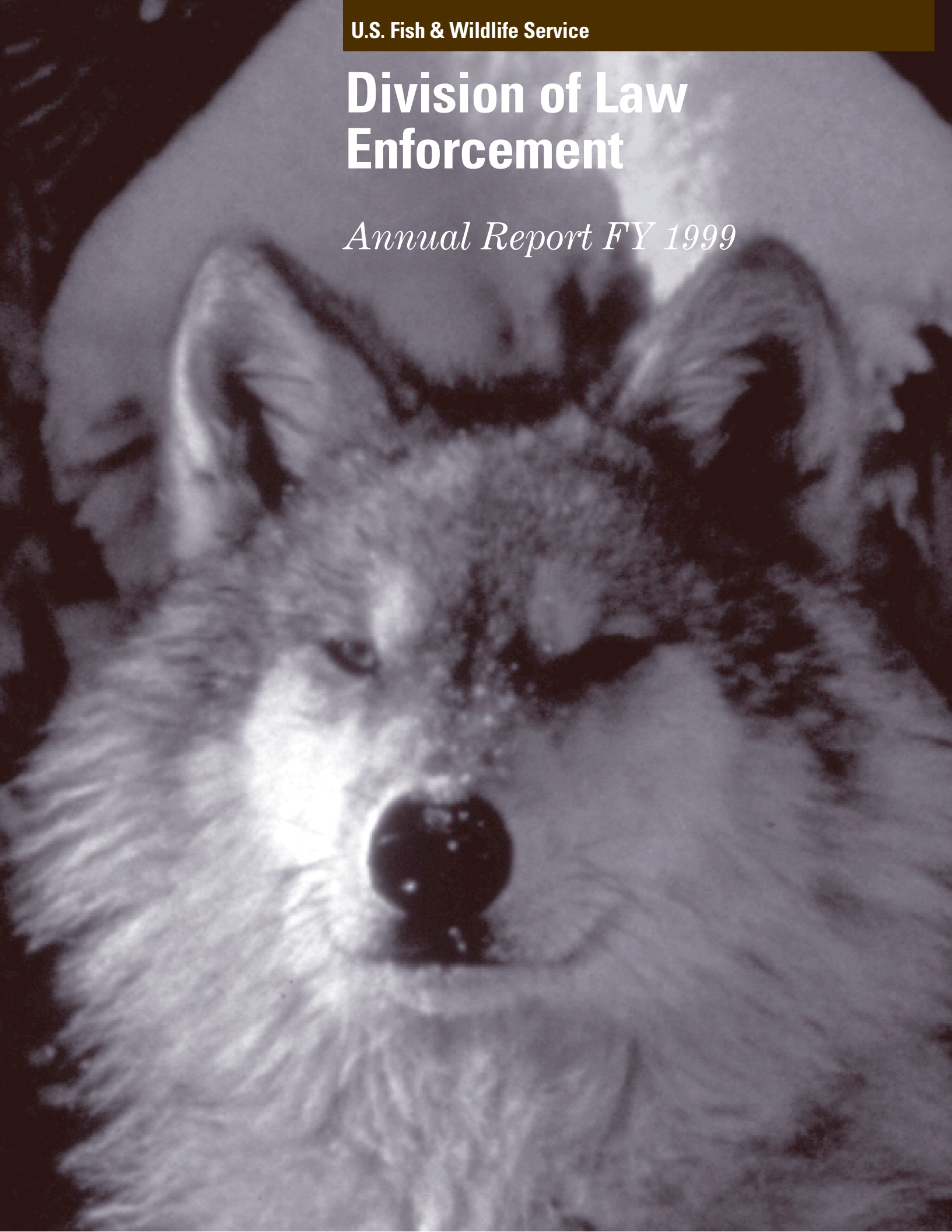


U.S. Fish & Wildlife Service

# Division of Law Enforcement

*Annual Report FY 1999*



*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 Director


During FY 1999, the Fish and Wildlife Service's Division of Law Enforcement helped hold the line for wildlife in this country and around the world. Our special agents, wildlife inspectors, and the forensic scientists and administrative staff who support them contributed to virtually every aspect of our conservation mission, from protecting endangered species to preserving hunting and fishing opportunities.

Service special agents combated the unlawful commercial exploitation of native wildlife, solving crimes that ranged from illegal guiding and bear poaching to large-scale trafficking in freshwater mussels and Hawaiian coral. They worked in partnership with industry to remove threats to migratory birds, and saw public outreach pay off for wolf and grizzly bear conservation. Efforts on behalf of endangered species included boat patrols in Florida to protect manatees from deadly collisions; work with landowners to stem the loss of wildlife habitat; and environmental contaminants cases, such as the probe of a Georgia chemical plant for mercury poisoning.

The Division helped show the world how seriously the United States takes its commitment to global wildlife conservation. Service wildlife inspectors examined thousands of commercial wildlife shipments, and helped police passenger traffic and intercept smuggled goods. Special agents working the international trade "beat" broke up sea turtle egg and caviar smuggling rings, secured the first Federal felony conviction for coral trafficking, and snared one of the world's best known wildlife dealers for profiteering in rare reptiles.

Service agents and inspectors remained the instructors of choice for the world's wildlife "cops," providing enforcement training in Thailand, Tanzania, China, and Madagascar. The Division's forensic scientists examined thousands of evidence items while conducting research that promises to make science an increasingly essential partner in fighting wildlife crime.

These successes and the many others described in this report are the work of a handful of officers. In FY 1999, the Service could not afford to field its authorized force of 252 agents and 93 inspectors. At my direction, the agency launched an effort to rebuild this vital capability. Beginning that restoration may well prove our most significant law enforcement accomplishment for FY 1999 — an accomplishment that may make a difference for wildlife for years to come.



DIRECTOR



***John Atalla (1957-1999)***

*In memory of our colleague and friend, John Atalla, whose long battle with cancer ended December 9, 1999.*

*John was truly an unsung hero, whose work with the Division of Law Enforcement provided essential "behind the scenes" support. An avid sportsman who loved the outdoors, John valued wildlife and was proud to be part of Service law enforcement. We, in turn, were privileged to work with him. He will be missed and long remembered.*



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A high-contrast, black and white close-up photograph of an eagle's face, focusing on its eyes and beak. The eagle's eyes are dark and intense, looking directly at the viewer. The texture of its feathers is visible, particularly around the eyes and beak. The lighting is dramatic, highlighting the contours of the eagle's face.

# I. Overview

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 protections 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 protected 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 from illegal take 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 252 special agents and 93 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.

