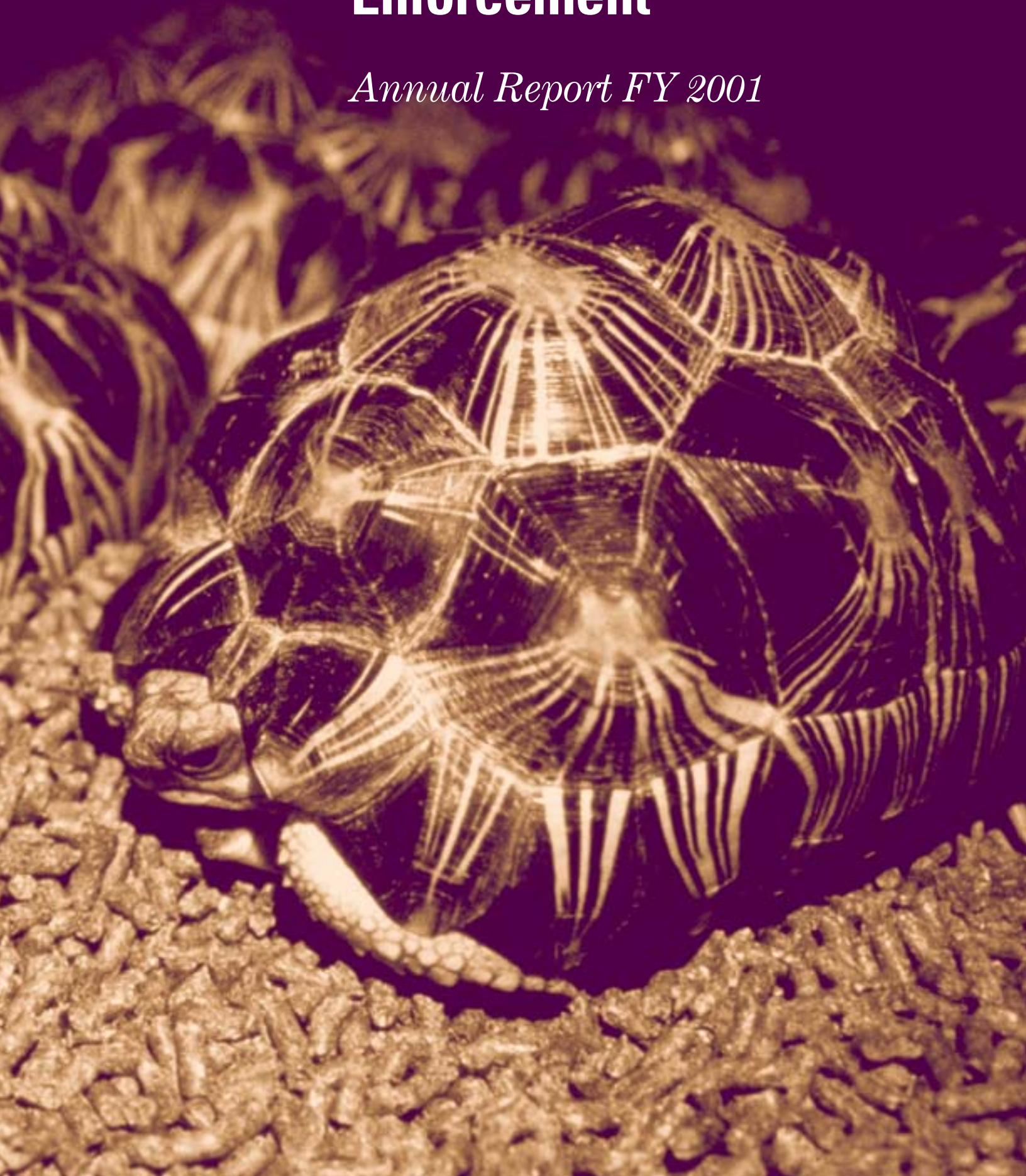


# Division of Law Enforcement

*Annual Report FY 2001*



*The U.S. Fish and Wildlife Service, working with others, conserves, protects, and enhances fish and wildlife and their habitats for the continuing benefit of the American people. As part of this mission, the Service is responsible for enforcing U.S. and international laws, regulations, and treaties that protect wildlife resources.*



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240

## Message from the Assistant Director for Law Enforcement

FY 2001 was a banner year for the U.S. Fish and Wildlife Service Division of Law Enforcement. With the hiring of 35 new special agents – our largest “class” ever – we filled a number of longstanding vacancies, taking the first step forward in our effort to rebuild the Nation’s core wildlife law enforcement capability. As this report shows, our cadre of veteran agents, wildlife inspectors, forensic scientists, and dedicated support staff continued to make a difference for wildlife in this country and around the world.

The Division pursued more than 8,600 investigations of wildlife crime, inspected more than 116,000 wildlife shipments, examined some 5,500 pieces of evidence, and trained hundreds of officers from other Federal, State, tribal, and international agencies. Our work contributed to the Nation’s efforts to stem illegal wildlife trade, preserve hunting and fishing opportunities, protect the environment from contaminants, and close U.S. borders to invasive species.

Service law enforcement officers broke up international smuggling rings trafficking in African elephant ivory, rare plants, endangered reptiles, caviar, and sea turtle eggs and exposed unlawful commercial exploitation of U.S. resources. Partnerships with oil producers and electric utilities helped reduce threats to migratory birds, while expanded liaison with the import/export community, including international mail companies, is improving compliance with wildlife trade laws. Our officers worked successfully with landowners, guides, hunters, water districts, and others to preserve wildlife habitat and promote the recovery of species that ranged from grizzly bears to bull trout.

While we are proud of these and the other accomplishments described in the pages that follow, we closed the fiscal year focused on some very different challenges – challenges well beyond the scope of our traditional conservation mission. The days and weeks following the unprecedented terrorist attacks of September 11, 2001, saw Service officers mounting security details at Interior Department facilities; working on Federal law enforcement task forces at the site of the World Trade Center collapse in Manhattan and at Logan International Airport in Boston; and volunteering to serve as temporary Federal air marshals.

We answered the call of a Nation in crisis with the same professionalism, passion, and pride that have distinguished our work for more than a century. In FY 2001, we strengthened our resolve to remain diligent stewards of Earth’s “living legacy” and showed that we stand prepared not only to protect wildlife resources but to safeguard the American people.

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# I. Overview



The U.S. Fish and Wildlife Service, working with others, conserves, protects, and enhances fish and wildlife and their habitats for the continuing benefit of the American people. As part of this mission, the Service is responsible for enforcing U.S. and international laws, regulations, and treaties that protect wildlife resources.

Law enforcement is essential to virtually every aspect of wildlife conservation. The Division of Law Enforcement contributes to Service efforts to manage ecosystems, save endangered species, conserve migratory birds, preserve wildlife habitat, restore fisheries, combat invasive species, and promote international wildlife conservation.

Service law enforcement today focuses on potentially devastating threats to wildlife resources—illegal trade, unlawful commercial exploitation, habitat destruction, and environmental contaminants. The Division investigates wildlife crimes, regulates wildlife trade, helps Americans understand and obey wildlife protection laws, and works in partnership with international, State, and tribal counterparts to conserve wildlife resources. This work includes:

- Breaking up international and domestic smuggling rings that target imperiled animals
- Preventing the unlawful commercial exploitation of U.S. species
- Protecting wildlife from environmental hazards and safeguarding habitat for endangered species
- Enforcing Federal migratory game bird hunting regulations and working with States to protect other game species and preserve legitimate hunting opportunities
- Inspecting wildlife shipments to ensure compliance with laws and treaties and detect illegal trade
- Working with international counterparts to combat illegal trafficking in protected species
- Training other Federal, State, tribal, and foreign law enforcement officers
- Using forensic science to analyze evidence and solve wildlife crimes
- Distributing information and outreach materials to increase public understanding of wildlife conservation and promote compliance with wildlife protection laws

When fully staffed, the Division includes 253 special agents and 94 wildlife inspectors. Most are “officers on the beat” who report through seven regional law enforcement offices. A headquarters Office of Law Enforcement provides national oversight, support, policy, and guidance for Service investigations and the wildlife inspection program; trains Service law enforcement personnel; fields a special investigations unit; and provides budget management and administrative support for the Division.

The Clark R. Bavin National Fish and Wildlife Forensics Laboratory conducts scientific analyses that support Federal, State, and international investigations of wildlife crime. The Division also maintains a National Wildlife Property Repository, which supplies abandoned and forfeited wildlife items to schools, universities, museums, and non-government organizations for public education, and operates the National Eagle Repository, which meets the needs of Native Americans for eagles and eagle feathers for religious use. The latter responsibility, however, is scheduled to be transferred to the Service’s Division of Migratory Bird Management in FY 2003.

In FY 2001, the Division of Law Enforcement operated with an enacted budget of \$49,583,000. This amount was augmented with \$6.179 million in

*Efforts to combat illegal commercial exploitation and habitat destruction or modification target the two major human threats to the survival of animal and plant species in the wild.*



*A special agent in Wyoming heads out on patrol shortly after September 11. Back-country patrols help protect grizzly bears, wolves, and other species. USFWS*

user fees collected to help offset the cost of the wildlife inspection program. At the end of the fiscal year, 224 special agents (including 35 agent trainees) and 90 wildlife inspectors were on the job.

### **Program Evolution and Priorities**

While some of the Service's law enforcement activities, such as policing Habitat Conservation Plans developed under the Endangered Species Act, are of relatively recent origin, Federal wildlife law enforcement itself dates back nearly a century to the passage of the Lacey Act in 1900. This first national wildlife protection law prohibited interstate commerce in illegally taken wildlife and banned the importation of injurious species. Migratory game bird hunting was first regulated by the Federal government in 1913; even broader protections for migratory birds followed in 1918 with the passage of the Migratory Bird Treaty Act. For some seven decades, Federal wildlife law enforcement functioned primarily as a game protection and management operation, first in the Department of Agriculture and later in the Interior Department.

Growing threats to the continued survival of native species and world wildlife resources, however, prompted both new legislation and treaties and an expanded focus for Service law enforcement. The 1970s saw the passage of the Endangered Species Act and the Marine Mammal Protection Act; signing of migratory bird treaties with Mexico and the Soviet Union; and creation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Service's wildlife inspection program—a program that now keeps track of an annual trade worth more than \$1.4 billion.

Other laws enforced by the Service include the Bald and Golden Eagle Protection Act, Migratory Bird Hunting and Conservation Stamp Act, Airborne Hunting Act, National Wildlife Refuge System Administration Act, Antarctic Conservation Act, Archaeological Resources Protection Act, Wild Bird Conservation Act, African Elephant Conservation Act, and Rhinoceros-Tiger Conservation Act. Under the Lacey Act, the Service can bring Federal charges against those who violate foreign, State, or tribal wildlife laws, making this statute a key tool for supporting wildlife conservation in this country and around the world. Brief descriptions of wildlife laws enforced by the Division appear at the end of this section.

Today, Service law enforcement targets criminal activities that undermine U.S. and international efforts to conserve wildlife resources. A critical enforcement priority is to deter and detect crimes involving wild populations of federally protected species, including the more than 1,100 animals and plants listed under the CITES treaty. Efforts to combat illegal commercial exploitation and habitat destruction or modification target the two major human threats to the survival of animal and plant species in the wild. The Division also supports the efforts of States and tribes to protect resident species from poachers who traffic in illegally taken fish, wildlife, and plants.

### **Major Program Components**

The Service's special agents, wildlife inspectors, and forensic scientists provide the "heart and soul" of Federal wildlife law enforcement. The agency combats wildlife crime through a variety of investigative activities conducted by individual field agents and through special long-term probes of large-scale criminal enterprises. Day-to-day monitoring of wildlife imports and exports facilitates legal trade, ensures compliance with U.S. and international wildlife protection laws and treaties, and helps detect and deter illegal trafficking in protected species. Service investigators and inspectors both rely on forensic specialists at the National Fish and Wildlife Forensics Laboratory to identify the species of wildlife and wildlife products and compile the scientific evidence needed to support the arrest and conviction of criminals who violate the Nation's wildlife protection laws.

*Agents support species reintroduction programs, pursue habitat destruction cases, and help promote and enforce Habitat Conservation Plans under the Endangered Species Act.*



*A Service special agent retrieves unlawfully taken fish. Preventing the illegal commercialization of wildlife is an enforcement priority for the Service. Corky Roberts/USFWS*

## Investigations

Service special agents enforce Federal wildlife protection laws throughout the United States. Special agents are plainclothes criminal investigators with full Federal law enforcement authority. They work in settings that range from major cities to one-person duty stations that cover some of the few remaining wilderness areas left in this country.

Service special agents investigate criminal and civil violations involving the illegal take and commercialization of federally protected wildlife species. Preventing the illegal trade of endangered animals from both the United States and around the world is an essential part of their work. Common investigative targets range from international smuggling rings to illegal guiding operations.

Agents support species reintroduction programs, pursue habitat destruction cases, and help promote and enforce Habitat Conservation Plans under the Endangered Species Act. They forge partnerships with industry groups to remove hazards to migratory birds and other wildlife caused by oil pits, power lines, pesticides, and mining operations.

Special agents are key players on Service ecosystem teams, providing the expertise needed to identify and deal with enforcement issues. They enforce Federal migratory game bird hunting regulations; provide investigative expertise when wildlife crimes occur on national wildlife refuges; and support drug eradication and interception efforts on lands managed by the Service. Special agents conduct training on wildlife law enforcement for State and tribal officers as well as for enforcement officers overseas. They also respond to citizen complaints; participate in interagency enforcement task forces with State and Federal counterparts; and conduct public outreach to secure voluntary compliance with Federal wildlife protection laws.

In FY 2001, most of the Service's special agents conducted or managed field investigations. This force worked on thousands of cases involving the full gamut of wildlife crimes and violations. The tables below and on page 4 provide a statistical summary of the Division's recent investigative work, including import/export violations pursued by Service wildlife inspectors. Information on specific cases and investigative accomplishments can be found in the "Regional Highlights" section, which begins on page 14.

## FY 2001 Investigative Caseload

Classification	Cases
African Elephant Conservation	62
Airborne Hunting	8
Archaeological Resources	7
Conspiracy	10
Eagle Protection	118
Endangered Species	4,291
Lacey	1,182
Marine Mammal Protection	146
Migratory Bird Stamp	285
Migratory Bird Treaty	2,027
Miscellaneous Investigations	13
National Wildlife Refuge	155
Other Federal Laws	85
Permit/License Investigations	9
Rhino Tiger	16
Smuggling	21
State Laws	182
Wild Bird Conservation	64
<b>Total</b>	<b>8,681</b>

*Note: This table reflects investigative cases worked by Service special agents and wildlife inspectors during FY 2001.*

## Special Operations

The Division of Special Operations, which was created in the late 1970s, conducts complex investigations of criminal enterprises that are both national and international in scope. Managed out of the headquarters Office of Law Enforcement, the Division employs special agents stationed at strategic locations throughout the United States who utilize innovative investigative techniques to uncover and document the illegal commercialization and large-scale illegal taking of wildlife. The Division specializes in multi-year covert cases. It also provides intelligence gathering and analysis to support these investigations and the work of special agents and wildlife inspectors in the regions.



In recent years, the Division's work has become even more critical to the Service's law enforcement mission. Officers worldwide have found it increasingly difficult to detect wildlife crime using conventional methods of enforcement. Today, sophisticated organized groups operating clandestinely are responsible for large-scale commercial violations of wildlife conservation laws and treaties. The crimes that pose the most serious threat to wildlife are often the most difficult to solve because the criminals involved are well organized, have substantial financial resources, and use complex strategies to avoid detection.

Although the investigative techniques needed to track down and document such crimes are themselves time-consuming, costly, and potentially dangerous, they are effective. Since 1981, the Special Operations unit has undertaken 17 major investigations, resulting in more than 800 convictions. "Victim" species in these cases have included psittacine birds, reptiles, big game animals, birds of prey, cactus, cycads, orchids, walrus, waterfowl, and fish.



The Division of Special Operations is successfully combating the global exploitation of wildlife resources and providing, through its record of investigations and prosecutions, a powerful deterrent to those who seek to profit at the expense of wildlife. Information about the Division's accomplishments in FY 2001 is provided in the "Office of Law Enforcement Highlights" section (see page 70).



## Division of Law Enforcement Annual Violation Statistics FY 1999 - FY 2001

	1999	2000	2001
Violations	10,232	9,872	8,737
Fines	\$2,175,868	\$5,547,683	\$13,014,323
Prison (Yrs)	22	25	41
Probation (Yrs)	255	368	503
Civil Penalties	\$213,535	\$1,122,090	\$830,758

*Note: This table summarizes the results of criminal and civil prosecutions undertaken as a result of the enforcement efforts of Service special agents and wildlife inspectors.*

*Over the years, the Special Operations unit has exposed unlawful trafficking in species that range from birds of prey and endangered tortoises to cycads and other exotic plants. All photos/USFWS*



*Inspectors are stationed at the Nation's major international airports, ocean ports, and border crossings, where they maintain import/export controls and interdict smuggled wildlife and wildlife products.*



*A wildlife inspector examines a shipment of bagged reptiles at Miami International Airport, a major port of entry for live wildlife. Kimberly Hamilton/USFWS*

### **Wildlife Inspection Program**

The wildlife inspection program is the Nation's front-line defense against illegal international trade in wildlife and wildlife products. The Service's uniformed wildlife inspectors monitor wildlife imports and exports and ensure that shipments meet the requirements of U.S. laws, such as the Endangered Species Act, as well as the laws of foreign countries that have established special protections for their native animals. Their work is essential to upholding the Nation's responsibilities under the Convention on International Trade in Endangered Species of Wild Fauna and Flora—a global agreement through which more than 150 countries regulate trade in animals and plants that face the threat of extinction.

Inspectors are stationed at the Nation's major international airports, ocean ports, and border crossings, where they maintain import/export controls and interdict smuggled wildlife and wildlife products. A system of designated, special, and border ports funnels wildlife shipments through a limited number of locations, facilitating trade monitoring and maintaining the efficiency of the inspection program. A list of these locations appears in the "Organizational Structure" section on page 11.

Wildlife inspectors spend virtually all of their time working on import/export control. They review documents on commercial wildlife shipments and conduct physical inspections. They make sure that required licenses and permits have been obtained; that the contents of shipments match the items listed on import/export declaration forms; and that live animals have been shipped humanely. If the paperwork or cargo are not in order, the shipment is detained or seized. Some seizures at ports of entry provide Service special agents the starting point for full-scale criminal investigations—investigations that may result in felony prosecutions involving smuggling, conspiracy, wildlife, and money laundering charges.

Wildlife inspectors also work the passenger terminals at airports and conduct inspections at centralized mail facilities that handle international traffic. They participate in special enforcement task forces that target specific trade problems; provide training to counterparts in countries around the world; and conduct public outreach to explain wildlife protection laws to customs brokers, trade associations, airlines, international travelers, and hunters going abroad. They are also popular guest speakers at schools, nature centers, zoos, and environmental fairs, where they talk about the illegal wildlife trade and its devastating effect on species around the world.

Close coordination with other Federal inspection agencies is essential to the success of the Division's efforts to monitor U.S. wildlife trade. Inspectors work closely with their counterparts at the U.S. Customs Service, which is responsible for clearing all goods entering this country. Some wildlife inspections require coordination with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service, which regulates the importation of plants and enforces animal quarantine rules. Contacts with the National Marine Fisheries Service, Immigration and Naturalization Service, Food and Drug Administration, and Centers for Disease Control are also common.

The Service ended FY 2001 with 90 wildlife inspectors on the job to monitor the U.S. wildlife trade. This force staffed 13 designated ports of entry and 17 border, non-designated, and special ports. In FY 2001, Service inspectors processed 116,535 declared shipments of wildlife and wildlife products worth \$1.488 billion. The Nation's busiest ports of entry for the wildlife trade were New York/Newark, where 28,662 shipments entered or left the country, followed by Los Angeles (18,960 shipments) and Miami (8,159 shipments).

The table on page 6 provides a port-by-port breakdown of U.S. wildlife imports and exports for FY 2000 and FY 2001. Descriptions of inspection program accomplishments for FY 2001 and activities at specific ports are included in the "Regional Highlights" section, which begins on page 14.

## FY 2000-2001 Wildlife Inspection Activity\*

Port of Entry	FY 2000 No. of Shipments	FY 2001 No. of Shipments
<b>Designated Ports</b>		
Atlanta, GA	2,235	2,376
Baltimore, MD	3,265	2,813
Boston, MA	1,192	1,068
Chicago, IL	4,888	6,039
Dallas/Fort Worth, TX	3,894	4,217
Honolulu, HI	3,802	4,084
Los Angeles, CA	17,472	18,960
Miami, FL	9,503	8,159
New Orleans, LA	860	802
New York, NY/Newark, NJ	25,806	28,662
Portland, OR	1,024	960
San Francisco, CA	5,847	6,045
Seattle, WA	3,255	3,300
<b>Subtotal</b>	<b>83,043</b>	<b>87,485</b>
<b>Non-Designated Ports</b>		
Agana, GU	1,297	970
Anchorage, AK**	3,925	3,875
Blaine, WA	1,950	1,964
Brownsville, TX	349	119
Buffalo, NY	1,806	1,768
Detroit, MI	1,146	1,204
El Paso, TX	858	814
Golden, CO	423	414
Houston, TX	937	944
Laredo, TX	320	339
Nogales, AZ	325	259
Pembina, ND	1,501	2,077
San Diego, CA	629	552
St. Paul, MN	1,486	1,092
Tampa, FL	2,073	2,561
<b>Subtotal</b>	<b>19,025</b>	<b>18,952</b>
<b>Non-Staffed Ports</b>	<b>9,228</b>	<b>10,098</b>
<b>Total</b>	<b>111,296</b>	<b>116,535</b>



A wildlife inspector in Houston suits up in protective gear before examining an incoming trophy shipment. Kimberly Hamilton/USFWS

\* Data compiled as of 5/16/02

\*\* Began operating as designated port in March 2002

### Wildlife Forensics

The Clark R. Bavin National Fish and Wildlife Forensics Laboratory, which opened in 1988 in Ashland, Oregon, is the first and only full-service crime laboratory in the world devoted to wildlife law enforcement. Over the past 13 years, laboratory scientists have analyzed more than 44,000 evidence items, providing crucial support to Service special agents and wildlife inspectors, State conservation agencies, and enforcement officers around the world. In the process, they have also created much of the science of wildlife forensics, developing the analytical techniques needed to help solve wildlife crimes.

Forensic scientists working on wildlife cases encounter unique challenges, such as confirming the species of smuggled goods, identifying the cause of death for recovered animals, or linking suspects with specific wildlife victims. Examples of key research accomplishments include ways to distinguish ancient and modern ivories; the application of DNA analysis to species identification; and work to pinpoint the contents of traditional Asian medicines, many of which claim to contain endangered species.



Work at the National Fish and Wildlife Forensics Laboratory includes identifying the species of wildlife parts and products seized as evidence. USFWS

Four years ago, the Laboratory earned accreditation from the American Society of Crime Laboratory Directors, a professional status attained by only half the crime laboratories in the United States. Demand for case assistance from Federal, State, and foreign investigative agencies increases each year.

The Laboratory's FY 2001 accomplishments are described on page 83.

### **Laws Enforced**

The Division of Law Enforcement upholds the Nation's wildlife protection laws. Brief summaries of these statutes follow.

*Bald and Golden Eagle Protection Act (16 U.S.C. 668-668C).* This Act makes it illegal to import, export, or take bald or golden eagles, or to sell, purchase, or barter their parts or products made from them, including nests or eggs.

*Migratory Bird Treaty Act (16 U.S.C. 703-712).* Except as allowed by implementing regulations, this Act makes it unlawful to pursue, hunt, kill, capture, possess, buy, sell, purchase, or barter any migratory bird, including feathers or other parts, nests, eggs, or migratory bird products.

*Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718).* Commonly referred to as the "Duck Stamp Act," this law requires waterfowl hunters 16 years of age or older to purchase and possess a valid Federal waterfowl hunting stamp before they take migratory waterfowl.

*Lacey Act (18 U.S.C. 42; 16 U.S.C. 3371-3378).* This Act authorizes the Secretary of the Interior to designate injurious wildlife and ensure the humane treatment of wildlife shipped to the United States. It prohibits the importation, exportation, transportation, sale, or purchase of fish and wildlife taken or possessed in violation of State, Federal, Indian tribal, and foreign laws. The 1981 amendments strengthened the enforcement of Federal wildlife laws and improved Federal assistance to the States and foreign governments in the enforcement of their wildlife laws. The Act also provides an important tool in the effort to gain control of smuggling and illegal trade.

*Marine Mammal Protection Act (16 U.S.C. 1361-1407).* This Act establishes a moratorium on the taking and importation of marine mammals, including parts and products, and defines Federal responsibilities for the conservation of marine mammals. It assigns management authority for the sea otter, walrus, polar bear, dugong, and manatee to the Department of the Interior.

*Airborne Hunting Act (16 U.S.C. 742j-l).* Section 13 of the Fish and Wildlife Act of 1956 is commonly referred to as the Airborne Hunting Act or Shooting From Aircraft Act. It prohibits taking or harassing wildlife from aircraft, except when protecting wildlife, livestock, and human health or safety as authorized by a Federal or State license or permit.

*National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-668ee).* This 1966 Act constitutes an "Organic Act" for the National Wildlife Refuge System. It provides guidelines and directives for administration and management of all areas in the system including "wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas."

*Endangered Species Act (16 U.S.C. 1531-1543).* This Act prohibits the importation, exportation, taking, and commercialization in interstate or foreign commerce of fish, wildlife, and plants that are listed as threatened or endangered species. The Act also implements the provisions of the Convention on International Trade in Endangered Species (CITES).

*Antarctic Conservation Act (16 U.S.C. 2401).* This Act provides for the conservation and protection of the fauna and flora of Antarctica. The Act makes it unlawful for any U.S. citizen to take any native bird or mammal in Antarctica or to collect any native plant from any specially protected area on

that continent. In addition, the Act makes it unlawful for anyone in the United States to possess, sell, offer for sale, deliver, receive, carry, transport, import, export, or attempt to import or export from the United States any native mammal or bird taken in Antarctica or any plant collected in any specially protected area.

*Archaeological Resources Protection Act (16 U.S.C. 470aa).* This Act protects archaeological resources and sites on public and Indian lands and fosters increased cooperation among governmental authorities, the professional archaeological community, and individuals who own collections of archaeological resources obtained before October 31, 1979. The Act makes it illegal for any person to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public or Indian lands without a permit. In addition, the Act makes it illegal for any person to sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource taken from public or Indian lands in violation of Federal, State, or local law.

*African Elephant Conservation Act (16 U.S.C. 4201-4245).* This Act provides additional protection for the African elephant. It establishes an assistance program for elephant-producing countries of Africa and provides for the creation of an African Elephant Conservation Fund. In addition, the Act places a moratorium on the importation of raw or worked ivory from African elephant-producing countries that do not meet certain criteria.

*Wild Bird Conservation Act (16 U.S.C. 4901).* This 1992 Act promotes the conservation of exotic birds by encouraging wild bird conservation and management programs in countries of origin; by ensuring that all U.S. trade in such species is biologically sustainable and of benefit to the species; and by limiting or prohibiting imports of exotic birds when necessary.

*Rhinoceros and Tiger Conservation Act (16 U.S.C. 5301-5306).* The 1998 reauthorization of this Act prohibits the import, export, or sale of any product, item, or substance containing, or labeled or advertised as containing, any substance derived from tiger or rhinoceros.

## II. Organizational Structure

During FY 2001, the Service's law enforcement program was carried out by seven regional law enforcement offices, each managed by an Assistant Regional Director for Law Enforcement who reported to the Regional Director, and a Washington-based headquarters Office of Law Enforcement, which reported to the Director. The latter alignment, which dates to the fall of 1997, ensures law enforcement participation in the development of Service policy and program directions and makes law enforcement expertise accessible to all Service programs.

The chart below provides the addresses and shows the areas of jurisdiction for the seven regional law enforcement offices and for the Washington headquarters Office of Law Enforcement.

Region/Address	Area of Jurisdiction
All addresses begin: U.S. Fish and Wildlife Service Division of Law Enforcement	
<b>1</b> 911 N.E. 11th Avenue Portland, OR 97232-4181 503/231 6125	California, Guam, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, and the Northern Mariana Islands
<b>2</b> P.O. Box 329 Albuquerque, NM 87103 505/248 7889	Arizona, New Mexico, Oklahoma, and Texas
<b>3</b> P.O. Box 45, Fed. Bldg. Fort Snelling, MN 55111-0045 612/713 5320	Illinois, Indiana, Iowa, Minnesota, Missouri, Ohio, Michigan, and Wisconsin
<b>4</b> P.O. Box 49226 Atlanta, GA 30359 404/679 7057	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands
<b>5</b> 300 Westgate Center Drive Hadley, MA 01035 413/253 8274	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia
<b>6</b> P.O. Box 25486-DFC Denver, CO 80225 303/236 7540	Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming
<b>7</b> 1011 E. Tudor Road, Suite 155 Anchorage, AK 99503-6199 907/786 3311	Alaska
<b>9</b> 4401 N. Fairfax Drive, MS-LE-3000 Arlington, VA 22203 703/358 1949	Headquarters Office



A special agent retrieves a goose that died of lead poisoning. Contaminants investigations have become an important focus for Service law enforcement. Ed Kocal/Iowa Department of Natural Resources

## Agent Duty Stations

STATE	AD*	Deputy AD*	ARD/SAC**	Deputy ARD/ASAC***	Sr Resident Agent	Special Agent	Total
Alabama						2	2
Alaska			1	1	2	9	13
Arizona					1	5	6
Arkansas						2	2
California					2	18	20
Colorado			1	1	1	3	6
Connecticut						1	1
Delaware							0
District of Columbia	1		2	1	1	9	14
Florida					2	10	12
Georgia			1	1	1	3	6
Guam						1	1
Hawaii					1	1	2
Idaho					1	3	4
Illinois					1	3	4
Indiana						1	1
Iowa						1	1
Kansas					1	1	2
Kentucky						2	2
Louisiana						5	5
Maine						1	1
Maryland					1	4	5
Massachusetts			1	1	1	1	4
Michigan					1	1	2
Minnesota			1	1	1	2	5
Mississippi					1	3	4
Missouri					1	4	5
Montana					1	3	4
Nebraska						2	2
Nevada						2	2
New Hampshire						1	1
New Jersey					1	4	5
New Mexico			1		1	2	4
New York					1	6	7
North Carolina					1	3	4
North Dakota						3	3
Ohio						3	3
Oklahoma					1	2	3
Oregon			1	1	1	3	6
Pennsylvania						2	2
Puerto Rico						1	1
Rhode Island							0
South Carolina						2	2
South Dakota					1	1	2
Tennessee					1	4	5
Texas					2	15	17
Utah					1	2	3
Vermont						1	1
Virginia					1	4	5
Washington					1	4	5
West Virginia						1	1
Wisconsin						4	4
Wyoming					1	2	3
<b>Total</b>	<b>1</b>	<b>0</b>	<b>9</b>	<b>7</b>	<b>35</b>	<b>172</b>	<b>224</b>

\* Assistant Director for Law Enforcement

\*\* Assistant Regional Director for Law Enforcement; Special Agent in Charge

\*\*\* Assistant Special Agent in Charge

As of October 1, 2001

*The seven regional law enforcement offices uphold the Nation's wildlife protection laws and fulfill the Service's law enforcement mission in the field. These offices conduct investigations of wildlife violations and operate the wildlife inspection program at assigned ports of entry.*

### **Regional Law Enforcement Offices**

The seven regional law enforcement offices uphold the Nation's wildlife protection laws and fulfill the Service's law enforcement mission in the field. These offices conduct investigations of wildlife violations in the States within their jurisdiction and operate the wildlife inspection program at assigned ports of entry. Each regional law enforcement office carries out these responsibilities through senior resident agents, who serve as first-line field supervisors, and a staff of special agents, wildlife inspectors, and administrative support personnel.

A table showing the distribution of senior resident agents and special agents by State appears on page 10.

The chart below identifies the ports staffed by wildlife inspectors during FY 2001.

### **Location of Wildlife Inspectors**

#### *Designated Ports*

Anchorage, Alaska\*  
Atlanta, Georgia  
Baltimore, Maryland  
Boston, Massachusetts  
Chicago, Illinois  
Dallas-Fort Worth, Texas  
Honolulu, Hawaii  
Los Angeles, California  
Miami, Florida  
Newark, New Jersey\*\*  
New York, New York\*\*  
New Orleans, Louisiana  
Portland, Oregon  
San Francisco, California  
Seattle, Washington

\* *Designation effective as of March 13, 2002*

\*\* *These locations operate together as one designated port of entry for wildlife trade.*

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#### *Border, Special, and Other Staffed Ports*

Agana, Guam  
Anchorage, Alaska  
Blaine, Washington  
Brownsville, Texas  
Buffalo, New York  
Denver (Golden), Colorado  
Detroit (Ann Arbor), Michigan  
Dunseith, North Dakota  
El Paso, Texas  
Great Falls, Montana  
Houston, Texas  
Laredo, Texas  
Nogales, Arizona  
San Diego, California  
St. Paul, Minnesota  
Tampa, Florida

## Office of Law Enforcement

The Assistant Director for Law Enforcement is the Division's top ranking officer and the national administrator of the Service's law enforcement program. This individual serves as the Director's principal adviser on law enforcement issues; provides overall policy direction for the law enforcement program; coordinates all investigative activities in conjunction with line officials in the field; and oversees the wildlife inspection program.

The Office of Law Enforcement, which serves as the Division's headquarters operation and reports directly to the Assistant Director for Law Enforcement, includes two subcomponents: the Division of Law Enforcement Operations (which consists of the Branch of Investigations, Branch of Training and Inspection, and Branch of Technical and Field Support) and the Division of Special Operations. The Clark R. Bavin National Fish and Wildlife Forensics Laboratory, which is described on page 6 and in Section V, also reports to the Assistant Director as do the National Wildlife Property Repository and National Eagle Repository.



*Senior wildlife inspectors in the Branch of Investigations deal with a variety of wildlife trade and conservation issues, including protecting the world's coral reefs.*  
Carl Zitzmann/USFWS

The Branch of Investigations, which is supervised by a Special Agent in Charge, ensures that Service law enforcement policies and procedures are followed nationwide. Staffed by senior special agents and senior wildlife inspectors, the Branch develops policy for Service enforcement activities; prepares and reviews Service regulations that deal with enforcement issues; and coordinates international enforcement efforts. This group monitors investigations of national or international significance and helps facilitate those that involve more than one region.

