

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America)
v.)
DAVID FELTENBERGER)
and)
CHRISTOPHER CRAIG,)

Case No. 12-46-FJL

FILED by [Signature] U.C.
MAY - 2 2012
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - FT. PIERCE

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Oct. 27, 2011 and Nov. 10, 2011 in the county of Okeechobee in the Southern District of Florida, the defendant(s) violated:

Code Section
16 U.S.C. 3372(a)(2)(A) and 3373
(d)(1)(A)

Offense Description
knowing export of any wildlife possessed, transported, or sold in knowing violation of Florida Admin. Code 68A-9.002(1).

This criminal complaint is based on these facts:

See attached.

Continued on the attached sheet.

[Signature]
Complainant's signature

Neil Gardner, Special Agent, USFWS
Printed name and title

Sworn to before me and signed in my presence.

Date: May 2, 2012

[Signature]
Judge's signature

City and state: Ft. Pierce, Florida

Frank J. Lynch, Jr., U.S. Magistrate Judge
Printed name and title

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AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

1. I am a Special Agent with the U.S. Fish and Wildlife Service (“USFWS”) Office of Law Enforcement of the U.S. Department of the Interior and have been so employed for approximately four (4) years. Prior to my current position, I was a Law Enforcement Officer with the U.S. Forest Service for just over one (1) year and a U.S. Park Ranger with the National Park Service for six and a half (6 ½) years. I am a graduate of the Federal Law Enforcement Training Center in Glynco, Georgia, where I received specialized training in the field of criminal investigations and laws and regulations enforced by the USFWS.

2. This affidavit is made in support of an application for a criminal complaint authorizing the arrest of David FELTENBERGER and CHRISTOPHER CRAIG. Because this affidavit is submitted for the limited purpose of obtaining a criminal complaint, I have not set forth every fact known to me regarding this investigation. The information contained in this affidavit is based upon my personal knowledge and investigation, my review of various documents and records, and information supplied to me by other law enforcement officials.

3. FLORIDA HYDROFARMS LLC, d/b/a, BIG LAKE FISH FARM II is a business engaged in turtle aquaculture. It is located at 4550 NW 240th Street, Okeechobee, Florida 34972. Its principal owner and manager is FELTENBERGER. During the relevant time frame, Chris CRAIG was an employee of the BIG LAKE FISH FARM II and lived in a trailer on the BIG LAKE FISH FARM II property.

Legal Background

4. The Lacey Act, Title 16, United States Code, Section 3372(a)(2)(A) makes it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce, any wildlife taken, possessed, transported, or sold in violation of

any state law or regulation or in violation of any foreign law.

5. Wildlife biologists recognize the South Eastern United States as a "Turtle Priority Area" for conservation due to its rich turtle biodiversity, but the turtle population of the region is susceptible to decline caused by commercial over-exploitation of turtles for consumption, high nest mortality, and delayed maturity.

6. Approximately two (2) years ago, the State of Florida implemented a permitting system in response to the commercial overharvesting of turtle populations in the State. The purpose of the system was to foster the development of closed loop breeding systems at turtle aquaculture facilities but to prevent overharvesting of wild turtle populations. Pursuant to Florida Administrative Code ("F.A.C.") Section 68A-25.002(6)(A)(2)(g), the permitting system allows owners, managers, agents, or directors of certified aquaculture facilities to harvest freshwater turtles as broodstock subject to the conditions of their permits. In aquaculture, a broodstock is a group of sexually mature individuals of a cultured species that is kept separate for breeding purposes.

7. The State of Florida issued Turtle Aquaculture Broodstock Collection Permit number TABSC 11-008 to BIG LAKE FISH FARM II and FELTENBERGER. The Permit authorizes a list of specific collectors to harvest a maximum of 8,455 Florida softshell turtles (*Apalone ferox*), 461 eastern snapping turtles (*Chelydra serpentine*), 77 chicken turtles (*Deirochelys reticularia*), 100 striped mud turtles (*Kinosternon baurii*), 985 eastern river cooters (*Pseudemys concinna concinna*), 966 Florida cooters (*P.c. floridana*), 560 peninsula cooters (*Pseudemys peninsularis*), 5,000 Florida red-bellied turtles (*Pseudemys nelsoni*), 700 common musk turtles (*Sternotherus odoratus*) and 5,000 yellow-bellied sliders (*Trachemys scripta scripta*) for BIG LAKE FISH FARM II.

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8. Failure to follow the permit conditions is a violation of Florida regulation. See F.A.C. 68A-9.002(1). FELTENBERGER's TABSC permit required that he keep the turtles collected under this Permit at the BIG LAKE FISH FARM II until its expiration date, April 30, 2012.

Factual Background

9. On or about October 17, 2011, an undercover law enforcement officer ("U/C") met CRAIG at the BIG LAKE FISH FARM II. The U/C asked whether they were shipping turtles, and CRAIG responded, "I can't tell you that, it's confidential." CRAIG expressed an interest in turtle fishing with the U/C. Later that day, CRAIG stated that FELTENBERGER was buying soft shell turtles and that "Dave is shipping every week."

10. On or about October 22, 2011, CRAIG and the U/C caught twenty-three (23) hard-shell turtles. CRAIG stated that he expected FELTENBERGER would ship the turtles they had caught overseas. Later that day, and out of the presence of CRAIG, the U/C marked each of the twenty-three (23) turtles with an electronic device registering a unique number.