In FY 1999, the Division of Law Enforcement operated with an enacted budget of \$36,943,000. This amount was augmented with \$4,966,000 in user fees collected to help offset the cost of the wildlife inspection program. At the end of the fiscal year, 216 special agents and 90 wildlife inspectors were on the job.

*Today, Service law enforcement targets criminal activities that undermine U.S. and international efforts to conserve wildlife resources.*



*Service special agents retrieve dead birds from an open oil pit. Environmental contaminants investigations are a major focus for Service law enforcement. USFWS*

## **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 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 build the scientific evidence needed to support the arrest and eventual conviction of criminals who violate the Nation's wildlife protection laws.

### **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

*Service special agents investigate criminal and civil violations involving the illegal take and commercialization of federally protected wildlife species, parts, and products.*

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, parts, and products. 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, powerlines, pesticides, and mining operations, and investigate those who ignore their wildlife conservation responsibilities.

Special agents are key players on Service ecosystem teams, providing the expertise needed to identify and deal with enforcement issues. They conduct patrol and surveillance operations to 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.

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**FY 1999 Investigative Caseload**

<b>Classification</b>	<b>Cases</b>
African Elephant Conservation	45
Airborne Hunting	4
Archaeological Resources	4
Eagle Protection	177
Endangered Species	3,709
Lacey	1,476
Marine Mammal Protection	181
Migratory Bird Stamp	201
Migratory Bird Treaty	1,956
Miscellaneous Investigations	40
National Wildlife Refuge	181
Other Federal Laws	166
Permit/License Investigations	7
State Laws	85
Wild Bird Conservation	36
<b>Total</b>	<b>8,268</b>

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**Annual Violation Statistics\***  
**FY 1997 - FY 1999**

	<b>1997</b>	<b>1998</b>	<b>1999*</b>
Violations	6,247	6,585	5,139
Fines	\$2,061,640	\$9,619,892	\$1,881,300
Jail (Yrs)	25	33	28
Probation (Yrs)	480	623	498
Civil Penalties	\$185,590	\$174,805	\$192,946

\*Data compiled as of 12/15/99; FY 1999 data incomplete





*The Branch of Special Operations' probe of the illegal reptile trade uncovered large-scale smuggling of endangered species, such as these rare radiated tortoises. Ernest Mayer/USFWS*

In 1999, most of the Service's 216 special agents conducted or managed field investigations. This force worked on more than 8,200 cases involving the full gamut of wildlife crimes and violations. The tables presented on p. 3 provide a statistical summary of the Division's recent investigative work. Information on specific cases and investigative accomplishments can be found in the "Regional Highlights" section, which begins on p. 14.

### **Special Operations**

The Branch 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 Branch 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 Branch specializes in multi-year covert cases. It also provides intelligence gathering, analysis, and strategy development capabilities to support these investigations and the work of special agents and wildlife inspectors in the regions.

In recent years, the Branch'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 many 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 Branch has completed 15 major investigations, resulting in more than 800 convictions. "Victim" species in these cases included psittacine birds, reptiles, big game animals, birds of prey, cactus, walrus, waterfowl, and fish.

The Branch 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 Branch's accomplishments in FY 1999 is provided in the "Office of Law Enforcement Highlights" section (see p. 67).

### **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 force of uniformed wildlife inspectors monitor wildlife imports and exports and ensure that wildlife 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 some 146 countries regulate trade in animals and plants that face the threat of extinction.

Inspectors are stationed at the Nation's major international airports, seaports, 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 p. 11.

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

Wildlife inspectors spend 100 percent 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 1999 with 90 wildlife inspectors on the job to monitor the U.S. wildlife trade. This force staffed 13 designated ports of entry and 30 border, non-designated, and special ports. In FY 1998 (the last year for which complete data are available), Service inspectors processed 86,409 declared shipments of wildlife and wildlife products worth \$1.05 billion. The Nation's busiest ports of entry for the wildlife trade that year were New York/Newark, where 18,623 shipments entered or left the country, followed by Los Angeles (16,106 shipments) and Miami (6,911 shipments).



*Wildlife inspectors examine a shipment of live snakes. USFWS*

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**FY 1998-99 Wildlife Inspection Activity**

<b>Port of Entry</b>	<b>FY 1998 No. of Shipments</b>	<b>FY 1999* No. of Shipments</b>
<b>Designated Ports</b>		
Atlanta, GA	1,225	1,617
Baltimore, MD	3,054	2,155
Boston, MA	820	1,087
Chicago, IL	4,218	4,002
Dallas/Fort Worth, TX	3,064	3,397
Honolulu, HI	3,368	3,364
Los Angeles, CA	16,106	15,022
Miami, FL	6,911	2,576
New Orleans, LA	637	406
New York, NY/Newark, NJ	18,623	18,043
Portland, OR	722	552
San Francisco, CA	3,980	4,470
Seattle, WA	2,781	2,666
<b>Subtotal</b>	<b>65,509</b>	<b>59,357</b>
<b>Non-Designated Ports</b>		
Agana, GU	743	705
Anchorage, AK	2,905	2,645
Blaine, WA	1,583	1,135
Brownsville, TX	148	227
Buffalo, NY	1,848	1,948
Detroit, MI	1,022	868
El Paso, TX	974	914
Golden, CO	297	323
Houston, TX	720	794
Laredo, TX	432	244
Nogales, AZ	343	284
Pembina, ND	1,392	915
San Diego, CA	394	525
San Juan, PR	319	5
St. Paul, MN	982	777
Tampa, FL	1,470	1,093
<b>Subtotal</b>	<b>14,829</b>	<b>12,697</b>
<b>Non-Staffed Ports</b>	<b>6,071</b>	<b>3,198</b>
<b>Total</b>	<b>86,409</b>	<b>75,252</b>

\* Data compiled as of 12/15/99; incomplete data for FY 1999



*Scientists at the National Fish and Wildlife Forensics Laboratory identify the species of wildlife parts and products seized as evidence.*  
USFWS

The table on p. 6 provides a port-by-port breakdown of U.S. wildlife imports and exports for FY 1998, and includes preliminary statistics for FY 1999. Descriptions of inspection program accomplishments for FY 1999 and activities at specific ports are included in the “Regional Highlights” section, which begins on p. 14.

### **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 decade, laboratory scientists have analyzed more than 35,000 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 from the Laboratory’s first decade include ways to distinguish ancient and modern ivory; 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.

Two 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 1999 accomplishments are described on p. 72.