The Branch works extensively on matters concerning Service obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). These efforts include participating in the development of U.S. listing proposals, negotiating positions, and implementing regulations. Senior special agents and wildlife inspectors provide CITES training to counterparts in other countries and represent Service law enforcement at various international forums.

The Branch maintains liaison with other Federal and State law enforcement agencies and with the global crime-fighting community via Interpol and direct contacts with foreign investigative organizations. This office also coordinates law enforcement outreach activities, develops public information materials that explain wildlife conservation laws and promote compliance, and serves as the Division's media liaison.

The Branch of Training and Inspection ensures that Service law enforcement officers are prepared to meet the professional challenges of wildlife law enforcement. Directed by a Special Agent in Charge based in the Washington Office, the Branch develops, coordinates, and conducts basic training for new agents and inspectors, as well as advanced and annual in-service training for these officers. The Branch maintains a training staff at the Federal Law Enforcement Training Center in Glynco, Georgia, where the Service is one of 23 Federal law enforcement agencies in permanent residence. The Branch develops special programs featuring academic and applied course work for refuge officers, State conservation officers, and enforcement personnel from the U.S. Customs Service, National Marine Fisheries Service, National Park Service, Bureau of Indian Affairs, and foreign governments. Through its inspection function, it provides a quality control mechanism for law enforcement operations throughout the Division.

The Branch of Technical and Field Support supplies a wide range of administrative support services to the Division. This office handles budget formulation and execution as well as workload and funding planning and analysis. It provides national computer support for wildlife law enforcement efforts through the Law Enforcement Management Information System (LEMIS), which first became operational in October 1983. An Internet-based version of this system, called LEMIS 2000, has been implemented. This Branch also manages a centralized data entry group that compiles wildlife



*The Branch of Training develops, coordinates, and conducts basic training for new agents and inspectors, as well as advanced and annual in-service training for these officers.*

trade information and uses these data to respond to public requests under the Freedom of Information Act.

The Division of Special Operations is supervised by a Special Agent in Charge based in the headquarters Office of Law Enforcement. The investigative work of this group is described in Section IV on page 76.

Accomplishments of the Office of Law Enforcement, including reports on Special Operations, the National Wildlife Property Repository, and National Eagle Repository, appear in Section IV, which begins on page 70. A description of the accomplishments of the National Fish and Wildlife Forensics Laboratory can be found in Section V (see page 83).



*Basic training for Service special agents covers firearms skills and other law enforcement “fundamentals” as well as in-depth study of Federal wildlife laws. Rick Giovengo/USFWS*

### III. Regional Highlights



#### **Region One**

Region One stretches from Canada to Mexico and bridges the Pacific to Guam and the Northern Mariana Islands. As of September 30, 2001, the region had 37 special agents and 25 wildlife inspectors. Five of the Service's 14 designated wildlife ports are located in the Pacific Region. The region covers California, Hawaii, Idaho, Nevada, Oregon, Washington, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

#### **Combating Illegal Wildlife Trade**

Region One law enforcement staff play a major role in U.S. efforts to combat illegal wildlife trafficking. Contraband intercepted in FY 2001 ranged from African elephant ivory to endangered Asian fish. Both the investigative work described below and the daily efforts of the region's inspection program (see page 21) help detect and deter trade that threatens the viability of species in the wild.

In the spring of 2001, special agents and wildlife inspectors in Los Angeles uncovered one of the largest elephant ivory smuggling rings ever on the West Coast. The Service and U.S. Customs teamed to break up the ivory trafficking operation after a routine inspection at Los Angeles International Airport resulted in the interception of two shipments containing approximately 250 pounds of raw and worked ivory. The shipments, which had been exported from Nigeria, were declared as handcrafted furniture. Some of the ivory pieces were concealed in beaded cloth, and whole tusks were also hidden inside the furniture.

Service and U.S. Customs special agents conducted a surveillance and controlled delivery of the shipments to the subjects. Four individuals were arrested and indicted by a Federal grand jury as a result of this investigation. The subjects were charged with conspiracy to smuggle elephant ivory into the United States (commercial ivory trade is prohibited under the Endangered Species Act and African Elephant Conservation Act). The ivory shipments were valued at \$200,000. One defendant, who pleaded guilty, faces 15 to 21 months in prison and a fine up to \$250,000.

A wildlife dealer from Texas was indicted in U.S. District Court in Los Angeles for smuggling five green tree pythons (a CITES Appendix II species) into the United States from Indonesia. The subject concealed the live snakes in a pair of socks and wrapped them around his waist to hide them from authorities. U.S. Customs officers, however, noticed the suspicious bulge around his waist when he entered the country and referred him for secondary inspection. Once they determined he was concealing snakes rather than narcotics, Service inspectors and agents were notified. Service staff recognized the subject, who had prior violations involving wildlife importations. The man went to trial in June 2001 and was found guilty of smuggling wildlife and making false statements. He was sentenced to serve four months of electronically monitored home detention and three years probation; he must also perform 100 hours of community service and pay a \$5,000 fine.

In June 2001, an antique dealer from San Mateo, California, pleaded guilty to smuggling Asian elephant ivory and green sea turtle items into the United States from China. Charges included violating the Endangered Species Act. The illegal wildlife items were concealed in a shipment of furniture; additional ivory items were recovered when a search warrant was executed. The defendant admitted that these ivory items had been smuggled into the United States on previous occasions. The ivory was appraised at a value of \$66,225. The seized wildlife items were forfeited and the defendant was fined \$100,000. Some of this money will be used to support sea turtle recovery work in Florida.

A cooperative investigation with Environment Canada revealed that a Canadian business knowingly exported nearly 7,000 pounds of CITES-protected coral through Blaine, Washington, on 13 occasions without



*The Service broke up an ivory smuggling operation in Los Angeles after the X-ray inspection of a furniture shipment revealed hidden elephant tusks. The case resulted in the largest ivory seizure ever on the West Coast. USFWS*

declaring or presenting the shipments for inspection. The Service-licensed exporter, who is a resident of British Columbia, paid \$2,500 in penalties in Canada and was fined \$2,500 in the United States.

In September 2001, a San Francisco Bay Area man who pleaded guilty to an Endangered Species Act count for smuggling live Asian arowanas was fined \$6,000 and placed on probation for one year. The man sent a package containing three of the protected fish from Hong Kong to himself under a fictitious name using an address in Oakland, California. After observing the man pick up the package during a surveillance, agents served a search warrant to retrieve the fish and other evidence. Handwriting samples were taken from the suspect and compared with the handwritten address on the package. A forensic document examiner compared the handwriting and determined that the suspect addressed the package. The Asian arowana is much in demand; the fish is considered a symbol of good luck in several Pacific Rim cultures.

When a man entered the United States from China, five live Asian arowanas were found in his carry-on baggage. Service officers seized the endangered fish and tried to interview the subject, who spoke very little English. With the help of a Chinese interpreter, the man eventually claimed that he did not know he had to declare the fish, which he said were gifts for his 13-year-old daughter. Asian arowanas are valued at \$300 to \$8,000 per fish, depending on size and coloration. The man abandoned the fish and was fined.

A Russian woman living in the United States who illegally imported 50 pounds of caviar from CITES Appendix II sturgeon species by concealing the tins in her suitcase was indicted and charged with smuggling wildlife in violation of the Endangered Species Act. The caviar was abandoned to the Service and the subject was sentenced in U.S. District Court in Los Angeles to four months home detention.

### **Protecting the Nation's Symbol**

Region One's law enforcement mission also includes protecting U.S. species, including the bald eagle. Although eagle populations have recovered significantly since the species was listed as endangered, these birds still face threats that range from illegal commercialization to powerline electrocutions and poisoning.

A cooperative U.S.-Canadian investigation of eagle trafficking culminated in the arrest and prosecution of a Canadian aboriginal from British Columbia for wildlife and smuggling violations. After a four-day trial, a Federal jury in Seattle, Washington, found the man guilty of four counts of violating the Bald and Golden Eagle Protection Act and one count of smuggling. He was sentenced to serve two years in prison followed by three years of supervised release; he was also ordered to pay \$147,000 in restitution.

The defendant, who was arrested in Florida in May 2001, illegally brought eagle parts and feathers obtained in Canada into the United States where he sold them to willing buyers. A Service investigation conducted in cooperation with the British Columbia Ministry of the Environment, Lands and Parks and the Royal Canadian Mounted Police resulted in searches at the man's home in Duncan, British Columbia, and a rented storage locker in Fife, Washington, which uncovered bird parts representing 153 bald eagles.

The case attracted media attention since the defendant, a member of the Cowicha band of the Salish Tribe, claimed that he was acting in his capacity as a tribal medicine man when he brought eagle parts over the border and that he gave the items away as gifts to support the religious practices of Native Americans in this country. The defense attorney argued that the case represented "an effort to impose the laws, values, and views of a majority culture . . . [on] an individual in a minority culture," but prosecutors countered by documenting the blatantly commercial and clandestine nature of the subject's transactions.

*Loss of habitat has contributed to the decline of hundreds of species in this country.*



*Service investigations helped safeguard habitat for the threatened California gnatcatcher (top) and northern spotted owl (bottom). B. "Moose" Peterson/USFWS; J&K Hollingsworth/USFWS*

In Washington State, the Service is working to develop partnerships with utility companies to reduce electrocutions of eagles and other protected migratory birds. Acting as a liaison between utility companies, the U.S. Attorney's Office, the Washington Division of Fish and Wildlife, and non-government organizations, a Service special agent has identified unsafe power poles and lines and secured remedial efforts to prevent bird electrocutions. Although the investigation has not resulted in prosecutions, this proactive enforcement effort is saving migratory bird resources.

In March 2001, two immature bald eagles that appeared to be suffering from secondary pentobarbital poisoning were found on a dairy farm near Carnation, Washington. Both eagles eventually died and were sent to the Service's Forensics Laboratory for necropsy along with tissue samples from a calf that had been euthanized on the farm by a local veterinarian. Lab analysis confirmed that tissue from the calf contained high levels of sodium pentobarbital and that the eagles had died from secondary poisoning. The veterinarian admitted responsibility.

The facts of the case, however, strongly suggested that take of the eagles was unintentional, making a conventional criminal prosecution inappropriate. Instead, the veterinarian has agreed to conduct outreach to educate other vets and farmers about this threat to eagles and other wildlife. The veterinarian will prepare a letter for publication in a regional professional journal outlining the secondary poisoning hazard associated with the use of sodium pentobarbital as a euthanizing agent.

As this investigation developed, it became apparent that this type of poisoning was not an isolated incident. Similar cases have occurred in other parts of the country (see pages 64 and 67), prompting the conclusion that secondary sodium pentobarbital poisoning represents a pervasive mortality factor for eagles and other migratory birds.

None of the various brand names under which sodium pentobarbital is sold carries a warning concerning secondary toxicity. Such information was apparently removed from labels in the 1980s. The Service will urge the major suppliers of this drug to restore warnings about secondary poisoning hazards to the label.

In April 2001, information received from a citizen resulted in the prosecution of an individual for cutting down an active bald eagle nest on Whidbey Island in Washington State. The informant's detailed diary of activities observed at the nest allowed the special agent to prove that it was occupied. The landowner was cutting timber for personal use when the take occurred. The Service also alerted the Washington Department of Natural Resources of potential violations of the State's Forest Practices Act.

### **Habitat Destruction**

Loss of habitat has contributed to the decline of hundreds of species in this country. The unauthorized taking of endangered species as a result of habitat destruction is an enforcement priority in Region One because of the long-lasting adverse impact such activity has on wildlife resources. In FY 2001, agents worked on a number of cases involving conflicts between habitat modification and species protection.

A developer in Riverside County, California, violated a 1998 settlement agreement by proceeding with construction work before completing a Habitat Conservation Plan. Additional take of the threatened coastal California gnatcatcher occurred. The U.S. District Court granted a temporary restraining order and then issued a preliminary injunction halting the project. The court ordered new penalties and revised the settlement agreement. The developer paid a \$15,000 fine on top of the \$140,000 in penalties originally assessed. All of the restoration work originally agreed to was completed, conserving 40 acres of coastal sage scrub habitat for the protected bird.

*In June 1999, special agents in Oregon began investigating alleged harm and harassment of the northern spotted owl. Settlement negotiations resulted in a conservation agreement that protects the species' home range.*

On May 14, 2001, a resident of Vallejo, California, pleaded guilty in Federal court in Sacramento to violating the Endangered Species Act. The man admitted that he ordered dredging at his private duck club in the Suisun Marsh, causing the take of Delta smelt, a threatened fish species. Located northeast of San Francisco Bay, the Suisun Marsh consists of 55,000 acres of marshland and 30,000 acres of bay and sloughs that provide habitat for a variety of wildlife, including several species listed as threatened or endangered under the Endangered Species Act. The defendant, a former executive director of the Suisun Resource Conservation District, dredged along 1,400 feet of the Montezuma Slough without a permit. Fill removed during the dredging was placed on a levee, causing the take of Delta smelt. The court sentenced the man to serve one year probation and fined him \$10,245. He must also pay \$9,575 in restitution; this money will be used to mitigate the damage caused by the illegal dredging. The case represented a joint investigative effort by the Service, the Environmental Protection Agency, and the Federal Bureau of Investigation.

A developer in Fremont, California, who was convicted on two previous occasions for illegally filling wetlands, pleaded guilty to one misdemeanor count of violating State laws that prohibit water pollution. The case, which was jointly investigated by the Service and California Department of Fish and Game, involved filling wetlands to allow the construction of new houses. The wetlands are home to the California red legged frog—an endangered species. While only \$350 in fines and restitution resulted from the State's criminal prosecution, settlement of a related civil action yielded more significant results. The developer must restore the damaged wetlands, provide a conservation easement to Alameda County for a permanent pond and a 200-foot buffer zone, and pay \$100,000 in penalties and costs.

In June 1999, special agents in Oregon began investigating alleged harm and harassment of the Strum Creek northern spotted owl pair in Clatsop County by the Oregon Department of Forestry. The investigation showed that between September 1997 and June 2000, forest product harvest operations under the Walker Ridge Stand Improvement Sale and additional activities on the approximately 280 acres of State Forest land constituting the sale area caused the "take" of one or more northern spotted owls in violation of the Endangered Species Act.

The Walker Ridge Stand Improvement Sale and the Strum Creek northern spotted owl site both lay within the area of a research project being conducted by Oregon State University. The project was sponsored and funded by the State Forestry Department to learn more about the effects of active forest management on owls. After conducting telemetry studies of the owls before, during, and after the sale, researchers concluded that the male owl's home range habitat changed and that the change was probably due to harvest activities.

Settlement negotiations resulted in a conservation agreement that provides for the protection of the Strum Creek northern spotted owl home range; protection of the northern spotted owl core use area and home ranges in the North Coast area; and information sharing between the Oregon Department of Forestry and the Service. The agreement will remain in effect for 10 years unless it is superceded by an incidental take permit. These new protections are much needed by the North Coast northern spotted owl population, which the Service believes to be the most gravely imperiled due to low numbers, fragmented habitat, and reduction of migration corridors.

#### **Resolving Water Use Issues**

Region One law enforcement continued to monitor and evaluate a civil penalty settlement agreement stemming from a 1999 investigation of the alleged take of bull trout, a threatened species, on the Walla Walla River in northeast Oregon. The investigation collected evidence suggesting that two irrigation districts knowingly diverted flows from the Walla Walla River during the summers of 1998 and 1999 and that those diversions dewatered segments of the river, causing the take of bull trout.

*Region One law enforcement continued to monitor and evaluate a civil penalty settlement agreement stemming from a 1999 investigation of the alleged take of bull trout, a threatened species, on the Walla Walla River in northeast Oregon.*

During settlement negotiations, the irrigation districts voluntarily expressed the desire to obtain incidental take authority through the development of a Habitat Conservation Plan; a third irrigation district also involved in bull trout take sought a similar arrangement. A settlement agreement, which went into effect in June 2000, was reached with the Service, the Confederated Tribes of the Umatilla Indian Reservation, Waterwatch of Oregon, and the Center for Environmental Law and Policy. The plan called for minimum in-stream flows of 13 cubic feet per second (cfs), screening requirements, a bull trout telemetry study, diversion rate ramping, fish salvage, water flows, and hydrological monitoring of temperatures and discharges and set up monthly reporting requirements.

The sufficiency of the plan for protecting bull trout was reviewed when it expired in January 2001. Modifications were negotiated that required the irrigation districts to ensure increased stream flows during 2001 and 2002. The amended agreement, which was signed on June 27, 2001, runs through January 31, 2003.

As a result of increased stream flows, operations to salvage stranded fish, which had been conducted annually since the early 1940s, proved unnecessary during the 2001 irrigation season. The agreement has benefited bull trout and other fish species in the Walla Walla River system.

On August 11, 2000, Idaho Fish and Game and National Marine Fisheries Service (NMFS) staff collected dead salmon and 51 dead bull trout from a dry irrigation ditch. The head gate had been closed by the water master. After investigating the incident, the Service and NMFS teamed with State officials to find ways to prevent bull trout take caused by unscreened irrigation ditches and dewatering of ditches and natural watercourses during irrigation operations. In July 2001, the two Federal agencies, the governor of Idaho, and the irrigation districts in the Lemhi River Basin signed a conservation agreement that will provide additional water and conservation of habitat for fish in the basin. Although the long-term effectiveness of this agreement must still be determined, it was hailed in the press as a model for non-punitive resolution of disputes between State and local entities and the Federal government over issues involving water use and endangered species.

#### **Other Endangered Species Investigations**

The reintroduction of gray wolves, an endangered species, remained a sensitive issue in Idaho. Agents continued to investigate the death of three gray wolves found in August 2000 in the Salmon/Challis National Forest and two gray wolves found dead in November 2000 in Camas County.

Special agents and Washington Division of Fish and Wildlife officers conducted joint patrols of bull trout spawning areas in Yakima County after receiving complaints from Service biologists that fish were being taken



*Irrigation districts along Oregon's Walla Walla River are working with the Service to protect bull trout—a threatened species. J&K Hollingsworth/USFWS*

*Special agents and Washington Division of Fish and Wildlife officers conducted joint patrols of bull trout spawning areas in Yakima County. Work in September to enforce the “no bait/barbless” hook rules along the Naches River system resulted in the issuance of more than 30 citations.*

during the height of spawning season. Work in September to enforce the “no bait/barbless” hook rules along the Naches River system resulted in the issuance of more than 30 citations. Recommendations were made to Service biologists regarding limiting access to sensitive streams and posting signs that warn anglers of the presence of this threatened fish.

A special agent worked with staff from the Ecological Services office in Spokane to investigate the unlawful take of bull trout by the city of Walla Walla, Washington. The case involved an inadequately screened water intake on Mill Creek. It was agreed that no Federal prosecution would occur if the city installed a “fish friendly” screen.

In the spring, special agents teamed with the Washington Division of Fish and Wildlife to patrol areas below the Carson National Fish Hatchery during an all-time record return of chinook salmon. In a two-day period, officers issued more than 40 citations for offenses that ranged from license violations and snagging to over-limits and dip netting. This enforcement effort secured more than \$10,000 in fines.

#### **Other Investigations**

In May 2000, the U.S. Attorney in San Francisco announced the indictment of a Klamath, California, resident on two Lacey Act counts for possession of illegally taken wildlife. The case was jointly investigated with California Fish and Game, the National Park Service, and the Bureau of Indian Affairs. The defendant, a member of the Yurok Tribe, was found in possession of two cow elk. Forensic specialists matched DNA from the carcasses with elk remains discovered in Redwood National Park where hunting is prohibited. In May 2001, a jury found the man guilty after a four-day trial.

A joint undercover investigation with California Fish and Game resulted in the Federal prosecution of two Bay Area wildlife dealers who were unlawfully selling items at a retail store that had been brought in from Mexico or picked up cheaply at local flea markets. An undercover agent purchased various bird mounts, including a golden eagle; other illegal wildlife items were also offered for sale. The two defendants entered into a plea agreement in April 2001. They will pay fines and restitution totaling \$5,000 and forfeit wildlife items seized during the execution of five search warrants.

In January 2001, special agents in Boise learned that a duck club near Grandview, Idaho, had been baited with corn. Service special agents and Idaho Fish and Game officers confirmed that corn had been dumped on a 20-acre field adjacent to the Snake River. Surveillance was set up and officers contacted two individuals who hunted in the field, but had no knowledge that it was baited. The owner of the club, who was cited for aiding and abetting in the take of migratory game birds with bait, paid \$500 in fines and donated \$1,000 to the Idaho Fish and Game Region Three Enforcement Fund.

Other waterfowl enforcement work included a baiting case in Washington State where the landowner dug down a 10-acre buckwheat field a few days before the opening of Canada goose season. In northern California, a bag limit case involving pintails and other species saw two hunters pay \$4,000 in fines; the court directed that the money be used by the county game commission to enhance duck habitat.

#### **Klamath Basin Security Detail**

During the summer of 2001, Service special agents from Region One (and eventually from other parts of the country) kept the peace during a dispute involving Bureau of Reclamation facilities and farmers in the Klamath Basin. Security operations at a Reclamation irrigation canal in southeastern Oregon drew enforcement resources away from the Service’s wildlife protection mission in the region over a 10-week period.

In the spring, severe drought conditions in the Pacific Northwest reduced water supplies in the Klamath Basin. In April, the Service and NMFS

*The decision to withhold irrigation water prompted protests to local, State, and Federal authorities. After repeated requests to government agencies to release water through the A-canal failed, unknown persons entered the fenced Federal headgate facility and unlawfully opened the gates, permitting water to flow out of Upper Klamath Lake.*

provided biological opinions to the Bureau of Reclamation prescribing measures to safeguard three fish species protected under the Endangered Species Act—the Lost River sucker, the short-nosed sucker, and the Klamath River coho salmon. Later that month, a lawsuit was filed by an Indian tribe and commercial fishing interests in U.S. District Court accusing Reclamation of failing to comply with the biological opinions. The suit resulted in a court order requiring the Bureau of Reclamation to adhere to the opinions and stop releasing irrigation water from the Upper Klamath Lake.

The A-canal, a Bureau of Reclamation irrigation canal built in 1906, provides water through a headgate structure to approximately 1,000 families and farmers in the Klamath Basin of Oregon and California. Basin farmers, who depend on this water, were unable to cultivate their land during the 2001 growing season due to insufficient water supplies. The decision to withhold irrigation water prompted protests to local, State, and Federal authorities. After repeated requests to government agencies to release water through the A-canal failed, unknown persons entered the fenced Federal headgate facility and unlawfully opened the gates, permitting water to flow out of Upper Klamath Lake. Reclamation officials closed the gates and removed the gears used to operate them to make further unauthorized openings more difficult. In the following weeks, unknown persons again unlawfully entered the facility and re-opened the gates. A final opening on July 13, 2001, was accompanied by a sit-in vigil on Federal property surrounding the headgate.

In response, Reclamation asked the Department of Justice to provide emergency law enforcement assistance. On July 14, 2001, U.S. marshals removed persons unlawfully occupying the A-canal headgate facility and secured the property. Reclamation personnel re-closed the gates, shutting off water flow to the A-canal. The Justice Department then asked the Department of the Interior to assume responsibility for protecting the headgate. Later that day, Service special agents and U.S. Park Police officers who had been deputized as U.S. marshals relieved the U.S. marshals at the site and the Region One Assistant Regional Director for Law Enforcement was designated as the Incident Commander in charge of security operations at the facility.

During the week of July 16, three Bureau of Land Management officers arrived to assist the Service and Park Police with administrative and intelligence duties. Rangers from this agency replaced Park Police officers as the primary security force at the A-canal headgate around August 6. Throughout the entire period, Service special agents were present on site in support of the headgate security force. In September, however, the Service took responsibility for the entire operation.



*Protesters angry about water use policy scale the fence at the Upper Klamath Lake A-canal in southern Oregon, where Region One special agents and counterparts from across the country help provide security for most of the summer. USFWS*



*Passenger baggage remained a popular smuggling vehicle for wildlife contraband, including commercial quantities of caviar and bear gall bladder products.*

After U.S. marshals removed the protesters from Reclamation property, the demonstrators set up camp on county land outside the fence. A water release ordered by Secretary of the Interior temporarily decreased the level of tension at the headgate. When the gates closed again on August 24, protest activity re-escalated; 200 to 300 demonstrators climbed over the fence and again occupied Reclamation property. Although a few minor physical assaults on Federal officers occurred, Bureau of Land Management rangers and Service special agents secured the headgate.

After the September 11 terrorist attacks, the majority of the protesters agreed to stop demonstrating at the A-canal headgate. A small number, however, continued to occupy the camp outside the Reclamation fence. On September 26, after 10 1/2 weeks of Federal law enforcement presence at the A-canal headgate facility, security operations were turned over to a private company under contract with the Bureau of Reclamation.

#### **Wildlife Inspection Activities**

*California and Nevada:* During FY 2001, declared wildlife shipments processed in Los Angeles totaled 18,960, making that city not only the busiest port in the Pacific Region but also the second busiest port for wildlife trade in the Nation, exceeded only by the designated port of New York/Newark. Inspection of a large volume of live perishable imports accounted for much of the port's workload during FY 2001.

Endangered species (including CITES) violations continued to dominate case activity in Los Angeles. Passenger baggage remained a popular smuggling vehicle for wildlife contraband, including commercial quantities of caviar and bear gall bladder products. The Wildlife Task Force, first launched in 1995, was less active than in past years due to increased workload and staffing shortfalls at several of the participating Federal inspection service agencies. The group did, however, conduct one major outreach and education seminar in partnership with the Southern California Herbal Medicine Association.

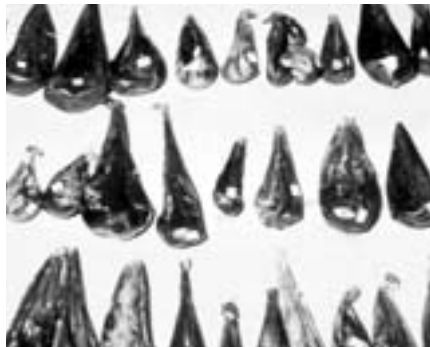
In FY 2001, international trade continued to expand throughout southern California. A number of outlying airports (including Ontario, Victorville, San Bernardino, and Palm Springs) started bringing in international cargo.

Both wildlife imports and violations are increasing in Las Vegas, Nevada. Wildlife inspectors from Los Angeles are helping Service and U.S. Customs staff at McCarran International Airport address these problems. Wildlife seizures during FY 2001 included conch shells from the Philippines, elephant hair products from Africa, and sea turtle boots, leather products, and deer trophies from Mexico.

The wildlife inspection staff in San Diego, California, monitors wildlife imports and exports at five ports of entry on the U.S. border with Mexico. These ports of entry include San Ysidro, Otay Mesa, Tecate, Calexico, and Andrade, California. In addition to border traffic, inspectors also monitor wildlife trade at San Diego International Airport, the ocean port of San Diego, and Brown Field Airport in Otay Mesa. In FY 2001, the San Diego inspection staff fluctuated between two to three wildlife inspectors. The Service's canine inspector dog "retired" when the inspector who handled the animal transferred to the special agent program in July 2001.

During FY 2001, wildlife inspectors on California's southern border processed 552 commercial entries. Endangered species (including CITES) violations continued to account for a major percentage of seizures at border ports of entry, with psittacine birds and reptile leather trade leading the way.

Wildlife trade entering the country via the designated port of San Francisco increased in FY 2001; inspectors processed 6,045 shipments, making San Francisco the second busiest port in the Pacific Region. Inspection staff continued to represent the Service on an interagency traditional medicinal task force along with counterparts from such agencies as the U.S. Department of Agriculture, U.S. Customs Service, and Food and Drug



*Wildlife inspectors at ports along the West Coast and in the Pacific reported seizures of traditional Asian medicinals, including commercial quantities of bear gall bladders and bear bile. USFWS*



*Inspectors working the California-Mexico border intercepted smuggled parrots and other wildlife contraband. USFWS*

*Seattle inspectors are members of the Puget Sound Anti-Smuggling Group, which consists of over 15 different State, county, and Federal law enforcement agencies concentrating on the smuggling of contraband into the United States via Seattle air, sea, and rail ports of entry.*



*Outreach efforts in Guam emphasized the illegality of buying and selling sea turtle products. Bill Fitzpatrick/USFWS*

Administration. Seizures of medicinal products during FY 2001 included leopard and tiger bone products, rhino horn products, seal oil, crocodile meat, and bear products. One notable incident of commercial smuggling involved the discovery of a shipment of bear bile in the suitcase of an arriving passenger.

*Pacific Northwest:* In FY 2001, Service inspection staff at the designated port of Seattle processed 3,300 wildlife shipments. Inspectors focused some of their efforts on preventing the unlawful importation of sturgeon caviar. Over the course of the fiscal year, they confiscated over 22 pounds of sturgeon caviar worth more than \$16,000. Other commodities illegally imported and seized in Seattle included elephant ivory, raw and processed coral, stuffed endangered species, medicinals, marine mammal parts, and African leopard skins and skulls.

Seattle inspectors are members of the Puget Sound Anti-Smuggling Group, which consists of over 15 different State, county, and Federal law enforcement agencies concentrating on the smuggling of contraband into the United States via Seattle air, sea, and rail ports of entry. The inspectors worked with this group on a number of enforcement projects, including the examination of two cargo ships originating in Russia and the Caribbean.

At the designated port of Portland, wildlife inspectors are responsible for examining wildlife imports and exports at the international airport and ocean cargo areas. They also cover the U.S. Customs ports of entry at Astoria, Coos Bay, and Medford, Oregon, and Longview, Washington. During FY 2001, inspectors in Portland processed 960 imports and exports; about three-fourths involved commercial shipments. Hunting trophies accounted for nearly a quarter of wildlife traffic through Portland.

The port of Blaine, Washington, on the Canadian border is open 24 hours a day for commercial and private land traffic. The Service wildlife inspection office there collected 1,964 declarations during FY 2001. Violations detected during the year included trade of CITES species without permits and importation of endangered species, marine mammals, and migratory birds.

*Hawaii and Guam:* At the designated port of Honolulu, Service wildlife inspectors examined 4,084 wildlife imports and exports. They stopped shipments containing coral, clam shells, reptile parts and products, and other contraband wildlife. Packages intercepted at the international mail facility accounted for about 75 percent of these illegal items.

A single wildlife inspector stationed in Agana, Guam, provides inspection services at two ports of entry, the port of Agana in Guam and the port of Saipan, which is located in the Commonwealth of the Northern Mariana Islands. Agana, a special port, includes an international airport that handles some 1.5 million visitors per year and an air cargo facility serviced by four major airlines. Seaport traffic includes fishing vessels, cruise ships, and cargo freighters. Saipan is an unstaffed, non-designated port that consists of an international airport and an international seaport. Currently 72 wildlife importers and exporters are licensed to conduct business in Guam; 22 individuals and companies hold wildlife import/export licenses in Saipan.

Wildlife inspection activities are significantly enhanced at both ports by the assistance of Guam customs and quarantine officers and Saipan quarantine officers. These officers detect many prohibited wildlife items while performing their territorial and commonwealth duties. A memorandum of agreement signed during the fiscal year between the Service and the Commonwealth's Department of Lands and Natural Resources is expected to enhance cooperative enforcement.

The Service wildlife inspector processed 970 imports and exports during FY 2001. Illegal shipments intercepted in Guam typically contained Asian medicinal products made from wildlife.

*Interceptions of Chinese mitten crabs continued to occur in San Francisco, although the ecosystem-disrupting species is unfortunately already well established in San Francisco Bay and the Delta.*

#### **Closing U.S. Borders to Injurious Wildlife**

The interception of injurious species remained an enforcement concern in Region One. During FY 2001, wildlife inspectors served on interagency panels dealing with invasive species issues. Interceptions of Chinese mitten crabs continued to occur in San Francisco, although the ecosystem-disrupting species is unfortunately already well established in San Francisco Bay and the Delta.

Inspectors in San Francisco discovered species of South American fish, including freshwater stingrays and piranhas, being imported by a Monterey fish dealer. These importations are prohibited by California State law; Service inspectors worked with the California Department of Fish and Game to deal with the unlawful importations. State charges were filed.

Special agents in Honolulu continued to be an active partner in the Coordinating Group on Alien Pest Species. Cooperation among members of this group resulted in six substantive alien species investigations. Two of these cases involve State charges while one is being handled as a Federal civil matter; three investigations are still in progress.

#### **Training and Outreach**

Wildlife inspectors in Los Angeles conducted or participated in 23 outreach events during FY 2001. Large-scale venues included America's Family Pet Show and Earth Day at Long Beach Aquarium of the Pacific. Numerous school, scout, and wildlife society presentations were given throughout the year.

Training of other Federal agencies is a major focus on the southern border. Wildlife inspectors in San Diego provide training for inspectors assigned to U.S. Customs, U.S. Department of Agriculture, Immigration and Naturalization Service, and Border Patrol. Although public outreach activity decreased, Service staff still participated in such major public events as San Diego's Earth Day celebration and the annual convention of science educators.

Wildlife inspectors in Washington State conducted several major outreach efforts. In February 2001, inspectors staffed a display in the youth section at the Outdoors Show in Seattle, which focused on teaching sight-impaired children about wildlife trade. Tags identifying confiscated wildlife were labeled in Braille. Wildlife inspectors also conducted outreach at a meeting of the Northwest Chapter of Safari Club International, where they had a chance to speak with over 750 Safari Club members. In April, Service staff in Blaine, Washington, set up a display of endangered species products at the city's outlet mall in conjunction with other border law enforcement agencies. In September, Service inspectors from Seattle participated in the Wenatchee River Salmon Festival at Leavenworth National Fish Hatchery—an event that drew over 8,200 people.

In Oregon, educational programs were provided to other government agencies, and outreach efforts targeted trade shows, schools, and various public events including the Oregon State Fair.

The wildlife inspector in Guam again teamed with the National Park Service and the government of the Commonwealth of the Northern Mariana Islands to host the Flame Tree Festival in Saipan. This three-day event, which was attended by approximately 10,000 people, gave the Service a unique opportunity to educate the public about the illegality of buying and selling sea turtle products. Outreach efforts also explained the unique ecological niche of the fruit bat in an attempt to deter illegal take of this CITES-protected species.

