

U.S. Fish and Wildlife Service
News Release

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Florida Man Fined \$35,000, Placed on Probation for Five years For Violating Lacey Act

VERO BEACH, Fla. Dale A. Barger, a central Florida marine life dealer, was sentenced on January 17, 2018, by U.S. District Judge Virginia M. Hernandez Covington, for submitting a false record related to the harvest and sale of wild live rock collected from the Gulf of Mexico.

Barger, 58, of Lutz, Florida, was sentenced to five years of probation and is required to pay a \$35,000 fine.

Live rock is an essential building block of a marine life reef system. In the wild, live rock harbors marine plants and animals, as well as, beneficial (biological) bacteria. Wild live rock is harvested from naturally occurring rock on the ocean floor. Aquaculture live rock, or live rock farming, is the process where base (land) rocks are submersed in the ocean to become colonized by beneficial bacteria and encrusting organisms. The purpose of which is to harvest the rocks to be sold for the commercial aquarium trade.

Due to a decline in the Florida reef system from over collecting, the harvesting of wild live rock was prohibited by the federal government on January 1, 1997. This ban followed a previous 1989 Florida ban on harvesting wild live rock from state waters. The Florida live rock industry, prior to the federal and state ban on harvesting wild live rock, had reached an estimated 300 tons annually.

Barger held four permits from the National Marine Fisheries Service, which allowed him to harvest aquaculture live rock from permitted sites in federal waters. A condition of the permits required Barger to report his live rock harvesting, via Trip Tickets, to the Florida Fish and Wildlife Conservation Commission (FWC).

The investigation, which was conducted by state and federal agents during the summer and fall of 2016, determined that Barger would harvest protected wild live rock from federal waters and would then falsely report his harvest to the FWC as legally acquired "aquaculture" live rock. The falsified Trip Tickets submitted to the State of Florida, coupled with the interstate sale and transport of the wild live rock to aquarium businesses and hobbyists throughout the United States, constitutes a felony under the provisions of the Lacey Act if the market value of the wildlife is determined to be in excess of \$350.

Barger submitted Trip Tickets to the FWC, over a seven month period, reporting that he had harvested 3,610 pounds of aquaculture live rock. Records obtained during the course

of the investigation indicate that during the same period of time, Barger harvested and sold over 15,000 pounds of live rock that he collected from federal waters in the Gulf of Mexico.

Barger pleaded guilty to a Lacey Act felony regarding this matter in October of 2017. The Lacey Act, enacted by congress in 1900, is a conservation law in the United States that prohibits trade in wildlife, fish, and plants that have been illegally taken, possessed, transported, or sold. The fine amount paid by Barger in this matter will be directed to the “Lacey Act Reward Account” which allows that money to be used in future conservation efforts.

This case was investigated by the U.S. Fish and Wildlife Service with assistance from the Florida Fish and Wildlife Conservation Commission. The case was prosecuted by Assistant United States Attorney Robert Mosakowski from the U.S. Attorney’s Office in the Middle District of Florida, Tampa Division.