### **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. Also, the Act 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. 742). 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-issued 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 and of the ecosystem upon which they depend. 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 exchange of information and cooperation among governmental authorities, the professional archaeological community, and individuals who own collections of archaeological resources obtained before October 31, 1979. The primary prohibitions of the Act make 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 to the benefit of the species; and by limiting or prohibiting imports of exotic birds when necessary.

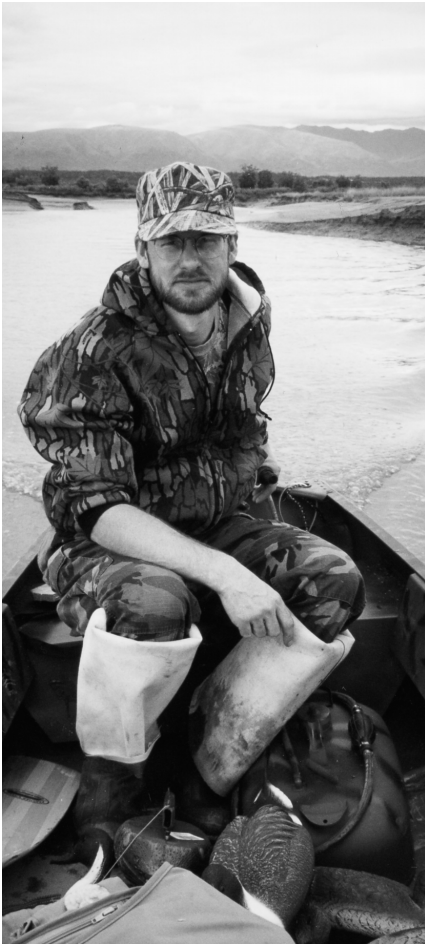
*Rhinoceros and Tiger Conservation Act* (16 U.S.C. 5301-5306). The 1998 reauthorization of this Act prohibits the import, export, or sale of any product, item, or substance containing, or labeled or advertised as containing, any substance derived from tiger or rhinoceros.

## II. Organizational Structure

During FY 1999, 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 was mandated by the Director in the fall of 1997, ensures law enforcement participation in the development of Service policy and program directions and makes law enforcement expertise more readily 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> P.O. Box 3247 Arlington, VA 22203-3247 703/358 1949	Headquarters Office



*Special agent on patrol during waterfowl season. USFWS*

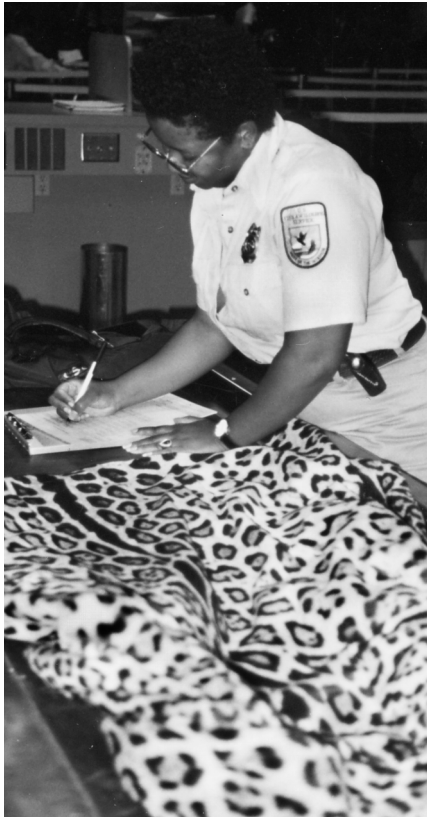
## Agent Duty Stations

STATE	CHIEF	DEPUTY CHIEF	ARD/ SAC*	DEPUTY ARD/ASAC**	SR RESIDENT AGENT	SPECIAL AGENT	TOTAL
Alabama						2	2
Alaska			1	1	2	6	10
Arizona					1	6	7
Arkansas						2	2
California					2	16	18
Colorado			1	1	1	3	6
Connecticut						1	1
Delaware						1	1
District of Columbia	1	1	3	1	1	9	16
Florida					2	8	10
Georgia			1	1	1	4	7
Guam						1	1
Hawaii					1	1	2
Idaho					1	2	3
Illinois						6	6
Indiana						1	1
Iowa						1	1
Kansas					1		1
Kentucky						1	1
Louisiana						6	6
Maine							0
Maryland					1	5	6
Massachusetts			1	1	1	2	5
Michigan					1	3	4
Minnesota			1	1	1	2	5
Mississippi					1	2	3
Missouri					1	3	4
Montana					1	2	3
Nebraska						2	2
Nevada						2	2
New Hampshire						1	1
New Jersey					1	2	3
New Mexico			1	1		2	4
New York					1	6	7
North Carolina					1	3	4
North Dakota						2	2
Ohio						2	2
Oklahoma					1	2	3
Oregon			1	1	1	3	6
Pennsylvania						3	3
Puerto Rico						1	1
Rhode Island							0
South Carolina						1	1
South Dakota					1	1	2
Tennessee						3	3
Texas					1	15	16
Utah						1	1
Vermont						1	1
Virginia					1	5	6
Washington					1	6	7
West Virginia							0
Wisconsin						4	4
Wyoming					1	2	3
<b>Total</b>	<b>1</b>	<b>1</b>	<b>10</b>	<b>8</b>	<b>30</b>	<b>166</b>	<b>216</b>

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

\*\* Assistant Special Agent in Charge

As of October 1, 1999



*Wildlife inspectors at U.S. ports of entry monitor international passenger traffic as well as commercial wildlife trade. USFWS*

## 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 p. 10.

The chart below identifies the ports staffed by wildlife inspectors during FY 1999.

### Location of Wildlife Inspectors

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#### *Designated Ports*

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

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

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#### *Border, Non-designated, and Special 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  
 Houston, Texas  
 Laredo, Texas  
 Nogales, Arizona  
 San Diego, California  
 San Juan, Puerto Rico  
 St. Paul, Minnesota  
 Tampa, Florida



## Office of Law Enforcement

**The Chief, Office of Law Enforcement**, is the top ranking officer of the Division of Law Enforcement and the national administrator of the Service's law enforcement program. This office provides overall direction, policy development, and support to the regional offices. The Chief serves as the Director's principal adviser on law enforcement issues; 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, includes four branches: Investigations, Special Operations, Training and Inspection, and Technical and Field Support. The Clark R. Bavin National Fish and Wildlife Forensics Laboratory, which is described on p. 7 and in Section V, also reports to the Chief.

**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 in a variety of international forums.

The Branch maintains liaison with other state and federal 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 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 I on p. 4.