*Supporting the Service's efforts to reintroduce Mexican gray wolves, an endangered species, to their native range remained a major focus for Region Two law enforcement during FY 2001.*



*Special agents in Region Two conducted wolf protection details during big game hunting seasons. Jim Clark/USFWS*

## **Region Two**

Law enforcement activities in Region Two help conserve and protect wildlife and fishery resources, including endangered species. The region, which encompasses Arizona, New Mexico, Oklahoma, and Texas, had a force of 28 special agents and 11 wildlife inspectors at the end of the fiscal year. Region Two includes the designated port of Dallas/Fort Worth, the special port of Houston, as well as the staffed border ports of El Paso, Laredo, and Brownsville, Texas, and Nogales, Arizona.

### **Promoting Wolf Recovery**

Supporting the Service's efforts to reintroduce Mexican gray wolves, an endangered species, to their native range remained a major focus for Region Two law enforcement during FY 2001. This work included investigative efforts when wolf killings occurred as well as patrols and outreach to deter illegal take and promote public understanding of the wolf recovery program.

The prosecution of an adult and a juvenile for the unlawful take and transport of a wolf found shot in 1998 was completed. The adult, who pleaded guilty to two Endangered Species Act violations and one Lacey Act count, was sentenced to serve four months in prison, six months home confinement, and three years probation; he cannot possess or use a firearm for three years and must perform 50 hours of community service. The juvenile, who admitted helping the adult defendant transport the unlawfully killed wolf, pleaded guilty to violating the Lacey Act. He was sentenced to serve 90 days home confinement and 36 months probation; he must also perform 360 hours of community service with an animal protection program.

Rewards totaling over \$24,000 were paid to three people who supplied information useful to this investigation. The money came from the Service's Lacey Act Reward Account and from the Defenders of Wildlife and the Southwestern Center for Biodiversity. Service law enforcement also presented appreciation plaques to a Springerville, Arizona, police officer, an Assistant U.S. Attorney in Phoenix, and a State wolf biologist in New Mexico in recognition of their contributions to this investigation.

In mid-December 2000, a male yearling wolf was shot and killed in Catron County, New Mexico. The carcass was discovered just north of the small community of Aragon in a popular wood-cutting area. The wolf, which had been released the previous July in the Blue Range Primitive area, may have been leaving its pack in search of a mate. The Service investigation is still in progress.

Region Two special agents conducted wolf protection details during big game hunting seasons in the primary recovery area in New Mexico and Arizona. During these details, wolf movements are monitored and marked vehicles are used to provide an overt law enforcement presence. Agents also contact hunters and campers to keep them informed about the general whereabouts of wolves. Through the end of the reporting period, only one wolf had been lost to illegal take since the protection details began in 1998. That wolf was shot outside of hunting seasons in an area where no enforcement details were being conducted.

During FY 2001, Service special agents also met with businessmen, ranchers, local community members, outfitters and guides, landowners, and local law enforcement agencies to discuss wolf issues. Officers helped the Mexican Gray Wolf Recovery Team with wolf tracking efforts and project studies and participated in public meetings and workshops.

### **Protecting Other Endangered Species**

Region Two law enforcement teamed with Ecological Services and Fisheries staff to investigate potential take of the endangered Rio Grande silvery minnow by the Middle Rio Grande Conservancy District, which authorizes water releases during the summer irrigation season that dry up parts of the river. Work began on this case after the expiration of an earlier agreement between the Service and District that was designed to provide water and

*A multi-year investigation of big game guides suspected of unlawfully using aircraft to locate deer and elk for hunting clients resulted in three separate grand jury indictments in Phoenix, Arizona.*



*Elk remained a target for poachers in the Southwest; the Service teamed with State counterparts to work cases in Arizona, New Mexico, and Oklahoma. Gary Zahm/USFWS*

enhance the survival of the minnow. Aerial surveillance for water flows prompted the agencies involved to meet minimum water needs of the minnow during critical periods. In June 2001, a settlement agreement between the Service and the State of New Mexico provided for the Federal purchase of 100,000 acre feet of water for the minnow with the proceeds to be used for minnow habitat restoration, research, surveys, rescue operations, and captive-breeding facilities. The agreement also includes an incidental take statement for regular irrigation users on the Rio Grande—a measure that precludes litigation under the Endangered Species Act.

Special agents investigated a Dallas-based utility for violations of the Endangered Species Act in several western and central Texas counties. The company, which had destroyed habitat of the golden-cheeked warbler and black-capped vireo, agreed to pay a \$20,000 civil assessment.

Agents in the State also investigated incidents involving the illegal take or interstate sale of endangered animals. In January 2001, a hunter in central Texas was fined \$1,000 for shooting an endangered barasingha without a permit and was required to forfeit the barasingha head, cape, and meat. In May 2001, another Texas man was fined \$1,000 for killing a captive tiger; although the man claimed he killed the animal in self-defense, agents showed that the defendant shot the big cat to have it mounted by a taxidermist. A special agent in Victoria, Texas, issued a \$3,000 violation notice to a Texas resident who sold an endangered Grevy's zebra in interstate commerce to a buyer in Virginia.

#### **Big Game/Lacey Act Investigations**

A multi-year investigation of big game guides suspected of unlawfully using aircraft to locate deer and elk for hunting clients resulted in three separate grand jury indictments in Phoenix, Arizona. Some of those involved also allegedly guided and hunted unlawfully on the Navaho Indian Reservation. Multiple Federal charges were brought against 15 individuals for offenses that included conspiracy and violations of the Lacey Act and Airborne Hunting Act. The latter statute makes it unlawful to shoot animals from aircraft; harass animals from the air; or take wildlife while on the ground by means, aid, or use of aircraft. Those indicted included a big game writer/videographer from Kanab, Utah, who was charged with 28 violations; another writer and a big game guide from Phoenix; seven California residents; and a number of other individuals from Utah, Arizona, and Nevada. Some of those investigated face charges related to hunting on Navaho lands over a four-year period. The investigation was a cooperative effort involving Service special agents and officers from Arizona Game and Fish and the Navaho Department of Fish and Wildlife.

Service special agents teamed with game wardens from Oklahoma and New Mexico to investigate the poaching of two trophy bull elk from a private park in Rio Arriba County and the subsequent interstate transport of the trophy parts to Oklahoma. Two Oklahoma residents and a local guide were indicted in New Mexico on felony wildlife charges. The Oklahoma defendants pleaded no contest and were ordered to pay fines of \$20,000 each and serve two years of supervised probation. The guide will also spend two years on probation and must pay restitution to the park operator for the loss of the elk.

The Service helped the New Mexico Game and Fish Department investigate a suspect who allegedly killed a trophy mule deer buck on the Jicarilla Apache Indian Reservation during a 1999 elk hunt. When interviewed, the man admitted that he took the deer out of season and then sent the head and antlers to El Paso, Texas, for taxidermy work. He surrendered the 6x6 trophy and a rifle and will be prosecuted in State court.

In January 2001, the 10th Circuit Court of Appeals upheld the conviction of an Oklahoma landowner in a case involving the theft of elk from Wichita Mountains National Wildlife Refuge and subsequent "canned" hunts conducted on his adjoining property. The defendant had been convicted in May 1999 on one felony Lacey Act count for transporting a trophy bull elk

*Region Two special agents investigate the take of migratory birds by electrocution and work to encourage power companies to remove hazards that threaten raptors and other species. They also conduct oilfield inspections to identify facilities that could harm protected birds.*

taken by a client in violation of Oklahoma State law. He was sentenced to 12 months and one day imprisonment and fined \$30,000. His appeal cited various errors in the investigation, prosecution, and sentencing. After reviewing the defendant's written argument, the appeals court upheld his original conviction and sentence. The man was ordered to report to Federal prison in El Reno, Oklahoma, in April 2001 to begin his prison term.

In December 2000, two defendants were sentenced in Midland, Texas, in an Airborne Hunting Act investigation. The pair had been found guilty of illegally hunting bobcats from a helicopter. One defendant was sentenced to serve three years probation and pay a \$3,500 fine. The second man was fined \$2,500 and will serve two years probation.

#### **Preventing Raptor Electrocutions**

Region Two special agents investigate the take of migratory birds by electrocution and work to encourage power companies to remove hazards that threaten raptors and other species. During FY 2001, for example, agents in Arizona helped power companies across the State develop strategies for protecting migratory birds. In Mesa, a company whose equipment killed at least one Harris hawk decided to retrofit its power poles to prevent additional take of protected birds after being contacted by a special agent. A utility near Punkin Center retrofitted a pole within 48 hours after learning that it had electrocuted a golden eagle. One of the State's largest power suppliers has developed a master raptor protection plan and has prioritized lines for retrofitting based on studies of raptor use.

A Service special agent in New Mexico documented numerous raptor electrocutions caused by power equipment operated by several companies and government installations in the southern part of the State. A variety of raptors, including golden eagles, ferruginous hawks, red-tail hawks, harrier hawks, Harris hawks, and Swainson's hawks, winter in this area. A partnership approach to securing compliance with Federal wildlife laws prompted many of the utilities involved to make their equipment "bird safe." One utility, for example, spent over \$8,000 to retrofit problem poles.

#### **Eliminating Oil Field Hazards**

Service special agents continued to conduct oilfield task force operations throughout historic petroleum production areas in New Mexico, Oklahoma, and Texas. This reporting period marks the third year of a specially funded Regional Environmental Contaminant Program which has secured the cleanup of numerous open oil pits and the collection of more than \$100,000 in fines from oilfield operators whose facilities caused migratory bird mortality. These funds were deposited into the North American Wetlands Conservation Fund.



*Open oil pits can be a death trap for migratory birds. Region Two agents continued to inspect oilfields to identify hazards to birds. USFWS*

*Twenty-nine  
Central Texas  
oilfield operators  
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represented a  
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completed remedial  
efforts aimed at  
protecting birds.  
Four companies  
that operated sites  
where dead birds  
were recovered paid  
\$6,200 in collateral  
fines.*

In New Mexico, special agents conducted ground inspections of oil pits in Sandoval, Rio Arriba, and San Juan Counties in April 2001. Netting violations detected at eight production sites were referred to the New Mexico Oil Conservation Division for State follow-up. In August, oil field inspections in the southeastern part of the State documented multiple hazards and recovered 17 oil-covered birds; seven operators paid \$6,425 in fines for violating the Migratory Bird Treaty Act. Dead birds were also discovered at several sites on Bureau of Land Management property in the State; the companies holding the oil leases paid over \$8,000 in fines.

Oilfield task force operations in Oklahoma included inspections of disposal pits and tanks in Pottawatomie County, which were conducted in cooperation with Bureau of Land Management agents and Oklahoma game wardens. An advance warning from the Oklahoma Corporation Committee resulted in a flurry of cleanup activity before the April 2001 inspections. Un-netted disposal tanks belonging to 14 operators were documented; written notifications secured the necessary measures to protect migratory birds. In May, a Service special agent examined about 30 well sites in Stephens and Okfuskee Counties, identifying 15 operators whose facilities represented a threat to birds. In August, agents conducted two multi-county task force operations, inspecting facilities in the central and southern part of the State. They identified 65 problem well sites and secured remediation in most cases after notifying the operators. Dead birds were recovered from tanks or pits operated by five companies; the operators involved paid fines totaling \$6,400 for killing songbirds, raptors, and game species.

Agents in central Texas saw oil field inspections conducted with the Texas Railroad Commission-Abilene District in the fall of 2000 pay off for migratory birds. Twenty-nine operators whose sites represented a hazard to wildlife completed remedial efforts aimed at protecting birds. Four companies that operated sites where dead birds were recovered paid \$6,200 in collateral fines. A company in north Texas was fined \$8,500 for taking barn owls in open oil disposal tanks after pleading guilty to one count of a three-count criminal information.

In the northeastern part of the State, follow-up inspections of oil fields where operators had previously paid \$7,300 in fines resulted in the issuance of new violation notices to two operators for the deaths of 15 northern mockingbirds and barred owls; the companies paid \$4,700 in fines. In May 2001, agents examined 90 oil production facilities in Neuces, Kleberg, and San Patricio Counties; no Federal violations were encountered.

Agents in west Texas continued to conduct compliance inspections. In August 2001, inspections in Gaines, Yoakum, and Andrews Counties documented over 100 open pits and tanks; agents recovered 56 oil-soaked birds from sites operated by 18 companies. Follow-up inspections in three other counties found that sites with earlier violations were now in compliance with State netting requirements.

#### **Protecting Birds from Other Threats**

A Service investigation of the take of migratory birds in acidic ponds at mining operations near Silver City, New Mexico, and Morenci, Arizona, prompted the companies involved to work with the agency to identify and implement measures to prevent bird mortality. At the Silver City site, where an acid treatment is used to collect copper from mine wastes, an agent and Ecological Services biologist collected over 100 carcasses, including great blue herons, killdeers, ducks, flycatchers, and plovers. Forensic examination of these birds and carcasses recovered from other sites revealed high concentrations of copper, zinc, and manganese. Solutions to the problem include re-designing ponds to allow netting, using lime to neutralize the ponds, hazing, and re-directing discharge away from the ponds.

On March 18, 1996, in the Inter-Coastal Waterway near Galveston, Texas, the steel hull of a barge buckled and ripped open from the wake of a passing ship, accidentally releasing 252,000 gallons of fuel oil into the Houston Ship

*During waterfowl season, agents in Oklahoma teamed with State game wardens to enforce Federal and State hunting regulations. Over 50 violation notices were issued.*

Channel. Strong north winds and the outgoing tide swept the oil into the Gulf of Mexico, where it came into contact with numerous migratory birds. A multi-agency Emergency Response Team was established to handle the crisis, and 96 oiled bird carcasses were retrieved and held as evidence for the Natural Resources Damage Assessment (NRDA) process. On December 14, 2000, the shipping company negotiated a settlement with the government involving the donation of \$20,000 to Friends of the Aransas and Matagorda Island Refuges, a non-governmental organization. These funds will be used on the Aransas, Matagorda Island, and Myrtle Foster-Whitmire National Wildlife Refuges to enhance wildlife habitat in areas affected by the oil spill.

In Lubbock, Texas, the Service investigated a developer and a pest control company that exterminated a prairie dog town, killing multiple burrowing owls. Although residents had warned both parties that the protected owls were present and could not be killed, the defendants took no precautions and wiped out approximately 10 owl families. The developer paid a \$3,500 fine and contributed \$12,000 in restitution for local wildlife restoration projects.

Agents investigated a number of other incidents involving the use of pesticides to poison protected birds. In south Texas, a farmer who used Furadan to kill raptors paid a \$2,500 fine for violations of the Migratory Bird Treaty Act, a \$1,000 fine for violations of Texas Department of Agriculture administrative laws, and \$1,404 in restitution to the State. A defendant in Van Zandt County, who was investigated for the intentional strychnine and carbofuran poisoning of 25 migratory songbirds on his property, was fined \$4,400. In a case involving a neighborhood pond in Dallas, a subdivision security supervisor who applied rat poison to control pigeons was fined \$1,025 for killing six mallard ducks, two grackles, and a mourning dove.

#### **Migratory Game Bird Hunting Cases**

Dove and waterfowl hunting seasons saw agents in Oklahoma and Texas complete a number of investigations involving violations of Federal regulations. Many cases involved Federal/State cooperation.

Dove baiting cases in Oklahoma included an incident in Logan County, where two hunters used wheat seed to lure doves; a case in Claremore where a hunter admitted baiting a pasture; and an incident in Grady County in which a farmer shredded a wildlife food plot and added fresh wheat and milo grain to the cuttings to enhance hunting. During waterfowl season, agents in Oklahoma teamed with State game wardens to enforce Federal and State hunting regulations. Over 50 violation notices were issued for offenses including overbags, use of toxic shot, unplugged guns, and hunting without licenses and stamps. Agents also concluded all litigation in a case involving a guided waterfowl hunt in southwestern Oklahoma. Five defendants forfeited collateral fines totaling \$1,950 for an array of Federal violations.

*Region Two efforts to safeguard waterfowl hunting opportunities included investigations of unlawful commercial hunting operations.  
Megan Durham/USFWS*





*An active inspection program was conducted at the designated port of Dallas/Fort Worth, which features one of the largest inland global distribution centers and handles a major portion of all air cargo in Texas. Significant numbers of wildlife shipments also moved through the port of Houston.*



*Wildlife inspectors in Houston open a shipment of hunting trophies. Kimberly Hamilton/USFWS*

In Texas, the owners of two ranches near Sierra Blanca each paid \$3,650 for violating Federal baiting regulations during dove season. Dove baiting investigations in Hamilton County that documented four baited areas, including two commercial operations, collected \$3,000 in fines from four defendants responsible for placing bait and \$1,800 from 10 subjects who hunted on the baited fields. In Bosque Country, a farmer who baited his pasture roads with wheat to improve dove hunting for local citizens paid a \$2,200 fine.

Service and State officers also completed dove baiting cases in Eastland and Wise Counties. In the Eastland case, which involved a commercial hunting operation, the landowner used his influence to obtain affidavits from the local County Extension Service agent and the U.S. Department of Agriculture agronomist maintaining that his “planting” methods for wheat were an accepted local practice. Follow-up interviews with these officials prompted the retraction of the affidavits. The landowner pleaded guilty to State violations and was fined \$1,150. In the Wise County case, a hunter and 12 associates were caught hunting around a pond heavily baited with corn and milo maize. All defendants pleaded guilty to State charges and were assessed criminal fines totaling \$3,250.

A long-term undercover investigation of unlawful commercial waterfowl hunts secured guilty pleas from three waterfowl hunting guides. The guides agreed to pay violation notices totaling \$8,500. Service special agents assigned to north Texas conducted waterfowl protection details throughout the fall hunting seasons. Overall, 45 Federal and State violation notices were issued for offenses that ranged from over-limits to shooting after legal hours. In December 2000, Operation Saturation saw agents concentrate waterfowl enforcement efforts near Laguna Atascosa National Wildlife Refuge and Port Mansfield, where violation notices for \$1,600 in collateral fines were issued.

#### **Investigating Illegal Wildlife Trade**

The Service concluded an investigation of a west Texas man who smuggled rare insect specimens from Mexico into the United States. The defendant and his suppliers (two Mexican citizens) were indicted by a Federal grand jury on 10 felony Lacey Act counts. After negotiating a plea agreement, the man was sentenced to serve six months of home confinement with electronic monitoring, complete one year of supervised probation, and pay a \$3,000 criminal fine and \$3,200 in restitution to defrauded clients. He also forfeited over \$200,000 of seized inventory to the government, including illegally traded insect specimens. The latter will be donated to Texas Tech University for educational use and display.

On August 31, 2001, a Federal grand jury in the Southern District of Texas returned a felony indictment against an individual who tried to smuggle 2,880 Olive Ridley sea turtle eggs from El Salvador to the United States via Houston in March 2000. The defendant’s sister was indicted and prosecuted last year after she was caught smuggling 1,524 sea turtle eggs and 5,000 units of prescription drugs at the airport in Houston. She spent time in prison for her part in this alleged conspiracy.

Two defendants investigated for smuggling Amazon parrots and migratory birds into the United States from Mexico were sentenced in U.S. District Court in El Paso. One individual will serve six months home confinement, spend three years on probation, and pay a \$100 special court assessment. The second defendant was sentenced to four months home confinement, three years probation, and a \$100 special court assessment.

#### **Wildlife Inspection Activities**

An active inspection program was conducted at the designated port of Dallas/Fort Worth, which features one of the largest inland global distribution centers and handles a major portion of all air cargo in Texas. Inspectors processed 4,217 declared wildlife shipments during FY 2001. Unlawful importations intercepted at Dallas/Fort Worth included 44 alligator skins destined for a Louisiana tannery, which was fined \$1,000; 22 pairs of



*A growing commercial black market for sea turtle eggs is a threat to these endangered species. An individual caught smuggling 2,880 sea turtle eggs into Houston was indicted on felony charges; inspection blitzes at that port of entry intercepted 13 other egg smugglers during FY 2001. USFWS*

exotic wildlife skin boots valued at \$2,200; 10 saltwater crocodile skins worth \$1,900; 72 sea turtle eggs; elephant hair bracelets; and whale vertebrae.

An alarming number of endangered species parts and products are illegally imported into George Bush Intercontinental Airport in Houston, making the inspection program in this city an important part of Service efforts to monitor wildlife trade. Although the majority of these illegal importations involve small quantities of wildlife intended for personal use, a growing commercial black market exists for sea turtle parts and products. During FY 2001, Service wildlife inspectors teamed with U.S. Customs Service and U.S. Department of Agriculture counterparts to conduct a six-month enforcement blitz to interdict smugglers of sea turtle eggs. Inspectors intercepted 13 individuals attempting to smuggle 332 eggs. Violation notices secured \$2,500 in fines.

Inspectors in Houston processed 944 wildlife imports and exports, including ocean cargo shipments. Other significant seizures included a shipment of caiman leather products imported from Honduras without CITES permits and a commercial import of tanned springbok skins that came in from South Africa without permits. In a case involving the import of an elephant trophy from Cameroon, the defendant paid a \$4,000 civil penalty.

Inspectors in El Paso, Texas, who handled 814 shipments, continued to see a steady stream of illegal wildlife and wildlife products moving across the border. Interceptions in FY 2001 included commercial boot and belt imports involving hundreds of items, live parrots, and big game mounts. Fines collected included \$1,150 in a case involving the illegal importation of exotic cowboy boots from Mexico and \$1,350 from a U.S. outfitter who brought illegal big game mounts across the border. Service enforcement staff also worked to inform a Mexican/U.S. business consortium promoting increased cross-border trade at Santa Teresa, New Mexico, about laws and regulations governing commercial wildlife trade.

One highlight for the Port of Laredo was the processing and clearing of numerous shipments of live white-tailed deer being exported from Texas to Mexico. Under a cooperative agreement between Texas and Mexico, 1,000 white-tailed deer were trapped in Texas and relocated to Mexico. The wildlife inspector in Laredo assisted with this effort by ensuring the quick clearance of the live deer shipments, limiting the amount of stress experienced by the animals.

Other imports and exports processed in Laredo during the year included wildebeests, boots made from exotic skins, ostrich products, and live reptiles. Items seized ranged from boots made of protected species and caiman products to goat horns, mounted white-tailed deer racks, and quail eggs. An individual who imported a desert bighorn sheep trophy without the required CITES documents was fined \$3,000. Approximately 435 hunters, including 300 returning from Mexico with some 36,000 doves, were checked entering Texas.

Service inspectors in Brownsville, Texas, examined 119 wildlife shipments. Common imports and exports included python, cobra, and caiman products, fallow deer, live rana frogs, ostrich products, live shrimp, crocodile products, ibex, bison, Sitka deer, coral, and shells. Inspections of commercial trade resulted in seizures of products made from ostrich, caiman, and monitor lizard, alligator watch bands, tropical fish, queen conch shells, coral, live sea turtles, and eel and iguana boots. In one case, a business that illegally imported large quantities of queen conch shells was fined \$3,346. Inspectors also seized a howler monkey, mallard ducks, and a variety of wildlife mounts (including a hawk, ocelot, dove, bobcat, and big horn sheep), which were being unlawfully imported or exported by individuals. They checked 371 hunters, including 265 who were bringing some 12,000 doves back from Mexico.

*Special agents and wildlife inspectors in Region Two helped improve interagency cooperation by training Federal and State counterparts. Cross-training of inspectors from U.S. Customs and other agencies enlisted the support of hundreds of other Federal officers in enforcing wildlife trade laws in the Southwest.*

The Service inspector in Nogales contributed information on wildlife trade interactions with Mexico to an interagency effort that is developing a “best practices” guidebook for Federal enforcement officers policing the southern border. Common imports and exports at this port included biological specimens, deer antler furniture, hunting trophies, and pet birds. Inspections were also conducted of live reptile shipments bound for Canada via Tucson International Airport.

#### **Federal and State Training Partnerships**

Special agents and wildlife inspectors in Region Two helped improve interagency cooperation by training Federal and State counterparts. Wildlife inspectors, for example, provided training on wildlife import/export regulations to U.S. Customs officers in Naco and Douglas, Arizona; new U.S. Agriculture Department inspectors and Customs staff in El Paso, Texas; and Federal inspection service personnel from Customs, Agriculture, Border Patrol, and Immigration and Naturalization at the international airport in Houston and the ports of Laredo and Brownsville, Texas. These cross-training efforts enlisted the support of hundreds of other Federal officers in enforcing wildlife trade laws in the Southwest.

Service special agents served as instructors for refuge officers and other Service staff. Examples include programs on migratory bird enforcement and archeological resource protection at refuge officer in-service sessions in Arizona and Iowa; firearms training for refuge personnel; and instruction on contaminants issues at a seminar on managing oil and gas operations on refuges. In April 2001, Region Two agents provided training on investigating and cleaning up oil spills to Service personnel attending contaminants training at Yosemite Valley, California.

Training assistance to the States included teaching enforcement issues to new wildlife managers with Arizona Game and Fish; providing instruction on Federal wildlife laws and regulations to newly recruited Oklahoma game wardens; and teaching Federal wildlife laws and interrogation techniques and coordinating and conducting non-lethal firearms training for cadets at the Texas Parks and Wildlife Game Warden Academy. During FY 2001, agents also presented an overview on Federal baiting regulations to the Oklahoma Department of Wildlife Conservation’s district enforcement chiefs; taught a class on interview/interrogation techniques for Texas Department of Agriculture pesticide inspectors; and teamed with the Texas Parks and Wildlife Department to recruit and train 70 new wildlife rehabilitators.

Other agencies dealing with wildlife crimes in this country and overseas also benefited from Region Two enforcement expertise. In November 2000, special agents in Arizona provided training in wildlife law enforcement to military police at Fort Huachuca, an Army post that is expanding its hunting program. In February 2001, agents presented a briefing on wildlife enforcement issues on tribal lands to over 100 Federal, State, and tribal officers attending an interagency tribal enforcement seminar hosted by the U.S. Attorney’s Office in Oklahoma City. A Region Two agent teamed with a Region Six counterpart to teach enforcement techniques and strategies to park rangers in Ecuador. The agents are helping the U.S. Agency for International Development develop a long-term plan to combat the illegal harvest and destruction of wildlife species in the Galapagos National Park and Marine Reserve.

#### **Supporting Refuges and Ecosystem Teams**

During FY 2001, Region Two special agents helped safeguard national wildlife refuges, worked on ecosystem teams, and provided expertise to other Service programs on pesticide, contaminant, and permit issues. Division personnel, for example, teamed with refuge staff to address enforcement issues involving violations that ranged from unauthorized trespass and illegal hunting to chemical dumping, alligator poaching, and airborne harassment of wildlife.

*The Division teamed with conservation groups to help protect interior least terns on the South Canadian River while an agent in Corpus Christi, Texas, helped Service biologists conduct a piping plover survey via air boat along Padre Island National Seashore.*



*Special agents helped Region Two biologists survey the piping plover population along Padre Island National Seashore in Texas. C. Perez/USFWS*

In New Mexico, agents provided aerial surveillance to help Ecological Services staff manage recovery efforts for the endangered Rio Grande silvery minnow. In Oklahoma, the Division teamed with Ecological Services, the Nature Conservancy, and the Audubon Society to help protect interior least terns on the South Canadian River while an agent in Corpus Christi, Texas, helped Service biologists conduct a piping plover survey via air boat along Padre Island National Seashore.

At the request of Ecological Services, agents in Texas began monitoring seismic tests being conducted by a petroleum company on 16,000 acres of privately owned wetlands which held three rookeries hosting more than 22 bird species. On-site reviews and contacts with corporate managers prompted the company to adopt new testing methods and hire an environmental monitor to protect the sensitive area from further loss.

#### **Assistance to Other Agencies**

Service special agents and inspectors routinely assist counterparts in other Federal, State, and tribal enforcement agencies. Federal organizations benefiting from Service enforcement expertise in FY 2001 included the U.S. Customs Service, U.S. Department of Agriculture, Bureau of Alcohol, Tobacco, and Firearms, and U.S. Border Patrol. Service agents helped the Department of Energy develop a prairie dog control program that would avoid harm to burrowing owls at a nuclear plant in Texas and teamed with the Coast Guard and Texas game wardens to investigate and intercept shrimping boats operating along Padre Island National Seashore in the vicinity of prime sea turtle nesting habitat.

Agents in the Southwest continued to work in partnership with State fish and game agencies. Examples of cases involving Service assistance in FY 2001 included an Oklahoma probe of Internet-based wildlife trafficking and work in Texas to retrieve derelict crab traps from Gulf Coast waters, identify commercial shrimping and oyster boats illegally dumping oil in the Gulf of Mexico, crackdown on illegal wildlife sales at a nationally advertised monthly flea market, and investigate an individual selling falsified hunter education certificates.

Special agents also participated in rescue efforts when the Houston metropolitan area experienced widespread flooding during June 2001; helped the Texas Division of Environmental Contaminants update county pesticide bulletins; and worked with the city of Lubbock to plan a riparian restoration project to mitigate dredging damage along local streams.

#### **Public Outreach**

Region Two special agents and wildlife inspectors contributed to Service outreach. Enforcement staff participated in numerous career day presentations and other school-based events during FY 2001. Seminars on wildlife law enforcement issues were presented to students at Oklahoma State University, Texas Tech University, Rice University, and Northern Texas State University.

A Region Two wildlife inspector teamed with a retired Region Two agent to help represent the Service and the Division of Law Enforcement at the national Boy Scout Jamboree, which was held at Fort A.P. Hill in Virginia in August 2001. Other public outreach included presentations on Federal wildlife laws and permits at meetings of the International Wildlife Rehabilitation Council in Montreal and Oklahoma City; briefings on wildlife trade issues for staff at the Houston Zoo; and participation in a joint project with the Audubon Society, Boy Scouts, and wildlife rehabilitators to construct artificial habitat for burrowing owls rescued from construction sites.

*Habitat protection is essential to conserving wildlife resources. Threats include development, environmental contaminants, and injurious species.*



*Service agents and biologists worked with officials in Door County, Wisconsin, to protect habitat for the endangered Hines emerald dragonfly. USFWS*

### **Region Three**

Known as the Great Lakes-Big Rivers Region, Region Three borders on four of the five Great Lakes (Superior, Michigan, Huron, and Erie) and is defined by several extensive river systems, including the Mississippi, Missouri, Illinois, and Ohio. The region covers the midwestern States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. As of September 30, 2001, 24 special agents and seven wildlife inspectors were stationed in Region Three. Inspection services are provided at the designated port of Chicago and a number of border ports, including Detroit, Port Huron, and Sault Sainte Marie, Michigan, and Minneapolis/St. Paul, Grand Portage, and International Falls, Minnesota.

### **Safeguarding Habitat**

Habitat protection is essential to conserving wildlife resources. In FY 2001, Region Three special agents worked to address varied threats to habitat, including development, environmental contaminants, and the introduction of injurious species.

In Door County, Wisconsin, workers completing a road improvement project deposited fill in an adjacent wetland area, a significant larva site for the endangered Hines emerald dragonfly. Region Three special agents and the Service's Green Bay Field Office worked successfully to obtain the cooperation of town officials and private landowners, who voluntarily removed the fill material in a manner least injurious to the endangered dragonfly.

In July 2001, town officials signed an administrative settlement agreement with the Service and the field Solicitor's Office. In the agreement, the town pledged to continue working closely with Service biologists and to apply for the permits needed to ensure that road construction activities comply with the Endangered Species Act.

This success story represents the second time the Service has used this type of agreement to resolve concerns about the destruction of endangered species habitat in Wisconsin. In 1999, special agents worked with the Green Bay Field Office and officials in Adams County to ensure that road construction work would be conducted so as to minimize impact on habitat of the endangered Karner blue butterfly.

During the winter of 2001, employees at Minnesota Valley National Wildlife Refuge discovered property destruction and the illegal placement of fill material within the boundaries of the refuge. The refuge manager requested assistance from Region Three special agents. Their investigation revealed that the owner of land adjacent to the refuge was responsible for the illegal dumping and grading. These activities, which included placing fill material in a wetland, violated the Clean Water Act as well as the National Wildlife Refuge System Improvement Act. Faced with the prospect of Federal prosecution, the landowner agreed to remove the fill material and restore the natural vegetation on the affected portion of the refuge.

Clean Water Act issues were also involved in another Region Three investigation, which focused on environmental contaminants. Special agents teamed with contaminants biologists from the Service's Rock Island, Illinois, Field Office and officers from the U.S. Environmental Protection Agency and the Missouri Department of Conservation to uncover violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act committed by a lead smelting facility on the Mississippi River. The investigation, which was undertaken in response to a complaint of illegal dumping and discharge, found high concentrations of lead and other heavy metals in the environment surrounding the facility. In May 2001, the smelter company signed an administrative order for cleanup and restoration work. The Service and Missouri Department of Natural Resources are developing a cooperative assessment agreement with the company for restoration of the habitat under the Natural Resources Damage Assessment and Restoration Authority.

*Region Three investigations during FY 2001 exposed a variety of threats to migratory birds and eagles. Cases involved shootings and poisonings as well as unlawful possession.*

During 2001, Region Three settled the Service's first case involving black carp, an exotic fish considered injurious by many States. Biologists see black carp as a threat to native ecosystems; released into U.S. waters, the species would feed on native mollusks and snails (potentially depleting populations) and compete with native fish for food.

In May 1998, the owner of an Iowa fish farm imported live black carp and bighead carp from other States in violation of Iowa State law. During that same year, he also imported golden sea bass from Taiwan. All three species of fish are native to Asia and all are considered injurious under Iowa law. To protect the State's natural resources, Iowa largely restricts commercial propagation of fish to native species and requires special permits for propagation of non-native, potentially injurious fish species. The defendant in this case had applied for a permit to bring black carp into Iowa, but State authorities denied that request because of the potential threat to native species that would be created if these fish were introduced into State waters.

The fish farm owner pleaded guilty in Federal court in Davenport, Iowa, to four Lacey Act violations for importing the Asian carp in violation of Iowa law and one violation of the Migratory Bird Treaty Act for killing protected birds. (In June and July 1998, he was observed shooting birds over his fish ponds, killing at least two terns and a kingfisher.) In July 2001, the man was fined \$13,654 and sentenced to serve six months home confinement and three years probation.

Fish farmers in some States use black carp to control mollusks that can carry a parasite that kills farm-raised fish. But biologists in Iowa and other States are concerned that non-native black carp could escape from farm ponds into rivers and threaten native species of snails and mollusks. Three species of Asian carp—bighead, silver, and grass carp—already flourish in the Mississippi River system, competing for food with and muscling out native fish species. These carp were originally imported to control weeds in fish farm ponds, but escaped into the natural water system and are now breeding in the wild.

