



**NOAA
FISHERIES**

NOAA Office of Law Enforcement: Our Role in Protecting Marine Resources

FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL MEETING

February 18, 2014

H. Jeff Radonski, Deputy Special Agent in Charge (Acting)

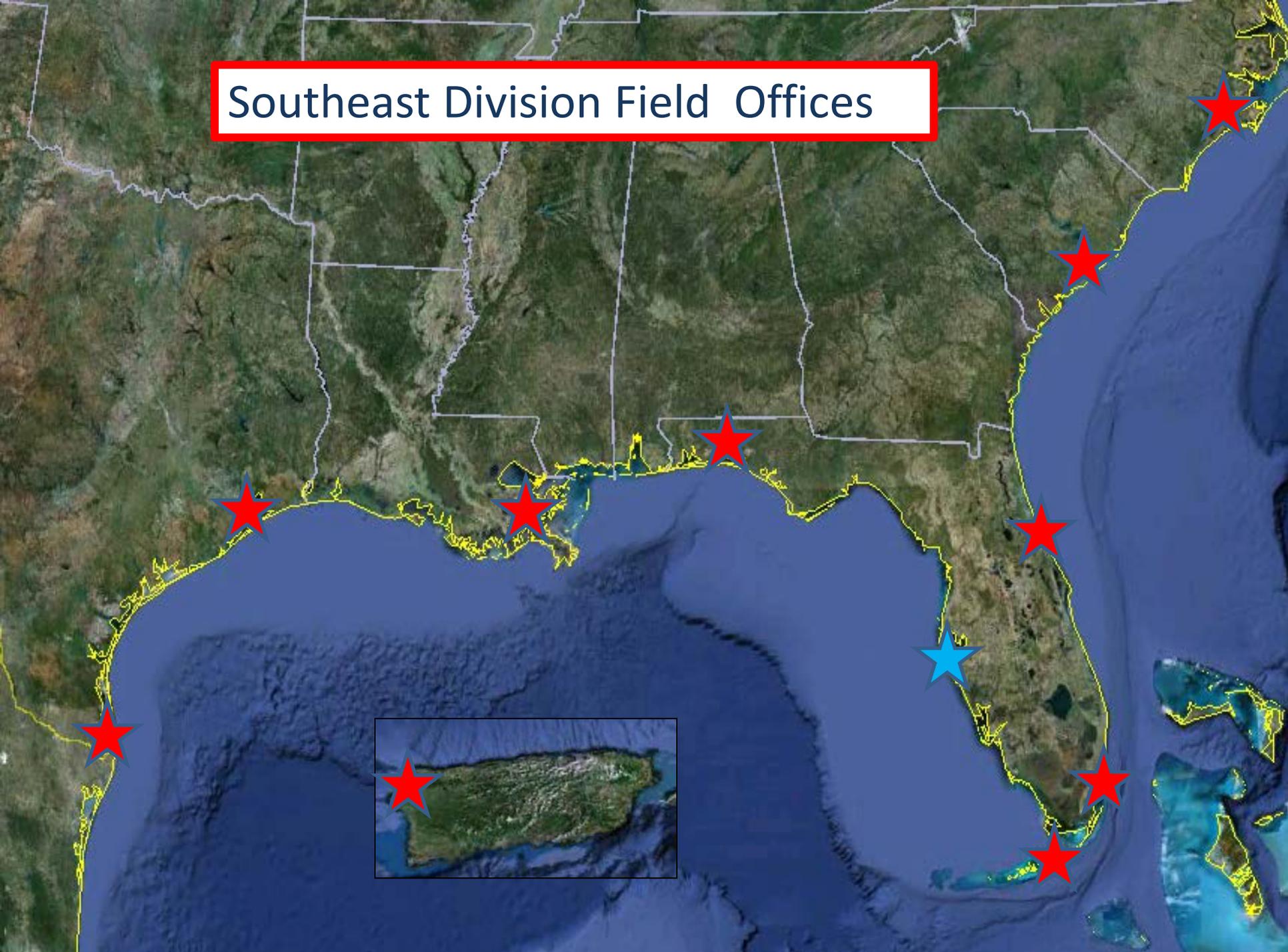
NOAA Office of Law Enforcement

Southeast Division

NOAA OLE'S PRIMARY JURISDICTION



Southeast Division Field Offices





NOAA Fisheries

Office of Law Enforcement

Southeast Division



Tracy Dunn
SAC

Pat O'Shaughnessy
VMS Manager

VMS Tech

VMS Tech

VMS Tech

VMS Tech

IT Specialist

Vacant
Support Services Manager

Support Services Specialist

JEA Coordinator

Admin Assistant

Contractor

Property Custodian

H. Jeff Radonski
Act DSAC - Operations

ASAC
District 1

Port Orange, FL
3 SA

Charleston, SC
2 SA

Morehead City,
NC 1 SA

Ron Messa
AASAC
District 2

Miami, FL
4 SA

Florida Keys
2 SA

Puerto Rico
1 SA

Gregg
Houghaboom
ASAC
District 3

Niceville, FL
2 SA 1 EO

St Petersburg,
FL
3 SA

Mark
Kinsey
ASAC
District 4

Slidell, LA
2 SA 2 EO

Galveston, TX
2 SA

Harlingen, TX
1 SA

NOAA's Office of Law Enforcement has responsibility for enforcing more than 35 federal statutes, most cases fall under five key legislative acts.

The Five Key Legislative Acts;

The **Magnuson-Stevens Fishery Conservation and Management Act**, which establishes domestic commercial and recreational fishing regulations. About 50 percent of the agency's enforcement actions help to ensure compliance with this Act.

The **Marine Mammal Protection Act of 1972** and the **Endangered Species Act of 1973**, which protect all marine mammals and endangered species, including salmon, sea turtles, and whales.

The **Lacey Act Amendments of 1981**, which focus on the harvest, processing, and trafficking of marine resources both domestically and internationally. This statute prohibits U.S. citizens and foreign nationals from violating the laws of other countries and introducing the products of such actions into the United States.

The **National Marine Sanctuaries Act**, which provides authority for the conservation and management of national marine sanctuaries.

In addition, we have responsibility for more than 30 other statutes.