*Motorboat operation is one of the skills covered in special agent basic training, which is conducted by the Office of Law Enforcement's Branch of Training and Inspection. USFWS*

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

**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 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 responds to public requests under the Freedom of Information Act and Privacy Act, and provides national computer support for federal wildlife law enforcement efforts through the Law Enforcement Management Information System (LEMIS), which first became operational in October 1983. A new Internet-based version of this system, called LEMIS 2000, has been partially implemented. This Branch also manages a centralized data entry group that compiles wildlife trade information and uses these data to respond to public requests under the Freedom of Information Act.

Recent accomplishments of the Office of Law Enforcement, including reports on Special Operations and Training activities, appear in Section IV, which begins on p. 62. A description of the accomplishments of the National Fish and Wildlife Forensics Laboratory can be found in Section V (see p. 72).

### III. Regional Highlights

#### Region One

Region One stretches from Canada to Mexico and bridges the Pacific; it includes California, Hawaii, Idaho, Nevada, Oregon, Washington, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. As of September 30, 1999, the region had 39 special agents and 28 wildlife inspectors on board. Five of the Service's 13 designated ports for wildlife trade are located in the Pacific Region.

#### Habitat Destruction

The unauthorized taking of endangered species through habitat destruction is an enforcement priority in Region One because of the long-lasting adverse impact such activity has on a species. Although this problem is a concern regionwide, it is particularly acute in southern California. Rapid and substantial growth in this area, combined with the highest concentration of listed species in the Nation, results in almost daily conflicts between habitat modification and species protection.

For example, in FY 1999, the Service found it necessary to seek a temporary restraining order preventing the development of two industrial plants on property in Rialto, California. The endangered Delhi Sands flower-loving fly occupied the site, and the property owners refused to submit a Habitat Conservation Plan (HCP) or obtain an Endangered Species Act 10(a) Incidental Take Permit. In May 1999, the court granted both the temporary restraining order and a preliminary injunction halting the project until a section 10 permit was obtained. The property owner later submitted an HCP and 10(a) permits were issued in August 1999.

Special agents completed an investigation of the take of the threatened coastal California gnatcatcher at a Lake Elsinore, California, housing development site. The developer had proceeded with grading and building on portions of the property without obtaining the necessary permit. Service biologists provided expert biological evidence showing the negative impacts of these activities on the gnatcatchers, and the case was submitted to the Regional Solicitor. A settlement resulted in \$140,000 in civil penalty and mitigation payments.

An investigation of unlawful take of the endangered Morro shoulderband or banded dune snail on private property in Los Osos, California, concluded in 1999. A developer graded three acres of land in preparation for building a rental storage facility. A Service biologist had documented the presence of banded dune snails on this property in the past. Agents found evidence that the grading had affected the snails, and showed that the developer had violated his grading permits, which required him to complete environmental reviews before work began at the site. Under a civil settlement agreement, the developer will pay a \$7,000 civil penalty; buy 1.8 acres of land of equivalent habitat value (property worth an estimated \$125,000); and place \$17,500 in an escrow account, which will be used by the Trust for Public Land to manage the new snail habitat.

An interagency investigation of the unlawful take of threatened California red-legged frogs on private property in Santa Barbara County began in 1999. Participants in the enforcement task force that handled the case included Service special agents and officers from the Environmental Protection Agency (EPA), Federal Bureau of Investigation (FBI), and California Department of Fish and Game. The landowner, a commercial agriculture firm, destroyed approximately 90 acres of wetlands on the property. In addition to violations of the Endangered Species Act, potential charges also include federal Clean Water Act and state violations associated with the alteration of a stream bed. Evidence obtained clearly indicates that the owner of the property deliberately graded and re-channeled a creek to create farmland on an existing wetland. Federal agents and state officers obtained a search warrant to conduct scientific analysis of the property. Execution of this warrant over a four-day period revealed biological evidence of both the existence of the former wetland habitat and the presence of the red-legged



*Habitat destruction investigations are an enforcement priority in Region One. In FY 1999, special agents in California helped protect habitat of the endangered Delhi Sands flower-loving fly (top) and saw an investigation involving the threatened coastal California gnatcatcher (bottom) yield \$140,000 in penalties and mitigation.*  
B. "Moose" Peterson/USFWS

frog. The case has been presented to the U.S. Attorney for criminal prosecution.

Special agents completed an investigation of the unlawful take of endangered plants on private property in Monterey County, California. The subject of the investigation graded and destroyed habitat that resulted in the take of the endangered Tidestrom's lupine and the threatened Monterey spine flower. Investigation revealed that the subject was aware of the sensitive plants on his site. Before federal prosecution for the take of listed plants on private property can proceed, the government must show take of plants; demonstrate that the subject knew the plants were on the property; and confirm that the listed plants were taken in violation of state law. All three elements were documented in this case (take of the plants violated the California Coastal Act and the California Endangered Species Act). Civil prosecution is pending.

A tomato processing company agreed to pay a \$22,500 civil penalty for discing a site in Kern County, California. Remains of two Tipton kangaroo rats, a species listed under the Endangered Species Act, were recovered after the discing. The area had been surveyed before the discing, and the presence of a listed species had been documented. The company agreed to settle the matter without admitting wrongdoing by paying a civil penalty.

The region's investigation of a major timber company's involvement in the harvest of 182 acres in the Northern Cascade mountains of Washington state resulted in a civil settlement in 1999. Without admitting wrongdoing, the company agreed to give 400 acres of forested land to the government. The land, which is valuable habitat for spotted owls and marbled murrelets, was transferred to the Forest Service for management in accordance with the Pacific Northwest Forest Plan.

#### **Contaminants Investigations**

The unauthorized killing of federal trust species as a result of poisoning or contaminants is a growing environmental threat in the Pacific Region. In FY 1999, a cooperative investigation by the Oregon State Police and the Service resulted in criminal charges being filed against two eastern Oregon cattle ranchers who misused a restricted-use pesticide to kill coyotes on their property. The ranchers were responsible for the application of Temik 15g (aldicarb pesticide) on cattle carcasses, which resulted in the death of an adult bald eagle and other wildlife. The two men pleaded guilty to one count each of violating the Migratory Bird Treaty Act and were each fined \$1,000 in U.S. District Court. Temik 15g, a restricted-use pesticide, is labeled for use on potatoes, sugar beets, and other farm crops.

