



Department of Justice

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\$10,000 FINE FOR COMMERCIAL FISHERMAN CONVICTED OF FELONY FISHING ACT VIOLATIONS

BOSTON - A North Stonington, CT, man was sentenced today in federal court for trafficking in and making false records for 12,140 pounds of illegally-harvested Atlantic Striped Bass.

Daniel B. Birkbeck, 47, was sentenced to serve one year of probation and pay a \$10,000 fine. As part of his plea agreement, Birkbeck agreed to forfeit \$5,000 in lieu of forfeiting the boat and truck that he used to commit the fishery crimes.

The Lacey Act makes it a crime for a person to knowingly transport and sell fish in interstate commerce when the fish was taken or possessed in violation of State law. Furthermore, the Act also makes it a crime for a person to knowingly make or submit a false record, account, or label for fish which has been transported in interstate commerce.

Commercial fishing for Striped Bass in both Massachusetts and Rhode Island is governed by a quota system overseen by the Atlantic States Marine Fisheries Commission. The quota system was enacted in response to declining Striped Bass populations. Since 2003, Massachusetts's commercial Striped Bass quota is about five times that of Rhode Island, and thus, the commercial Striped Bass season is open longer in Massachusetts than in Rhode Island.

In November 2011, Birkbeck pleaded guilty to a one-count felony information charging him with transporting and selling 12,140 pounds of Striped Bass in interstate commerce from Rhode Island to Massachusetts, knowing that the Striped Bass was harvested illegally. Birkbeck, who is licensed as a commercial fisherman in both Rhode Island and Massachusetts, harvested Striped Bass in Rhode Island waters after the Rhode Island commercial fishing season had closed and transported those fish to Massachusetts for sale. Birkbeck falsely reported to the Massachusetts Division of Marine Fisheries that he had legally harvested the Striped Bass in Massachusetts waters.

United States Attorney Carmen M. Ortiz, Logan Gregory, Special Agent in Charge of U.S. Department National Oceanic and Atmospheric Administration Office of Law Enforcement, and Salvatore Amato, Special Agent in Charge of the U.S. Fish and Wildlife Service, Office of Law Enforcement, made the announcement today. The case was prosecuted by Trial Attorneys Gary

N. Donner and James B. Nelson of the Department of Justice's Environmental Crimes Section of the Environment and Natural Resources Division with assistance from Assistant U.S. Attorney Nadine Pellegrini, Chief of Ortiz's Major Crimes Unit.