SED Priorities

Sustainable Fisheries
Magnuson-Stevens Act

- IFQ Programs
- Fraud (IFQ, Reporting)
- Fishery closures—closed areas and closed seasons, Highly Migratory Species
- Observer assault, harassment, or interference violations

SED Priorities

Protected Resources
ESA/MMPA

- Turtle Excluder Device (TED) to include training of JEA partners and USCG for more effective patrols
- Lethal takes, Level A harassment with the potential to injure marine mammals
- Caribbean corals and coral reef protection in the region's National Marine Sanctuaries
- Any take, importation/exportation/possession of commercial quantities of endangered species items
- Importation/exportation/possession of commercial quantities of marine mammal items

SED Priorities

International/Lacey Act

- Illegal importation/exportation of commercial quantities of ESA/MMPA/corals (CITES)
- Mislabeling/fraudulently labeling commercial seafood imports/exports (Seafood Fraud)
- Detection and intervention of contaminated seafood products for safety and health concerns

SED Priorities

Marine Sanctuaries Act

- Any discharge of materials injurious to sanctuary resources
- Prohibitive taking of commercial quantities of sanctuary artifacts or protected marine resources
- Damage to sanctuary natural resources caused by negligent acts or violations of law/regulation, (i.e., vessel grounding, anchoring in unlawful areas, setting and use of illegal habitat)



Fishermen, seafood dealer indicted in federal court for illegally catching and selling reef fish

[MOBILE, Alabama](#) – Several commercial fishermen and a seafood dealer were arraigned in federal court on Friday, charged with illegally capturing fish in Alabama and Florida and then transporting them across state lines for sale, according to investigators.



United States v. Thomas Z. Breeding, No. 5:13-CR-00034 (N.D. Fla.)

On January 8, 2014, Thomas Z. Breeding was sentenced to serve 15 months' incarceration followed by two years' supervised release. If Breeding attempts to board any vessel during the term of supervised release, a court hearing must be held to ensure that he understands that he cannot fish in closed areas. A fine was not assessed.