In July 1998, the Service began investigating the death of several migratory birds at a phosphorus plant in Pocatello, Idaho. Laboratory analysis indicated that many of the birds died because of excess fluid and/or blood in the lungs as a result of exposure to a toxic material (mainly zinc phosphide) either inhaled or ingested from the site. The company completed the netting of two ponds and placed floating bird repellent balls on a third pond. The plant cooperated with investigators and reported additional bird mortalities. Under an agreement with the U.S. Attorney's Office, the company paid a \$500 fine for unlawful take of migratory birds and donated \$15,000 to the Idaho Fish and Game Department. The funds will be used for waterfowl protection and law enforcement efforts in the vicinity of Pocatello, Idaho.

On September 27, 1998, the tanker vessel *Command* discharged bunker fuel into the Pacific Ocean near San Francisco. The oil spill resulted in the deaths of 102 migratory birds, including six endangered brown pelicans. An investigation by an alliance of state and federal agencies resulted in a criminal penalty for the captain of the tanker and a settlement agreement. Total fines imposed for violations of the Clean Water Act, Oil Pollution Act, and Endangered Species Act (ESA) exceeded \$9.4 million; \$200,000 of that amount was tied to the ESA violation.

*Cooperative efforts continued with states, tribes, and other entities to limit the direct illegal take of protected wildlife, including endangered species and migratory birds.*

An Orange County hazardous waste disposal company dumped a large quantity of waste oil into the clarifier at the City of Garden Grove Municipal Yard. The oil then drained into the East Garden Grove-Wintersburg Channel and finally emptied into the outer Bolsa Chica Bay, a wildlife sanctuary that shelters many species of wintering waterfowl. Over 100 migratory birds were oiled, and 50 were killed as a result of the dumping. At least one take of an endangered species (brown pelican) occurred. Agencies participating in this investigation include the Service, U.S. Coast Guard, U.S. Environmental Protection Agency, California Department of Fish and Game, Orange County District Attorney's Office, and Garden Grove Police Department. The local U.S. Attorney's Office agreed to allow Orange County to prosecute this case as long as the violations of the Migratory Bird Treaty Act and Endangered Species Act are reflected in the state's case. A plea agreement is pending.

#### **Illegal Take of Protected Species**

Cooperative efforts continued with states, tribes, and other entities to limit the direct illegal take of protected wildlife, including endangered species and migratory birds. Service agents, for example, worked with the Coast Guard and Los Angeles Police Department to investigate a southern California man who killed a brown pelican. The defendant, a commercial fisherman, had placed an explosive device (commonly called a seal bomb) inside a bait fish, which he threw to the pelican. The pelican caught the fish in its mouth just before the bomb detonated. Witnesses saw the explosion and retrieved the now headless carcass from the water. In an interview with Coast Guard officers, the man complained that he was "tired of pelicans [defecating] on his boat." The case was successfully prosecuted by the Los Angeles District Attorney's Office as a state cruelty to animals offense, which is a felony violation. The defendant was sentenced to 14 days in jail, a \$5,000 fine, and five years probation. He was also prohibited from possessing explosives.

Near the end of this reporting period, Region One special agents opened an investigation into the take of protected migratory birds by commercial fishermen along the southern California coast. This investigation began after California Fish and Game officers boarded two commercial gill net vessels in Monterey Bay and found dead birds (common murre) on the boats. Interviews with the fishermen revealed that they were taking the dead birds from their nets and bringing them into the harbor for disposal so that the carcasses would not wash up on shore. The two fishermen have been issued federal citations for unlawful possession of migratory birds.



*Special agents in California conducted two investigations involving environmental contaminants and the illegal take of brown pelicans, an endangered species. A third case resulted in the state felony prosecution of a fisherman who killed one of these protected birds. USFWS*



*Wolf shootings remained a problem; special agents in Idaho worked on three cases involving the illegal take of these animals.  
J&K Hollingsworth/USFWS*

Investigations of three separate wolf killing incidents in Idaho were successfully completed during 1999. In April 1999, a Minnesota man pleaded guilty to one count of violating the Endangered Species Act after being charged with the unlawful take of an endangered gray wolf that he shot while on an elk hunting trip in Idaho's Frank Church Wilderness area. Two other counts (possession of an endangered species and destruction of government property) were dismissed. The man was sentenced in U.S. District Court to pay a \$10,000 fine, contribute \$5,477 in restitution to the Nez Perce Tribe Wolf Recovery Program, serve one year probation while banned from hunting, and write an essay for the court on the importance of the Endangered Species Act and wolf recovery in Idaho.

In October and November 1998, Service agents in Idaho investigated the killing of an endangered gray wolf near Grangeville. A 16-year-old who had been deer hunting in the area with his father admitted to killing the wolf, thinking it was a coyote. Due to the defendant's age and the circumstances surrounding the case, the teen was placed on a pretrial diversion. He must complete 40 hours of community service at the wolf recovery center in Winchester, Idaho; refrain from hunting for one year; prepare a hunter education video with the Idaho Department of Fish and Game; and obey all laws. He also had to abandon his rifle to the Service.

In August 1999, a dead radio-collared wolf was located on the Salmon-Challis National Forest in Lemhi County, Idaho. The investigation developed evidence that a local rancher had fired two shots at a wolf chasing a calf and cow elk on his ranch, which bordered the national forest. In September 1999, the rancher admitted to violating the Endangered Species Act by unlawfully taking an endangered animal; he paid a \$1,500 fine.

#### **Poaching and Illegal Guiding Cases**

Two separate incidents involving the poaching of wildlife in Olympic National Park were successfully investigated in cooperation with Park Service officers. In one investigation, Lacey Act charges were filed against three men who shot a bull elk in the park. The men pleaded guilty and were sentenced to three days imprisonment, one year supervised probation, and \$2,000 restitution to the state of Washington. Another man shot two deer in the park and was indicted for a misdemeanor Lacey Act violation. The man pleaded guilty, and was sentenced to five months imprisonment, one year probation, and \$2,000 restitution to the state.

A two-year cooperative federal/state investigation of commercial black bear poaching concluded in Oregon. Law enforcement agencies participating in the investigation, which was initiated by the Oregon State Police Fish and Wildlife Division, included the Oregon Attorney General's Office, the Lane County (Oregon) Sheriff's Office, the California Fish and Game Department, the Los Angeles (California) Police Department, the U.S. Attorney's Office for the District of Oregon, the Internal Revenue Service, and the U.S. Fish and Wildlife Service. Although the investigation failed to document interstate trafficking of gallbladders or other parts of bears unlawfully killed in Oregon, 15 defendants have been charged in Oregon state courts with 110 criminal offenses, including one count of violating the Oregon Racketeering Influenced Corrupt Organization Act (RICO); 105 counts of violating various Oregon wildlife laws; one count of theft; and three counts of possession/manufacture/distribution of a controlled substance. In addition to multiple wildlife offenses, the primary subject of the investigation was convicted of one count of violating the Oregon RICO Act and sentenced to 18 months imprisonment, five years probation, and a lifetime ban on hunting. He was also prohibited from owning dogs, possessing game meat, and entering public lands other than on a state highway. This case was the first wildlife investigation prosecuted under the Oregon RICO statute.

