



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, FEBRUARY 28, 2008
WWW.USDOJ.GOV

ENRD
202) 514-2007
TDD (202) 514-1888

COMMERCIAL FISHING VESSEL'S CAPTAIN SENTENCED FOR DISPOSING OF SPINY LOBSTER TAILS TO PREVENT THEIR SEIZURE

WASHINGTON – Zane H. Fennelly, a former captain of a Jacksonville, Fla.-based commercial fishing vessel, was sentenced today to 4 months in prison and one year supervised release, the Justice Department announced today.

Fennelly was indicted by a federal grand jury in Jacksonville on Aug. 2, 2007, for knowingly disposing of and attempting to destroy three plastic bags containing spiny lobster tails upon the approach of U.S. Coast Guard and Florida Fish and Wildlife Conservation Commission officers on July 21, 2006. On that day, Fennelly was the captain of a fishing vessel that was located approximately 15 nautical miles off the coast of St. Augustine, Fla., within the exclusive economic zone (EEZ) of the United States, when the U.S. Coast Guard's Cutter Kingfisher located the fishing vessel. When Fennelly noticed officers approaching on a small boarding vessel, he abruptly turned the fishing vessel and threw the three bags containing spiny lobster tails overboard. Fennelly entered a guilty plea, on Oct. 30, 2007, to a felony destruction or removal of property charge.

The Magnuson–Stevens Fishery Conservation and Management Act (Magnuson–Stevens Act) regulates fishing activities in the waters extending from the seaward boundary of each coastal state to 200 miles out to sea. In order to ensure sufficient stocks of the commercially valuable spiny lobster for the future, the Magnuson–Stevens Act's fishery management plan for the South Atlantic allows commercial and recreational fishing for spiny lobster in the EEZ off Florida only during a season that is open between August 6 and March 31 and requires that egg-bearing spiny lobster from the EEZ be returned immediately to the water unharmed. The fishing season is closed to protect the lobsters during their reproductive stages. A federal regulation enacted pursuant to the Magnuson-Stevens Act also prohibits the possession of any spiny lobster, in or from the EEZ, from which eggs, swimmerettes, or pleopods have been removed or clipped.

The fishing season for spiny lobster was closed when Fennelly harvested the 45 lobsters that were subsequently retrieved from the ocean within the plastic bags by U.S. Coast Guard personnel aboard the Cutter Kingfisher on July 21, 2006. Examination of the retrieved lobster tails revealed that a portion of the tails had been "clipped" in an attempt to hide the presence of eggs and a portion were females with eggs still present.

This investigation was conducted by special agents from the National Oceanic & Atmospheric Administration (NOAA) Fisheries Service Office for Law Enforcement, the Florida Fish and Wildlife Conservation Commission, and the U.S. Coast Guard. The case was prosecuted by Assistant U.S. Attorney John J. Sciortino and Trial Attorney Georgiann Cerese of

the Environmental Crimes Section of the Justice Department's Environment and Natural Resources Division.

###

08-149