

# ***NEWS RELEASE***

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## ***OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA***

*San Diego, California*

*United States Attorney  
Laura E. Duffy*

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*For Immediate Release*

### **COMMERCIAL FISHERMEN PLEAD GUILTY TO ILLEGAL FISHING AND SHOOTING OF MARINE MAMMALS**

**NEWS RELEASE SUMMARY** - June 28, 2011

United States Attorney Laura E. Duffy announced today that two commercial fishermen from San Diego pled guilty to illegally fishing for albacore tuna in Mexican waters (without the fishing permits required under Mexican law), in violation of the Lacey Act. Nathan Lee, Captain of the ship *Two Captains*, and Scott Hawkins, Captain of the ship *Jody H*, admitted that after leaving port in San Diego on June 13, 2010, they navigated south into Mexican waters. In their guilty pleas, both men acknowledged that they caught approximately 800 pounds of albacore tuna – despite not possessing permits to fish in Mexican waters. Captain Lee had been previously warned by the United States Coast Guard that such fishing was unlawful, and both captains admitted that they had navigational equipment on board capable of advising them of their location.

Authorities determined that the vessels were fishing over a hundred miles into Mexican waters near Guadalupe Island when they caught the tuna. Nathan Lee and the fishing vessel *Two Captains* had been

previously boarded by the Coast Guard in Mexican waters in 2008 and warned that fishing in Mexican waters without the proper permits was a violation of U.S. law and treaties, as well as Mexican law.

Albacore tuna is a highly migratory species that travels the west coast of North America across the tropical and temperate areas of the Pacific Ocean. The commercial fishing of albacore is regulated by international treaties and conventions. In the waters of the United States, commercial fishing of albacore tuna is regulated through a fisheries management plan under the Magnuson Act. In order to discourage the illegal taking of albacore and other regulated species, the Lacey Act makes it unlawful to import, transport, or sell any fish or wildlife taken in violation of foreign law. Further, accurate information from fishermen regarding the areas where the fish was caught is critical to effective management of the nation's albacore stocks.

In addition to violating the Lacey Act, Nathan Lee further admitted that during this same fishing trip, while anchored off the shoreline of San Clemente Island, at a time when no fishing equipment was in the water, he used a rifle to shoot and injure a sea lion, in violation of the Marine Mammal Protection Act. Witnesses advised government investigators that they heard the animal yelp and observed blood in the water.

The Honorable Cathy Ann Bencivengo sentenced each man to a term of three years of probation, and ordered them to pay a fine of \$500.00.

**DEFENDANTS**

**Case No. 11cr-2651-W**

Nathan Lee	Age: 36	San Diego, California
Scott Hawkins	Age: 49	San Diego, California

**SUMMARY OF CHARGES**

**Count 1** (Lee, Hawkins): Unlawful Taking of Fish, in violation of Title 16, United States Code, Sections 3372(1)(2)(A) and 3373(d)(2), a misdemeanor.

**Count 2** (Lee): Unlawful Taking of a Marine Mammal, in violation of Title 16, United States Code, Sections 1372(a)(2)(A) and 1375(b), a misdemeanor.

**PARTICIPATING AGENCIES**

NOAA (National Oceanic and Atmospheric Administration) Fisheries Service Office of Law Enforcement  
U.S. Coast Guard  
U.S. Environmental Protection Agency