Another multi-agency investigation is nearing completion in Oregon. The son of a southern Oregon big game hunting guide, an assistant guide, and seven Michigan hunting clients were sentenced in U.S. District Court after



*A cooperative federal-state probe of commercial bear poaching in Oregon resulted in the prosecution of 15 individuals for more than 100 criminal violations. S.C. Amstrup/USFWS*

pleading guilty to misdemeanor violations of the Lacey Act. The guide, who was previously convicted of 11 felony violations of the Lacey Act, was sentenced to 12 months and one day in prison. The convictions stemmed from a cooperative investigation conducted by the Oregon State Police, the Michigan Department of Natural Resources, and the Service. The interagency probe disclosed that the guide, his son, and an assistant had guided the Michigan clients on illegal deer, elk, mountain lion, and bobcat hunts in southwest Oregon in violation of Oregon law. Illegally taken trophies were then transported in interstate commerce in violation of the Lacey Act.

To date, 10 Oregon and Michigan defendants convicted in this case have paid fines in U.S. District Court totaling \$37,250. The defendants were also ordered to pay a total of \$4,300 restitution to the Oregon Department of Fish and Wildlife. Terms of probation for the 10 individuals varied from two to five years each. The defendants are prohibited from hunting anywhere in the United States or any other country during their probationary periods. Lacey Act charges are still pending against another Michigan man who, in association with his juvenile son, was responsible for the illegal killing of five blacktailed deer and a horse during one guided Oregon hunt.

In yet another Oregon-based investigation, a southern Oregon big game guide was indicted by a federal grand jury on three felony Lacey Act counts. Five other defendants connected with the case were also indicted for a total of seven felony Lacey Act counts. One of the defendants was also indicted on four felony perjury counts for allegedly lying before the grand jury. The charges resulted from a cooperative investigation involving the Oregon State Police, Oregon State Marine Board, California Department of Fish and Game, South Carolina Department of Natural Resources, and the Service. The investigation, which included execution of 12 state and federal search warrants in Oregon, California, and South Carolina, substantiated that an unlicensed individual commercially guided out-of-state hunters on illegal deer hunts in Oregon and, with associates and clients, illegally sold and purchased trophy blacktailed deer mounts and deer and elk antlers in interstate commerce in violation of Oregon state law, California state law, and the Lacey Act. Seized evidence included seven blacktailed deer mounts, four sets of trophy bull elk antlers, and additional deer antlers.

Service special agents and Idaho Fish and Game officers completed a successful investigation of a shooting preserve/guiding business in Washington County, Idaho. The guilty plea and sentencing in U.S. District Court of the owner/outfitter for one Lacey Act violation concluded this three-year joint investigation. The owner of the preserve will pay a \$10,000 fine, make a \$10,000 donation to Idaho Fish and Game, and serve three years probation during which he cannot hunt or fish. Eight other defendants pleaded guilty to state or federal charges and paid fines ranging from \$1,000 to \$10,000. These individuals were also sentenced to one to three years of probation and are banned from hunting and fishing during that time.

### **Illegal Wildlife Trafficking**

Preventing other types of illegal commercialization of wildlife remained an investigative priority in the Pacific Region. Agents in the Los Angeles and Honolulu offices, for example, are conducting a commercial Lacey Act investigation involving coral trafficking. At least six people are involved in an operation to collect pieces of coral and "live rock" in Hawaii and ship them to the mainland for sale in the aquarium trade. Evidence obtained by Service agents shows that as much as 96 tons of live rock and coral, valued at about \$1 billion, were unlawfully collected in Hawaiian waters between 1993 and 1998. Because it is illegal to collect live rock or coral in Hawaii, the wildlife was shipped to California, Washington, and Nevada labeled as "smoked fish" or "smoked seafood," and then sold as Samoan live rock (which can be legally imported into the United States). Three people tied to this conspiracy have already admitted involvement, and the U.S. Attorney's Office is in the process of completing plea agreements. One person has refused to turn over documents requested under a grand jury subpoena, claiming that the request violates his 5th Amendment right against self-incrimination since he is the sole proprietor of the business.

*Special agents in Nevada headed up a multi-agency investigation that showed that a state-licensed nursery was smuggling protected cactus, plants, and succulents from around the world to Las Vegas.*

A brief covert investigation in Los Angeles documented the illegal sale of a golden eagle, ferruginous hawk, and numerous migratory waterfowl by a local taxidermy studio. The taxidermist was unlicensed and had previously been convicted of a felony under the Migratory Bird Treaty Act for sale of waterfowl mounts. He also has a conviction for killing a golden eagle. Following the latest investigation, the individual closed his business and paid fines for violations of the Migratory Bird Treaty Act. He remains the target of a Bureau of Alcohol, Tobacco, and Firearms investigation for federal weapons violations.

The Hawaii Department of Land and Natural Resources intercepted a Federal Express shipment of 645 Jackson's chameleons bound for California from Hawaii. These chameleons are listed as an injurious species by the state and thus cannot be transported or exported from the islands. Service agents conducted a controlled delivery of the packages to the addressee, a southern California reptile dealer. A federal search warrant for the business was obtained and executed. Information obtained from the search warrant and subsequent investigation documented at least 30 prior shipments. The final destinations for the chameleons were reptile dealers in Florida, Louisiana, Illinois, and California. This case has been presented to the U.S. Attorney's Office for prosecution.

Between December 1998 and June 1999, special agents in Nevada headed up a multi-agency investigation that showed that a state-licensed nursery was smuggling protected cactus, plants, and succulents from around the world to Las Vegas. The smuggled plants were then propagated and sold through the nursery. The nursery owner, with the help of Las Vegas associates, would collect wild plants while on vacation in various countries. The plants would be mailed back to the United States and declared to U.S. Customs as "museum specimens" intended for use in genetic and chemical research. The nursery owner and his associates, who had no formal education in botany or any other science, all adopted the title "Doctor."

The investigation, which was conducted in cooperation with the U.S. Customs Service and the U.S. Department of Agriculture, revealed that this type of activity had occurred for about 10 years. The U.S. Attorney's Office indicted the nursery owner on charges of violating Service laws, Customs laws, and Department of Agriculture statutes. On April 30, 1999, the defendant pleaded guilty to two counts involving the illegal importation of plants protected under the Convention on International Trade in Endangered Species (CITES) and the unlawful importation of nursery stock. He was fined \$10,000 and placed on probation for one year. He will also complete three months of house arrest and pay a Customs-imposed civil penalty of \$11,000.