#### **Protecting Migratory Birds**

Region Three investigations during FY 2001 exposed a variety of threats to migratory birds and eagles. Cases involved shootings and poisonings as well as unlawful possession.

Two Ohio men were caught killing two trumpeter swans on Ottawa National Wildlife Refuge during the fall 2000 waterfowl hunting season. The men, who claimed that they thought the birds were snow geese, were charged in Ohio State court. They were sentenced to five days in jail, 50 hours of community service, and two years probation. They were also each fined \$500 and ordered to pay \$1,000 in restitution. They must take a hunter education course and lost their hunting licenses for two years.



*State charges were brought against a pair of men who unlawfully killed two trumpeter swans on Ottawa National Wildlife Refuge in Ohio. Don Hultman/USFWS*

*In August 2001, an 18-month joint Service/Ontario Ministry of Natural Resources undercover investigation of illegal bear gall trade resulted in the largest fines ever assessed for wildlife trafficking in Canada.*



*A joint U.S./Canada investigation exposed Canadian bear hunting guides trafficking unlawfully in black bear gall bladders.  
USFWS*

Residents of Forest County, Wisconsin, told a State conservation warden that two men had displayed an eagle foot as a trophy while speaking openly about shooting the bird. Wisconsin officers and Service special agents investigated the violation. They learned that in the spring of 2000, the two men spotted an immature female eagle perched in a tree while driving a truck along a road in Forest County. The men drove home to retrieve a .22 caliber rifle, returned to the location where they had spotted the bird, and shot it. The defendant who shot the eagle was fined \$1,500, ordered to pay \$500 restitution, sentenced to perform 100 hours of community service, and placed on probation for two years during which he is prohibited from hunting or fishing anywhere in the United States. The driver of the truck was fined \$1,000, ordered to pay \$500 restitution, sentenced to perform 50 hours of community service, and placed on probation for one year during which he is prohibited from hunting in this country.

In February 2001, Service agents teamed with officers from the Missouri Department of Conservation to investigate the widespread, long-term killing of federally protected migratory birds near a small farm in southwest Missouri. Birds affected included more than 140 red-tailed and Cooper's hawks (both species protected under the Migratory Bird Treaty Act) as well as some 1,894 starlings (birds that receive no protection under Federal law).

Agents sent a representative sample of dead hawks and starlings to the Service's Forensic Laboratory for a cause of death determination. Forensic scientists concluded that the starlings had succumbed to organophosphate pesticide poisoning resulting from the ingestion of famphur, the active ingredient in the farm product Warbex®. The hawks died from secondary poisoning after scavenging on the starlings.

Investigators showed that a farmer and his son had scattered wheat seed laced with Warbex® to poison nuisance starlings on their farm. In addition to the hawks that were killed, other federally protected birds affected included a white-crowned sparrow, a Northern cardinal, 136 brown-headed cowbirds, 11 blackbirds and common grackles, and eight American crows. Federal prosecution is pending.

In January 2001, a Wisconsin man was sentenced for unlawfully possessing an immature bald eagle. The investigation began when the Lac Du Flambeau Tribal Police received information that a non-tribal member possessed an eagle. The tribal police served a search warrant at the defendant's residence, but found only some eagle body feathers. Service special agents became involved in the investigation and learned that the defendant had been seen with a freshly killed eagle after returning from a deer hunting trip in the fall of 1999. The officers discovered that the remainder of the eagle had been given to a crafter to make into a Native American bustle for use at pow wows. The eagle parts and bustle were seized, and the defendant pleaded guilty to unlawfully possessing the eagle. He was sentenced to five months in prison, five months at a halfway house, and one year probation. During that time, the defendant cannot hunt anywhere in the United States.

### **International Wildlife Trafficking**

In August 2001, an 18-month joint Service/Ontario Ministry of Natural Resources undercover investigation of illegal bear gall trade resulted in the largest fines ever assessed for wildlife trafficking in Canada. The landmark case centered on Canadian bear hunting guides who were involved in the illegal collection and sale of gall bladders from bears killed by their clients. Service agents played an important role in the investigation by posing as American hunters and bear gall buyers.

Fourteen Canadian nationals were charged with 51 violations, including illegal hunting and commercialization, after the covert portion of the investigation ended in December 1999. In trials in Ontario during 2000 and 2001, all 14 defendants were either found guilty or entered into negotiated plea agreements.

*The first defendant charged in Operation Snow Plow, an undercover investigation into the illegal take and sale of endangered big cats, pleaded guilty to violating the Lacey Act and was sentenced in January 2001 in Michigan.*



*A Michigan man pleaded guilty to brokering tiger skins. His sentence included paying \$28,000 in restitution to a tiger conservation fund. J&K Hollingsworth/USFWS*

Six individuals were convicted of unlawfully selling wildlife. One man, who was found guilty of five counts, was fined \$55,000 and prohibited from hunting or guiding for 20 years. Another defendant, who unlawfully sold 45 bear gall bladders, was fined \$50,000 and banned from hunting or guiding for 20 years. The other four men found guilty of selling wildlife were fined a total of \$32,400. Three of the four lost their bear hunting privileges for life and one went to prison for 45 days.

Six defendants pleaded guilty or were found guilty in absentia of hunting violations and were fined a total of \$5,000. The remaining two defendants pleaded guilty to selling moose antlers and were fined a total of \$800.

A Pennsylvania man with a history of wildlife smuggling convictions was sentenced in Federal court in April 2001 for wildlife import and firearms violations. The judge ordered him to serve 10 months confinement and two years supervised release and fined him \$10,000. In this latest case, the defendant pleaded guilty to unlawfully importing parts of endangered wildlife (two black rhinoceros horns) and unlawfully possessing a firearm. These violations were discovered when the man arrived at Chicago's O'Hare International Airport on Christmas Eve 1998 after hunting argali sheep in China.

The defendant's previous convictions involved illegally importing crocodile and leopard hides and smuggling a bald eagle into the United States from Canada. In August 1990, he was found guilty on 16 counts of smuggling endangered species into the United States; he served 27 months in prison and paid a \$140,000 fine.

#### **Other Endangered Species Cases**

Acting on a tip, Service agents investigated reports that an Iowa man had shot an endangered brown hyena while on safari in Zimbabwe and smuggled the skull into the United States. Officers served a search warrant at the man's home, where they seized the hyena skull, a leopard skin and skull, a rifle, and numerous photos of the safari.

After a senior scientist at the Forensics Laboratory positively identified the skull as that of a brown hyena, agents contacted government officials in Zimbabwe. They confirmed that the brown hyena is a protected species in that country and that all hunting is prohibited.

Reports from Zimbabwe indicated that the owners of the hunting ranch had never seen a brown hyena on their property in the 35 years they lived there. Local residents, who had never seen the species before, reportedly fled the area of the kill because they believed the animal to be a spirit.

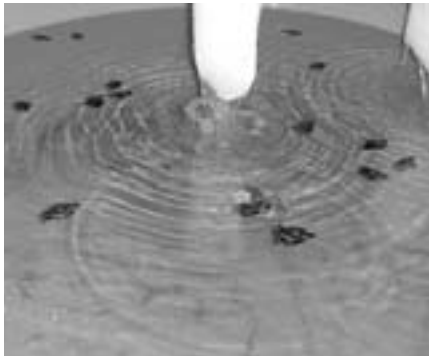
In a plea agreement, the defendant admitted that he killed the hyena during a night hunt while using night vision glasses. He also admitted that he sent the skull to a Zimbabwe taxidermist who shipped it to him in the United States and that he instructed an African hunting guide to lie to the taxidermist and claim the skull was that of a spotted hyena, an animal not protected as an endangered species.

In Federal court in Des Moines, Iowa, the man pleaded guilty to a felony Lacey Act violation. In March 2001, he was fined \$10,000 and sentenced to 60 days in prison and three years of supervised probation. The defendant forfeited his weapon and lost his hunting privileges worldwide for the term of his probation.

The first defendant charged in Operation Snow Plow, an undercover investigation into the illegal take and sale of endangered big cats, pleaded guilty to violating the Lacey Act and was sentenced in January 2001 in Michigan. The investigation uncovered the illegal killing of tigers, leopards, and snow leopards and the selling of their meat and skins in the lucrative animal parts trade. This defendant admitted that he brokered the sale of three tiger skins, making nearly \$4,000 in profit on the deal. He was



*Twenty endangered loggerhead sea turtle hatchlings that were taken as eggs from a Florida beach by an Ohio tourist were returned to the ocean in August 2001.*



*Twenty loggerhead sea turtle hatchlings (top) taken as eggs from a Florida beach were returned to their native habitat and now have the opportunity to reach maturity. Service agents in Regions Three and Four helped recover the turtles and investigate their unlawful collection. USFWS*

sentenced to serve six months home confinement and two years probation; he was also fined \$2,000 and ordered to pay \$28,000 in restitution to the National Fish and Wildlife Foundation's "Save the Tiger" fund.

In August 2001, a Florida reptile farm and the farm's general manager pleaded guilty in Federal court to the illegal sale and transport of endangered American crocodiles; many of the animals ended up in midwestern States. The corporation paid a \$3,500 fine and the manager will spend one year on probation and must perform 50 hours of community service.

Although the reptile farm and roadside amusement attraction had reportedly been breeding American crocodiles on its premises since the late 1950s, the Endangered Species Act prohibits the interstate sale of listed species. The demand for protected crocodylians in the pet trade is a growing concern; American crocodiles, a species that occurs naturally in south Florida, are among the animals targeted by reptile dealers.

The investigation began in late 1997 when the Indiana Department of Natural Resources received information that the endangered crocodiles were available in the pet trade. Working in conjunction with Region Three special agents, undercover State officers purchased five crocodiles from the defendant. Investigators discovered that company sold and transported 18 American crocodiles, many to States in the Midwest. A number of these animals have been recovered and removed from the trade.

In a related followup investigation, a defendant in Ohio paid a \$2,000 violation notice and an Iowa defendant paid a \$3,000 violation notice for unlawful commercialization of American crocodiles.

Twenty endangered loggerhead sea turtle hatchlings that were taken as eggs from a Florida beach by an Ohio tourist were returned to the ocean in August 2001. Service special agents from Regions Three and Four accompanied the turtles on their return journey and helped release them eight miles off the Florida coast.

The turtles' ordeal began when their nest was unearthed by a storm and a woman vacationing in Florida collected the eggs and took them home to Ohio in a plastic bag. When 24 turtles hatched in her basement 10 days later, she called the Columbus Zoo for help. Zoo officials contacted the Service, which opened an investigation.

The Columbus Zoo cared for the turtles for almost a month, managing to keep 20 of the 24 alive for the return trip to the sea. Executive Jet, a Columbus-based commercial charter company, donated the 2 1/2 hour flight to Florida. Personnel from the Service, Florida Fish and Wildlife Conservation Commission, Marine Life Center of Juno Beach, and the U.S. Coast Guard helped get the turtles back out to sea where they belong.

#### **Other Key Investigations**

In an unusual sentencing, an Illinois artist paid his debt to society by doing what he does best—drawing pictures of wildlife. The self-proclaimed environmentalist illegally collected two western diamondback rattlesnakes from the wild in Arizona and then transported them back to Illinois. Region Three special agents and the Illinois Department of Natural Resources learned of the violation when the defendant displayed the live snakes at his brother's restaurant. The snakes were confiscated, and the man was charged with a misdemeanor violation of the Lacey Act.

In a negotiated plea, the defendant agreed to pay a \$200 fine and perform community service by donating his artistic talents to the Fish and Wildlife Service. In fulfilling his obligation, the artist created numerous drawings for use in educational materials at several Service field stations in Illinois.

*Inspectors in Chicago made 13 seizures of elephant ivory, recovering 75 carvings. This level of illegal trafficking is of concern given the widespread public awareness of the plight of the world's elephants.*



*Ivory trade remains a threat to elephants. Inspectors in Chicago seized 75 smuggled ivory carvings in FY 2001. J&K Hollingsworth/USFWS*

### **Inspection Activities**

In FY 2001, wildlife inspectors in Chicago made 113 seizures of a wide variety of wildlife. Intercepted imports and exports included both live animals and products in cargo shipments and personal baggage. Items included gall bladders; leather goods made from python, monitor lizard, and crocodile; migratory birds and feathers; hunting trophies and antlers; shell and coral jewelry; sea turtle shell items; skins from leopard, kangaroo, and bear; live turtles; and betta fish.

Inspectors documented violations of the Endangered Species Act, including humane transport regulations; the Convention on International Trade in Endangered Species; Marine Mammal Protection Act; Migratory Bird Treaty Act; and numerous foreign laws enforced under the Lacey Act. Changes in wildlife protection rules in Mexico reduced the number of “trinket” seizures, allowing wildlife inspectors to focus their efforts on more significant violations.

For example, inspectors made 13 seizures of elephant ivory, recovering 75 carvings. This level of illegal trafficking is of concern given the widespread public awareness of the plight of the world's elephants and the existence of multiple U.S. laws banning ivory trade.

Inspectors at the port of Chicago also seized commercial quantities of caviar on 16 occasions; nine of these seizures occurred during the month of December. Whole sturgeon were also seized.

The Minneapolis/St. Paul International Airport is a popular port of entry for U.S. hunters returning from Saskatchewan, Canada, during the fall waterfowl and big game hunting seasons. Over 1,200 waterfowl hunters and their imported birds were inspected during September and October 2000. In November and December, wildlife inspectors at this port contacted 1,400 big game hunters to check their trophies for compliance with U.S. and Canadian wildlife laws.

Since opening in 1988, the border port of Detroit has historically been staffed by only one wildlife inspector. Recent years have seen dramatic increases in wildlife import/export traffic at Detroit's two land borders, the international airport, and foreign mail facility as well as at the border ports of Port Huron and Sault Saint Marie, Michigan. The demand for inspection services grew so significantly that the Region was forced to limit the number of designated port exception permits issued for Michigan ports during 1999 and 2000. In January 2001, Region Three law enforcement transferred a second wildlife inspector to Detroit. Although staff turnover throughout the year delayed full implementation of expanded services, the additional position will allow the inspection program to provide improved coverage of Michigan ports.

### **Enforcement Assistance and Training**

Region Three law enforcement continued to work closely with State counterparts throughout the Midwest. These longstanding partnerships feature both cooperative enforcement efforts and training assistance.

Service agents and officers from the Missouri Department of Conservation worked the 2001 dove season opener in Dunklin County. This joint enforcement detail detected 72 violations of Federal and State hunting regulations. Officers issued 12 Federal tickets, 33 State tickets, and 27 warning tickets for offenses that included over-limits, tagging violations, unplugged shotguns, take from a motor vehicle, and take of protected species.

In November 2000, conservation officers from the Indiana Department of Natural Resources teamed with Service special agents and refuge officers to police the first annual shotgun deer hunt at Big Oaks National Wildlife Refuge. Officers used deer decoys to catch road hunters and the State's canine units helped track trespassers and hunters who entered closed areas

*At the Fish and Wildlife Service Law Enforcement exhibit, scouts learned about wildlife laws, the duties of the Service's enforcement officers, and the types of careers available in the Division.*

of the refuge. Officers issued 47 citations and 15 written warnings during the two-day hunt. All defendants were charged in Federal court.

Service agents presented training on Federal wildlife laws to new conservation officers in Wisconsin and Iowa. The agents provided training on enforcing the Lacey Act, Endangered Species Act, and CITES. Promoting better understanding of Federal wildlife laws and regulations by State officers provides greater public access to accurate information about Federal prohibitions and enhances cooperation between State wardens and Service special agents.

#### **Public Outreach and Education**

Region Three special agents joined other Service employees to staff a booth at the 2001 National Boy Scout Jamboree, which was held at Fort A.P. Hill in Virginia. This 10-day event attracted more than 40,000 Scouts, troop leaders, and staff. At the Fish and Wildlife Service Law Enforcement exhibit, scouts learned about wildlife laws, the duties of the Service's enforcement officers, and the types of careers available in the Division.

A Service wildlife inspector joined officials from Canada Customs, Canada Department of Justice, and Northwest Airlines at an outdoor store in Owatonna, Minnesota, to help hunters learn how to legally pursue their sport in Canada. Recent changes in Canadian gun laws have affected procedures for Americans crossing the border to hunt in that country. The event, which was sponsored by *Outdoor News* and Cabela's sporting goods company, drew a crowd of approximately 100 American sportsmen. The Service wildlife inspector discussed and answered questions about U.S. laws and regulations that govern the importation of wildlife and hunting trophies.

Service wildlife inspectors were featured in the television program "Behind Closed Doors with Joan Lunden," which aired in January 2001 on the A&E network. The program took viewers behind the scenes at Chicago's O'Hare International Airport; coverage of the wildlife inspection program proved a significant and memorable segment. Viewers saw examples of illegally imported wildlife, including a live Mexican red-kneed tarantula. The program provided national exposure for the Service's wildlife inspection program and helped inform the public about wildlife import/export laws.



*Law enforcement staff from Regions Three and Two taught boy scouts and their leaders about the illegal wildlife trade at the 2001 National Boy Scout Jamboree at Fort A.P. Hill in Virginia. USFWS*

*A Service special agent arrested three Russian nationals after an Agriculture Department detection dog “hit” on their luggage. The trio were trying to smuggle 98.2 pounds of illegal Russian caviar.*



*Service officers in Miami arrested three “suitcase smugglers” bringing in more than \$78,000 worth of illegally imported caviar from Russia. USFWS*

#### **Region Four**

The Southeast Region covers 10 States (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee) as well the Commonwealth of Puerto Rico and the U.S. Virgin Islands. The population of the region (one of the most rapidly growing parts of the country) already exceeds 55 million. The Southeast is also home to more than 335 species of fish, wildlife, and plants that are protected by the Federal government under the Endangered Species Act.

At the end of FY 2001, 42 special agents and 15 wildlife inspectors were stationed in Region Four. The region maintains staffed inspection facilities at the designated ports of Miami, New Orleans, and Atlanta and at the special port of Tampa.

#### **Combating Illegal Wildlife Trade**

In Atlanta, two El Salvadorian nationals arrested for smuggling Olive Ridley sea turtle eggs into the United States pleaded guilty to multiple charges, including making false statements, conspiracy, smuggling, and violating the Lacey and Endangered Species Acts. Service special agents arrested the pair in July 2000 when they brought in 2,304 sea turtle eggs hidden in their luggage. The eggs were destined for Los Angeles where they are sold as edible delicacies to customers who value their alleged aphrodisiacal and therapeutic effects. The smugglers confessed that they had been making regular trips to the United States, bringing in about 200 dozen eggs at a time. They were paid \$2 per egg; the eggs were then resold to bars and restaurants in Los Angeles for \$3 to \$5 each.

A Miami physician who was running an illegal reptile business on the side pleaded guilty to felony smuggling after being caught trying to bring three Andros Island boa constrictors from the Bahamas into the United States in violation of the Endangered Species Act. Before boarding his plane at the airport in Nassau, the doctor attempted to clear U.S. Customs there, declaring that he had no fish or wildlife in his possession. A security scan of his carry-on luggage, however, revealed the outline of the skeletal structure of a snake. On further inspection, Customs officers found the three Andros Island boas. Assistance from the Royal Bahamian Police Force, Bahamian agriculture officers, and U.S. Customs in the Bahamas helped the Service secure a felony indictment from a Federal grand jury. At the time of the doctor’s guilty plea, the U.S. Attorney for the Southern District of Florida pointed to the investigation as “a fine example of cooperative efforts to enforce laws and treaties intended to protect the wildlife patrimony of nations against . . . loss to smugglers.”

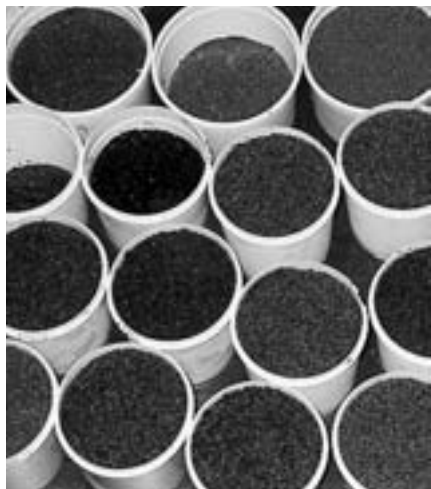
Federal officers working Miami International Airport nabbed a group of Russian caviar smugglers on August 23, 2001. A Service special agent arrested three Russian nationals after an Agriculture Department detection dog “hit” on their luggage. The trio were trying to smuggle 98.2 pounds of illegal Russian caviar worth an estimated \$78,500. All were indicted for smuggling and felony Lacey Act violations; the “ringleader” has also been charged with making false statements. The three were jailed at the time of their arrest; as the fiscal year ended, plea negotiations were proceeding.

An ongoing Service investigation of the caviar trade continued to look at the activities of individuals and businesses believed to be involved in smuggling Russian roe from Europe to Miami. The execution of a search warrant resulted in the seizure of nearly 265 pounds of caviar imported from Lithuania using false permits. A Russian subject who was smuggling 100 tins, each containing about a pound of caviar, was arrested at the airport. The man is out of jail on bond and awaits sentencing.

#### **Commercial Exploitation of U.S. Wildlife Resources**

In Louisiana, a multi-year effort to stop the illegal interstate trade in oysters paid off with guilty verdicts and significant sentences for two seafood company officials and their business. The head of the company, who was found guilty of 14 felony Lacey Act counts, was sentenced in January 2001 to

*The Service teamed with the Tennessee Wildlife Resources Agency and the State of Alabama to conduct a three-year probe of illegal trade in domestic caviar from U.S. paddlefish and sturgeon.*



*A Federal/State probe of illegal trafficking in domestic caviar documented the unlawful take of U.S. paddlefish for their roe. USFWS*

serve 30 months in prison and pay a \$1,400 Crime Victims Fund penalty. The company's bookkeeper, who was convicted of 14 felony Lacey Act counts as well as obstruction of justice, will spend 37 months in prison and pay a \$1,500 assessment. The company was fined \$5,000.

The investigation began in January 1997 when Louisiana wildlife officers conducting a routine compliance check discovered discrepancies between the company's business records and accounts by fishermen who denied catching and selling oysters to the seafood dealer on the dates indicated. Service and State investigators subpoenaed additional records; their painstaking review documented the unlawful interstate sale of nearly 21,000 sacks of oysters worth more than \$470,000. The oysters were illegally taken from polluted or closed waters, out of season, and/or without licenses in Louisiana and were sold to companies in Alabama, Florida, North Carolina, and Virginia.

The company and three officers were indicted by a Federal grand jury in October 1999 for multiple violations of the Lacey Act; the company bookkeeper was also charged with obstructing justice for knowingly turning over false records to the government during the investigation. An eight-day jury trial in August 2001 resulted in guilty verdicts for the company, its owner, and the bookkeeper; a third company official did not stand trial because the judge ruled favorably on a defense motion for a directed verdict of acquittal.

A Lacey Act case against a commercial fisherman in Louisiana who sold 67 sacks of oysters unlawfully taken from closed waters in interstate commerce resulted in penalties against both the individual and his business. The man was fined \$5,025 and ordered to serve six months of home detention followed by five years of supervised probation. His seafood company was fined \$5,400 and placed on probation for five years.

The Service teamed with the Tennessee Wildlife Resources Agency and the State of Alabama to conduct a three-year probe of illegal trade in domestic caviar from U.S. paddlefish and sturgeon. Search warrants were executed in Tennessee, Kentucky, Illinois, New York, and California, and task forces interviewed multiple subjects in Tennessee, Kentucky, Illinois, and Indiana. As of the end of FY 2001, two individuals and one company had pleaded guilty and been sentenced for felony violations of the Lacey Act. Plea negotiations were in progress with five other individuals and three businesses that also confessed to felony violations of the Lacey Act. Federal felony indictments are anticipated against another eight business owners and their companies.

A North Carolina nursery owner who pleaded guilty to conspiracy to violate the Lacey Act was sentenced for his role in an international plant trafficking ring that tried to smuggle illegally collected Venus flytraps from the United States to the Netherlands. The Service investigation, which was conducted by special agents in Regions Four and Five, documented two smuggling attempts—one at Baltimore-Washington International Airport and one at Atlanta's Hartsfield International Airport. The man must serve six months home confinement with electronic monitoring, spend four years on probation, and pay a \$10,000 fine.

In Puerto Rico, the Service investigated the illegal take and possession of endangered Puerto Rican boa constrictors by an individual manufacturing snake oil for commercial sale. Twenty-two 2-oz. bottles of snake oil and 11 jars of snake fat were seized at the home of the subject, who has been in the snake oil manufacturing business for 30 years. The man explained that about six snakes are needed to supply enough oil to fill one 2-oz. bottle. Producing the seized bottles of snake oil would have required the deaths of about 140 endangered boas. If this seizure represents one year's production for a business that has been underway for 30 years, then the subject may well have been responsible for the demise of over 4,000 endangered snakes. The man has been charged in Federal court with violating the Endangered Species Act.

*A U.S. District Court judge in Tallahassee, Florida, sent a strong message to those who kill the symbol of America's freedom when he sentenced two men who pleaded guilty to shooting a bald eagle.*



*Service and State officers teamed to investigate two Florida men who eventually pleaded guilty to shooting an immature bald eagle. USFWS*

Special agents from South Carolina, Georgia, and North Carolina assisted State officers from Montana Fish, Wildlife and Parks, the South Carolina Department of Natural Resources, and the Georgia Department of Natural Resources in breaking up a ring of poachers illegally killing deer and antelope in southeastern Montana. At the center of the investigation was an outfitting company owned by individuals from Marietta, Georgia, and Sumter, South Carolina. The company's guides and clients took deer and antelope in Montana without legal licenses and killed over-limits of big game. Frequently, Montana licenses were reused and Wyoming licenses were used in Montana to cover illegally taken animals. As a result of the Service/State investigation, 23 individuals paid a total of \$28,000 in fines and restitution to the State of Montana and 36 illegally taken big game heads and mounts were recovered.

In Florida, the Service investigated the owner of a pet shop in West Palm Beach who admitted that he had received 16 American gold finches in interstate commerce. He pleaded guilty to violating the Migratory Bird Treaty Act and paid a \$1,500 fine.

A Federal/State investigation of illegal mussel trafficking, which culminated in July 1998 in a guilty plea from the Nation's largest exporter of mussel shell, continues to benefit conservation of mussel species. As part of the plea agreement, the company agreed to pay \$1 million in restitution to the National Fish and Wildlife Foundation for use in mussel research and recovery efforts. In FY 2001, the Foundation used the company's restitution payment to fund projects to construct a freshwater mussel conservation and research facility at the Columbus, Ohio, Zoo and Aquarium; renovate a hatchery pond for mussel propagation at White Sulphur Springs National Fish Hatchery; augment and expand five federally listed endangered mussel populations in Tennessee and Kentucky; conduct research on the population dynamics and demography of freshwater mussels; support the Freshwater Mollusk Conservation Society's 2nd Symposium; and improve State law enforcement programs that protect mussel resources in Tennessee, Ohio, and West Virginia.

### **Safeguarding Endangered Species**

A U.S. District Court judge in Tallahassee, Florida, sent a strong message to those who kill the symbol of America's freedom when he sentenced two men who pleaded guilty to shooting a bald eagle. The defendant who spotted the bird sitting in a pine tree and broke its wing with a shot from a .22 magnum rifle will serve five months in prison followed by four months of house arrest. His companion, who killed the wounded bird with a shot to the breast and later reported "finding" the dead eagle to authorities, was sentenced to serve eight months probation, perform 50 hours of community service on a national wildlife refuge, and forfeit the new rifle used to commit the crime. The Service's National Fish and Wildlife Forensics Laboratory and the Florida Department of Law Enforcement's Crime Scene Unit developed ballistic evidence which, along with skillful interrogation, helped agents obtain confessions from the two men.

Service efforts to prevent the electrocution of bald eagles in southeastern Arkansas secured commitments from two utility companies to retrofit and modify transmission lines. The special agent involved continues to work with three other electric power companies whose equipment also represents a hazard to raptors.

A Service investigation of the illegal take of hundreds of vultures and a threatened caracara on a Florida cattle ranch resulted in Federal grand jury indictments against two ranch employees who trapped and shot the protected birds. Both were charged with four counts of violating the Migratory Bird Treaty Act and one count of violating the Endangered Species Act. The two men both pleaded guilty to two counts—one for each law. The owner of the ranch, who was charged separately with one count of violating the Migratory Bird Treaty Act and one count of violating the Endangered Species Act, also pleaded guilty. All three subjects await sentencing.

*Over the past several years, Region Four law enforcement has organized and conducted task force operations to enforce boating speed limits in manatee protection zones and raise public awareness about boat strikes as a threat to this imperiled species.*



*Enforcement of boating speed limits in manatee protection zones resulted in the issuance of nearly 1,300 Federal violation notices in FY 2001. USFWS (top)/Jim Reid/USFWS (bottom)*

Death by boat strike is a significant cause of mortality for endangered manatees in Florida's coastal waters and rivers. This problem prompted the Service and State to establish boating speed zones in areas frequented by the animals. Over the past several years, Region Four law enforcement has organized and conducted task force operations to enforce boating speed limits in these manatee protection zones and raise public awareness about boat strikes as a threat to this imperiled species.

In FY 2001, a Service special agent stationed in Orlando coordinated 12 manatee speed zone task force operations to combat boat strikes—the number one human-related cause of manatee deaths. These task force operations, which were conducted by teams of Service special agents, wildlife inspectors, refuge officers, and biologists, resulted in the apprehension and prosecution of 601 boat operators. The U.S. Coast Guard once again continued to support Service efforts to protect manatees by stopping boaters who exceed speed limits in manatee protection zones. The Service issued an additional 696 Federal violation notices for manatee speed zone violations based on boarding reports submitted by Coast Guard officers. In total, manatee protection efforts in FY 2001 resulted in the issuance of 1,297 Federal violation notices and the collection of approximately \$225,000 in collateral forfeitures or fines.

A cooperative effort between special agents in Regions Three and Four and Region Four's Office of External Affairs resulted in the successful release of 20 baby sea turtles back into Florida waters. In July 2001, a vacationer took 27 sea turtle eggs that she found on a Florida beach back home to Ohio. When the eggs hatched and the woman learned that her collection of them had been illegal, she turned the hatchlings over to the Columbus Zoo, which contacted Service law enforcement. Service officials teamed with the Florida Fish and Wildlife Conservation Commission to arrange for the return of the surviving turtles to the wild.

On August 29, a Region Three special agent officially seized the hatchlings as evidence and accompanied them back to Florida on a private aircraft provided courtesy of Executive Jet. The young sea turtles were then turned over to the custody of the Region Four case agent, who saw them safely released on a sargassum weed patch off the Florida coast. Thanks to the efforts of Region Four External Affairs, the return of the sea turtles secured positive press coverage for the Service and the plight of sea turtles; newspapers in Florida, Ohio, and Illinois reported the event while radio and TV coverage ranged from local stations to NBC's "Today Show."

#### **Migratory Game Bird Hunting Cases**

Migratory game bird hunting is a popular sport in the Southeast. Region Four special agents work this enforcement "beat" each year to detect violators and promote compliance with Federal hunting regulations. Multiple cases were completed in virtually every State in the region during FY 2001; a representative sample of case summaries appears below.

In Louisiana, a U.S. magistrate judge sentenced three adults who, along with two juveniles, killed five times their collective legal limit of wood ducks. The group took 57 birds, although each hunter was limited to two. The judge placed the three adults on five years supervised probation with the condition that they cannot hunt, go to a hunting camp, or accompany hunters in the field during this period. The two who were accompanied by a juvenile were each fined \$4,010, sentenced to perform 400 hours of community service, and ordered to pay an additional \$140.40 to the Louisiana Department of Wildlife and Fisheries as civil restitution for the illegally taken ducks. The third adult was fined \$2,010 and ordered to perform 200 hours of community service.

Another subject in Louisiana, who was apprehended for late shooting, also had his day in court. The judge took the man's long history of violating wildlife laws in Canada and Maryland into account when he sentenced him to serve six months in Federal prison and fined him \$3,000. A man charged with taking over-limits and other offenses who was accompanied by his juvenile

son while hunting was fined \$3,330 and sentenced to serve two years probation without hunting and perform 40 hours of community service. In a waterfowl baiting case, two hunters were each fined \$2,500.

In Alabama, a subject who violated Federal baiting and migratory bird hunting regulations on two separate occasions ended up spending the balance of his Federal probation in prison. The man was caught skeet shooting when his Federal sentence called for home confinement and banned him from possessing a firearm. A Federal judge sentenced him to serve 30 days in the Mobile Metro Jail, added an additional year of supervised probation to his original sentence, and increased the monthly payments on his original \$2,500 fine. After the man again violated the terms of his probation, the judge ordered him to spend the time left on his sentence in prison. He will remain incarcerated until February 2002.

During the 2001 dove season, Service special agents and Alabama conservation officers investigated a baited field being hunted by 35 people, including the Tuscaloosa County sheriff, the Tuscaloosa chief of police, a county judge, and the editor of the local newspaper. The investigation culminated in the conviction of the landowner who placed the bait. He was fined \$3,500 and neither he nor any family member can conduct, host, or participate in any migratory game bird hunting for a period of 30 days beginning with the opening date of next year's dove season. In two other dove baiting cases in Alabama, the baiters were each fined \$2,000.

In Arkansas, defendants in a Service investigation of a waterfowl hunting club that used bait and took over-limits of ducks were sentenced in Federal court. The hunter who placed the bait was sentenced to pay \$4,000 restitution to the National Fish and Wildlife Foundation, perform 40 hours of community service at White River National Wildlife Refuge, and serve three years of probation during which he cannot hunt waterfowl. His four partners in crime, who hunted over bait and took over-limits, will each serve two years probation without hunting waterfowl; three will contribute \$2,000 each in restitution to the Foundation. One of the four must perform 80 hours of community service while the others must provide 40 hours.

In a North Carolina case, four hunters pleaded guilty to a criminal information for violations of the Migratory Bird Treaty Act for taking over-limits of canvasback ducks and hunting with the aid of bait. One was sentenced to three years probation with no hunting and fined \$3,000; two must spend two years on probation without hunting and pay fines of \$1,000. The judge ordered a pre-sentence report for the fourth violator. A second Service hunting case that came before the court on the same day saw the judge sentence a duck hunter with a history of violations to serve five years on probation without hunting and pay a \$10,000 fine.



