



Contact: Lesli Bales-Sherrod
301-427-2300 ext. 103
lesli.bales-sherrod@noaa.gov

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\$5M Settlement Boosts Marine Conservation Plans in the Pacific

In addition to fine, company must develop a monitoring program to ensure future compliance

The largest civil penalty ever assessed by NOAA will boost the Western Pacific Sustainable Fisheries Fund to implement marine conservation plans in the Pacific.

“This money has the potential to do a lot of good for the region, in particular our territories of American Samoa, Guam and the Northern Mariana Islands, which are all struggling economically, in helping them sustainably develop their fishing industry and infrastructure,” said Alexa Cole, senior enforcement attorney for NOAA’s Pacific Islands region.

Spanish company Albacora S.A., owner of the *Albacora Uno*, was charged June 2 with 67 counts of fishing inside the U.S. Exclusive Economic Zone (EEZ) in the western and central Pacific Ocean without a valid U.S permit over two years. The Notice of Violation and Assessment, known as a NOVA, included a possible \$7.4 million civil penalty; after four days of negotiations, Albacora S.A. and NOAA reached a \$5 million settlement that will go into the Western Pacific Sustainable Fisheries Fund.

The Western Pacific Sustainable Fisheries Fund was established during the 1996 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act. Fines and penalties from violations by foreign fishing vessels that occur in the U.S. EEZ around one of the U.S. Pacific Remote Island Areas are deposited into the fund, which can only be used to support the conservation and management objectives under a marine conservation plan developed for the region by the appropriate governor and the Western Pacific Regional Fishery Management Council. Any funds or contributions received in support of conservation and management objectives under a marine conservation plan for any Pacific insular area also are deposited into this fund.

In addition to agreeing to a civil penalty, the company admitted the violations and promised to prohibit the *Albacora Uno* from entering U.S. waters, even in transit, for a period of three years. The terms of the agreement also require the company to develop and implement a company-wide monitoring program to ensure future compliance by its vessels.

“This settlement demonstrates the importance of strong enforcement to protect fisheries,” said NOAA general counsel Lois Schiffer. “The significant penalty is a warning to other vessels in the region to comply with resource protection laws. By promptly taking responsibility for its actions and agreeing to steps to assure future compliance, the vessel owner is setting an example that should deter other violators.”

The case against the *Albacora Uno* resulted from an investigation by agents with NOAA’s Office of Law Enforcement (OLE), whose mission 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.

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