A resident of Las Vegas, Nevada, was detained at McCarran International Airport in that city for smuggling wildlife. The man arrived in Las Vegas on a domestic flight from Los Angeles after an earlier flight to Los Angeles from the Philippines. He cleared Customs in Los Angeles without being detained, but upon arrival at Las Vegas, a city police officer working the domestic flight for drugs keyed in on the subject. According to the officer's report, he noticed the man "because he was walking funny and had bulges . . . which were not consistent with the male anatomy." The man was questioned and consented to a search; the officer was surprised to find reptiles taped to the subject's groin area. The man admitted that he had brought one unhatched egg, two CITES-protected water monitors, and seven common geckos into the United States from the Philippines. Charges are pending.

The Las Vegas office coordinated an investigation into the unlawful collection and sale of reptiles by a Las Vegas man. The agencies involved in the investigation included the Nevada Division of Wildlife, Arizona Department of Fish and Game, Pennsylvania Fish and Boat Commission, and Office of United States Postal Inspectors. The man had been denied reptile collection privileges by the state of Nevada. During the spring and summer of 1999, however, he regularly collected reptiles for commercial sale, advertised them on the Internet, and sold them throughout the United States. As part of the



*The smuggling of sturgeon caviar continued to demand the attention of agents and inspectors at ports of entry throughout the region.*

investigation, the Las Vegas office coordinated covert purchases of reptiles with the assistance of the Pennsylvania Fish and Boat Commission. The investigation developed evidence that not only were the venomous reptiles being collected and sold unlawfully, they were also being shipped via the U.S. mail in plain, unmarked cardboard boxes — a felony offense. The investigation also showed that the man was unlawfully collecting and selling reptiles from Arizona. Charges are pending in both states.

A Redding, California, bear guide pleaded guilty to one misdemeanor Lacey Act count for his role in selling and transporting black bear gallbladders in interstate commerce. Thirty-three gallbladders were transported and sold in violation of California state law, and shipped to New Jersey. The New Jersey man receiving the gallbladders paid a fine of \$40,000 and agreed to testify against the California supplier. The guide's sentence includes three months in jail, fines and assessments of \$5,025, one year supervised probation, and a one-year ban on hunting, guiding, or being in the field with anyone else who is hunting.

Service special agents continued investigating the unlawful trade of textile products made from Tibetan antelope or chiru, a protected species. The material known as "shahtoosh," which is created from the wool of this endangered animal, has been highly sought after by the fashionable elite around the world. The chiru is listed as an Appendix I species under the CITES treaty, and commercial trade is restricted. The shahtoosh shawl trade found itself in the media spotlight this past year due in part to the confiscation of shawls from well-known individuals in California and New York. Articles on this protected species appeared in *Vogue*, *People*, *The Village Voice*, and *Vanity Fair* magazines. A cover story also aired on CNN's "Earth Matters" program.

In January 1999, the Service received information regarding the illegal sale of prohibited wildlife items on a major Internet auction site. During 1999, agents discovered over 120 items, including endangered species, marine mammals, and migratory birds, that were illegally offered for sale. Many of the offers for sale were traced to the address of the seller. The auction site is cooperating and has created a web page dedicated to informing users about federal wildlife laws.

### **Caviar Smuggling**

The smuggling of sturgeon caviar continued to demand the attention of agents and inspectors at ports of entry throughout the region. In August 1999, special agents based in Torrance, California, apprehended a Russian national who tried to smuggle in 202 jars (approximately 23 kilograms) of sturgeon caviar. All sturgeon species are listed under CITES, and Russia issues very few CITES export permits. Smugglers can reap large profits, and "mules" are told that the caviar will just be taken away if found. The defendant is currently in detention awaiting trial for smuggling and false statements, both felony offenses.

On May 5, 1999, a Russian citizen smuggled 46.33 pounds of Russian sturgeon caviar in 252 glass jars, 798 audio cassettes, 25 compact disks, and over 10,000 tablets of Russian medicinals into the United States in personal baggage at Los Angeles International Airport. The caviar was seized, and the man was arrested. He was indicted by a federal grand jury on charges of smuggling and making false statements. Subsequent investigation revealed that the man also smuggled 500 large tins of Russian sturgeon caviar into the United States in personal baggage on November 16, 1998. He was indicted on these additional charges on October 27, 1999.

On March 27, 1999, a Russian citizen smuggled 45 pounds of beluga caviar (the most highly prized Russian sturgeon caviar) into the United States in his personal baggage at Los Angeles International Airport. This caviar was in a fresh (raw) state, and was packaged in 24 Tupperware® containers. The caviar was seized, and the subject was issued a Notice of Violation for importing a CITES Appendix II species without CITES permits from the country of origin. He forfeited \$1,000 in collateral for this violation.

On February 12, 1999, a Russian national smuggled 44.11 pounds of Russian sturgeon caviar (mostly beluga) into the country in personal baggage at Los Angeles International Airport. The caviar was purchased in Russia and entered the United States via New Zealand. The caviar was packaged in 249 glass jars and was seized by Service wildlife inspectors. Criminal charges are pending.

In February 1999, a summary judgment was entered against 94.5 kilograms of beluga caviar (estimated value \$24,000), which had arrived in San Francisco in August 1998. Entry was refused because the caviar lacked proper CITES documents. Airway bills indicated that the caviar shipment originated in Yugoslavia and was processed in Switzerland before proceeding to San Francisco. Authorities in Switzerland verified the routing of the shipment, but information from Yugoslavia was not available due to the political situation.

### Protecting Sea Turtles

All of the world's sea turtle species face the threat of extinction. Sea turtle parts, products, and eggs, however, remain a popular commodity in the illegal wildlife trade. In FY 1999, Region One law enforcement staff worked key cases on behalf of these species.



On October 2, 1998, Service agents arrested a man at Los Angeles International Airport for smuggling 3,704 Olive Ridley sea turtle eggs from El Salvador. The Olive Ridley is listed as a threatened species under the Endangered Species Act. The subject pleaded guilty to one felony count of smuggling and was sentenced to eight months in federal prison. On October 31, 1998, another man was arrested at Los Angeles International Airport with 2,880 Olive Ridley sea turtle eggs concealed in his suitcases. The eggs were wrapped in aluminum foil (identical to the earlier seizure) so as to appear to be a large block of cheese when X-rayed by Department of Agriculture inspectors.



