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NOAA Protects U.S. Waters From Illegal, Unreported and Unregulated Fishing

Spanish-flagged vessel charged with 67 counts of fishing without a U.S. permit

A Spanish-flagged fishing vessel faces a possible \$7.4 million civil penalty for 67 counts of fishing in U.S. waters without a U.S. permit, according to NOAA's Office of General Counsel for Enforcement and Litigation in the Pacific Islands region. The penalty would be the highest ever assessed by NOAA.

NOAA issued the Notice of Violation and Assessment, known as a NOVA, on June 2, to Spanish company Albacora S.A., owner of the *Albacora Uno*. It charges the purse seine vessel with fishing inside the U.S. Exclusive Economic Zone (EEZ) in the western and central Pacific Ocean over two years.

The case resulted from an investigation by agents with NOAA's Office of Law Enforcement (OLE), who boarded the vessel when it docked in the U.S. port of Pago Pago, American Samoa, in March 2010, and found records documenting the *Albacora Uno's* activities in U.S. waters.

The Magnuson-Stevens Fishery Conservation and Management Act prohibits foreign-flagged vessels from catching, taking or harvesting fish, or supporting those actions, in U.S. waters without a U.S. permit, which the *Albacora Uno* did not have.

The NOVA charges that the *Albacora Uno* deployed 67 fish aggregating devices inside the 200-mile EEZ around Howland/Baker Islands and Jarvis Island between November 2007 and October 2009.

A fish aggregating device attracts fish by giving fish shelter or shade at the water's surface or underwater. Since these devices are so successful, vessels now attach buoys with Global Positioning Systems units to them so that they can leave them adrift longer, amassing fish, and then relocate. Vessels set their nets on or near the devices to capture the fish they attract.

Albacora S.A. has 30 days from the receipt of the NOVA to respond by paying the penalty, seeking to have the assessment modified, or requesting a hearing before an administrative law judge to deny or contest all or any part of the charges and the penalties assessed.

Any penalty collected will go into the Western Pacific Sustainable Fisheries Fund, which is used primarily for marine conservation plans in the Pacific by the Western Pacific Fishery Management Council.

The mission of NOAA OLE is to ensure compliance with the laws and regulations enacted to conserve and protect our nation's marine resources. To report a suspected violation, contact NOAA OLE's national hotline at 1-800-853-1964.

NOAA's mission is to understand and predict changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and to conserve and manage our coastal and marine resources. Visit us at <http://www.noaa.gov> or on Facebook at <http://www.facebook.com/usnoaagov>.

