisiana Shark Fin Dealer. The article covered a case initiated and jointly investigated NOAA OLE agents and the Louisiana Department of Wildlife and Fisheries (LDWF). The case involved a Louisiana dealer with no state wholesale/retail dealer's permit that had purchased 7,130 pounds of dried shark fins and illegally shipped them to two dealers in California. The fins in the case represented over 200 tons of whole sharks. The suspect, NGUYEN-MUSSELMAN, was found guilty of violations of the criminal Lacey Act in the Eastern District of Louisiana and was sentenced to 3 years supervised probation, ordered to pay a \$5,000 criminal penalty, a \$25 special court assessment and \$500 in restitution to the Louisiana Department of Wildlife and Fisheries.

[SF] GOM Reef Fish: SA Tyer followed up on a complaint regarding a VMS violation on a commercial red snapper vessel in Galveston, TX. SA Tyer received information from the VMS staff in St. Petersburg, FL that the FV FALCON had made fourteen Gulf of Mexico Reef Fish fishing trips without a properly operating VMS onboard. Using his knowledge of the area and industry, SA Tyer contacted the vessel owner and determined that the VMS had been operating properly. SA Tyer then determined that the VMS unit was sending data to Boatracs, but Boatracs was not sending the data to the NOAA database. Based on SA Tyer's findings, the complaint was closed as unfounded and the Boatracs issue was resolved. The data from the FV FALCON's VMS unit can now be seen by NOAA OLE.

Partnerships

NOAA/NMFS agents from Slidell, LA, have been working with the USCG to address complaints about live bait violations. As part of the cooperative effort, the agents assisted U.S. Coast Guard personnel in initiating several Vessel Monitoring (VMS) and live bait cases on pelagic long line vessels that were boarded by the USCG during long range offshore patrols.

NOAA/NMFS agents from Slidell, LA, participated in a JEA weigh station operation at the LA and MS state line. Approximately 30 officers with the LDWF and MSDMR participated in the operation in which 25 commercial trucks carrying around 500,000 pounds of seafood were examined. Three cases were initiated involving seafood companies from Mexico, Texas, Louisiana and Florida.

NOAA/NMFS agents participated in the U.S. Attorney's Anti-Terrorism Task Force meetings held in New Orleans, LA. The agency representatives in attendance discussed topics such as port and railway security, intermodal communication and current intelligence and threat assessment.

NOAA/NMFS agents from Galveston, TX, have taken time from their investigative duties to accompany USCG and Texas Parks and Wildlife boarding crews on patrols as part of their cooperative relationship.

NOAA/NMFS agents from Galveston, TX, assisted Texas Parks and Wildlife (JEA partners) with VMS and IFQ information on a commercial snapper vessel in Galveston, TX. The vessel has prior red snapper IFQ violations. The information provided by SA Tyer allowed the TP&W Officers to locate and inspect the vessel. No violations were found.

NOAA/NMFS agents from Galveston, TX, participated in Homeland Security Terrorism Exercise by partnering with the Texas Parks and Wildlife division in a support role for the exercise. The basic scenario was a simulated attack on a local port which loads petroleum products onto large oil container vessels. Other agencies participating included the FBI, Coast Guard, and various local agencies.

Training:

NOAA/NMFS agents from Slidell, LA, and Galveston, TX, provided a presentation for several classes conducted by the Gulf Regional Fisheries Training Center (GRFTC). The agents taught fishery investigative techniques, interviewing and interrogation, evidence collection, Individual Fish Quotas (IFQ), Vessel Monitoring Systems (VMS), live bait long lining and turtle release regulations and equipment requirements, and case package preparation.

NOAA/NMFS agents from Galveston, TX, coordinated with the Texas Marine Mammal Stranding network to educate a local Boy Scout Troop on Marine Mammal issues. Approximately 50 scouts and their parents attended the event. The scouts were allowed to conduct mock dolphin strandings on the beach in Galveston, TX. Several of the scouts took turns being the stranded dolphin while the other scouts used proper methods of rolling the dolphin onto the stretcher.