*A Service investigation in Louisiana showed that a group of hunters killed five times their collective legal limit of wood ducks. Steve Maslowski/USFWS*

In Florida, the investigation of a baited field resulted in six individuals paying \$4,700 in fines for baiting violations along with an additional \$275 in penalties for other offenses. The seventh person on the field, who was charged with both hunting over bait and taking nearly three times the daily bag limit, failed to show up for court. A Service agent arrested the man. After spending the weekend in jail, he pleaded guilty and the judge fined him \$3,175 and put him on three years probation without hunting.

Special agents in Florida also worked covertly to document the criminal activities of a commercial guide who had a record of previous State violations. The undercover hunting trip provided the evidence needed to charge the guide with multiple Federal hunting violations, including taking 49 snipe over the daily bag limit, over-limits of ducks, rallying, motorboating, lead shot, tagging, and deliberate misidentification of species.

Agents in Kentucky marked the opening of the 2001 dove season by locating 13 baited dove fields over the Labor Day weekend. Wheat was typically the bait of choice; one field was spread with over 1,000 pounds. In Tennessee, Labor Day weekend enforcement efforts identified six baited dove fields.



*Agents are working with Ecological Services, the U.S. Environmental Protection Agency, Arkansas Oil and Gas Commission, Arkansas Department of Environmental Quality, and Arkansas Game and Fish Commission to investigate the take of migratory birds and other species in open oil pits.*

Bait was also found on three fields prepared for State-sponsored youth hunts, but the hunts were canceled after an agent contacted the landowners.

In northern Mississippi, Service special agents teamed with 30 Mississippi Department of Wildlife Fisheries and Parks officers and several Service refuge officers to conduct a task force operation to enforce dove hunting regulations. Even though constant rain throughout the weekend reduced the number of hunters, numerous baited fields were documented and 187 violations were detected. These violations included 55 involving hunting with the aid of bait, 17 for taking over-limits, 29 hunters without licenses, and 29 unplugged shotguns.

#### **Environmental Contaminants**

In Arkansas, Service special agents are working with Ecological Services, the U.S. Environmental Protection Agency, Arkansas Oil and Gas Commission, Arkansas Department of Environmental Quality, and Arkansas Game and Fish Commission to investigate the take of migratory birds and other species in open oil pits. This effort began in 1999 and is expected to continue for at least another year.

At present, approximately 300 sites have been surveyed and entered into a database. Workshops were held with oil producers, Congressional staff, and property owners to provide information about Federal and State regulations and the environmental impact of the problem. Site operators have also been notified in writing in an effort to secure voluntary compliance and cleanup. Many have already responded; those electing to ignore the notification will be subject to Federal and State legal action.

The Interior Department's Office of the Solicitor and U.S. Department of Justice's Wildlife and Marine Resources Section are also working with the task force to explore legal challenges and civil avenues for dealing with oil pit hazards in the State. An 8th Circuit Court of Appeals opinion in *Newton County Wildlife Association v. U.S. Forest Service* makes prosecution for this type of violation more complex in this part of the country since the court ruled that the Migratory Bird Treaty Act applies only to "hunters and poachers."

In Kentucky, special agents conducted an aerial survey for open oil pits. Several oil brine evaporation ponds were located that appeared to contain surface oil and a followup on-ground investigation will be conducted to determine the threat of these open pits to migratory birds and endangered species.

In Alabama and Tennessee, a rash of bird deaths due to pesticide poisoning occurred in January 2001. In one instance, an agent in western Tennessee searched the property of a man who was convicted about six years ago of poisoning raptors with Temik. Eight dead hawks, two vultures, and about five pounds of Temik were discovered and seized. In Alabama, an agent investigated a deer hunting club near the Florida border where he found three dead hawks and baited deer hides as well as a site near Decatur that yielded 31 dead hawks and a crow. The Service investigated two other sites in Alabama where Temik baiting had occurred.

Agents also handled two other wildlife poisoning cases in Alabama during the reporting period. In one, a subject who pleaded guilty after killing several hawks by injecting deer and hog carcasses with liquid Furadan received an unusual sentence. The man must pay a \$2,000 fine, a \$20 special assessment, and \$5,592 in restitution to the National Fish and Wildlife Forensics Laboratory for the cost of its analytical work on the investigation. A case against a prominent landowner whose use of Temik-laced bait killed a Coopers hawk resulted in a plea agreement. The man will donate \$1,000 to the Southeast Raptor Rehabilitation Center in Auburn, perform 40 hours of community service, and spend six months on supervised probation.

*In Madison County, Kentucky, agents found that an individual who raised fighting chickens was using Furadan-laced meat to poison birds of prey, including great horned owls and red-tailed hawks.*



*Red-tailed hawks were among the "victims" in a Kentucky pesticide poisoning case. Lowell Kenney/USFWS*

In Kentucky, special agents successfully put a stop to the misuse of pesticides in two cases. In Madison County, they found that an individual who raised fighting chickens was using Furadan-laced meat to poison birds of prey, including great horned owls and red-tailed hawks. The U.S. magistrate judge sentenced the subject to pay fines totaling \$3,500 and serve two years probation.

The second case occurred in LaRue County, where a Service agent used modern technology and old-fashioned detective work to apprehend a subject whose misuse of Furadan killed over 40 animals, including several birds of prey. The subject purchased chicken from a grocery, laced it with poison, and put the baited meat out in the tray in which it was originally packaged. The agent noticed that the bar-coded price tag was still attached to the tray; he located the store where the chicken was sold, traced the scanner bar code through the store's sales records to determine the sale date, and then reviewed the store's security videos for that date to find footage of the suspect buying the chicken. When confronted with the evidence, the subject confessed.

### **Supporting Wildlife Refuges**

During FY 2001, Service special agents provided assistance to national wildlife refuges on a number of investigations and prosecutions. Cases involved such violations as illegal hunting at Mississippi Sandhill Crane National Wildlife Refuge in Mississippi and D'Arbonne National Wildlife Refuge in Louisiana; timber theft from the Cache River National Wildlife Refuge in Arkansas; and unauthorized use of refuge equipment and damage to refuge property at Choctaw National Wildlife Refuge in Alabama.

In Puerto Rico, special agents teamed with refuge officers to develop a plan to protect newly acquired lands on the island of Vieques which were turned over to the Service for establishment of a new wildlife refuge. Public demonstrations against the Navy's use of a portion of Vieques for bombing and artillery practice drew national media attention to the island and increased scrutiny of the Service's acquisition of 6,000 acres of wildlife habitat. The plan developed by the Service team identified measures for safeguarding the newly acquired resources from squatters and unauthorized entry while fostering positive relations with the island community.

### **Wildlife Inspection Activities**

Wildlife inspectors in Region Four continued to keep a vigilant eye out for illegal wildlife trade. In Miami, for example, a Service inspector apprehended a woman returning to the United States from Peru who was attempting to import an anaconda skin, a margay cat skin, three ocelot skins and other ocelot parts, a monkey skull, and two unidentified mammal horns. The woman was also carrying over 700 counterfeit Florida Fish and Wildlife Commission tags identical to those used on lobster traps in the Florida Keys and 200 "crack pipes," which were seized by U.S. Customs as drug paraphernalia. When the inspector asked the woman about the wildlife items and tags, she claimed that she wanted to give her Key West home a "jungle look" and that the counterfeit lobster tags had been "given" to her by an unknown person who said the tags had been manufactured for the State of Florida in Lima.

The information on the counterfeit lobster tags was turned over to the State, which requested Federal assistance; Service and State officers opened a joint criminal investigation that promises to expose and shutdown illegal lobster trafficking. The woman was indicted for multiple felony wildlife smuggling counts and arrested. Investigators hope that, during the course of plea negotiations, she will identify the businesses involved in using the fraudulent tags to poach lobsters.

This interdiction of illegal wildlife items was, of course, only one of many that occurred in the region during FY 2001. In Miami, wildlife inspectors opened 209 new cases on illegal wildlife shipments while special agents opened 46 international trade investigations. More than 8,100 shipments were

*In Miami, wildlife inspectors opened 209 new cases on illegal wildlife shipments while special agents opened 46 international trade investigations. More than 8,100 shipments were presented for inspection, yielding more than 190 seizures.*



*Wildlife inspectors in Miami examine a shipment of live reptiles. Miami is a major port of entry for live wildlife trade. Kimberly Hamilton/USFWS*

presented for inspection, yielding more than 190 seizures of illegal wildlife or wildlife products, including over 1,500 pounds of caviar. More than 50 of these seizures involved live wildlife; the more than 500 animals seized included reptiles, mammals, and 137 psittacine birds. The estimated value of these seizures exceeds \$2 million.

Wildlife import/export traffic through the designated port of Atlanta, Georgia, jumped in FY 2001. Wildlife inspectors encountered a 5 percent increase in shipments from the previous year, processing declarations for 2,376 shipments. Inspection activities resulted in 148 cases, a third of which involved elephant ivory.

Smuggling interdictions also included the apprehension of a commercial importer attempting to bring in a mounted endangered brown hyena claiming it was a striped hyena. The trophy was seized and the importer was fined. Another individual tried to smuggle in a live South African tortoise by hiding it in a sock, inside a boot, packed in his baggage. Inspectors discovered the tortoise during a secondary baggage search; the animal was seized and the smuggler fined. In another instance, two live endangered tortoises from Peru were found in the cabin area of a recently arrived plane by airline personnel. Evidently the smuggler got nervous and decided not to try and slip the animals by inspectors.

The Service wildlife inspector stationed in New Orleans, Louisiana, processed 802 wildlife imports and exports. Wildlife and wildlife products leaving the country via this port included 282,652 alligator hides; 45,000 kilograms of alligator meat; and more than 5.9 million live turtles destined for the pet trade in Asia. Other exports consisted of scientific specimens; live reptiles; live ostriches and ostrich skins and meat; tanned crocodile, alligator, and caiman skins and products; tanned furs; and a variety of pet birds. Imports in FY 2001 included approximately 4.5 million feather masks; sea shells and shell products; caiman skins and products; live reptiles; coral; live frogs and 74,000 kilograms of frog legs; snake skin products; ostrich skins, eggs, and products; live fish; live sea lions and seals; and game trophies such as leopards, black bears, and other CITES species. Seizures at New Orleans included tortoise shell items, alligator skin products, a tiger skin rug, and lizard skin shoes and belts.

Service wildlife inspectors at the special port of Tampa, Florida, examined 2,561 declared shipments during the reporting period. Both user fee collections and seizures were up for the year.

#### **Outreach and Training**

During FY 2001, Service special agents and wildlife inspectors in Region Four supported wildlife conservation through public outreach and training programs. Audiences ranged from international mail service staff, customs brokers, and hunters to students and the general public.

Targeted outreach included the presentation of a comprehensive training course on wildlife import/export laws and regulations to 514 individuals employed by Federal Express and the Fritz Customshouse Brokers Company in Memphis, Tennessee. Wildlife trade was the focus of a Service exhibit at a joint "Customer Service" conference conducted by the Department of the Interior and the Environmental Protection Agency in Atlanta. Wildlife inspectors in that city also staffed an educational exhibit at Zoo Atlanta's Earth Day celebration, which attracted several thousand visitors.

Regional efforts to promote compliance with migratory game bird hunting regulations included presentations to sportsmen's clubs in Tennessee. Briefings for State enforcement officers in Kentucky helped improve Federal/State enforcement consistency and uniformity.

Programs for college students included a presentation on international wildlife trade for graduate students studying environmental awareness at

*Special agents in Region Five conducted a number of high-profile investigations of individuals and businesses involved in wildlife smuggling—a threat to species worldwide. Caviar trafficking remained a major enforcement concern.*

Emory University in Atlanta and lectures on Federal wildlife law enforcement presented to undergraduate and graduate students at Mississippi State University.

In Miami, agents and inspectors covered the educational outreach “beat” by presenting programs on Federal wildlife laws at 18 schools and six trade expositions. Staff there also participated in a number of film productions focused on wildlife enforcement issues, including a BBC documentary on illegal reptile trade.

In Tampa, Service wildlife inspectors reached an audience of nearly 18,000 people via 11 outreach presentations on endangered species protection and the Service’s import/export program. Venues included National Refuge Week, manatee festivals, U.S. Coast Guard stations and U.S. Air Force bases, zoos, and the annual International Reptile Exposition in Daytona Beach.

### **Region Five**

Region Five, which covers the northeastern part of the country, is one of the most densely populated areas in the Nation. It includes the States of Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia. At the end of the fiscal year, 32 special agents were located in this region and 21 wildlife inspectors staffed the designated ports of New York/Newark, Baltimore, and Boston and the border port of Buffalo.

### **Combating Illegal Wildlife Trade**

Special agents in Region Five conducted a number of high-profile investigations of individuals and businesses involved in wildlife smuggling—a threat to species worldwide. Caviar trafficking remained a major enforcement concern; other cases involved such contraband as shahtoosh and elephant ivory.

In July 2001, the president of a caviar exporting firm with offices in St. Petersburg and Moscow in Russia and New York City was sentenced to serve 27 months in Federal prison for attempting to smuggle \$2.5 million worth of caviar into the United States. The man, a Russian citizen, pleaded guilty to violating the Lacey Act after Service special agents and wildlife inspectors in Newark, New Jersey, discovered that his company had shipped 1,700 pounds of osetra and sevruga caviar to the United States hidden in a container shipment of dried fish that arrived by ocean vessel from Finland. The caviar—the single largest seizure made by the Service of this often illegally traded delicacy since global protections for sturgeon went into effect in April 1998—was labeled to match the rest of the shipment.

In a related investigation, the Service intercepted a shipment of 380 pounds of caviar at John F. Kennedy (JFK) International Airport that had been sent by this defendant’s company to an American firm. Although the caviar was labeled as osetra and sevruga, DNA testing revealed that most of the roe was from beluga sturgeon, which provide the most valuable and highly prized caviar.

In November 2000, the first defendant arrested and convicted as a result of Operation Black Gold, an investigation targeting illegal caviar trade moving from Russia through the Republic of Georgia, was sentenced in Federal court in New York. The man, who was caught at JFK International Airport trying to smuggle 11 suitcases containing 660 pounds of caviar worth more than \$200,000, must serve 10 months in prison and pay a \$10,000 fine. The judge described the sentence as sending a message to would-be caviar couriers that their role in this illegal trade would not be taken lightly in the United States.

A West Hollywood retail store paid a \$175,000 civil penalty for unlawfully trading in shawls made from the hair of the Tibetan antelope, a species listed on CITES Appendix I. The company and its owner signed a civil penalty agreement acknowledging that between 1994 and 1996, the business



*DNA testing at the Service’s Forensics Laboratory helped agents expose a U.S. company that was selling American paddlefish roe as Russian caviar. USFWS*

*Region Five's investigation of shahtoosh trade previously resulted in the prosecution of a New York/New Jersey based company and an Indian export firm, which were charged criminally for their involvement in the smuggling and sale of shahtoosh shawls.*



*An upscale California retailer was fined for importing and selling shahtoosh shawls—a luxury fashion item made from the hair of the protected Tibetan antelope. Lavonda Walton/USFWS*

imported, transported, bought, and sold shahtoosh shawls in violation of the Endangered Species and Lacey Acts. As part of the agreement, the company ran a public service announcement in the October 2001 issue of *Harper's Bazaar*, a major U.S. fashion magazine. The announcement, which cost an estimated \$50,000, included a statement of contrition along with information describing the plight of the Tibetan antelope.

The Tibetan antelope, a source of super-soft wool, lives primarily in the remote regions of the Tibetan Plateau in the Himalayas. The animal is not sheared for its wool, but instead is killed and stripped of its hide. The hides are then smuggled into Kashmir, India, where the wool is woven into shawls for the black market trade. It takes approximately three to five antelope hides to produce one shawl. A plain color shawl costs approximately \$1,300 wholesale and as much as \$6,000 retail, depending on size, color, and embellishment.

Region Five's investigation of shahtoosh trade previously resulted in the prosecution of a New York/New Jersey based company and an Indian export firm, which were charged criminally for their involvement in the smuggling and sale of shahtoosh shawls. Both U.S. and French Customs officers assisted with the Service investigation.

In July 2001, a citizen of the Ivory Coast was sentenced to serve 11 months and 10 days in Federal prison for smuggling elephant ivory carvings into the United States from his homeland. The man was arrested in September 2000 when he arrived at JFK International Airport in New York with luggage containing approximately 57 African elephant ivory carvings concealed in a sand and paper-like substance to make them resemble stone carvings.

Service special agents and wildlife inspectors recognized the concealment technique because the material used to hide the ivory matched that used on a cargo shipment of carvings seized from another importer in January 2000. In addition to the ivory pieces, the subject was also carrying letters that the other importer had sent him from prison (where he was serving a 12-month sentence for smuggling) along with business cards from African art dealers in New York City. The man was indicted on charges of smuggling, making false statements, and Lacey Act violations. The carvings, which included individual staffs worth \$10,000 to \$15,000, have a collective value of more than \$150,000.

#### **Safeguarding U.S. Wildlife Resources**

Unlawful commercialization is a threat to U.S. wildlife resources. Wildlife trafficking cases completed in Region Five in FY 2001 involved paddlefish roe, blue crabs, striped bass, yellow perch, native plants, and black bear parts.

On June 20, 2001, the owner of a caviar company located in New York City pleaded guilty to charges of conspiracy, making false statements, smuggling, and using false records for wildlife shipped in interstate commerce (a violation of the Lacey Act) in a case involving the fraudulent sale of paddlefish roe as Russian caviar.

In October 1999, the Service launched a covert investigation, code-named "Operation Malossol," to detect and document illegal trade in sturgeon and paddlefish caviar. During this investigation, a Region Five special agent established a covert identity as a buyer with a well-known gourmet food retailer; in this capacity, the agent purchased caviar from a number of dealers, including the New York company. When the Forensics Laboratory conducted DNA analysis of the caviar purchased, most of the stock sold by the New York firm in question that was labeled as Russian sevruga caviar proved to be American paddlefish roe instead.

Under a plea agreement, the company's president will serve two years in prison and pay \$23,596 restitution for unpaid Customs duties and a \$26,404 fine, which will be deposited into the Lacey Act Reward Account. The

*The Service successfully completed a number of investigations documenting illegal trafficking by seafood operations working Virginia's Eastern Shore.*



*Officers inspect a shipment of blue crabs for undersized specimens. The Service and Virginia Marine Patrol teamed to investigate illegal trafficking by seafood dealers in the State. USFWS*

company will pay a \$110,000 corporate fine; while most of this money will be deposited in the Lacey Act Reward Account, \$25,000 will be donated to the National Fish and Wildlife Foundation for paddlefish restoration, protection, and conservation efforts throughout the United States. Sentencing was scheduled for January 31, 2002.

Under a Memorandum of Agreement with the Virginia Marine Patrol, the Service successfully completed a number of investigations documenting illegal trafficking by seafood operations working Virginia's Eastern Shore. In January 2001, for example, a Virginia man was sentenced in U.S. District Court in Norfolk after being convicted of a felony Lacey Act violation involving interstate trafficking of blue crabs. The judge ordered him to serve four months in prison and complete four months of home detention with an electronic monitoring device and three years supervised probation. The court waived fines and restitution because of the defendant's inability to pay. At trial, the government proved that the subject knowingly purchased undersized blue crabs and then sold them to "all-you-can-eat" seafood restaurants in Ocean City and Salisbury, Maryland. The subject's seafood company mislabeled the bushel baskets as containing legal size crabs. The government had to overcome a suppression hearing, motion to dismiss, two-day trial, motion to acquit, and a lengthy sentencing hearing before prevailing in this case.

A seafood company doing business out of Onley, Virginia, pleaded guilty in Federal court in Norfolk to violating the Lacey Act. The company, which was fined \$4,000, admitted that it had attempted to ship 30 bushels of immature female and undersized male blue crabs in interstate commerce from Virginia to Maryland.

The president and a manager of a Virginia Beach seafood company pleaded guilty to violating the Lacey Act after being caught shipping 1,394 pounds of untagged or unlawfully taken striped bass from Virginia to Maryland. The company was fined \$10,000 while the owner and manager were each fined \$1,500. The manager was a former board member of the Virginia Marine Resources Commission.

The final chapter of an investigation of illegal interstate sale of yellow perch was completed when the fishermen involved (a father and son who caught 1,400 pounds of yellow perch during closed season in Maryland) were sentenced in Federal court in Baltimore. The father was fined \$5,300 and ordered to forfeit all fishing equipment; he was also sentenced to serve one year of probation. The son was fined \$500; he also forfeited all fishing equipment and must serve a year of probation. Penalties for all prosecutions in the case totaled six years of probation and home confinement; 200 hours of community service; over \$25,000 in fines; and forfeitures of a truck valued at \$12,000 and the \$2,444 paid for the fish.

A U.S. citizen charged with conspiracy to violate the Lacey Act was sentenced for his role in an international smuggling ring dealing in Venus flytraps unlawfully collected from the wild in North Carolina. The subject was sentenced to serve six months home confinement with electronic monitoring and four years probation and was fined \$10,000.

In an investigation in Virginia, two subjects selling bear claw jewelry were each charged with five felonies—four Lacey Act counts and a conspiracy charge. Both were sentenced to pay a \$1,000 fine, serve three years of supervised probation, and forfeit more than \$3,000 worth of bear claw items.

### **Illegal Guiding and Hunting**

The Service teamed with State and Canadian authorities to investigate a professional waterfowl guide whose criminal activities spanned both sides of the border. Suspicion concerning the legality of the Vermont man's guiding and hunting operations prompted the Service special agent in that State to arrange for a Service colleague stationed in Maryland to take the investigation undercover.

*The Service teamed with State and Canadian authorities to investigate a professional waterfowl guide whose criminal activities spanned both sides of the border. The man pleaded guilty to 24 game violations in Saskatchewan and faces additional charges in the United States.*

The Maryland-based agent booked waterfowl hunts with the guide, whose favorite hunting area turned out to be Missisquoi National Wildlife Refuge in Vermont. Pretending to be a client, the Service agent witnessed an array of violations by the guide and his clients and friends. Common offenses included waterfowl over-limits and wanton waste.

The agent established an ongoing relationship with the guide and was invited to accompany the man on his annual hunting trip to Saskatchewan. During six days of hunting in Canada, the agent documented over 50 violations, including illegal guiding practices, daily over-limits, wanton waste, shooting early and late, shooting from a vehicle, shooting during the closed season, and shooting protected species.

Service and Canadian investigators then planned the man's arrest; the agent returned to Canada with the guide in November 2000, ostensibly to visit a business there. After crossing the border, the two men were detained at a checkpoint as previously arranged with Canadian authorities. The waterfowl guide was arrested by the Royal Canadian Mounted Police and was flown the following day to Saskatchewan to face 41 charges of violating Canadian Federal and Saskatchewan provincial waterfowl and game laws. Immediately following the arrest, a search warrant was served on the guide's residence near Burlington, Vermont.

After spending six days in jail in Canada, the guide pleaded guilty to 24 game violations. He was fined \$18,500 and deported. The judge called the guide's behavior "alarming" and "outrageous" and expressed concern about his casual attitude toward killing animals. Charges have also been filed in the United States.

Service agents worked closely on this investigation with personnel from Environment Canada and the Saskatchewan Environment and Resource Management Division. Assistance was also received from Service refuge personnel and wildlife inspectors, the Royal Canadian Mounted Police, U.S. and Canadian Customs officials, Vermont State Police, and Vermont Fish and Game officers.

In December 2000, a Pennsylvania waterfowl guide pleaded guilty to three misdemeanor Lacey Act charges involving violations of Pennsylvania State law and the Migratory Bird Treaty Act. Special agents participated in four covert hunts with the guide, documenting such violations as over-limits, use of lead shot, and shooting waterfowl from a vehicle. When the defendant was sentenced in Federal court in Scranton, he was fined \$10,000 and was ordered to forfeit all unlawfully taken wildlife and serve one year probation during which he cannot hunt or guide. This same guide also pleaded guilty in State court to criminal trespass and 15 counts of violating the Pennsylvania Game Code. When sentenced on the State charges, the judge threw out the plea agreement because the defendant did not appear remorseful for his crimes. The man was sent to county prison in lieu of State probation; he was fined \$300 for criminal trespass and \$5,400 for the game code violations.

A special agent in Maryland teamed with Maryland Department of Natural Resources police to apprehend two subjects from Ocean City hunting over a baited pond in Worchester County. The pair, who were fined \$4,200, also shot late and took an over-limit of wood ducks.

Three subjects in Virginia pleaded guilty after being charged in a criminal information for placing and hunting over bait. The host of the dove hunt admitted that he put out 300 pounds of wheat "to entice the birds." His two guests stated that they saw the grain on the ground, should have put their guns away, but chose to hunt instead. The host was sentenced to pay \$2,000 restitution to the National Fish and Wildlife Foundation while each hunter was ordered to pay \$1,000. The U.S. magistrate judge told the hunters that he viewed baiting as a particularly "obnoxious" offense because it is unfair to other hunters, demonstrates a lack of sport, and endangers wardens who must enforce the law by hiding near hunters. The judge stated that the

*A farmer in southwest Virginia pleaded guilty in Federal court in Roanoke to one count of killing migratory birds with poison.*

sentence was lenient because the men had no prior convictions but that if they ever came back, the court would be harsh. Local press, including a Roanoke TV station, covered the arraignment.

A Tennessee man pleaded guilty in Maine State court to charges related to the illegal killing of two moose in Maine. The man, who was fined \$4,000 and sentenced to serve 20 days in jail, may still face Federal firearms and Lacey Act charges in Tennessee. The New England investigation was a cooperative effort involving a Service special agent and Maine game wardens.

A Massachusetts resident who was the subject of a cooperative Service/State hunting investigation was found guilty of violating State wildlife laws by a jury in Maine State court. The subject, who was involved in illegal deer and moose hunting, was fined \$5,600 and sent to jail for 26 days. He also faces revocation of his Maine guide's license.

#### **Other Investigations**

In June 2001, a Virginia man was sentenced to serve 18 months in prison for witness tampering and killing federally protected birds. He was also ordered to pay a \$10,000 fine and \$5,000 in restitution. The subject pleaded guilty in February to misdemeanor charges of shooting a red-tailed hawk near his farm where he raised fighting chickens. Witnesses also linked the subject to the poisoning of a second hawk and a turkey vulture found dead on property adjacent to his farm. He also pleaded guilty to witness tampering (a felony) for trying to prevent a witness from disclosing information about the killings.

A farmer in southwest Virginia pleaded guilty in Federal court in Roanoke to one count of killing migratory birds with poison. The subject had laced grain with Famphur and spread it around his silos to eliminate what he described as a "starling problem." Over 800 birds died, almost all of them red-wing blackbirds. Only 11 starling carcasses were found. The farmer was fined \$1,000 and ordered to pay \$5,000 in restitution.



*A poisoning case in southwest Virginia documented the take of over 800 birds, almost all of them protected red-wing blackbirds. J&K Hollingsworth/USFWS*



*Region Five special agents were among the many volunteers who contributed to rescue and recovery efforts at the World Trade Center. Agents also completed security details at Boston's Logan International Airport, the point of departure for the two planes that hit the twin towers.*

#### **Security Assistance**

Special agents from Region Five responded to the Nation's call for help in the wake of the September 11, 2001, terrorist attacks on the World Trade Center and Pentagon. Eight agents from New York, New Jersey, and Pennsylvania were among the many volunteers who contributed to rescue and recovery efforts at "ground zero" in lower Manhattan. Asked first to help guard the perimeter of the World Trade Center site, they later entered the area where the buildings collapsed to relieve firefighters on the "bucket brigade" that was set up to remove rubble and other debris. Two agents were officially detailed to an evidence recovery team assigned to comb through material brought from the site to the Staten Island landfill, looking for anything that could support the investigation of the terrorists or help identify those lost in the attacks.



*Region Five special agents participated in rescue and recovery efforts at the World Trade Center site after the September 11 terrorist attack. USFWS*

Region Five special agents were assigned to security details at Boston's Logan International Airport, the point of departure for the two hijacked planes that were flown into the World Trade Center towers. After the terrorist attacks, the President ordered the Attorney General to provide an enhanced security presence at departure screening checkpoints at 17 airports across the country. The U.S. Marshal's Service office in Boston quickly organized a Federal multi-agency task force to accomplish this mission at Logan International. Service special agents teamed with counterparts from the Drug Enforcement Administration, National Marine Fisheries Service, U.S. Customs Service, and U.S. Border Patrol to complete this special security assignment. The Federal officers, who were sworn in as deputy U.S. marshals, assisted Massachusetts State Police and private security personnel in implementing measures to enhance passenger safety.

During September, Region Five enforcement staff also helped provide increased security at the National Conservation Training Center (NCTC) in Shepherdstown, West Virginia. Vehicles and individuals entering the facility were monitored; suspected poachers were observed near the NCTC property and were reported to local conservation officers.

#### **Wildlife Inspection Activities**

Wildlife inspectors in Region Five were responsible for monitoring about 29 percent of the Nation's wildlife trade in FY 2001. Once again, the combined designated port of New York, New York/Newark, New Jersey remained the country's busiest port of entry for wildlife and wildlife products. Significant amounts of traffic were also processed by Service inspectors in Baltimore, Boston, and Buffalo.

*For four months, inspectors in New York were on 24-hour alert for importations of mitten crabs. Extensive Service outreach to educate airlines and importers about the illegality of such shipments apparently paid off, since no mitten crab importations were discovered.*



*After intercepting large shipments of mitten crabs (an invasive species) in the fall of 1999, Service inspectors in New York stepped up efforts to educate airlines and importers. This work paid off; no illegal shipments were detected at the port in FY 2001. USFWS*

Wildlife inspectors working out of the Division's Valley Stream, New York, office, which monitors wildlife trade at JFK International Airport, completed numerous cases in which commercial importers paid significant civil penalties for wildlife trade violations. A large U.S. retailer, for example, was assessed \$30,000 in penalties for importing handbags, belts, coats, and other garments made from CITES-protected species. Retailers were fined \$6,000 for bringing in Bengal cat handbags without a permit; \$12,000 for a "permit-less" shipment of python garments; and \$10,000 for unlawfully importing 12 weasel coats and eight alligator handbags.

Cases involving an upscale auction house saw the company pay \$15,000 in civil penalties for importing an elephant ivory relief carving and a \$280,000 painting containing assorted butterflies; both were re-exported. In a second case, the auction house paid a \$3,000 civil penalty for importing a tortoise shell flask without CITES permits. The company also forfeited the item, which was worth \$4,000.

Other companies caught violating wildlife laws and regulations included a shoe designer (who was fined \$2,300 for submitting invalid CITES permits for 60 reptile shoes) and a tropical fish business (which paid \$6,500 in civil penalties for three shipments of live tropical fish and coral sand that came into the United States without proper declarations and permits). Another company paid a \$9,000 civil penalty for the illegal importation of 72 pieces of flatware made from sea turtle shell. The items, which were valued at \$45,000, were not declared and no CITES permits accompanied the shipment.

During one week in June, companies in the Northeast paid a \$2,500 fine for illegally importing three alligator clock cases; a \$5,000 fine for the unlawful importation of 15 crocodile skin pieces; and a \$12,000 fine for two shipments containing 40 pairs of alligator shoes and 63 pairs of python shoes.

On December 31, 2000, wildlife inspectors in New York completed the second season of "Operation Claw"—an intensive multi-month invasive species enforcement effort. For four months, inspectors were on 24-hour alert for importations of mitten crabs, an injurious species that disrupts aquatic ecosystems. Extensive Service outreach to educate airlines and importers about the illegality of such shipments apparently paid off, since no mitten crab importations were discovered by enforcement officers.

From May 31 through June 14, 2001, wildlife inspectors from the Valley Stream office organized and conducted a blitz of targeted airlines, looking for unlawful importations of sea turtle products from the Caribbean. With the assistance of Agriculture Department and U.S. Customs staff, hundreds of passenger inspections were conducted on late night flights operated by Air Jamaica and American Airlines. Seizures were down from those made during similar inspection efforts in the past, suggesting that outreach efforts to educate travelers and airlines about threats to sea turtle populations have reduced trafficking through New York in products made from these endangered species. The 2001 blitz resulted in the confiscation of two shells, 33 eggs, and 16 pounds of sea turtle meat.

Routine inspection activities in New York yielded a variety of wildlife seizures on a daily basis throughout the fiscal year. During one week in October 2000, for example, inspectors intercepted a zebra skin ottoman in violation of the Endangered Species Act and a python jacket, eight kilograms of caviar, four caiman shoes, two pairs of alligator shoes, 26 swatch cards of tegu, karung, and crocodile skin pieces, a tegu handbag, five alligator belts, four tegu belts, and a caiman belt—all imported in violation of CITES.

Another sample week yielded the following seizures, all involving CITES violations: 15 reptile products, two guanaco jackets, one Marco Polo sheep skull with horns, 16 elephant seal items (also a violation of the Marine Mammal Protection Act), five crocodile handbags, 63 reptilian leather wallets, 32 pieces of elephant ivory, 550 pieces of black coral, 10 two-oz. jars of caviar, and 18 claws and teeth from bears and big cats.



*A shipment containing 10 live cheetahs (a gift from the president of Namibia to the United States) was among the more unusual cargo cleared by Service inspectors in Newark, New Jersey. USFWS*

Wildlife inspectors in Newark, New Jersey, who monitor trade at the city's international airport and ocean port, completed a significant case involving a major U.S. express mail delivery company. Inspectors identified 19 different shipments containing wildlife which the company delivered to U.S. importers without presenting declarations to the Service or obtaining Service clearance. The Region Five Solicitor's Office assessed \$76,000 in civil penalties for these violations. The company had already paid \$24,000 for similar offenses involving 13 other shipments.

A resident of Pittsburgh, Pennsylvania, paid a \$2,000 fine for unlawfully importing 33 elephant ivory bracelets from Nigeria. The bracelets were found hidden inside the pockets of garments, which also contained cowrie shells; the entire shipment was seized at the airport in Newark.

Wildlife inspection staff from Newark inspected and cleared the importation of 10 live cheetahs, which arrived at McGuire Air Force Base via an Air Force cargo plane. The animals were a gift from the president of Namibia to the people of the United States. The Cincinnati Zoo received four of the cheetahs and the White Oak Conservation Center in Florida will care for the remaining six.

Wildlife inspectors in Region Five also monitored imports and exports in Boston, Baltimore, and Buffalo. A total of 1,068 shipments came through Boston, while inspectors in Baltimore looked at 2,813. The border port of Buffalo processed 1,768 wildlife imports and exports.