Breeding was the captain of the *F/V Wolf* that was found to be inside a protected fishing area in January 2012. When confronted by authorities, Breeding denied knowing that he was within The Edges, an area of the Gulf of Mexico closed annually to commercial and recreational fishing from January 1 to April 30 to protect the spawning season for gag grouper. This species is managed under the Gulf of Mexico Individual Fishing Quota program. Investigation determined that the defendant altered his GPS device in an attempt to conceal the fact that he was intentionally fishing in the area. He also told investigators that he was in the area by accident, which was false. He pleaded guilty to obstruction and to two false statement violations (18 U.S.C. §§ 1001(a), 1519).

The defendant was cited by NOAA in 2007 for commercial fishing in a long-line and buoy-gear restricted area of the Gulf. He was ordered to pay a \$17,500 fine for this violation, but never paid it.

This case was investigated by the NOAA Office of Law Enforcement.

Broward Resident Pleads Guilty and Sentenced for Violating the Endangered Species Act

FOR IMMEDIATE RELEASE

December 23, 2013

Wifredo A. Ferrer, United States Attorney for the Southern District of Florida, Otha Easley, Acting Special Agent in Charge, NOAA Fisheries Office of Law Enforcement, Southeast Division, and Major Camille Soverel, Regional Commander, South A Region, Florida Fish & Wildlife Conservation Commission (FWC), announce that **Robert Jaques**, 43, of Deerfield Beach, plead guilty to an information today charging him with the attempted sale of an endangered species, specifically a **Largetooth Sawfish** (*Pristis perotteti*) rostrums, in violation of the Endangered Species Act (ESA) of 1973, Title 16, United States Code, Sections 1538(a)(1)(F) and 1540(b)(1).

THE UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT *of* FLORIDA

Vero Beach Resident Sentenced for Importing Illegal Catch from the Bahamas
FOR IMMEDIATE RELEASE
December 17, 2013

Wifredo A. Ferrer, United States Attorney for the Southern District of Florida, Otha Easley, Acting Special Agent in Charge, NOAA Fisheries, Office of Law Enforcement, Southeast Division, and Major Camille Soverel, Regional Commander, South A Region, Florida Fish & Wildlife Conservation Commission (FWC), announce that **Toby Lamm**, 46, of Vero Beach, was sentenced in Fort Pierce, Florida today for **importing illegal catch from the Bahamas**.



FOR IMMEDIATE RELEASE

Wednesday, December 11, 2013

Alabama Shrimper Convicted for Shooting Dolphin

An Alabama man pleaded guilty yesterday in a federal court in Gulfport, Miss., to knowingly shooting a dolphin, the Justice Department announced. Brent Buchanan, 38, of Bayou La Batre, Ala., pleaded guilty to one misdemeanor count of knowingly **taking a protected marine mammal**, a federal crime under the Marine Mammal Protection Act. In court documents, Buchanan admitted to knowingly shooting a dolphin with a shotgun while shrimping in the Mississippi Sound in July or August 2012.

**SEAFOOD COMPANY AND OWNER ADMIT FALSE RECORDS CONSPIRACY,
OVERHARVESTING SEA SCALLOPS OFF THE ATLANTIC COAST**

FOR IMMEDIATE RELEASE December 11, 2013

D.C. Air and Seafood To Pay \$520,371 in Restitution

NEWARK, N.J. – A Maine seafood company and one of its owners admitted in federal court today that they conspired to **falsify records and obstruct justice** to conceal the overfishing of Atlantic Sea Scallops, submitting documents that failed to report approximately 79,666 pounds harvested off the coast of New Jersey and Cape Cod in Massachusetts, New Jersey U.S. Attorney Paul J. Fishman announced.



FOR IMMEDIATE RELEASE

Monday, November 18, 2013

Puerto Rico Man Pleads Guilty to Felony Violation of the Lacey Act for Illegal Sale of Sea Turtle Meat

SAN JUAN, Puerto Rico – Manuel Garcia-Figueroa, a resident of Playa Añasco, Puerto Rico, pleaded guilty to a bill of information charging him with a felony violation of the Lacey Act for the **illegal sale of sea turtle meat**, the Justice Department announced today.



