



U.S. Department of Justice

Environment and Natural Resources Division

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February 8, 2011

Robert C. Bundy  
Dorsey & Whitney LLP  
1031 West Fourth Avenue, Suite 600  
Anchorage, AK 99501  
By Email: Bundy.Robert@dorsey.com

Re: United States v. Ionia Management, S.A.

Dear Mr. Bundy:

The government is in receipt of Ionia's response dated February 7, 2011. The government was not confused with regard to the requirement of hourly transmissions. This issue is not new. At the hearing Ionia provided correspondence with Vigilant on this issue that predates the Third Special Master Hearing.<sup>i</sup> The correspondence was initiated on January 4, 2010 regarding the feasibility of a software upgrade to provide hourly office reports.<sup>ii</sup> No substantive action was taken by Ionia on this until over a year later, and only after a report was mandated by the Special Master. It was our understanding from Ionia's letter of January 28, 2011 that this issue was finally resolved and that all vessels would not only be recording data hourly but also transmitting it to the shore-side office hourly. Ionia's follow up letter indicates that only the vessel THEO T was reprogrammed in this way. We trust that you have enough information to make an informed decision on this matter.

In a separate matter, you had asked during the hearing about rewards for witnesses in this case under 33 U.S.C. § 1908. It appears that witnesses Ricky Lalu, Alexander Gueverra, and Dario Calubag have made motions through their counsel for a discretionary payment pursuant to 33 U.S.C. § 1908(a).<sup>iii</sup> Additionally, the court gave until October 15, 2009 for other witnesses to come forth to make a similar claim.<sup>iv</sup> A review of the docket reveals that no other claims were apparently made. Additionally, it does not appear that the court has ruled on the motions made by Lalu, Guevera, and Calubag.

Sincerely,

David E. O'Connell  
Trial Attorney  
Environmental Crimes Section  
United States Department of Justice

Cc: Michael Chalos, Esq.  
AUSA Anthony Kaplan  
LCDR Channing Burgess  
CDR Mooradian  
James Sanborn  
Capt. Richard Wigger  
Patrick Norton

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<sup>i</sup> See Attached Email string initiated January 4, 2010

<sup>ii</sup> The Third Special Master Hearing was held January 20, 2010

<sup>iii</sup> See Docket Entries #'s 298, 300 and 301

<sup>iv</sup> See docket Entry # 303