Inspectors stationed in Baltimore handle hundreds of shipments each year for the Smithsonian Institution and other museums in the Baltimore/Washington metropolitan area, facilitating the loan of wildlife items for exhibition abroad and the collection of new research specimens and artifacts for U.S. scientists and museum curators. These inspections, however, sometimes result in seizures if wildlife items lack appropriate permits or the importation violates other wildlife laws or regulations. In April 2001, one such item confiscated by Service inspectors was "donated" to the Freer Gallery on long-term loan. The item, a musical instrument called a "qin" which dates to China's Ming Dynasty, contained parts made from rhino horn. When the museum displays the instrument, the accompanying text will describe trade restrictions that help protect rhinos, an endangered species.

Two interceptions of unlawfully imported wildlife in Buffalo both involved fish. In July 2001, a wildlife inspector learned that a Canadian woman had imported various species of live cichlids to sell at a competition. The inspector instructed the subject to make sure that any fish that were to be re-exported were presented for inspection. Although the subject said she would not be bringing any fish back to Canada, she attempted to re-export 133; she was stopped and the fish were seized. Later that same month, a wildlife inspector seized 543 kilograms of untagged frozen lake sturgeon from two fish wholesalers. The fish had been imported in violation of Quebec provincial law requiring tagging of all unprocessed sturgeon.

### **Training Partnerships**

During FY 2001, Region Five law enforcement staff provided training to State and Federal counterparts and to wildlife enforcement officers overseas. In December 2000, for example, a special agent stationed in Delaware teamed with a colleague from Region Six to spend three weeks in Cambodia training rangers at Bokor National Park. The training program, which was sponsored by WildAid, covered the basics of arrest procedures, evidence collection, defensive tactics, weapons handling, interviewing, officer safety, and patrol techniques.

Bokor National Park contains some of the last vestiges of wildlife habitat for tigers, elephants, civets, gibbons, and hornbills. The training facility used, a former Khmer Rouge headquarters, sits atop a mountain; one ranger walked for three days to attend the training. The program concluded with a three-day jungle patrol in which rangers encountered illegal logging operations,

*Wildlife and wildlife items seized by Region Five wildlife inspectors often end up teaching the public about wildlife conservation long after the Service completes its enforcement work.*

poachers, and other human encroachments within the park boundaries. The training was well received by the rangers, who take their jobs seriously despite being paid only \$11 per month.

Region Five also remained involved in a training project for rangers in Tanzania, which is sponsored by the U.S. Agency for International Development (USAID) and the African Wildlife Foundation. USAID has promised \$750,000 in additional funding for the effort through 2003; the program focuses on transferring wildlife law enforcement and fire management skills to rangers protecting national parks in Tanzania.

The Service's law enforcement office in Dover, Delaware, hosted the State's first Waterfowl Enforcement School. The three-day training program for State wildlife officers included both classroom instruction and field scenarios.

A special agent presented a program on the Lacey Act to a Wildlife and Environmental Crimes Training Conference held in Kill Devil Hills, North Carolina. Over 40 officers from the National Park Service, North Carolina Division of Wildlife, Fish and Wildlife Service, and military bases with conservation responsibilities attended the program.

Under an agreement with the Pennsylvania Fish and Boat Commission, two special agents instructed two classes of State waterways conservation officers in Federal wildlife laws. Requests for similar training assistance have been received from the Ohio Department of Natural Resources.

#### **Outreach**

Public outreach remained an important part of Region Five's law enforcement mission during FY 2001. Special agents and wildlife inspectors presented educational programs to a variety of school, scout, and community groups as well as to special interest organizations. Outreach efforts included a presentation on migratory bird issues for the Pennsylvania Taxidermist Association and a briefing on import/export regulations for the Delaware Valley chapter of Safari Club International. Activities targeting students and children included seminars for wildlife management students at the University of New Hampshire; participation in Science Exploration Day, a career awareness program for high school students in western New York; and coordination of a Fishing Derby and Youth Outdoor Day to kick off National Fishing Week in southern Maryland.

Law enforcement staff at the Division's Valley Stream, New York, office hosted delegations from Russia and China. Five officials from the CITES Management Authority of the Peoples Republic of China visited in February 2001; they received an overview of the inspection program and a tour of JFK Airport. In July, 16 delegates from the Russian government who were in the United States to participate in a Service-sponsored sturgeon workshop toured the New York inspection office to learn more about U.S. wildlife import/export procedures.

Wildlife and wildlife items seized by Region Five wildlife inspectors often end up teaching the public about wildlife conservation long after the Service completes its enforcement work. Since 1996, the agency has permanently loaned over 87 art objects confiscated at JFK Airport to Lehman College, City University of New York, in the Bronx, to support studies of African art. In 2001, the school sponsored an exhibit titled "Contemporary Masks from the Kuba Region of the Congo: Selections from the U.S. Fish and Wildlife Service/Lehman College Study Collection," which made some of this material accessible to the public. The objects incorporated skins of civet cats, genets, colobus monkeys, leopards, and mongooses; feathers from guinea fowls, eagles, buzzards, turacos, and hornbills; and cowrie shells. Items from the collection have also been loaned to the American Museum of Natural History and the Metropolitan Museum of Art.

*Supporting the Service's wolf reintroduction program remained a priority. Agents investigate wolf mortalities (including natural deaths) and work to prevent the illegal killing of these animals.*



*Efforts to protect gray wolves included conducting public outreach, monitoring packs, and investigating illegal take. Tracy Brooks/USFWS*

## **Region Six**

Region Six law enforcement investigates wildlife crimes in Colorado, Wyoming, Utah, Montana, North Dakota, South Dakota, Nebraska, and Kansas, and inspects and clears wildlife shipments at three ports of entry—Denver, Colorado; Pembina, North Dakota; and Great Falls, Montana. Funding increases in FY 2001 allowed the region to fill a number of special agent positions (including slots in Sioux Falls, South Dakota; Great Falls, Montana; Cedar City, Utah; and Grand Junction, Colorado), some of which had been vacant for years. Region Six finished the year with 24 special agents and three wildlife inspectors on the job.

### **Safeguarding Wolves and Grizzlies**

Supporting the Service's wolf reintroduction program remained a priority. Agents investigate wolf mortalities (including natural deaths) and work to prevent the illegal killing of these animals. They contact stockmen, hunters, and others who may encounter wolves, explaining the reintroduction program and the animal's characteristics and behavior. They also monitor wolf movement from the ground and air, collecting information that supports enforcement and outreach efforts and helps biologists identify and locate newly formed or "lost" packs.

In FY 2001, wolf-related investigations in Region Six included a possible poisoning, several shootings, and a case in which a wolf was killed by a mountain lion. Agents also helped solve a wolf killing that occurred near Yellow Pine, Idaho, after a concerned citizen in Ogden, Utah, reported that a man who claimed to have killed a wolf showed him the hide and skull. Agents determined that the defendant shot the wolf from his pickup truck and then transported the animal's hide and skull back to Utah in a truck toolbox. The man, who had a long criminal history of game and fish violations in Utah and Idaho, pleaded guilty to a Lacey Act charge predicated upon a violation of the Endangered Species Act. Sentencing was scheduled for December 2001.

Special agents in Region Six continued to play an important role in grizzly bear recovery. They investigate all reported grizzly bear attacks on humans that result in injury or death to the bear or person involved. They examine incidents of bear mortality to determine whether self-defense was involved and whether circumstances were truthfully reported. Many of these investigations occur in the largest roadless areas in the lower 48 States where wilderness designations prevent the use of motorized equipment, making back-country skills essential.

Region Six special agents also work to prevent deadly encounters between grizzlies and people. Bear avoidance training, for example, is helping to reduce human-bear confrontations that can lead to human injury and/or the self-defense killing of bears. The training program, which was developed in partnership with the Wyoming Outfitters and Guides Association and the Professional Guide Institute, covers bear identification, how to avoid attracting bears, understanding bear behavior, proper storage of food and other attractants in camp, handling bear attacks, and use of pepper spray.

These classes have benefited outfitters, guides, and hunters as well as Service personnel and employees of other Federal agencies working in "grizzly territory." Since June 1998, over 200 government employees (including Region Six biologists, contract biologists, National Park Service staff in Yellowstone and Grand Teton National Parks, and employees working in the Shoshone and Bridger-Teton National Forests) have completed the course. The training has also been presented to more than 400 outfitters and guides in Wyoming, Montana, and Idaho.

In FY 2001, special agents in Wyoming received the Department of the Interior Safety Award of Merit for teaching bear safety to Service personnel. The training also teaches Service staff how to address the issue of grizzly bear safety in their on-the-job contacts with the thousands of people who hunt, fish, or hike in bear country each year.

*Service special agents and State conservation officers in South Dakota worked with the U.S. Army Corps of Engineers to protect the threatened least tern and piping plover on the lower reaches of the Missouri River.*

Despite efforts to reduce bear-human encounters, grizzlies continue to be shot in the Western States. The Justice Department's McKittrick policy (which requires prosecutors in cases involving the take of an endangered or threatened species to prove that defendants knew the biological identity of the animal at the time of the killing) has made pursuing Federal charges in such cases more difficult. A successful Federal prosecution did, however, occur in a Wyoming case involving a hunter-outfitter camp that had repeatedly been warned that improper food storage would attract grizzlies. The outfitter bragged that he could identify grizzlies and would not hesitate to shoot one. An informant told authorities that the outfitter had shot a grizzly bear, but had not reported the shooting as required. Service special agents, with the assistance of Wyoming Game and Fish and the U.S. Forest Service, executed a Federal search warrant at the wilderness camp. They recovered the shotgun used to kill the bear, the animal's skull (which had been kept as a trophy), and the remains of the bear carcass. The outfitter and two of the guides were charged in Federal court with violating the Endangered Species Act as well as Forest Service special use regulations. The three all pleaded guilty. Fines and restitution totaled \$12,250.

Special agents in Wyoming also completed an investigation of a 1996 grizzly killing. The hunter involved shot the animal thinking it was a black bear. After discovering that he had shot a grizzly, the man and two associates moved the bear, destroyed its radio collar, used a backhoe to dig a hole, covered the carcass with lye to speed decomposition, and then buried the bear. Agents and State investigators eventually identified the three men involved, recovered the bear carcass, and obtained admissions from the suspects. The U.S. Attorney's Office, however, declined prosecution due to the McKittrick policy. The case will be pursued instead in Wyoming State court.

In May 2001, a hunter from Wisconsin shot a grizzly bear in northwestern Montana. The hunter's attorney contacted Service agents to explain that his client had accidentally killed a grizzly while hunting black bear. Agents and State officers located the body of a small female grizzly bear that only weighed about 40 pounds. The defendant pleaded guilty in Montana State court to unlawfully killing a grizzly bear. He was ordered to pay a \$720 fine and \$2,000 restitution. He also lost his hunting privileges in Montana for two years, had to surrender his Montana hunting license, and was sentenced to 180 days in jail. The jail time was suspended.

**Protecting Other Endangered and Threatened Species**

Service special agents and State conservation officers in South Dakota worked with the U.S. Army Corps of Engineers to protect the threatened least tern and piping plover on the lower reaches of the Missouri River. Patrols provided an effective followup in areas where public outreach had already occurred, heightening awareness of the presence of the birds and preventing accidental damage to or disturbance of nests. Agents also investigated several complaints involving the take of nests or chicks. They identified subjects who destroyed nest sites and are pursuing Federal criminal charges.

Agents in Colorado investigated the destruction of habitat for the threatened Pawnee montane skipper butterfly. The defendants, who paid a \$1,000 civil penalty, have implemented a mitigation plan that will restore eight acres of habitat that were destroyed by timber harvesting. The settlement also calls for the enhancement of 16 acres of poor habitat.

Another Colorado investigation identified two land developers who destroyed habitat occupied by the threatened Preble's meadow jumping mouse. While building homes in Douglas County, one developer destroyed about 25 acres of riparian zone habitat while the other eliminated seven acres. The developers each agreed to pay a \$1,000 civil penalty; contribute \$4,000 to a mitigation fund for the species; and implement a mitigation plan that will restore some 97 acres of mouse habitat.

*Agents in Colorado investigated three incidents involving the destruction of habitat occupied by the Preble's meadow jumping mouse.*



*Special agents in Colorado worked on several cases involving loss of habitat for the threatened Preble's meadow jumping mouse (top). In one incident, construction of a housing development near Colorado Springs destroyed 75 acres occupied by this threatened rodent (bottom). USFWS*

Agents in the State continue to investigate another incident involving the destruction of Preble's meadow jumping mouse habitat. In this case, the threatened rodent lost about 75 acres of habitat near Colorado Springs when a housing development was built on ranch land. The Service obtained aerial photographs documenting the condition of the habitat before and after destruction. An analysis of site vegetation before destruction has been completed and a post-destruction analysis will be undertaken. Attempts to negotiate a civil settlement were unsuccessful, and civil or criminal charges are expected.

Service special agents in Utah investigated the disappearance of over 400 threatened Utah prairie dogs from a golf course after State and Federal biologists failed to find any natural explanation for the animals' absence. Although the Service had approved the trapping and relocation of the prairie dogs, some club members apparently decided to rid the golf course of the animals by shooting them with pellet guns. The injured prairie dogs ran back into their burrows to die, leaving no trace of the crime above ground. Agents also learned that club members tried to kill prairie dogs by running them over with golf carts. In April 2001, the Service issued a proposed Notice of Violation assessing a \$20,000 civil penalty to a club member, alleging that he attempted to shoot prairie dogs and had encouraged others to do so in violation of the Endangered Species Act. Settlement of this civil case was still in progress at the end of the reporting period.

#### **Unlawful Commercialization**

Special agents in Region Six work to prevent and investigate the illegal take and commercialization of game species. Illegal guiding and outfitting remains a problem in the West; other types of unlawful commercial exploitation are also a concern. During FY 2001, agents teamed with State conservation officers to investigate those involved in such profiteering.

An outfitter from Gillette, Wyoming, doing business with a local rancher who was also a licensed guide, was the focus of a complex Service/State investigation that uncovered the illegal take of over 60 deer and 18 antelope between 1994 and 1998. A total of 42 subjects from 17 U.S. and international jurisdictions (including 14 States and Puerto Rico as well as British Columbia and El Salvador) paid over \$250,000 in fines and restitution in connection with this multi-year probe.

For many years, the State had received reports from hunters and residents about the outfitting company's illegal activities. Although Service and State officers opened an investigation in 1995, they uncovered only a couple of violations through 1997. The big break in the case came in the fall of 1998 when a Florida warden told a Wyoming officer that a taxidermist and booking agent from Miami and another Miami resident were planning a November hunting trip with the Wyoming outfitter. Checks of airline reservations revealed that five Florida residents were flying into Gillette that month. A computer check of State license records showed that none of these individuals had a deer license. Surveillance revealed that the group arrived in Wyoming, hunted, and returned to Miami with trophies. In March 1999, officers conducted searches and interviews in Florida, Wyoming, and Texas. An intensive review of seized documents led to additional interviews and seizures in Florida, Texas, Wyoming, Michigan, Wisconsin, New York, Pennsylvania, New Jersey, and Tennessee.

The multiple prosecutions resulting from this investigation included Federal felony convictions of three primary defendants for violating the Lacey Act. One outfitter went to prison for a year and was fined \$30,000. A second outfitter was sentenced to a year in jail and fined \$5,000. A Florida taxidermist was sentenced to four months of home detention and paid \$4,600 in fines and restitution. Some of the hunters involved also received stiff penalties; one man, who illegally killed eight deer between 1995 and 1998, was fined \$40,000 and ordered to pay \$20,000 in restitution.

Two other cooperative Federal/State Lacey Act cases in Wyoming resulted in successful Federal prosecutions. In one case, two defendants who illegally killed and transported elk and mule deer paid \$16,000 in fines and restitution and lost their hunting privileges for three years. In a second case involving the fraudulent use of a Wyoming license to cover an illegal moose hunt, a Missouri man was sentenced to pay \$15,000 in fines and restitution; he also lost his hunting privileges for three years.

Operation Rosebud, a multi-agency investigation, successfully documented illegal hunting, guiding, and outfitting in Montana. Work on this case secured over \$149,000 in fines and restitution from 31 defendants in seven Federal and 24 State prosecutions. The individuals involved lost 492 months of hunting privileges and 50 trophies were forfeited to the government. During this investigation, Service special agents and officers from the Oregon State Police, Oregon Fish and Wildlife Department, Washington Department of Fish and Wildlife, and Wyoming Fish and Game identified two Montana outfitters who supplied illegal guiding and outfitting services to non-resident clients, including subjects from Washington and Oregon. The guides both pleaded guilty to felony Lacey Act charges and were effectively put out of business when they lost their hunting, trapping, and fishing privileges worldwide for three and four years.

Service special agents concluded a four-year cooperative investigation of Montana outfitters, guides, and taxidermists. In August 2000, a Federal grand jury indicted defendants for felony Lacey Act and conspiracy violations involving the unlawful sale of two mountain lions, two bobcats, and an antelope that had been illegally taken and shipped in interstate commerce. In a second indictment, also handed down in August 2000, a Zimbabwe outfitter and guide, a hunter, and another guide were charged with felony Lacey Act and conspiracy violations in connection with the illegal importation and sale of two leopard hides. The investigation also resulted in a third Lacey Act and conspiracy indictment involving defendants who illegally provided licenses to hunters so they could take buck antelope in 1994 and 1995.



*The Service investigated the unlawful killing of three bighorn sheep in Glacier National Park in northwestern Montana.  
J&K Hollingsworth/USFWS*

The investigation, which was led by Region Six special agents, also involved the Montana Department of Fish, Wildlife and Parks, Pennsylvania Game Commission, Illinois Department of Natural Resources, and assistance from Service agents in Alaska, Pennsylvania, Minnesota, Illinois, and North Carolina. Seven of the eight defendants pleaded guilty to misdemeanor or felony Lacey Act charges. Penalties for those sentenced have run as high as \$15,000 in fines and two years probation with loss of hunting privileges throughout the United States. The Zimbabwe citizen failed to appear in court and a Federal warrant has been issued for his arrest.

In January 2000, a member of the Blackfeet Tribe was involved in the unlawful killing of three bighorn sheep in Glacier National Park in northwestern Montana. One head and cape were removed from the park and taken to the Blackfeet Reservation; park rangers recovered the heads of the other two sheep. In a cooperative investigation with the National Park Service, agents determined that the defendant intended to sell the sheep heads and capes. He was charged with three felony Lacey Act counts (one per sheep) and one count of conspiring with others to violate the Lacey Act. The man was convicted in Federal court on two of the felony Lacey Act counts and was put on probation for five years. During this time, he can only hunt on the Blackfeet Reservation as authorized by the Blackfeet Tribal Fish and Game Commission. He must also serve four months home detention, perform 100 hours of community service, and pay Glacier National Park \$6,500 in restitution and a \$225 special assessment. The man has appealed his conviction.

In a joint Lacey Act investigation, special agents and State officers from Nebraska and Kansas discovered that seven suspects were operating a deer poaching ring. The primary defendant, who was found guilty in both State and Federal court, was fined \$3,334 and sentenced to five years probation without hunting, fishing, or trapping for his Federal violations. Convicted in



*Investigative work wrapped up on the largest undercover investigation of wildlife trafficking ever conducted along the Missouri River corridor. Service and State officers snared dozens of poachers in Iowa, Nebraska, Missouri, and South Dakota. Defendants were charged in Federal and State courts with illegal take and commercialization of big game and game fish.*



*Service and State officers documented the unlawful take and sale of thousands of pounds of fish and 51 white-tailed deer.*  
USFWS

State court on a felony wildlife commercialization charge, this same individual was ordered to serve two years probation and perform 100 hours of community service; he was also banned from hunting, fishing, or trapping in Kansas for the next 10 years. Six other defendants were also found guilty of various wildlife charges. Penalties in the case totaled \$5,312 in fines, more than 10 years of probation, 350 hours of community service, and 16 years worth of revoked hunting, fishing, and trapping privileges.

In September 2001, a grand jury in Utah indicted a former Utah resident for felony violations of the Lacey Act after a joint Federal/State investigation documented the unlawful take and interstate sale of two trophy mule deer. According to the indictment, one deer was killed during the Utah archery deer season with a rifle and with the aid of a spotlight at night; an Arizona tag bought after the kill was used to make the take appear legal. The second deer was killed without a license during the regular Utah rifle season; the hunter used a tag issued to his wife to legitimize the animal. The defendant published articles in prominent hunting magazines providing elaborate, but false accounts of the hunts; he also fraudulently entered one of the takes with Pope and Young (an organization that tracks archery-killed big game throughout the world) as the number two mule deer taken with a bow and arrow.

When a concerned citizen who knew about the unlawful hunts learned that the subject was being sentenced in State court on unrelated charges, he called authorities and reported the deer poaching incidents. Investigators discovered that nearly five years after the deer were unlawfully killed, the shoulder mount trophies were transported and sold to a trophy collector in the State of Washington for a large sum, thus triggering the felony Lacey Act charges.

Investigative work wrapped up on Operation Fish Tale, the largest undercover investigation of wildlife trafficking ever conducted along the Missouri River corridor. Service and State officers snared dozens of poachers operating along the Missouri River in Iowa, Nebraska, Missouri, and South Dakota. Defendants were charged in Federal and State courts with illegal take and commercialization of big game and game fish. Over 100 subjects paid fines and restitution totaling almost \$60,000. Total penalties also included 40 years of revoked hunting/fishing rights, 25 years of probation, 760 hours of community service, and the forfeiture of one pickup truck, two rifles, and commercial fishing equipment.

A joint investigation with the Colorado Division of Wildlife exposed an organized elk poaching ring operating near Evergreen. Suspects investigated included individuals from Idaho and Washington as well as Colorado. To date, four defendants have pleaded guilty in State court and nearly \$62,000 in fines, restitution, and surcharges have been levied. One defendant, who was fined over \$20,400, was also sentenced to one year in jail, two years probation, plus 150 hours of community service. Another defendant was sentenced to 18 months jail (suspended) and ordered to pay over \$40,550 in fines, restitution, and surcharges. Lifetime revocations of hunting privileges are also being sought.

#### **Protecting Eagles and Other Raptors**

Agents in Montana teamed with officers from the Bureau of Indian Affairs, Montana Department of Criminal Investigation, Bighorn County Sheriff's Office, and Service counterparts in Colorado, North Dakota, and Wyoming to investigate the illegal take and commercialization of eagles and other raptors by a Native American living on the Crow Indian Agency reservation. Execution of a Federal search warrant at the defendant's home in March 2000 uncovered numerous bald and golden eagle feathers, bones, and skulls, as well as hawks, a snowy owl, and a prairie falcon. The defendant pleaded guilty to four counts of a six-count indictment for illegally killing and selling bald eagles and their parts. In June 2001, he was sentenced to serve four months in prison and six months home detention, perform 80 hours of community service, and complete one year of supervised release. He also lost

*Service special agents worked with U.S. Customs, the Royal Canadian Mounted Police, and the Cascade County Sheriff's Office to investigate subjects in Montana who were trafficking in Native American artifacts made from bald and golden eagle parts.*



*Region Six efforts to protect eagles included investigations of illegal take and commercialization. Dave Menke/USFWS*

his hunting and fishing privileges for that period and was ordered to pay \$60,000 in restitution plus a \$225 special assessment.

Service special agents worked with U.S. Customs, the Royal Canadian Mounted Police, and the Cascade County Sheriff's Office to investigate subjects in Montana who were trafficking in Native American artifacts made from bald and golden eagle parts. The investigation began when the Sheriff's Office learned that an individual was producing and smuggling child pornography. When officers searched the man's residence and business, they found and seized a number of eagle feather artifacts. Further investigation revealed that the defendant had been buying, selling, importing, and exporting such items for several years. In April 2001, this defendant was sentenced in Federal court to three years probation and six months home detention/electronic monitoring after pleading guilty to two felony counts of eagle trafficking. He also pleaded guilty to one felony count of making and distributing false government identification documents. Some of the artifacts (items worth more than \$60,000 on the black market) were returned to the people of the Blackfeet Tribe.

In South Dakota, a defendant who was found guilty of felony violations of the Bald and Golden Eagle Protection Act appealed his conviction to the 8th U.S. Circuit Court of Appeals. Any first offense under that law is a misdemeanor; felony provisions apply to subsequent offenses. In this case, the defendant challenged the lower court's decision to treat the second and subsequent Eagle Act charges under the same indictment as felonies. The defendant was accused of killing nine eagles; each killing appeared as a separate count in the indictment with the first count (the man's first offense under the Eagle Act) being charged as a misdemeanor and the subsequent counts charged as felonies. In July 2001, the appeals court ruled that the second and subsequent killings could be treated as felonies. This ruling represents the first time that the circuit courts have looked at the felony provisions of the Eagle Protection Act.

In March 2000, agents learned that residents of Fort Thompson, South Dakota, were involved in the illegal killing and selling of eagles, hawks, and owls. When they searched the home of one of the subjects, they seized numerous hawk and owl feathers along with items made from eagle and hawk feathers. Subsequent interviews confirmed that eagles and other raptors were being illegally killed for commercial purposes. Four individuals were indicted by a Federal grand jury for violations of the Eagle Protection Act and Migratory Bird Treaty Act. In July 2001, the four defendants pleaded guilty to unlawful taking and commercial use of golden eagles and hawks. All defendants were sentenced to either one or two years probation and fined \$250 or \$500; the four must also pay a total of \$11,450 in restitution.

An investigation into the unlawful take of eagles by sheep ranchers turned into a multi-agency effort focused on violations against humans after a Service special agent uncovered abuse of Peruvian herders. A task force involving some 60 officers from seven Federal, State, and county agencies gathered evidence that allowed the Department of Labor to take the individuals in charge of the ranch to Federal court. Violations documented included involuntary servitude, physical and emotional abuse, housing violations, and inadequate provision of food and water. The Labor Department obtained a Federal injunction against the ranch operators, who were fined \$3,000 and ordered to pay over \$13,000 in back wages to the herders. The Operation Good Shepherd investigative team received the Labor Department's Regional Quality Award for Leadership and Innovation for its work on this case.

### **Electrocutions and Other Hazards**

Over four years ago, Region Six launched an effort to remove powerline hazards that kill eagles and other raptors. Agents mapped out a program calling for increased industry awareness; research on ways to reduce electrocutions; collection of bird mortality data; public outreach; identification and correction of problems on Service lands; and enforcement

*Region Six special agents continued to work with the electric power industry to identify and correct electrocution problems. In a number of instances, Service efforts secured remedial action. A city in Kansas, for example, agreed to retrofit all 8,000 transformers in its electric power system.*



*Service work to prevent the electrocution of raptors prompted the voluntary retrofitting of powerlines in Kansas, Utah, and Wyoming. USFWS*

efforts to promote the development of Memoranda of Understanding (MOUs) and avian protection plans with power companies.

Efforts to meet the first of these goals included teaming with a consortium of industry and non-profit groups to produce and distribute over 4,000 copies of “Raptors at Risk”— an award-winning video that documents the electrocution problem and shows utilities how to protect birds. Copies have been made available to every Service special agent, every national wildlife refuge in the United States, and every State fish and game agency as well as many private organizations, including Audubon Society chapters and electric utility companies.

In FY 2001, Region Six special agents continued to work with the electric power industry to identify and correct electrocution problems. They briefed groups of industry employees ranging from linemen to chief executive officers. At one forum alone, the Service contacted some 240 industry representatives, most from western States where threats to eagles are most severe.

In a number of instances, Service efforts secured remedial action. A city in Kansas, for example, agreed to retrofit all 8,000 transformers in its electric power system after learning that its power lines had electrocuted an eagle. The largest utility provider in Kansas is working with the Service to correct electrocution problems. The Service also contacted all 160 of the State’s electrical providers to offer them the option of signing an MOU to develop plans for retrofitting their transmission lines. Over 125 rural electric power providers in Colorado have also expressed an interest in signing such agreements.

In the fall of 2001, the chairman of the Kansas State Legislature’s Special Committee on Utilities invited the Service to testify on eagle electrocutions. State senators and representatives learned that Service efforts focus on identifying power lines and distribution poles that represent an electrocution threat to eagles and other raptors. The Service explained that the MOU program is a voluntary, but effective way to reduce raptor mortalities.

The Service also made progress in addressing electrocution problems in Utah, where a special agent and Ecological Services biologists met with Defense Department officials to discuss avian electrocutions occurring on lands managed by the military. Military bases in Utah have hundreds of miles of power lines, some of which have proven deadly to raptors. Military representatives reported modifying some of the deadliest power lines, but pointed to a lack of funding as the major obstacle to making their power systems “raptor safe.”

The 100-square mile Big Horn Basin in northwest Wyoming features numerous oil production facilities equipped with a myriad of overhead power lines. It is also home to one of the largest concentrations of wintering eagles in North America. Most of this land is Federal property managed by the Bureau of Land Management. In recent years, agents noticed a marked increase in reported eagle electrocutions; further investigation revealed that from January 1996 through March 2001, 67 golden eagles, one bald eagle, one red-tailed hawk, and one ferruginous hawk had been electrocuted. Agents identified 1,200 problem poles and secured the modification of 920 of these structures. The equipment needed to modify the remaining poles has been ordered, and efforts to address the problem are expected to continue.

In North Dakota, agents are working with the Department of Energy’s Western Area Power Administration, Edison Electric Institute, a local rural utility service, and the Avian Power Line Interaction Committee to reduce migratory bird mortalities caused by distribution power lines along the perimeter of Audubon National Wildlife Refuge in McLean County. Reports dating back to the 1960s document hundreds of line strike avian deaths. Research being conducted for this project will be published and used nationally to address similar problems.

*In March 2001, Service special agents provided 40 hours of law enforcement training to 39 Native American wildlife officers representing 20 tribes from western States and Alaska.*

A ranch corporation in southern Colorado and a veterinarian were responsible for the deaths of two bald eagles and five golden eagles that died as a result of feeding on two mule carcasses. The mules had been euthanized by the vet using pentobarbital and were not properly disposed of by burying or burning. Each defendant paid a \$1,000 civil penalty and contributed \$9,000 to a fund that will be used by the National Fish and Wildlife Foundation to educate veterinarians and the public about the risks of secondary poisoning to wildlife that feed on the carcasses of euthanized animals.

#### **Protecting Wetlands**

In FY 2001, the Service held almost 1.3 million acres of wetland easements under contract in North and South Dakota. These easements were purchased, in perpetuity, to provide nesting and feeding grounds for migratory birds. Region Six law enforcement continued to support efforts to enforce wetland easements in these two States. Special agents work closely with Service staff at wildlife refuges and wetland management districts to identify wetlands that have been drained, burned, filled, and/or leveled. Thanks to the excellent field work of refuge officers and agents, the vast majority of cases involving wetland easement violations result in landowners voluntarily restoring the damaged lands. This past year, however, eight landowners were issued Federal violation notices for repeated criminal violations involving easements. In addition, two civil easement cases are being litigated in North Dakota, where the Devils Lake basin continues to be the hotspot for easement problems.

#### **Assisting Native American Tribes**

In March 2001, Service special agents provided 40 hours of law enforcement training to 39 Native American wildlife officers representing 20 tribes from western States and Alaska. The program, which was jointly hosted by the Service and the Native American Fish and Wildlife Society, included classroom instruction on authority and jurisdiction, wildlife investigative techniques, and Federal wildlife laws. Field exercises covered crime scene investigations, including evidence collection and preservation. The students also received simunitions training and completed traditional firearms qualification exercises. In the past five years, Region Six has provided wildlife law enforcement training to over 400 tribal officers.

Region Six special agents continued to provide enforcement assistance to Native American tribes. In North and South Dakota, for example, these efforts include acting as a go-between with the States; helping with a wildlife decoy program; investigating Lacey Act and tribal trespass cases involving hunting and fishing; providing guidance on jurisdiction and authority issues; working with Bureau of Indian Affairs investigators on wildlife cases; supporting game check roadblocks to prevent illegal hunting on reservations; pursuing Archeological Resource Protection Act cases; dealing with eagle feather and permit issues; and providing expertise on proposed changes to tribal hunting regulations.

*Tribal officers practice arrest techniques during a wildlife law enforcement training program presented by the Service and the Native American Fish and Wildlife Society. USFWS*



*Region Six law enforcement is responsible for monitoring wildlife trade at 34 non-designated Customs ports of entry along 850 miles of the Canadian border and at international airports in Denver and Salt Lake City. In FY 2001, detected violations increased.*



*The Service wildlife inspector in Denver seized two shipments of reptile-skin boots that had been smuggled into the country from the Philippines. USFWS*

In September 2001, Region Six enforcement officers met with tribal leaders and conservation officers at the Great Plains Intertribal Fish and Wildlife Commission in Lower Brulle, South Dakota, to discuss enforcement of Federal wildlife laws on Indian land. The Commission includes 15 tribes located in North Dakota, South Dakota, and Nebraska. The meeting, which examined the issue of tribal authority over non-Indians who violate tribal or Federal wildlife laws, illustrates the excellent relationship that Service law enforcement maintains with tribes in Region Six.

#### **Wildlife Inspection Activities**

Region Six law enforcement is responsible for monitoring wildlife trade at 34 non-designated Customs ports of entry along 850 miles of the Canadian border and at international airports in Denver and Salt Lake City. In FY 2001, detected violations increased; the number of seizures and shipments refused clearance also rose.

The wildlife inspector in Denver, for example, discovered 17 pairs of boots unlawfully imported from the Philippines. The importer, a boot salesman, brought in python skin boots covered over with either pig or cow hide. A second shipment contained five pairs of sea snakeskin boots, also covered with domestic livestock leather. Covert contacts and a subsequent Federal search warrant resulted in the purchase and seizure of python skins, also of suspicious origin; one measured over 23 feet in length. The importer stated that he smuggled the boots because it was difficult and more expensive to get them out of the Philippines if truthfully declared.

In October 2000, wildlife inspectors teamed with agents and refuge officers to conduct border checks of hunters moving through ports of entry at Portal and Pembina, North Dakota. The Service contacted more than 1,500 hunters, detecting such violations as unidentified species, over-limits of waterfowl, and imports of protected species. Inspectors also conducted a border screening for fish violations in Pembina, contacting some 1,200 anglers.

Region Six wildlife inspectors contributed to public outreach and education on wildlife trade issues. Examples include training military customs officers who enforce import/export laws when troops return from overseas; presenting a briefing on eagle transport requirements to members of the Native American Fish and Wildlife Society; and teaching the fundamentals of wildlife import/export to customs brokers and U.S. Customs officers.