11. On October 23, 2011, the U/C met CRAIG at the BIG LAKE FISH FARM II for the purpose of unloading the twenty-three (23) turtles, each of which the U/C had marked with electronic device. When CRAIG called FELTENBERGER to give him a total amount of turtle, FELTENBERGER directed CRAIG to put the twenty-two (22) hard shell turtles into rubber containers and to throw the common snapping turtle into the pond. CRAIG stated that they threw the snapping turtle into the pond because they weren't going to ship it. While the U/C was at BIG LAKE FISH FARM II, other individuals arrived and unloaded 232 lbs. of soft shell turtles. CRAIG placed turtles which were heavier than five (5) lbs. into individual plastic bins, and threw smaller turtles into the pond. CRAIG stated that the lighter turtles were too small to ship.

CRAIG then called FELTENBERGER to tell him the total amounts of turtle offloaded by the individuals. After that, the individuals proceeded to FELTENBERGER's house to be paid for the turtles.

12. At FELTENBERGER's direction, CRAIG and the U/C then loaded sixty (60) shipping boxes into the U/C's truck to deliver them to FELTENBERGER's residence. CRAIG and the U/C went to FELTENBERGER's residence, where he met FELTENBERGER. They offloaded the sixty (60) shipping boxes into FELTENBERGER's garage. FELTENBERGER paid \$100 to each of CRAIG and the U/C for the shipment of twenty-three (23) turtles.

13. On October 27, 2011, at approximately 2:48 p.m., a vehicle traveled from the BIG LAKE FISH FARM II to the loading dock of a commercial cargo air carrier at Orlando International Airport ("OIA") with a shipment of 3,025 lbs. of live turtles. The listed shipper on the shipment's airway bill was BIG LAKE FISH FARM, and the paperwork bore the signature of FELTENBERGER.

14. The turtles were loaded onto a flight destined for Los Angeles International Airport ("LAX"). Upon arrival at LAX, law enforcement agents located and inspected the shipment of turtles. During the inspection, they identified twelve (12) of the twenty-three (23) turtles that the U/C and CRAIG had sold to FELTENBERGER on October 23, 2011 by their electronic devices. The shipment was later consolidated with other shipments of turtles consigned for export to China.

15. On November 1, 2011, the U/C met CRAIG at the BIG LAKE FISH FARM II. CRAIG stated that some individuals had recently sold 400 lbs. of soft shell turtles to FELTENBERGER, and that these turtles went into a concrete run instead of the brood stock pond. CRAIG stated that, when they are ready to ship the turtles, they drain the concrete run and

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collect the turtles. He further stated that the turtles survive better in the concrete run than in individual plastic bins because they are free to swim before shipping.

16. On November 4, 2011, CRAIG stated that the BIG LAKE FISH FARM II doesn't ship the turtles in their brood stock ponds because the turtles in those ponds have sores on their skin.

17. On November 5, 2011, the U/C met CRAIG at BIG LAKE FISH FARM II. CRAIG advised the U/C that people were coming to offload turtles. Thereafter, several individuals arrived and unloaded 600 lbs. of soft shell turtles. CRAIG and the individuals weighed each turtle and deposited them into the concrete run. The individuals received a piece of paper to show FELTENBERGER at his residence in order to get paid. CRAIG stated that they would soon be busy packaging those turtles to ship.

18. On November 8, 2011, the U/C sold \$352 of wild-caught turtles bearing electronic devices with unique identifying numbers to FELTENBERGER. CRAIG deposited the turtles into the concrete run at BIG LAKE FISH FARM II instead of into the brood stock ponds. After that, CRAIG and the U/C went to FELTENBERGER's house. FELTENBERGER stated that he would ship some of the turtles that they had in the concrete run and estimated that there were approximately 1,200 lbs. of soft shell turtles in the concrete run. CRAIG later stated that he would have a busy day on Thursday boxing these turtles for shipment.

19. On November 11, 2011, U.S. Fish and Wildlife inspectors at LAX found ten (10) turtles marked with the U/C's electronic devices in a shipment consigned for export to China. According to the shipment's air waybill, the shipper was BIG LAKE FISH FARMS in Okeechobee, Florida.

20. Based upon my training and experience, and as further supported by the facts in

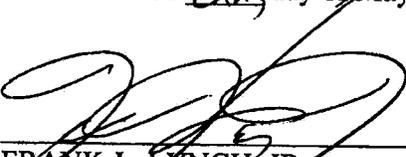
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this affidavit, I respectfully submit that there is probable cause to believe that DAVID FELTENBERGER, did knowingly export any wildlife taken, possessed, transported, or sold in violation of Florida Admin. Code 68A-9.002(1), knowing that the wildlife was taken, possessed, transported, or sold in violation of Florida Admin. Code 68A-9.002(1), in violation of Title 16, United States Code, Sections 3372(a)(2)(A) and 3373(d)(1)(A).

I declare under penalty of perjury that the information in this affidavit is true and correct.


NEIL GARDNER, SPECIAL AGENT
U.S. FISH AND WILDLIFE SERVICE

SUBSCRIBED and SWORN to
before me this 29 day of May 2012 in Ft. Pierce, Florida.


FRANK J. LYNCH, JR.
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA