

U.S. Attorney's Office, Northern District of Georgia

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FISH IMPORTER PLEADS GUILTY TO SMUGGLING ENDANGERED ASIAN BONYTONGUE FISH INTO THE U.S.

Atlanta, GA - QI GUI NIE, 33, of Charlotte, North Carolina, pleaded guilty today before United States District Court Judge Willis B. Hunt, Jr., to charges of smuggling endangered and prohibited wildlife into the United States through the port of Atlanta.

United States Attorney David E. Nahmias said, "Federal laws and international conventions are important tools to prevent the over-exploitation of endangered and protected wildlife. Fish and Wildlife inspectors are to be commended for their vigilance here in identifying the illegal smuggling of protected species."

James Gale, Special Agent in Charge, Southeast Region, U.S. Fish and Wildlife Service, Office of Law Enforcement, said: "Whenever there is a demand for endangered and protected wildlife, a supply is created to meet the demand. Smuggling endangered and protected wildlife species into the United States and offering those species for sale on the black market is a persistent problem that our agents and wildlife inspectors encounter on a regular basis. This case is a prime example of how an individual attempted to smuggle endangered and protected wildlife for his personal gain. Our agents and wildlife inspectors will continue to concentrate on and aggressively pursue individuals and organizations who promote the illegal trade of protected species of wildlife."

According to United States Attorney Nahmias the information presented in court: On October 6, 2008, QI GUI NIE, doing business as "Lucky Fin, Inc.," a North Carolina based wildlife importer, smuggled into the United States from Vietnam ten live endangered Asian Bonytongue fish. During an inspection of NIE's legally-imported tropical fish shipment, a Fish and Wildlife Service inspector discovered false bottoms attached to several boxes in the shipment. The inspector opened those boxes and discovered in the hidden compartments ten live Asian Bonytongue fish, which are commonly referred to as the Asian Arowana fish, with accompanying certificates of authenticity. When questioned by Fish and Wildlife Service special agents, NIE denied having any knowledge of the Asian Arowana fish. Subsequently, Fish and Wildlife special agents executed a search warrant on

NIE's business email account. A review of NIE's emails revealed numerous messages detailing purchase prices for Arowana fish and photos of certificates of authenticity for the Asian Arowana fish that were exactly like the ones seized during the inspection of NIE's fish shipment. The ten endangered Asian Arowana fish in this case have a fair market value of approximately \$25,000.

In many Asian communities Asian Arowana fish are highly sought after because it is believed that the fish will bring good fortune and protection to the owner. Asian Arowana fish are protected under the Endangered Species Act through an international treaty known as the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES").

The United States is one of 167 nations currently party to the CITES treaty. CITES treaty partners cooperatively protect fish, wildlife and plant species on a global scale from over-exploitation through international trade. Federal regulations adopted pursuant to the CITES treaty require that protected species may be legally imported only after certain permits are obtained, the importation into the U.S. occurs at designated ports of entry and the importation is declared to, and inspected by, the U.S. Fish and Wildlife Service and U.S. Customs. The Endangered Species Act, enacted in 1973, provides protection to fish, wildlife, and plants listed as endangered or threatened and identify critical habitat. Unless permitted by regulation, it is unlawful to import, export, take, sell, purchase, or receive, in interstate or foreign commerce any species listed as endangered or threatened.

NIE faces a maximum sentence of 20 years in prison on the smuggling charge and a fine of up to \$250,000.00. His sentencing is scheduled for September 30, 2009, at 10:00 a.m. before Judge Hunt.

This case is being investigated by Special Agents of the U.S. Fish and Wildlife Service, Office of Law Enforcement.

Assistant United States Attorney Mary C. Roemer is prosecuting the case.

For further information, please contact David E. Nahmias (pronounced NAH-me-us), United States Attorney, or Charysse L. Alexander, Executive Assistant United States Attorney, through Patrick Crosby, Public Affairs Officer, U.S. Attorney's Office, at (404) 581-6016. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is www.usdoj.gov/usao/gan.