#### **Training and Interagency Liaison**

Region Six special agents provided instruction in wildlife law enforcement to a variety of groups and organizations, including State conservation departments, military conservation officers, other Federal resource management agencies, tribal game wardens, guides, and outfitters. Sharing Service investigative knowledge and expertise improves across-the-board enforcement of laws that protect the Nation's fish and wildlife resources.

For a second year, a Region Six special agent helped develop and conduct a law enforcement training program for rangers at Galapagos National Park in Ecuador. The program, which was sponsored by the U.S. Agency for International Development, consisted of a week of instruction on such topics as international wildlife trade, use of digital and video cameras, interviewing techniques, crime scene investigation, patrol planning and execution, and officer safety.

In September 2001, Region Six law enforcement hosted the annual gathering of State conservation department law enforcement chiefs from the Rocky Mountain and Great Plains States. Each State wildlife enforcement chief attended as well as all Region Six law enforcement managers. The Assistant Director for Law Enforcement also participated in this meeting, providing a national perspective. Each agency shared information about accomplishments and problems of common interest. Participants discussed potential cooperative solutions as well as possible legislative initiatives. This unique regional forum supports the continuation of longstanding Federal/state cooperation in wildlife law enforcement.

*In Alaska, lucrative profits, limited opportunity, and remote locations, including refuge lands, sometimes tempt guides to cut corners to fill their clients' tags. Service agents team with State investigators to keep unlawful guiding operations in check.*



*In Alaska, Service and State officers work together to combat unlawful big game guiding. Targeted species include bear, moose, caribou, and sheep. Larry Aumiller/Alaska Fish & Game*

Region Six maintains formal MOUs for cooperative work with each State in the region (except North Dakota where legislation prohibits such agreements). A master template has been developed and approved by the National Park Service Regional Office that sets the stage for signing similar MOUs with many of the national parks in the Rocky Mountain and Great Plains States. Early in 2001, the Nebraska legislature passed a law that allows the Nebraska Game and Parks Commission to issue State law enforcement credentials to Service personnel—another sign of the region's success in fostering close working relationships with other law enforcement agencies.

### **Region Seven**

Region Seven—the State of Alaska—encompasses 586,000 square miles, an area one-fifth the size of the lower 48 States. It features 33,904 miles of coastline, twice the length of the Nation's east, west, and Gulf coasts combined. Some 77 million of the National Wildlife Refuge System's 93 million acres are located here. The State contains species found nowhere else in the United States as well as a variety of ecosystems.

At the end of FY 2001, the Service's special agent force in Alaska stood at 12 officers. The region also employed three wildlife inspectors (including a student trainee), all stationed in Anchorage. That city, which is one of the busiest ports of entry in the United States for wildlife trade, is slated to become a designated port for the import and export of wildlife.

### **Illegal Guiding**

Big game guiding is Alaska's seventh largest industry with many hunts costing \$12,000 or more. Lucrative profits, limited opportunity, and remote locations, including refuge lands, sometimes tempt guides to cut corners to fill their clients' tags. Service agents team with State investigators to keep unlawful guiding operations in check.

One of the biggest illegal guiding cases ever in the State wrapped up this year when the last two ringleaders of an operation that worked out of Lake Clark National Park entered guilty pleas in Federal court. The pair had initially negotiated a mutual defense pact but ultimately turned on each other. One guide was fined \$50,000 and sentenced to four months in prison; the other paid a \$100,000 fine and was sentenced to six months. Both also forfeited airplanes used in the illegal hunting.

In total, this cooperative Service/State investigation saw 16 defendants convicted of Federal wildlife crimes, including violations of the Lacey Act and the Airborne Hunting Act. These individuals collectively paid \$224,000 in fines; contributed \$18,000 in restitution to the State of Alaska; and forfeited firearms, archery equipment, and numerous bear, moose, and caribou trophies in addition to the two aircraft noted above. The Service special agents, State investigators, and Assistant U.S. Attorney who worked on the case were recognized with a National Award for Group Achievement from the Federal Law Enforcement Officers Association—a professional organization representing enforcement officers from more than 57 Federal agencies.

A former Alaska hunting guide from Fairbanks, who had been a fugitive since 1998, was arrested at the airport in Baltimore, Maryland, when he returned to the United States after working as a hunting guide in Africa. The man was sent to Alaska where he pleaded guilty to three-year-old charges of illegal guiding in the Brooks Range. He was ordered to pay a \$7,000 fine and serve four months of home confinement with electronic monitoring and three years of probation during which he cannot hunt or guide anywhere in the world.

Another Fairbanks big game guide pleaded guilty to Lacey Act violations stemming from illegal hunts in the Brooks Range. He was fined \$10,000 and sentenced to serve six months of home confinement and three years of probation during which he cannot hunt or guide. As part of the plea

*Subsistence remains a significant resource issue in Alaska and a challenging enforcement “beat” for Service officers. For the second year, agents patrolled the Yukon River from the Bering Sea to the Canadian border, a distance of over 1,200 miles, to enforce subsistence fishing regulations.*



*Agent inspects fishing nets along the Yukon River. USFWS*

agreement, the man donated the airplane he used in the illegal hunts to the Montana Department of Fish, Wildlife and Parks.

A Wasilla guide and his adult son and another man who both served as assistant guides were indicted by a Federal grand jury on multiple felony counts after a lengthy investigation by Service agents and State investigators. The charges, which stem from illegal hunts for moose, grizzly bear, and wolf, include one count of destruction of evidence. The guide tried to erase way points from the GPS unit in his aircraft while a search warrant was being served.

#### **Safeguarding Eagles**

Agents investigated several cases involving eagle shootings and poisonings and continued to work on the statewide problem of eagle electrocutions. Unfortunately, most shootings occur in remote places with no witnesses; as a result, few of these crimes are solved.

In FY 2001, agents successfully completed two cases involving poisoned eagles in different parts of the State after the Service’s National Fish and Wildlife Forensics Laboratory found high levels of pentobarbital and Dilantin in the birds. Both drugs are commonly used by veterinarians to euthanize farm animals. In Copper River, an eagle died after feeding on the carcass of a euthanized horse; a second bird died near Kenai after feeding on euthanized animals improperly disposed of at a landfill. Agents sent letters to area veterinarians and animal control facilities highlighting the problem and reminding them to properly dispose of euthanized animals.

Agents continued to work with Alaska utility companies, of which there are more than 100 statewide, to curtail electrocutions of eagles and other birds. The most serious problems occur in coastal fishing communities where fish processing facilities attract large numbers of eagles. Several utilities, most notably in Sitka, Kodiak, and Sand Point, have performed extensive retrofitting of lines and poles to reduce the risk of raptor electrocutions. A Sand Point company, whose previous owner paid a fine for unlawful take of an eagle by electrocution, retrofitted its entire system to make it safe for eagles. Electrocutions in this commercial fishing community, which averaged over a dozen per year, have been eliminated. The utility serving Sitka retrofitted a half-mile section along the “cannery row” stretch of the community’s waterfront. The naval base at Adak also retrofitted its poles, eliminating electrocution hazards which had killed dozens of eagles in past years.

This proactive approach to solving the electrocution problem earned Region Seven agents an invitation to participate in the annual conference of the Northwest Public Power Association. They were also invited to share their successes at the Fourth Annual Eurasian Raptor Conference in Seville, Spain, but security concerns in the wake of the September 11 terrorist attacks forced cancellation of the trip.

#### **Subsistence Use of Fish and Wildlife**

Subsistence remains a significant resource issue in Alaska and a challenging enforcement “beat” for Service officers. For the second year, agents patrolled the Yukon River from the Bering Sea to the Canadian border, a distance of over 1,200 miles, to enforce subsistence fishing regulations. Sections of the Kuskokwim River and its tributaries were also covered. Another year of record-low salmon runs resulted in the season-long closing of all commercial and sport fishing for salmon in some areas and sporadic emergency closures of subsistence fishing.

Agents collected substantial intelligence documenting the commercialization of subsistence-caught salmon. Existing regulations, however, allow “customary and traditional” sale without defining the practice, effectively preventing any legal action. Service officers are working with other agencies and user groups to formulate reasonable and enforceable regulations to address this problem.

*Anchorage ranked eighth among U.S. cities in the number of wildlife shipments received. Inspectors at this port are also responsible for monitoring wildlife coming across the State's land border with Canada.*

For the first time in 40 years, Service agents conducted overt patrols to enforce migratory bird hunting regulations on Alaska's North Slope around the village of Barrow; they issued several tickets for use of lead shot. A ticket was last written for waterfowl violations in this part of the State in 1961. At that time, over 200 villagers showed up at the part-time magistrate's office carrying illegally taken ducks and demanding to be arrested. Dubbed the "Barrow Duck In," the incident garnered support for the community from the governor of Alaska and Federal officials and effectively curtailed migratory bird enforcement on the North Slope for four decades.

Agents conducted spring migratory bird hunting patrols on the remote Yukon/Kuskokwim Delta using aircraft and snowmobiles. Officers were invited to work out of several villages where residents had formerly been unsupportive of such law enforcement efforts.

Two agents patrolling the Yukon River by float plane encountered an uncooperative suspect when they investigated the illegal shooting of a raven. The pair contacted the woman, who was inebriated, and took cover when she retreated to her cabin, where she armed herself. Negotiations with relatives diffused the situation and provided the information needed to cite the woman. The fact that the nearest back-up officer was several hundred air miles away illustrates the difficulty of wildlife enforcement in bush Alaska.

### **Protecting Marine Mammals**

Agents investigated a Kodiak man and woman, who live aboard a 60-foot motor yacht, for violations of the Marine Mammal Protection Act related to the unlawful take and sale of sea otters and seals. On one hunt, the pair allegedly killed 22 seals and 35 sea otters and sold the animals to a tannery; on another hunt, 28 sea otters were taken. The case has been submitted to the U.S. Attorney for the District of Alaska for prosecution.

A Wainwright man was investigated for shooting a polar bear after his hunt was described in the Barrow newspaper. When first interviewed, the man, who is not an Alaska Native, claimed that he killed the bear in self defense. Later, he admitted that he purposely hunted for the animal in the mistaken belief that he could do so because his wife is an Alaska Native. The man pleaded guilty to violating the Marine Mammal Protection Act; he forfeited the bear hide and paid a fine.

Agents conducted patrols in the villages of Gambel and Savoonga on St. Lawrence Island to address the wasteful take of walrus—a practice commonly called headhunting since only the animals' valuable ivory tusks are recovered. Unusually heavy sea ice, however, blocked hunters' boats from reaching many of the walruses, effectively eliminating the opportunity for violations to occur.

Agents traveled to the village of Hooper Bay after receiving reports that two brothers killed at least four walruses and took only their heads. Additional information revealed that the head and ivory tusks from at least one of the animals were traded to a crewman aboard a fishing boat passing through the area in exchange for alcohol and a firearm. Sale or even possession of alcohol is a crime in Hooper Bay, which is designated as a "dry village." Agents seized three walrus heads in Hooper Bay and the fourth from the fishing vessel, which by then was located 200 miles away in Nome. The crewman and the Hooper Bay resident who traded the head were both cited for illegal sale of marine mammal parts.

### **Monitoring Wildlife Trade**

Anchorage is slated to become a designated port for the import and export of wildlife and wildlife products. Both Federal Express and the United Parcel Service maintain hubs in the city for Pacific Rim shipments—hubs that account for much of the port's wildlife traffic. In FY 2001, Anchorage ranked eighth among U.S. cities in the number of wildlife shipments received. Inspectors at this port are also responsible for monitoring wildlife coming across the State's land border with Canada.



*Service inspection staff in Anchorage check hundreds of permits for bear hunters returning from Russia. USFWS*



*An interpretive display on wildlife trade was completed and installed in the international terminal at Anchorage's Ted Stevens International Airport.*



*A new interactive display on wildlife protection laws supports Service outreach efforts at Ted Stevens International Airport in Anchorage. USFWS*

In October 2000, Service inspectors teamed with U.S. Customs to conduct a border check station at the port of Alcan on the Alaska Highway. Although officers checked both inbound and outbound traffic, most of those stopped were hunters returning to the lower 48 States from Alaska. Of the nearly 1,200 vehicles contacted, 21 percent contained wildlife; violations were detected in connection with 7 percent of those vehicles.

In December 2000, Service inspectors in Anchorage cleared a shipment of two giant pandas en route from China to the National Zoo in Washington, D.C. The animals, whose arrival in the United States was filmed in Anchorage by the Discovery Channel, were transported aboard a special Federal Express jet named Panda One.

Wildlife inspectors continued to find contraband other than illegal wildlife while doing their jobs. During a routine inspection of souvenirs, for example, inspectors discovered 2,280 Phen Phen tablets hidden in packing material. While searching Russian shipments for illegal caviar, they found four packages containing illegal steroids. Another shipment, declared as wood carvings, contained 22,000 doses of these drugs. The baggage of two Taiwanese passengers, examined for wildlife, contained two switch-blade knives, 11 bottles of illegal Phen Phen, and smuggled computer parts. These cases were turned over to the U.S. Customs Service for further investigation.

#### **Outreach and Training**

An interpretive display on wildlife trade was completed and installed in the international terminal at Anchorage's Ted Stevens International Airport. The display includes interactive panels featuring protected species from around the world as well as samples of illegal wildlife products made from these animals. Each panel is accompanied by an audio message, available in five different languages, describing laws that protect wildlife. The project was a joint effort between Region Seven's Division of Law Enforcement, International Affairs, and the National Marine Fisheries Service.

Upholding subsistence hunting and fishing regulations involves sensitive issues not encountered in traditional enforcement work. Agents visit dozens of remote villages throughout the year, meeting with subsistence hunters, village elders, and officials representing Alaska Native organizations to seek cooperation and promote compliance with Federal wildlife laws.

The logistics of attending a meeting can, however, prove daunting. Most of these villages are in remote, roadless areas that are accessible only by small planes. It is not unusual for agents to spend the night in sleeping bags on the floor of a village school or some other public building. Weather delays of several days are common.

Region Seven special agents and wildlife inspectors also participate in more standard outreach activities, visiting schools and other organizations to discuss wildlife law enforcement issues and law enforcement career opportunities. They meet with hunting groups and shipping industry representatives to discuss Federal wildlife regulations and import/export requirements.

Agents and inspectors are regularly asked to provide training to local, State, and Federal law enforcement and natural resource agencies. Typical "students" including local police officers, Alaska State troopers, U.S. Customs and U.S. Forest Service personnel, and military police.

## IV. Office of Law Enforcement Highlights

During FY 2001, the headquarters-based Office of Law Enforcement provided overall program direction and guidance for the Division of Law Enforcement. Its efforts helped the Division work more effectively within the agency; improve coordination with State, Federal, and private partners in this country; and strengthen its leadership role in global wildlife conservation. The Office's contributions included investigative success in combating rare plant trafficking and illegal reptile trade; international liaison and training efforts; and participation in Department of the Interior (DOI) and Service initiatives targeting problems that ranged from migratory bird conservation to drug smuggling.

The Office continued its efforts to address long-neglected resource issues that threaten the viability of the law enforcement program. FY 2001 marked the beginning of what Service officials hope will be a multi-year restoration of the agency's law enforcement capability. Highlights included hiring the first new "class" of special agents since 1998 and securing stable near-term funding for the Division.

Office of Law Enforcement staff also responded to emergency requests for security assistance in the wake of the September 11, 2001, terrorist attacks at the World Trade Center and Pentagon. As the fiscal year closed, the Washington Office was working with Department officials to improve security for Interior officials, employees, and facilities and respond to national law enforcement needs, including coordinating the temporary participation of Service special agents in the Federal Aviation Administration's revived Federal air marshal program.

### **Restoring Wildlife Law Enforcement**

In the fall of 2000, Congress passed an Interior Department appropriations bill that provided the first significant increase in funding for Federal wildlife law enforcement in over a decade. This increase allowed the Service to begin the multi-year process of rebuilding its enforcement capability.

In recent years, funding shortfalls and increased operating costs had made it impossible for the Division of Law Enforcement to replace agents as they retired. As a result, the Service found itself with only 202 special agents on the job at the beginning of FY 2000—well below its authorized staffing level of 253 agents. This staffing shortfall was impairing the Division's ability to protect wildlife, serve the public, and ensure the safety of its officers.

The Division's FY 2001 budget provided sufficient funds to hire new agents to fill a number of longstanding vacancies; supplement operational funding for criminal investigations; and begin replacing aging enforcement vehicles used by Service officers and obsolete scientific equipment at the National Fish and Wildlife Forensics Laboratory. On July 30, 2001, 35 men and women took the oath of office as Service special agents and began training at the Federal Law Enforcement Training Center in Glynco, Georgia; the Service last hired special agents in 1998.

The Service's FY 2002 budget provides stable funding that will allow the Division to continue this rebuilding effort in the near term (albeit on a more modest scale). The agency anticipates hiring another, smaller class of up to 25 new special agents in 2002.

### **International Liaison and Training**

The Office of Law Enforcement worked successfully to support global wildlife conservation and improve cooperation and communication with the international law enforcement community. Headquarters staff coordinated Service participation in law enforcement training efforts overseas; served as instructors for various international programs and groups; and represented the United States at international forums addressing wildlife conservation and law enforcement issues.

Liaison with the international law enforcement community continued to be an important part of the Division's conservation mission. In July 2001, the Office

*The Division's FY 2001 budget provided sufficient funds to hire new agents to fill a number of longstanding vacancies. On July 30, 2001, 35 men and women took the oath of office as Service special agents and began training at the Federal Law Enforcement Training Center in Glynco, Georgia.*

of Law Enforcement sponsored a three-day U.S.-Russian Sturgeon Workshop, which brought together scientists, fisheries managers, industry representatives, and law enforcement officers from both nations to examine the complex issues involved in conserving sturgeon and working to create a sustainable caviar trade. Participants reviewed the status of sturgeon stocks; examined the problems involved in DNA identification of caviar source species; looked at labeling issues; and discussed trade problems with "counterfeit" caviar from various sources, including U.S. paddlefish. The workshop provided an unprecedented forum for both information exchange and frank discussion between U.S. and Russian authorities involved in managing and policing the caviar trade.

The Division's efforts to keep U.S. borders closed to invasive and injurious species extended into the international arena in FY 2001. Branch of Investigations staff participated in a North American invasive species conference convened by the Commission for Environmental Cooperation and the National Oceanic and Atmospheric Administration. Approximately 70 representatives from the United States, Canada, and Mexico worked to identify cooperative opportunities to prevent and control the spread of aquatic invasive species into and within North America.

Law Enforcement headquarters staff also represented the United States at the fifth annual meeting of the World Customs Organization Working Group on CITES Enforcement and at meetings of the Trilateral Committee for Wildlife and Ecosystem Conservation and Management and the North American Wildlife Enforcement Group (NAWEG). Under the latter's auspices, the Service began planning a conference on public participation in wildlife law enforcement.

Service officers remained the instructors of choice for wildlife law enforcement agencies around the world. Service special agents again traveled to Tanzania to provide law enforcement training to park rangers in that country under a program sponsored by the U.S. Agency for International Development. The Service continued its successful training partnership with WildAid (a nonprofit wildlife conservation group), sending a team of agents to Cambodia to teach anti-poaching enforcement skills to resource protection officers.

Branch of Investigations staff participated as instructors in a Caribbean wildlife trade enforcement training program conducted in Belize; an environmental law enforcement conference sponsored by the Departments of State and Justice for government officials from 13 Central and South American countries; and teleconference training on the detection and investigation of contraband for authorities in Peru.



*In July 2001, the Division hired 35 new special agents—its largest class ever. These new officers will help the Service begin restoring its enforcement capability. USFWS*

*The Branch of Investigations works closely with other Service divisions to identify new threats to migratory birds and develop policies and enforcement programs needed to protect this important natural resource.*



*Washington Office staff helped clarify a number of issues involving migratory game bird hunting regulations. Pat Hagan/USFWS*

## **Conservation and Enforcement Issues and Policies**

Senior special agents and wildlife inspectors in the Branch of Investigations worked on a number of inter- and intra-agency teams to address wildlife conservation and national law enforcement issues. Areas of emphasis ranged from protecting migratory birds to responding to the threat of hoof and mouth disease. Washington Office staff members were active in the regulatory arena, drafting proposed rules to adjust Federal guidance on baiting; updating wildlife/import regulations; revising Service procedures for processing seized wildlife property; and announcing plans to make Anchorage, Alaska, a designated port for wildlife trade. Efforts to improve Service law enforcement operations were also undertaken.

### **Migratory Birds**

The Branch of Investigations works closely with other Service divisions to identify new threats to migratory birds and develop policies and enforcement programs needed to protect this important natural resource. During FY 2001, these efforts addressed a variety of migratory bird mortality issues, including incidental take by Federal agencies and electrocution of raptors, as well as the implementation and interpretation of migratory game bird hunting regulations.

In January 2001, the President issued an Executive Order requiring Federal agencies whose activities affect migratory birds to enter into agreements with the Service to ensure that steps are taken to protect bird populations. Service law enforcement representatives participated in agency efforts to develop requirements for these agreements.

During FY 2001, Washington Office staff participated in electric utility industry forums in Quebec, Canada, and Denver, Colorado, to spotlight the raptor electrocution problem and encourage companies to improve their compliance with the Migratory Bird Treaty Act. The Service distributed 2,000 copies of "Raptors at Risk" (an award-winning video promoting the use of "bird-safe" power equipment) to field offices nationwide and to other Federal and State natural resource agencies for sharing with local power companies.

The Office of Law Enforcement issued policy guidance during the 2000-2001 migratory bird hunting seasons that addressed concerns identified by the States during the first year of implementation for Federal baiting regulations that went into effect in June 1999. Under this policy, the Service does not make a distinction between agricultural fields planted with the intent to harvest and those planted without such intent as long as the planting is in accordance with Cooperative Extension Service recommendations. The Branch of Investigations prepared a proposed rule incorporating this policy and making minor editorial adjustments to the baiting regulations.

In November 2000, the Service clarified the baiting rules for officials in Arkansas, where hunters were concerned that the agency had changed its position on the legality of hunting migratory birds at fish farms. Federal and State officials grappled with a more complex issue in North Dakota, where the burning of wheat under an Agriculture Department crop insurance program turned much of the State's prime waterfowl hunting lands into baited areas. Under an agreement approved by the U.S. Attorney's Office, Federal enforcement officers focused on outreach to hunters. In June 2001, Washington Office staff worked with Region Six law enforcement and North Dakota officials to craft an agreement that will accommodate hunting during the 2001-2002 season while alternative ways to resolve the problem are explored.

### **Import/Export Issues**

A Service moratorium on the enforcement of Federal permit regulations that authorize enrolled members of federally recognized tribes to travel internationally with eagle feathers and parts for religious use remained in effect for travel across the Nation's borders with Canada and Mexico. The Branch of Investigations continued to explore potential regulatory and/or

*After working with Canadian and U.S. Department of Agriculture officials, the Service issued a policy memorandum lifting the ban on the importation of antlered animals via land transport.*



*The Service dropped its ban on the importation of antlered animals transported by land after consulting with Canadian and U.S. Agriculture Department officials. Albert Lavalee/USFWS*

policy remedies that would address the concerns of both U.S. tribal members and their counterparts in Canada and Mexico. No legal mechanism now exists to accommodate the cross-border transport of eagle items by Canadian or Mexican native peoples. Those actively interested in a resolution of this problem include First Nation groups, provincial authorities in Canada, and representatives of Canada's national government.

The Washington Office successfully resolved another import issue involving Canadian and U.S. interests. Agency regulations for the humane shipment of wildlife prohibit the transport of antlered animals. Canadian exporters providing elk and other antlered species to U.S. game farms argued that those prohibitions were unnecessary for land transport and that adequate safeguards could be taken to protect animals in transit. After working with Canadian and U.S. Department of Agriculture officials, the Service issued a policy memorandum lifting the ban on the importation of antlered animals via land transport. The agency now allows shipments that comply with specific standards to enter the country. Service humane transport regulations will be revised to incorporate the new policy.

The Service moved forward with plans to make Anchorage, Alaska, a designated port for wildlife trade. The volume of international cargo, express mail shipments, and passenger traffic passing through Anchorage has grown in recent years. Operation of Anchorage as a designated port will facilitate commerce and tourism with Pacific Rim nations by decreasing costs and expediting the processing of wildlife imports and exports. The Branch of Investigations prepared a proposed rule to announce and solicit public comment on the planned port designation; that rule was published in the *Federal Register* in August 2001. A public meeting held in Anchorage in September confirmed industry and State support for the proposal. As the fiscal year closed, the Service was seeking Treasury Department approval for the designation (as required under the Endangered Species Act). A final rule should see Anchorage officially begin operating as a designated port during FY 2002.

A number of long-term projects were undertaken in FY 2001 that will ultimately contribute to Service efforts to monitor wildlife trade and enforce wildlife import/export laws and regulations. Senior wildlife inspectors and special agents worked on preliminary analyses needed to support a comprehensive review of the wildlife inspection program. Goals include analyzing current port locations and staffing levels and restructuring the current user fee system to recoup more of the costs of inspection operations. The review is also assessing the value of an enhanced wildlife inspection program, including the feasibility of establishing canine detection teams at multiple ports of entry. Headquarters staff also made substantial progress on a major update and "plain language" revision of Federal wildlife import/export regulations.

#### **Management and Customer Service Improvements**

Headquarters and Region Five law enforcement staff teamed with the Solicitor's Office in Boston to develop guidelines and procedures for implementing new statutory requirements affecting the seizure and forfeiture of private property. Passage of the Civil Asset Forfeiture Reform Act imposed new notification requirements and deadlines for property forfeiture on all Federal law enforcement agencies. As a result, the Service must now conduct its own administrative forfeiture procedures (a responsibility previously handled by the Department of the Interior Solicitor's Offices). Service wildlife inspectors and special agents who seize wildlife or other property must ensure that all parties with an interest in the property are properly notified of the proposed forfeiture and their rights to contest it within congressionally mandated deadlines and that all additional steps in the legal process are completed within set timeframes. A proposed rule codifying these changes for wildlife seizures and forfeitures in 50 CFR Part 12 was drafted and submitted for review.

*The Washington Office took on an additional interagency liaison role for the Division when the Service joined the Maritime Federal Facilities Council. This group identifies ways to control costs and save taxpayers money.*

A senior wildlife inspector continued to represent the Division of Law Enforcement on the Service permits reform initiative working group. This cooperative undertaking involves the agency's major permit-issuing authorities, including the Division of Management Authority, Endangered Species program, and Division of Migratory Bird Management. Work during FY 2001 focused on developing a "one stop shopping" permits webpage and identifying uniform fee increases for permits.

Senior wildlife inspectors worked closely with the Branch of Technical and Field Support on the planning and development of an Internet-based declaration filing system for wildlife imports and exports (see page 80). Liaison with the import/export community will help ensure that the "eDecs" system effectively accommodates both enforcement and user needs.

Senior special agents and senior wildlife inspectors completed a draft revision of the Service "Law Enforcement Handbook"— an effort that represented the first major overhaul of this essential law enforcement reference manual in years. More than 20 updated or new chapters covering enforcement policy and procedures for Service law enforcement officers were developed and submitted to Division managers and National Wildlife Refuge System law enforcement coordinators for review and comment. These materials will be published as part of the Fish and Wildlife Service Manual, providing Service officers up-to-date guidance on law enforcement policies and procedures.

The Branch of Investigations spearheaded agency efforts to plan the creation of an internal integrity function for Service law enforcement. Preliminary options and recommendations for implementing such a program were developed by Division of Law Enforcement and National Wildlife Refuge System staff after a review of similar operations in other Federal enforcement agencies. An internal integrity program will provide a credible mechanism for addressing allegations of misconduct by Service law enforcement officers and bring the agency into compliance with new Departmental policy.

#### **Interagency Coordination**

During FY 2001, Washington Office staff helped analyze and plan an accelerated Interior Department effort to combat drug and immigrant trafficking along the Nation's southern border. The Department has identified the use of DOI lands as a conduit for drugs and illegal immigrants as a law enforcement priority. Service representatives worked with counterparts from the Department and other Interior enforcement agencies to develop a coordinated interagency strategy to respond to this growing threat to Federal employees, trust resources, and public safety.



*The Service joined the Maritime Federal Facilities Council to improve coordination with other inspection agencies operating at ocean ports. USFWS*

*An emerging challenge for Service law enforcement that became increasingly apparent during FY 2001 involves responding to escalating demands on Federal wildlife officers to support non-wildlife crime fighting and security efforts.*

The Division continued working in partnership with other Federal law enforcement agencies to protect wildlife resources and U.S. national interests. FY 2001, for example, saw the Federal government mobilize in response to the threat of hoof and mouth disease after outbreaks in Great Britain and rumored terrorist threats make potential U.S. vulnerability clear. At the request of the U.S. Department of Agriculture, Branch of Investigations staff participated in an interagency task force convened to map out a comprehensive U.S. strategy for preventing the introduction and spread of this viral disease, which affects cattle, swine, sheep, and goats. This effort, which draws on the capabilities of multiple Federal agencies, better positioned the United States to protect livestock, other potentially affected animals, and U.S. agriculture from this and other possible biological threats.

The Washington Office took on an additional interagency liaison role for the Division when the Service joined the Maritime Federal Facilities Council. This group identifies ways for government agencies that work at maritime ports of entry to control costs and save taxpayers money. After examining the feasibility of sharing joint space, the Council agreed to conduct a pilot study, possibly at the port of Baltimore where cargo traffic is expected to increase in coming years. Council participants include the Departments of Commerce and Agriculture, the U.S. Customs Service, the Immigration and Naturalization Service, the Food and Drug Administration, and the General Services Administration.

#### **Security Assistance**

An emerging challenge for Service law enforcement that became increasingly apparent during FY 2001 involves responding to escalating demands on Federal wildlife officers to support non-wildlife crime fighting and security efforts. While some of these efforts met short-term needs, others (such as the Southwest border strategy described above) may well involve significant and continued investments of Service law enforcement resources outside of the agency's traditional conservation mission.

In January 2001, for example, the Department called on Service special agents in the Washington, D.C., metropolitan area to protect government buildings, property, and personnel during multi-day public protests and demonstrations prompted by the Presidential inauguration. Agents were slated to complete another of these around-the-clock security details in September 2001, when the International Monetary Fund (IMF) was scheduled to meet in the Nation's capital. (Washington Office agents provided similar assistance when the IMF convened in Washington, D.C., in April 2000). The IMF, however, postponed its September meetings after the terrorist attacks on the World Trade Center and Pentagon.

Those attacks saw the Division of Law Enforcement respond to calls for help in safeguarding the American people. Immediately after the deadly assaults on the World Trade Center and Pentagon, agents from the Washington Office were dispatched to the main Interior building and the National Conservation Training Center to provide enhanced security for government officials and Department employees. Agents in other parts of the country contributed their enforcement expertise to security details at Logan International Airport in Boston and FBI terrorism task forces in New York and New Mexico.

During the closing week of the fiscal year, law enforcement headquarters officials worked feverishly to identify and recruit a contingent of special agents from across the country to report at the beginning of October for a six-month Federal air marshal augmentation detail. The group joined hundreds of experienced law enforcement officers from an array of Federal agencies who were tasked to safeguard travelers aboard U.S. passenger planes while the Federal Aviation Administration hires and trains an expanded force of permanent air marshals.

*The Division of Special Operations conducts long-term, complex investigations into the illegal commercialization or large-scale illegal take of protected animals and plants.*

### **Special Operations**

As the operational unit of the Office of Law Enforcement, the Division of Special Operations conducts long-term, complex investigations into the illegal commercialization or large-scale illegal take of protected animals and plants. These investigations, which are generally national and international in scope, involve the penetration of well-organized, highly secretive groups of individuals engaged in the illegal wildlife trade.

Key activities for FY 2001 included the prosecution of a major wildlife dealer from Malaysia and several of his associates for trafficking in protected species of reptiles and amphibians; the culmination of an international investigation into the illegal trade in cycads and orchids with the arrest of six foreign nationals in the United States; the prosecution of a well-known Native American artifacts dealer who was trafficking in items containing eagle feathers; the prosecution of two men involved in the interstate sale of an eagle feather headdress allegedly worn by Geronimo; and the conclusion of an investigation into the illegal sale of endangered South African beetles, which was conducted at the request of the Endangered Species Protection Unit of the South African Police.

During FY 2001, Special Operations agents continued to work on prosecutions associated with Operation Chameleon, a multi-year covert investigation of the illegal international trade in exotic reptiles. A number of individuals who had previously been charged were successfully prosecuted; this group included a notorious Malaysian smuggler and six of his U.S. co-conspirators.

Covert work on the Asian phase of Operation Chameleon culminated in the fall of 1998 when one of the world's most well-known wildlife dealers traveled to Mexico, where he was arrested by Mexican authorities and later extradited to the United States for prosecution. This individual, who operated out of Malaysia, had been indicted in September 1998 in San Francisco, California, along with a wildlife dealer from Hong Kong, a San Francisco man recruited as a courier, an Arizona reptile dealer, and five other accomplices.

In June 2001, the Malaysian animal dealer was sentenced to 71 months in prison and fined \$60,000 after pleading guilty to 40 felony charges, all related to the smuggling of more than 300 reptiles worth nearly half a million dollars. The animals targeted included such rare and endangered species as Komodo dragons, ploughshare tortoises, and Chinese alligators.

*A wildlife dealer who pleaded guilty to smuggling Komodo dragons and other endangered reptiles was sentenced to spend nearly six years in prison and fined \$60,000.  
Ernest Mayer/USFWS*





*The Service investigated the smuggling of cycads and orchids. Agents documented the illegal import of over \$842,000 worth of rare plants; the species involved are protected under the CITES treaty and in their countries of origin.*



*An undercover investigation of unlawful trafficking in cycads and orchids produced charges against 11 individuals for plant smuggling. USFWS*

In February 2001, the Arizona wildlife dealer took his case to court in San Francisco, where a jury found him guilty of 18 felony offenses. He was sentenced to spend three years in prison. His sometimes business partner pleaded guilty to five felony counts and was sentenced in October 2001 to 10 months in jail. An accomplice who worked for Federal Express was also sentenced in November 2001; that individual will serve two years in prison for four felony counts while two other Arizona co-conspirators pleaded guilty to misdemeanors and were fined \$5,000 and \$2,500 respectively. Another conspirator living in California pleaded guilty to one felony count and was fined \$10,000.