Penalties for Purse Seine Fishing Violations Total More Than \$1.5 Million

FOR IMMEDIATE RELEASE: September 4, 2013

Decisions were issued the week of August 19, 2013, in two separate enforcement cases from the Pacific Islands involving U.S. purse seine vessels fishing in violation of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA).

An Administrative Law Judge handed down a decision on August 22, 2013, finding that the owner, operator and fishing master of the American Triumph had conducted six sets on or within one nautical mile of a fish aggregating device (FAD) and had deployed a FAD during the 2009 FAD closure, both of which are violations of the Act, resulting in a fine of \$562,068.

In the second case, which consolidated five cases against the fishing vessels Ocean Encounter, Ocean Conquest, Sea Honor, Sea Quest and Pacific Ranger, the owners, operators and fishing masters were charged with five counts of setting their purse seine net on whales, which is a violation of the Marine Mammal Protection Act, and ten counts of setting on or within one nautical mile of a FAD and two counts of deploying FADs during the 2009 FAD closure in violation of the WCPFCIA. In its decision issued August 23, the Court found all seventeen counts proven and assessed a civil penalty of \$953,054.



Gloucester Man Sentenced for Sexual Harassment

FOR IMMEDIATE RELEASE: March 19, 2012

Boston - A Gloucester man was sentenced late Friday in federal court for sexually harassing a federal at-sea monitor (Observer.)

U.S. Magistrate Judge Leo T. Sorokin sentenced John Cusick, 50, to two months in prison to be followed by one year of supervised release. He is not to contact the victim either directly, indirectly or by way of a third party, while on supervised release. Cusick was convicted of sexual harassment after a four-day jury trial in October 2011.

NOAA Slaps Warning on Florida Man Who Rode Whale





United States v Jay Conrad et al., Nos. 1:12-CR-00188, 3:11-CR-00091 (D. Maine, D. Alaska),

On January 7, 2014, Jay Conrad pleaded guilty to conspiracy to smuggle narwhal tusks, conspiracy to **launder monetary instruments, and one substantive count of smuggling narwhal tusks** (18 U.S.C. § 371; 18 U.S.C. § 1956(h); 18 U.S.C. § 545). Co-defendant Eddie Dunn pleaded guilty in the District of Alaska to conspiring to traffic in narwhal tusks, and a substantive Lacey Act trafficking violation (18 U.S.C. § 371; 16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(b)).

Beginning in approximately 2003, Dunn and Conrad bought more than 100 narwhal tusks from a Canadian resident who had illegally imported the tusks from Canada into Maine. After receiving them in Tennessee, Dunn and Conrad marketed and sold the tusks using a combination of Internet sales via the "Ebay" auction website, and direct sales to known buyers and ivory collectors across the United States. Throughout the conspiracy, the defendants made payments to the Canadian tusk supplier by sending money to a mailing address in Bangor, Maine, or directly to the supplier in Canada. Dunn sold approximately \$1.1 million worth of narwhal tusks and Conrad sold between \$400,000 and \$1 million worth.



United States v. Patty Chen, Nos. 13-CR-00771, 13-CR-20544 (N.D. Calif., S.D. Fla.), On January 17, 2014, Patty Chen pleaded guilty to false statement and Lacey Act violations (18 U.S.C. § 1001(a)(3); 16 U.S.C. §§ 3372d1, 3373(d)(3)(A)) for illegally importing wildlife products (including shark fins, shark fin noodles, sea horses, dried conch, dried fish, and eel maw) into the United States from Ecuador. These items have been valued at nearly \$30,000.

In November 2009 and October 2011 Chen illegally brought wildlife into the United States by falsifying customs documentation, denying that she had any wildlife in her possession.

The case was charged in South Florida and then transferred to California. Sentencing is scheduled for May 9, 2014. This case was investigated by the NOAA Office for Law Enforcement, with assistance from Homeland Security Investigations.

Los Angeles Times



Chefs plead guilty to serving whale meat at Santa Monica restaurant

NOAA Office of Law Enforcement Website

For the latest NOAA OLE news, please visit <http://www.nmfs.noaa.gov/ole/>.



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Thank you for your time!

Questions?