

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA

San Diego, California

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For Immediate Release

TRAFFICKER OF ENDANGERED WILDLIFE PLEADS GUILTY

NEWS RELEASE SUMMARY - June 20, 2013

United States Attorney Laura E. Duffy announced today that Jason Xie, a resident of Sacramento, California, tendered his guilty plea yesterday before United States Magistrate Judge William McCurine, Jr., to the charge of conspiring to smuggled endangered Totoaba fish swim bladders into the United States.

In his plea, Jason Xie admitted that he conspired with his codefendant, Anthony Bueno, and others to smuggle the Totoaba swim bladders into the United States from Mexico. Xie acknowledged that he intended to sell the swim bladders to the Asian market, both in the United States and abroad. Xie admitted that in February 2013 he received two coolers containing the swim bladders of 100 Totoaba smuggled into the United States, and again on March 30, 2013, he accepted delivery of three coolers containing the swim bladders of 170 endangered Totoaba (about 225 pounds), concealed under layers of fish and ice.

As part of his plea, Xie agreed to forfeit the 170 Totoaba swim bladders and also a \$350,000 residence he purchased in Seattle, Washington, which he admitted he purchased with the proceeds of the sale of endangered Totoaba.

Xie further admitted that he paid \$1500 per swim bladder in Mexico for the Totoaba. Xie acknowledged as part of his guilty plea that he knew it was unlawful to take, possess, transport and sell Totoaba in Mexico and the United States. The Totoaba smuggled by Xie and his co-conspirators in February and March was valued at over \$400,000.

Totoaba macdonaldi, also known as *Cynoscion macdonaldi*, is the largest species within the *scaienidae* family. It can grow to more than 6½ feet in length, weigh up to 220 pounds, and live up to 25 years. They are endemic only to the Gulf of California, the narrow inlet between Baja California and Mexico's mainland (also called the Sea of Cortez). This fish can be identified by its dusky silver color, elongated body, sharp snout, a projecting lower jaw, and a slightly convex tail.

During their winter migration, schools of adult Totoaba travel northward along the east coast of the Gulf of California to the Colorado River delta, where they remain for weeks before spawning in the spring. The Totoaba's spawning season runs from approximately March to May each year. During this time, Totoaba travel to the shallower waters at the mouth of the Colorado River, making them vulnerable to commercial and sport fishermen.

The *Totoaba macdonaldi's* large swim bladders are highly prized for use in Chinese soups. These bladders are removed from the fish, dried, and often exported from Mexico to other countries. In some instances, the fish are taken from the Colorado River, carved open so their swim bladders can be removed, and left to die on the shores. The U.S./Mexico ports of entry closest to the Sea of Cortez are in Calexico, California and San Luis, Texas.

While the Totoaba were once abundant in the Gulf of California, and even at one point constituted the second most important commercial fish for Mexico, their populations have declined drastically due to overfishing, pollution, and diversion of waters from the Colorado River.

The Totoaba was included in the most protected list of species covered by the Convention on International Trade in Endangered Species (CITES, Appendix I) in 1976, and was listed as endangered under the Endangered Species Act in 1979. Mexico included it on its list of species "In Danger of Extinction" in 1994. Both Mexico and the United States are signatories to CITES. It is a violation of law in both countries to trade in Totoaba or any part of a Totoaba.

Despite the protection, the species has shown minimal recovery. Unique biological traits, such as its limited geographic range and vulnerability during spawning, along with external pressures of habitat degradation and over-fishing, have pushed the species to the brink of extinction. The nearest Port of Entry in California to the Sea of Cortez is the Port of Entry at Calexico, California. During the period from February to May, 2013, border inspectors in Calexico seized approximately 700 pounds of Totoaba, representing the swim bladders of over 500 endangered fish.

Sentencing for Xie is scheduled for September 13, 2013, at 9:00 a.m. before the Honorable Cathy Ann Bencivengo, United States District Judge.

DEFENDANT

Criminal Case No. 13cr1311-CAB

Jason Jin Shun Xie

SUMMARY OF CHARGES

Conspiracy, in Violation of Title 18, United States Code, Section 371.

Maximum Penalties: 5 years in custody and/or \$250,000 fine, \$100 special assessment.

AGENCY

U.S. Fish and Wildlife Service

Department of Homeland Security, ICE's Homeland Security Investigations