During FY 2001, Special Operations agents continued a covert investigation into the international commercialization and smuggling of cycads (a group of highly threatened palm-like plants) and orchids from foreign countries. During this probe, dubbed “Operation Botany,” agents documented the illegal import of over \$842,000 worth of rare plants; the species involved are protected under the CITES treaty and in their countries of origin. Over the course of the investigation, undercover agents purchased plants from dealers in South Africa, Zimbabwe, Australia, Ecuador, Indonesia, and Hong Kong. In July 2001, four indictments were filed in San Francisco and one criminal complaint was filed in Los Angeles against 11 individuals who conspired to smuggle protected plants into the United States.

In the first indictment, six men were charged with 15 counts of conspiracy, smuggling, and making false statements. Two of the five men—one from Queensland, Australia, and one from Sandton, South Africa—were arrested in northern California and held in Federal custody to await prosecution. A third individual, a resident of Baja California, Mexico, was arrested in southern California. Special Operations agents and U.S. Justice Department attorneys are working with law enforcement officials and prosecutors in South Africa, Zimbabwe, and Australia to bring charges against three co-conspirators in those countries. One of this group is a South African CITES official.

In the second indictment, two South African men were charged with 29 counts of conspiracy, smuggling, and making false statements. Both were arrested in Las Vegas, Nevada, and are in Federal custody awaiting prosecution.

The third and fourth indictments involved individuals accused of orchid trafficking. In the third indictment, two Indonesian men were charged with 21 counts of conspiracy, smuggling, and making false statements related to the shipment of rare orchids. Both individuals remain at large, and Justice Department attorneys are working through international channels to bring the men to justice. In the fourth indictment, an orchid dealer in Hong Kong was charged with four counts of smuggling. This individual is also at large.

In Los Angeles, Service agents arrested a plant dealer from Ecuador on a complaint that charged him with one count of smuggling protected cycads into the United States. In September 2001, this individual pleaded guilty to one felony count of smuggling and was sentenced to pay a \$2,500 fine.

During the “take down” phase of Operation Botany, Service agents traveled to South Africa and Australia to coordinate the investigation with officials and prosecutors in those countries. Enforcement agencies now involved in the case include the South African Police Endangered Species Protection Unit; Australian Customs Service; Environment Australia; and Zimbabwe Parks and Wildlife. In two loosely related incidents, cycads from South Africa and Australia were seized in Egypt and the Netherlands.

In addition to its ongoing probes of international reptile and plant traffickers, the Division of Special Operations continued an investigation into the unlawful trade of Native American cultural items. The investigation, conducted jointly with the Federal Bureau of Investigation (FBI) and with assistance from the National Park Service and Bureau of Indian Affairs,



*An eagle feather headdress that was offered for sale for \$140,000 was among the items seized during a Special Operations probe of unlawful commercialization of Native American cultural artifacts. USFWS*

focused on allegations that a number of individuals were actively involved in the acquisition, possession, and sale of items protected under the Native American Graves Protection and Repatriation Act and the Archeological Resources Protection Act. Some of the alleged criminal activity also involved unlawful sale of items that contain parts of protected migratory birds, including eagles—sales that violate the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and Endangered Species Act.

In February 2000, agents served two Federal search warrants in Santa Fe, New Mexico, and one in Minneapolis, Minnesota, in a effort to recover items of Native American patrimony and to obtain evidence related to their unlawful possession and sale. Items seized included an eagle feather headdress that had been offered for sale for \$140,000. In October 2000, a Minneapolis, Minnesota, resident pleaded guilty to selling the headdress; he was sentenced in May 2001 to three years probation and fined \$10,000. Charges are pending against several other individuals who were identified during the investigation as being involved in the sale of Native American cultural items and items containing migratory bird and eagle feathers.

In October 1999, a joint FBI/Special Operations investigation resulted in the arrest of two Atlanta, Georgia, men in Philadelphia. The pair tried to sell an eagle feather headdress allegedly worn by the Apache leader Geronimo via the Internet. The headdress, which sported 48 eagle feathers, was priced at \$1.2 million. The owner maintained that Geronimo wore it in 1907 during the “Last Pow-Wow” in the Collinsville Indian Territory shortly before that area became the State of Oklahoma. In October 2000, both men pleaded guilty to misdemeanor violations of the Migratory Bird Treaty Act; they were sentenced to six months probation and ordered to forfeit the headdress to the government. Both the Mescalero Apache Tribe and the Comanche Tribe of Oklahoma have made claims for the return of the headdress; its disposition will be decided under procedures for returning cultural items set up under the Native American Graves Protection and Repatriation Act.

During FY 2001, a Special Operations agent concluded the covert phase of an international investigation into the illegal sale of endangered Colophon stag beetles, a species found in South Africa. In January 1999, the Endangered Species Protection Unit of the South African Police requested assistance in obtaining evidence that would allow them to bring charges against individuals living in South Africa who were suspected of trafficking in this endangered beetle. By June 2001, sufficient evidence had been gathered through covert Internet and fax contacts to permit the South African Police to take enforcement action. The investigation is continuing in South Africa and prosecutions are expected in FY 2002.

## **Training**

The Branch of Training and Inspection prepares new special agents and wildlife inspectors to work in the field; keeps Service law enforcement officers up to date on the skills and knowledge needed to do their jobs; assists the National Wildlife Refuge System with law enforcement training programs as requested; and provides wildlife law enforcement instruction to other Federal, State, and international agencies.

During FY 2001, Branch staff located at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, and Division headquarters in Arlington, Virginia, organized and administered the various training programs required for Service law enforcement personnel. The Branch also provided training on wildlife protection laws to the U.S. Customs Service and other Federal agencies; addressed issues related to force readiness; and helped plan and coordinate training programs for wildlife law enforcement officers overseas.

The Branch began the fiscal year completing final preparations for the national wildlife inspector in-service program. Two one-week training sessions for inspection staff were presented at the National Wildlife Property Repository outside of Denver, Colorado, during the weeks of October 16-20

*At the two national agent in-service sessions, Service instructors skilled in the use of non-lethal training ammunition ran more than 180 agents through six scenarios that duplicated enforcement situations encountered in the real world.*



*Agents practice realistic enforcement scenarios using non-lethal training ammunition at the 2001 national agent in-service training program. USFWS*

and October 23-27, 2000. The program included two days of instruction on basic interviewing and interrogation techniques; a tour of the repository; and briefings on forensic wildlife identification issues, LEMIS 2000 enhancements, new regulatory and statutory developments, and the Division's port assessment project.

The Branch organized and presented a national special agent in-service program in 2001, running back-to-back training sessions at the National Conservation Training Center in Shepherdstown, West Virginia, during the weeks of June 4-8 and June 11-15, 2001. The training program included presentations on the Civil Asset Forfeiture Reform Act, use of the grand jury, aiding and abetting, arrest techniques, and covert operations. The Department of Justice provided a legal update while Drug Enforcement Administration staff discussed dealing with clandestine drug laboratories.

This year's agent in-service program also included interactive firearms training using non-lethal training ammunition (NLTA). The Service is making increased use of this technique for preparing officers to deal with situations requiring the use of force. Over 20 of the Division's firearms instructors have completed the three-day "Instructor Techniques for NLTA" training conducted by FLETC. Training scenarios using NLTA typically require participants to shoot NLTA at an interacting human target; such scenarios place agents in realistic situations that allow them to encounter and work through high-stress incidents in a safe, controlled environment.

At the two national agent in-service sessions, Service NLTA instructors ran more than 180 agents through six scenarios that duplicated enforcement situations encountered in the real world. The six scenarios were set up to cover the entire continuum of force. The events that occurred within each scenario were actually driven by the actions and reactions of the students and/or role players. Agents completing the scenario training also rotated through two additional instructional stations. At one, they received an update briefing on current Service policy on firearms and use of force options. The other station was set up as a "cover drill" where students used and fired from different types of cover.

At the end of July 2001, the Division's first class of new special agents hired since 1998 reported to FLETC to take the oath of office. The group represents the largest class of new agents ever hired by the Service at one time and will thus be the largest group the Branch of Training has prepared to enforce the Nation's wildlife protection laws—a significant organizational and logistical challenge.

As the first step in this process, the Branch conducted a two-week Service orientation program for the group at FLETC. This "pre-Basic" training covered such fundamentals as use of force and firearms policy, computer skills, wellness, and motorboat operation. Because of the size of the class, the new agents were scheduled to complete the rest of their formal training in two groups. Training requirements for Service special agents include general criminal investigator training as well as specific instruction in the unique knowledge and skills needed to enforce Federal wildlife laws.

Twenty-four of the new agents started FLETC's Criminal Investigator Training Program immediately after pre-Basic orientation. The 11 other new agents reported to their first duty stations for on-the-job training. Both groups will complete all required formal classroom training in FY 2002. The Branch of Training will conduct two Special Agent Basic Schools to accommodate the 35 trainees.

All of the new officers will spend at least a year working in the field under the guidance of an experienced agent. In August 2001, 25 veteran agents completed a 32-hour Service Field Officer Training program at FLETC to prepare them to serve as mentors during this on-the-job training period. The program, which was first introduced by the Branch with the 1998 agent class, is now in its second implementation year. It is designed to integrate the

*The Branch of Technical and Field Support took the lead in conducting the Service's first national hire for new special agents since 1998. This challenging administrative task involved coordinating a selection process that filled 35 agent slots from an applicant pool of more than 1,400.*

rookie agent into the real world work environment by teaming that individual one-on-one with a Field Training Officer. These experienced agents provide on-the-job training, feedback, and evaluation to new officers, effectively bridging the gap between the academy and the real world.

The assistance of U.S. Customs Service officers is critical to Service efforts to monitor wildlife trade at the Nation's ports of entry. The Branch continued to provide instruction on wildlife inspection responsibilities as part of U.S. Customs Inspector Basic Training programs at FLETC. In FY 2001, Service staff conducted 26 classes for over 600 Customs inspectors.

### **Technical and Field Support**

The Branch of Technical and Field Support played a major role in the Division's ongoing effort to secure the funding and staffing resources needed to rebuild the Service's wildlife law enforcement program. Work during the fiscal year helped secure stable funding for the Division in the FY 2002 budget, preserving the unprecedented \$9.36 million increase that was approved by Congress for FY 2001.

The Branch also took the lead in conducting the Service's first national hire for new special agents since 1998. This challenging administrative task involved coordinating a selection process that filled 35 agent slots from an applicant pool of more than 1,400. Bringing on a class of this size—the largest ever—also required considerable followup administrative support.

During 2001, the Branch of Technical and Field Support began developing an Internet-based filing system for declaring imports and exports that require Service clearance. Named "eDecs," this system will allow an individual or business to file a Declaration for Importation or Exportation of Fish and Wildlife (Form 3-177) electronically with the port where the import or export will occur.

Service wildlife inspectors will be able to review these documents online and use the system's e-mail notification features to let filers know the status of their submissions well before the shipment is slated to arrive at or leave the port. The use of eDecs will facilitate prompt Service feedback to importers and exporters, allowing the quick resolution of problems and avoiding potentially costly delays in clearing shipments. The new eDecs filing option will also speed the declaration and clearance process for individuals and businesses that import or export wildlife; reduce paperwork and eliminate time-consuming telephonic and fax communications between the Service and its import/export customers; and facilitate legitimate wildlife trade.

The Branch of Technical and Field Support also manages a centralized data entry group, which is tasked with entering key information from thousands of wildlife import/export declaration forms into LEMIS 2000 each year. The LEMIS 2000 import/export database is used to develop statistics on many different aspects of the international wildlife trade. In FY 2001, the Branch processed numerous requests for such data filed under the Freedom of Information Act.

### **Repository Programs**

In FY 2001, the National Wildlife Property Repository and the National Eagle Repository, which are co-located on the former Rocky Mountain Arsenal just outside of Denver, Colorado, began reporting directly to the Washington Office of the Division of Law Enforcement. Both operations had previously been managed by Region Six law enforcement. This realignment reflects the national significance of the work performed by these facilities—work that supports the Service's law enforcement, migratory bird permit, and educational outreach programs nationwide.

In FY 2001, Superfund cleanup efforts at the Rocky Mountain Arsenal forced both the Property and Eagle Repositories to re-locate, an undertaking that involved moving over 500,000 wildlife items along with other Service property and equipment to a newer building and arranging for needed

*The National Wildlife Property Repository receives, stores, and distributes wildlife property that has been abandoned or forfeited to the government. It loans wildlife products to various groups for use in conservation education.*

renovations of that structure. Service management only learned that the move would be necessary in January 2000. Packing at the Repositories began in September of that year; the move itself got underway in December 2000 and was completed in February 2001. Work began to plan an addition to the facility, which will better accommodate both eagle processing and wildlife property management.

The National Wildlife Property Repository receives, stores, and distributes wildlife property that has been abandoned or forfeited to the government. It loans wildlife products to public scientific and educational institutions, State agencies, and Service offices for use in conservation education.

In preparation for moving, the Property Repository suspended the receipt and transfer of property during the first quarter of the fiscal year. During the balance of the year, the Repository received a total of 247 boxes of wildlife property from officers in the field and completed 90 transfers of property, loaning wildlife items to 17 schools, 8 zoos, 27 Service offices, and 38 other agencies or organizations.

In October 2000, the Repository hosted and helped present the Division's FY 2001 wildlife inspector in-service training program. Repository staff teamed with National Fish and Wildlife Forensic Laboratory personnel to conduct an all-day workshop for inspectors focused on wildlife identification. The program, which utilized the Repository's immense wildlife property inventory, exposed wildlife inspectors to a variety of both real and "fake" wildlife products to sharpen their identification skills.

FY 2001 marked the re-introduction of the popular "Suitcase for Survival" educational program, which had been on hiatus for revision for a number of years. This program, a cooperative outreach endeavor involving the Service, World Wildlife Fund, American Zoo and Aquarium Association, Traffic North America, and National Fish and Wildlife Foundation, uses wildlife items from the Property Repository and professionally developed instructional materials to teach the public about the threat of illegal wildlife trade. The revised program includes a comprehensive curriculum package as well as a new Service-sponsored "train the trainer" training course to teach users how to work effectively with Suitcase materials. In July 2001, Property Repository staff attended and participated in the first "Suitcase for Survival" training workshop conducted at the National Conservation Training Center. The first group of revised "Suitcase for Survival" kits, which included the updated wildlife education module, were shipped in October 2001.



*Re-location of the National Wildlife Property Repository involved moving over 500,000 wildlife items that had been forfeited or abandoned to the government. USFWS*

*The National Eagle Repository supplies whole eagles and eagle feathers and parts to Native Americans for religious use.*


FY 2001 also saw the addition of a new partner to the “Suitcase for Survival” program. The Office of Law Enforcement of the National Oceanic and Atmospheric Administration will be transferring confiscated marine wildlife property to the Repository for inclusion in the education kits.

The National Eagle Repository supplies whole eagles and eagle feathers and parts to Native Americans for religious use. During FY 2001, the facility received 1,298 whole eagles from the field (including 794 bald eagles and 504 golden eagles) as well as 176 eagle parts. Repository staff filled 1,391 requests from Native Americans, supplying 1,019 whole eagles and filling 372 requests for loose eagle feathers or parts.

The Eagle Repository is committed to maintaining good relations with the Native American community throughout the United States. Staff continued to work successfully with the Service’s Native American liaison officers and the Native American Fish and Wildlife Society. The Repository conducted a presentation at the Society’s annual conference in Lincoln City, Oregon, using this vehicle to review program procedures and requirements with tribal representatives.

Both the Property and Eagle Repositories have benefited from the services of the Rocky Mountain Arsenal Volunteer Program. In April 2001, volunteers testified to the good working relationships that have been created by honoring the Repositories with the Arsenal’s “Volunteer Partner of the Year Award.”

# V. Forensics Laboratory



In September 1988, the Service opened the 23,000-square-foot National Fish and Wildlife Forensics Laboratory in Ashland, Oregon, creating the world's first and only full-service crime lab devoted to using science to help solve wildlife crimes. The Laboratory, which was later renamed in honor of the late Clark R. Bavin, who headed up Service law enforcement from 1972 to 1990, makes a key contribution to U.S. and international wildlife law enforcement.

The primary mission of the Laboratory is to make species-specific identifications of wildlife parts and products seized as evidence and to link suspect, victim, and crime scene through the examination and comparison of physical evidence, much like a police crime lab. Laboratory scientists also determine the cause of death of wildlife crime victims—information that can be crucial in many investigations.

Because there were few wildlife forensic techniques available to support species-specific identifications and other necessary analyses, research has been an important and essential part of the Laboratory's work from the beginning. Laboratory scientists investigate and develop new identification methods and analytical techniques and present their results to the scientific community via papers and publications.

Analyzing evidence, however, is the Laboratory's first priority. Primary user groups include Service special agents and wildlife inspectors, law enforcement officers from other Federal and State agencies, and authorities from the signatory countries to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Since opening for business in 1988, the Laboratory has received over 6,100 cases, analyzing more than 44,000 pieces of evidence. Casework submissions have increased each year. A case may involve one or multiple examination requests; each request represents a commitment on the part of the Laboratory to provide expert witness testimony in a Federal, State, or international court of law.

In addition to casework and research, Laboratory personnel also provide valuable training to Service law enforcement officers and to law enforcement personnel from other Federal and State agencies and other countries. The staff also supports the wildlife subgroup of INTERPOL and works with such organizations as the American Society of Crime Laboratory Directors. In 1997, the Laboratory earned accreditation from that group—a professional status attained by only half the crime laboratories in the United States.

Laboratory staff include experts in such fields of wildlife forensic science as criminalistics, morphology, serology, chemistry, and pathology. Technical support professionals also make key contributions.

## **FY 2001 Accomplishments**

In FY 2001, Laboratory staff worked on 658 new cases involving 1,148 requests for analysis and the examination of 5,523 items of evidence—up from 581 cases involving 4,067 items the previous year. This increase in caseload meant that lab scientists devoted most of their time and effort to conducting forensic analyses in support of enforcement officers in the field. Although research continued, this aspect of the Laboratory's work received less emphasis than in previous years because of the high demand for forensic examinations.

Progress was also made in developing plans for a 37,000-square-foot addition to the Forensics Laboratory that will allow the facility to expand its analytical capabilities and better address health, safety, and security concerns. Planned enhancements include a Level III Biological Containment Area, which will allow Laboratory staff to work safely with contaminated evidence items, including bio-hazardous blood and tissue samples. The proposed addition may also include a biologically controlled evidence receipt area, enhanced security at the front (public) entrance to the building, a modern three-table pathology area, a training/conference room, an indoor test-firing range, an

*Lab staff contributed to the Division's efforts to provide high-quality training programs for Service law enforcement officers.*

expanded morphology storage area, and improved lab areas for morphology, genetics, and chemistry.

During FY 2001, Laboratory staff devoted a considerable amount of time to interacting with the design architects to help them devise an effective and efficient floor plan and evidence-flow design for the new space. This work included extensive interviews (each staff member provided written information on job functions and then participated in individual and team interviews with the architects) and reviews of draft design blueprints as the add-on design took shape. The design work was 65 percent complete by the end of the fiscal year.

The herpetology unit of the Laboratory's Morphology Section became fully operational under the leadership of a senior forensic scientist hired in FY 2000. The unit represents a much-needed enhancement of the Laboratory's wildlife identification capabilities; live reptiles are a prized "commodity" in the illegal wildlife trade and Service wildlife inspectors examine numerous shipments each year containing consumer goods made from reptilian leathers.

A computer forensics team was established at the Forensics Laboratory in FY 2001; team staff earned national certification for the unit by successfully completing training at the Federal Bureau of Investigation (FBI) Laboratory in Quantico, Virginia. In addition, two members of the Technical Support Branch became two of 50 nationally certified forensic video specialists (also by completing training at the FBI Laboratory). Lab teams participated in computer seizures and processed computer, video, and audio tape evidence.

Lab staff contributed to the Division's efforts to provide high-quality training programs for Service law enforcement officers. For the first time, the Forensics Laboratory provided training materials, evidence handling forms, morphology ID sheets for probable cause, and other forensic materials to Service special agents and wildlife inspectors in a digital format at special agent and wildlife inspector in-service training sessions.



*Laboratory pathologist conducts necropsies on gray wolves to determine why the animals died. Cause of death determinations provide vital evidence for Service investigations. USFWS*



# VI. Historical Background



Federal wildlife law enforcement celebrated its centennial in 2000 with the 100th anniversary of the Lacey Act—the Nation’s first Federal wildlife protection law. That Act’s prohibitions on the importation of injurious wildlife and interstate commerce in illegally taken game species were followed by a series of measures aimed specifically at protecting migratory birds. With these laws and treaties came the age of the “duck cop.” Policing waterfowl hunters and protecting waterfowl populations from commercial exploitation would long be a major focus for Federal wildlife law enforcement.

During the middle decades of the century, however, increasing human pressures on populations and habitats of many different animals—from whooping cranes to American alligators—began to take their toll. Special protections for bald eagles (1940) and then golden eagles (1962) were put in place. The 1960s saw the first steps to protect a broader range of endangered species—steps that would culminate in the comprehensive 1973 Endangered Species Act and negotiation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Laws to protect specific types of wildlife, from marine mammals and African elephants to wild birds and rhinos and tigers, targeted special conservation concerns.

With these developments came new roles and responsibilities for Service law enforcement. From 1918 until the early 1970s, the word “game” consistently appeared in the job titles used for Federal wildlife law enforcement officers. In 1973, however, the Service began calling its investigators “special agents,” a name better suited to the expanding challenges of the job. In 1975, the Division of Law Enforcement hired a biological technician to inspect wildlife shipments in New York—the beginning of a trade inspection force that would expand the following year to cover eight ports of entry. The opening of the world’s first wildlife forensics laboratory in 1988 made science and technology an integral part of the Service’s enforcement team.

The Division of Law Enforcement today focuses on combating international wildlife trafficking, unlawful commercial exploitation of native species, environmental contamination, and habitat destruction. Partnerships with States, tribes, and foreign countries make Service special agents, wildlife inspectors, and forensic scientists part of a national and global network committed to protecting wildlife resources.

The chronology below traces the development of Federal wildlife law enforcement and records major historical milestones for the protection of wildlife in the United States and around the world.

## Chronology of Key Events

**1900.** The Lacey Act took effect as the first Federal law protecting game; it prohibited the interstate shipment of illegally taken wildlife and the importation of injurious species. Enforcement of this Act became the responsibility of the Division of Biological Survey, U.S. Department of Agriculture.

**1905.** The Division of Biological Survey became the Bureau of Biological Survey and remained in the Department of Agriculture.

**1913.** The Federal Migratory Bird Law (Weeks-McLean Law) became effective, and the first migratory bird hunting regulations were adopted on October 1.

**1916.** The United States signed the Migratory Bird Treaty with Great Britain (acting for Canada), recognizing migratory birds as an international resource.

**1918.** The Migratory Bird Treaty Act became law, making it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird. The Act’s prohibitions also applied to the feathers, parts, nests, and eggs of these birds.

**1920.** In the case of *Missouri v. Holland*, the U.S. Supreme Court upheld the constitutionality of the Migratory Bird Treaty Act, “establishing beyond question the supremacy of the Federal treaty-making power as a source of authority for Federal wildlife regulation.” Citing the State ownership doctrine, Missouri had filed suit to prevent a U.S. game warden from enforcing the Act within the State.

**1926.** The Black Bass Act became law, making it illegal to transport in interstate commerce black bass taken, purchased, or sold in violation of State law.

**1934.** The Migratory Bird Hunting Stamp Act became law, requiring all waterfowl hunters aged 16 and over to possess a “Duck Stamp.”

Also in that year, a Division of Game Management was created in the Bureau of Biological Survey, Department of Agriculture, with responsibility for wildlife law enforcement.

**1935.** The Lacey Act was expanded to prohibit foreign commerce in illegally taken wildlife.

**1936.** The United States signed the Migratory Bird Treaty with Mexico.

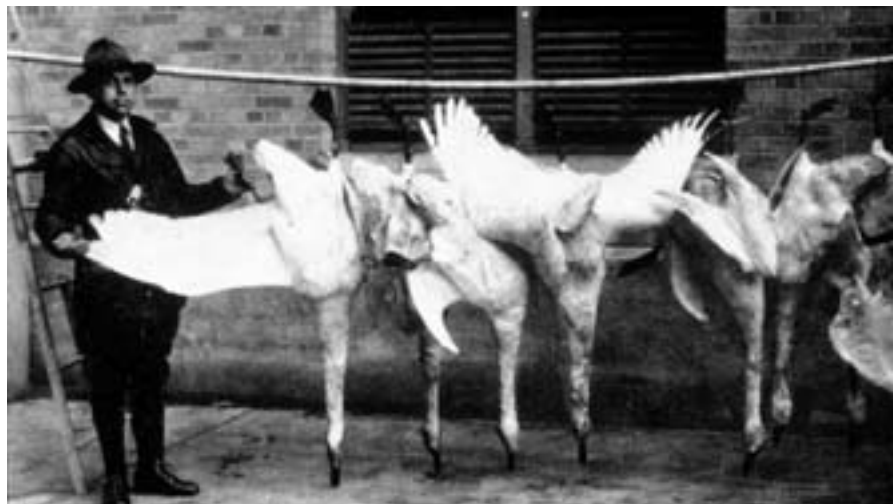
**1939.** The Bureau of Biological Survey, Department of Agriculture, and the Bureau of Fisheries, Department of Commerce, were transferred to the U.S. Department of the Interior.

**1940.** The Bald Eagle Protection Act became law, prohibiting a variety of activities involving the species, including import, export, take, sale, purchase, and barter.

The Bureau of Biological Survey and the Bureau of Fisheries were combined to form the Fish and Wildlife Service, Department of the Interior. All law enforcement responsibilities continued to reside in the Division of Game Management.

**1951.** Fish and Wildlife Service Director Albert Day announced an expanded program of enforcement and management for the protection of migratory waterfowl, transferring the personnel and funds of the Section of Waterfowl Management Investigations to the Branch of Game Management.

**1956.** The Fish and Wildlife Service was reorganized into the U.S. Fish and Wildlife Service, consisting of a Bureau of Sport Fisheries and Wildlife and a Bureau of Commercial Fisheries. Wildlife law enforcement responsibilities were placed in the Branch of Management and Enforcement of the Bureau of Sport Fisheries and Wildlife.



*Early enforcement efforts focused on the illegal take and commercialization of waterfowl. Seized birds like these swans were often donated to hospitals for patients to eat.*  
USFWS



*A 1972 law established Federal protections for walrus and other marine mammals. USFWS*

**1960.** Following an investigation that revealed large-scale market hunting of waterfowl, the Migratory Bird Treaty Act was amended to include felony provisions for commercial activities—a \$2,000 fine or two years imprisonment, or both.

**1962.** The Bald Eagle Protection Act became the Bald and Golden Eagle Protection Act and extended protection to golden eagles.

**1970.** The Endangered Species Conservation Act of 1969 took effect, prohibiting the importation into the United States of species “threatened with extinction worldwide,” except as specifically allowed for zoological and scientific purposes and propagation in captivity. The Act amended the Black Bass Act to prohibit interstate and foreign commerce in fish taken in violation of foreign law, a provision that had been added to the Lacey Act for wildlife in 1935. It also amended the Lacey Act so that its prohibition on interstate and foreign commerce applied not only to wild birds and mammals, but also to reptiles, mollusks, amphibians, and crustaceans. This amendment was made in an effort aimed primarily at protecting the American alligator.

The Bureau of Commercial Fisheries was transferred to the Department of Commerce and became the National Marine Fisheries Service.

**1971.** The Airborne Hunting Act was signed into law, prohibiting the use of aircraft to hunt or harass wildlife.

**1972.** The United States signed the Migratory Bird Treaty with Japan. The Migratory Bird Treaty with Mexico was amended to protect additional species, including birds of prey.

The Marine Mammal Protection Act of 1972 established a moratorium on the take and importation of marine mammals, including polar bears, sea otters, dugongs, walrus, manatees, whales, porpoises, seals, and sea lions.

The Eagle Protection Act was amended to increase maximum penalties from \$500 or six months imprisonment to \$5,000 or one year; and to add the provision that a second conviction was punishable by a \$10,000 fine or two years imprisonment, or both. In addition, the amendment allowed for informants to be rewarded with half of the fine, not to exceed \$2,500.

In September 1972, the Division of Management and Enforcement was reorganized. Waterfowl management responsibilities were transferred to the Office of Migratory Bird Management and the Division of Management and Enforcement became the Division of Law Enforcement.

**1973.** The Endangered Species Act of 1973 became law, recognizing that “endangered species of wildlife and plants are of aesthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people.” The Act expanded the scope of prohibited activities to include not only importation, but also exportation, take, possession, and other activities involving illegally taken species, and interstate or foreign commercial activities. It provided protection for a new “threatened” category—species likely to become in danger of extinction.

The field organization of the Division of Law Enforcement was restructured into 13 law enforcement districts, and selections for the first Special Agents in Charge and Assistant Special Agents in Charge under this organization were announced on February 21, 1974.

**1975.** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) went into effect, regulating the importation, exportation, and re-exportation of species listed on its three appendices.

The first biological technician was hired in New York City to inspect wildlife shipments.

**1976.** The United States signed the Migratory Bird Treaty with the Union of Soviet Socialist Republics.

Regional Offices of the Service hired wildlife inspectors at eight designated ports of entry to inspect wildlife. The eight ports were Los Angeles, San Francisco, Miami, Chicago, New Orleans, New York, Seattle, and Honolulu.

**1979.** The Supreme Court, in the case of *Andrus v. Allard*, upheld the prohibition on the sale of migratory bird feathers, regardless of whether they were obtained before Federal protection took effect.

The number of district offices was reduced to 12 when the Kansas City District Office was consolidated with the Denver, Colorado, District Office.

**1981.** The Black Bass and Lacey Acts were repealed and replaced by the Lacey Act Amendments of 1981. This comprehensive statute restored protection for migratory birds, which had been removed from the Act in 1969, and introduced protection for plants. The Lacey Act Amendments increased penalties and included a felony punishment scheme to target commercial violators and international traffickers. Penalties included fines of up to \$20,000 or five years imprisonment, or both.

Dallas-Fort Worth became a designated port for wildlife entering or leaving the United States.

**1982.** The Endangered Species Act was amended to include a prohibition against taking plants on Federal lands and a new exception allowing the inadvertent, non-commercial transshipment through the United States of endangered fish or wildlife.

The field organization of the Division of Law Enforcement was reduced from 12 to seven districts, one for each region of the Service.

**1983.** The Service's Law Enforcement Management Information System (LEMIS) became operational.

**1986.** The Supreme Court, in the case of *Dwight Dion*, upheld the applicability of the Eagle Protection Act to Native Americans on reservations.

The Migratory Bird Treaty Act was amended to require that felony violations be "knowingly" committed.

**1988.** The African Elephant Conservation Act became law, providing additional protection for the species, whose numbers had declined by 50 percent in the previous decade.

The Lacey Act was amended to include felony provisions for commercial guiding violations.

The National Fish and Wildlife Forensics Laboratory opened in Ashland, Oregon. Its mission was to provide scientific expertise to assist in investigations, ranging from species identification to technical assistance such as surveillance and photography. The Laboratory was later renamed the Clark R. Bavin National Fish and Wildlife Forensics Laboratory in memory of Clark R. Bavin, who served as chief of the Division of Law Enforcement from 1972 until his death in 1990.

**1990.** Portland, Oregon, became the 10th designated port of entry for the importation and exportation of wildlife.

**1992.** Baltimore, Maryland, became the 11th designated port.

The Wild Bird Conservation Act was signed into law to address problems with the international trade in wild-caught birds—trade that contributed to the decline of species and featured unacceptably high mortality rates.

**1994.** Boston, Massachusetts, became the Nation’s 12th designated port of entry for wildlife trade.

**1996.** Designated port status was conferred on Atlanta, Georgia.

**1997.** The Division of Law Enforcement was removed from the supervision of the Assistant Director for Refuges and Wildlife to report instead directly to the Service Director. The Washington headquarters office was renamed the Office of Law Enforcement.

**1998.** The Migratory Bird Treaty Reform Act eliminated strict liability from the enforcement of baiting prohibitions, substituting a “know or reasonably should know” standard for charging individuals for hunting with bait. The Act increased the penalty for hunting over bait and made placing bait a separate Federal crime.

Reauthorization of the Rhinoceros and Tiger Conservation Act prohibited the import, export, or sale of any product, item, or substance containing, or labeled as containing, any substance derived from tiger and rhinoceros.

**2000.** A Service reorganization established the position of Assistant Director for Law Enforcement within the Directorate, providing executive level leadership for the agency’s law enforcement program.



*During the 1990s, researchers at the National Fish and Wildlife Forensics Laboratory developed wildlife identification methodologies and analytical techniques needed to help solve wildlife crimes. USFWS*

## Enforcement Officer Titles

Titles of Federal wildlife law enforcement officers:

1900-13 .....	Inspector, Interstate Commerce in Game
1913-18 .....	Inspector, Migratory Bird Law
1918-28 .....	U.S. Game Warden
1928-34 .....	U.S. Game Protector
1934-73 .....	U.S. Game Management Agent
1973-present.....	Special Agent

## Directors

Since 1900, the following people have served as Chief of the Biological Survey or as Director of the Bureau or the Service for the periods indicated:

1900-10 .....	C. Hart Merriam
1910-17 .....	Henry W. Henshaw
1917-27 .....	Edward W. Nelson
1927-34 .....	Paul G. Redington
1934-35 .....	Jay N. "Ding" Darling
1935-46 .....	Ira N. Gabrielson
1946-53 .....	Albert M. Day
1953-57 .....	John L. Farley
1957-64 .....	Daniel H. Janzen
1964-70 .....	John S. Gottschalk
1970-73 .....	Spencer H. Smith
1973-81 .....	Lynn A. Greenwalt
1981-85 .....	Robert A. Jantzen
1986-89 .....	Frank H. Dunkle
1989-93 .....	John F. Turner
1993-96 .....	Mollie Beattie
1997-2001 .....	Jamie Rappaport Clark
2002-present.....	Steven A. Williams

## Enforcement Chiefs

The following people have been in charge of the law enforcement responsibilities of the Service, or its predecessor agencies, for the periods indicated:

1900-16 .....	Theodore Sherman Palmer
1916-26 .....	George A. Lawyer
1926-34 .....	H.P. Sheldon
1934-48 .....	W.E. Crouch
1948-52 .....	Jesse F. Thompson
1952-57 .....	Joseph P. Linduska
1957-62 .....	John D. Findlay
1962-67 .....	Allan T. Studholme
1967-72 .....	Charles H. Lawrence
1972-90 .....	Clark R. Bavin
1991-96 .....	John J. Doggett, III
1996-97 .....	Thomas L. Striegler
1997-present.....	Kevin R. Adams



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