SIGNIFICANT ACTIONS

VMS & OTHER ENFORCEMENT TECHNOLOGIES

The SED VMS Team detected longline vessels frequenting known live bait sites during their trips. In response, NOAA Special Agents coordinated a joint offshore patrol operation with the U.S. Coast Guard and the Louisiana Department of Wildlife and Fisheries to target the illegal use of live bait by the pelagic longline fleet. During an offshore patrol in excess of 200 nautical miles agents discovered the pelagic longline gear deployed from the F/V KIM THAN PN had live bait affixed to the hooks. The incident was documented and the gear was covertly marked. NOAA Special Agents, LDWF Officers, and the USCG met the vessel when it returned to Dulac, LA. After confirming the gear belonged to the vessel NOAA Special Agents seized over \$34,000.00 worth of illegally harvested yellowfin tuna.

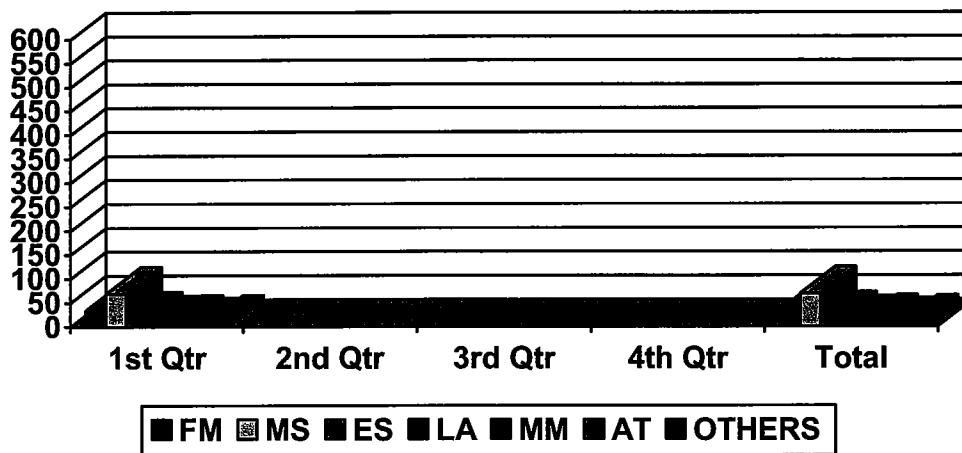
The SED VMS Team provided twice daily real time VMS snapshots to support an ongoing Coast Guard District Eight offshore fishery operation employing several CG assets. Utilizing the VMS snapshots provided, the USCGC DAUNTLESS located and boarded the longline F/V QUEENSLAND and found active live bait wells containing over 1,000lbs of live bait in addition to three undersize Yellow Fin Tuna. The vessel was cited with two fishery violations and was ordered to dump all live bait overboard. A subsequent re-boarding of the vessel later in the week confirmed that no further live bait was being used.

SED VMS snapshots later assisted the USCGC DAUNTLESS in locating and boarding the F/V ST. PAUL PETER which was found to be in possession of live bait fish. During the approach to the vessel, the crew attempted to discard the bait overboard. A few remaining fish were found in the live wells. The captain admitted to using 400-500 live bait fish during two sets. The vessel was directed to return to Galveston, TX where the seized catch was sold for \$11,525.75.

**NUMBER OF CASES OPENED BY INVESTIGATION TYPE
 FY 2007 and FY 2008 1st QUARTER
 Southeast Division**

Investigation Type	FY 2007		FY 2008	
	1st Quarter	Total For Year	1st Quarter	Year To Date
AT	3	22	5	5
ESA	16	90	21	21
Lacey Act	8	43	6	6
Magnuson Act	34	278	56	56
MMPA	10	33	5	5
MS	69	391	48	48
Other Federal or State Regulations	9	21	4	4
TOTAL	149	878	145	145

Cases Opened By Investigation Types



National Marine Fisheries Service



NOAA Office for Law Enforcement

**First Quarter - FY2008
SOUTHEAST REGION
JOINT ENFORCEMENT AGREEMENT**