The two men were related through their spouses and were involved in a long-term conspiracy to smuggle sea turtle eggs. An investigation revealed that the pair and a woman involved in the sale of the eggs had traveled to El Salvador over 80 times in a two-year period. Information uncovered during the investigation revealed that they may have been smuggling shipments as large as 10,000 eggs at a time. The second subject pleaded guilty to one felony count of smuggling and was sentenced to four months in prison and two months home detention.

*The plundering of sea turtle eggs for the gourmet food market is one threat to the survival of sea turtle species worldwide. In FY 1999, three men were arrested in Los Angeles for smuggling more than 9,000 sea turtle eggs into the country. Top photo: David Vogel, USFWS*

On January 10, 1999, another associate attempted to smuggle 2,605 sea turtle eggs into the United States through Los Angeles International Airport. The man was indicted on two felony counts for smuggling and making false statements. He pleaded guilty to the charges and was sentenced to six months home detention and placed on probation for a period of two years.

### Safeguarding Wildlife Refuges

In addition to protecting wildlife resources, Service special agents also help protect the Nation's wildlife refuges from vandalism, trespass, and other criminal activity. Three Vallejo, California, residents are facing charges for theft of government property and various violations of the National Wildlife Refuge System Act. The three broke into unoccupied government buildings on Skaggs Island, a former Navy communications site, looking for copper wire and other scrap metal. They stripped wire from the walls and stole plumbing fixtures and other metal objects from the island. The copper wire was taken to San Pablo Bay National Wildlife Refuge, where locks were cut to gain entry to storage boxes on a closed portion of the refuge. The storage boxes were used to burn insulation off the copper wire to increase the scrap value of the wire. The estimated cost of repairs and wire replacement on Skaggs Island exceeds \$1.3 million. Various items, including two boats, were also stolen from the refuge. The three "scrappers" are negotiating pleas through their attorneys.



*A Region One wildlife inspector teams with the Division's detector dog to examine mail for wildlife contraband. USFWS*

An investigation of cattle trespass on Turnbull National Wildlife Refuge in Washington led to an appearance in U.S. Magistrate Court by the rancher. The man was fined \$200, and billed \$750 by the refuge for grazing damage.

### **Designated Port Activity**

*Los Angeles, California:* During 1999, the wildlife inspection staff at the port of Los Angeles fluctuated between 11 and 12 full-time inspectors. Three wildlife inspector/student trainee positions were occupied during part of the year. Live wildlife continued to account for over 80 percent of the commercial imports and exports at this port of entry.

Violations involving endangered species (including CITES offenses) accounted for 81 percent of the shipments refused clearance in Los Angeles in FY 1999. Shipments were also stopped for violations of the Lacey Act (12 percent) and Marine Mammal Protection Act (7 percent), figures consistent with previous years.

Of the cases involving violations of the Endangered Species Act, over half dealt with traditional Asian medicines made from such endangered animals as tiger, musk deer, and Asiatic bear. Of the CITES violations detected, 34 percent involved sturgeon caviar, including four cases in which airline passengers were caught smuggling commercial quantities of undeclared caviar (see "Caviar Smuggling" entry on p. 20). These four caviar smuggling incidents collectively resulted in the seizure of over 180 pounds of caviar with a retail value in excess of \$150,000. Other major endangered species cases involved the smuggling of sea turtle eggs from El Salvador; three cases, for example, accounted for a total of 9,186 eggs (see "Protecting Sea Turtles" entry on p. 21). The Wildlife Task Force, which was created in 1995, continued to provide opportunities for cross-training other federal inspection service agencies, supporting cooperative efforts to detect Endangered Species Act and CITES violations.

Transportation projects launched in 1999 will expand international air traffic and wildlife trade in southern California. Some of these projects involve opening additional airports to the importation of international cargo. In 1999, international cargo began arriving at airports in Ontario and Victorville, California. Similar projects are planned for the airports in San Bernardino and El Toro.

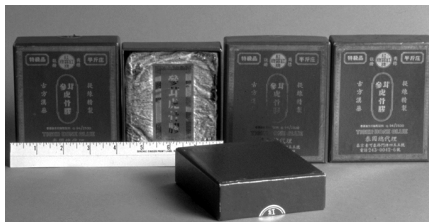
*San Francisco, California:* Inspection activities at this designated port increased significantly over the last year. The Federal Express (FedEx) facility in Oakland accounted for much of the increase. Most of the wildlife importations entering the country there as FedEx shipments consist of shell craft items and jewelry, but marine mammal products, endangered species, and live reptiles have also been intercepted.

Mail inspections in FY 1999 yielded seizures of unusual wildlife products, including a rare tanned Asian golden cat skin, ivory, shells, and Asian medicinals. Inspectors seized three live animal shipments from the mail; two were commercial shipments of live tortoises destined for a business in Oklahoma. The most unusual mail interception was a parcel of illegally exported CITES-protected reptiles and scorpions that languished unclaimed for 30 days in Singapore before being returned to the United States. Most of the animals were alive after over a month without food or water.

Asian arowanas declared as "water toys" were seized from a DHL shipment. The Asian arowana, or "tiger fish," is highly prized as a good luck symbol, and individual fish can command prices of several thousand dollars on the black market. A wildlife inspector repackaged the shipment for a controlled delivery to the importer. The delivery was successful and prosecution is pending. The Service is investigating this case with U.S. Customs.

Wildlife inspectors seized several shipments of mitten crabs, an injurious species. Efforts to keep these crustaceans out of northern California, however, may well be a losing battle, for wild populations are now found

*A wildlife inspector from San Francisco serves on the northern California multi-agency task force that is addressing the trade in traditional Asian medicinals. Medicinal seizures in FY 1999 included products containing musk deer, tiger, leopard, bear, and rhino.*



*Traditional Asian medicinals.  
USFWS*

throughout San Francisco Bay and the California Delta. Other seizures in 1999 included Hartmann's zebra, bontebuck, and leopard trophies imported without CITES or Endangered Species Act permits.

A wildlife inspector from this port serves on the northern California multi-agency task force that is addressing the trade in traditional Asian medicinals. Medicinal seizures in FY 1999 included products containing musk deer, tiger, leopard, bear, and rhino.

*Seattle, Washington:* The designated port of Seattle/Tacoma is staffed by two full-time wildlife inspectors. In FY 1999, this small staff cleared over 2,500 wildlife shipments and issued approximately 350 CITES permits. Seizures of wildlife during the reporting period included 14 sturgeon caviar shipments and 10 shipments containing items prohibited by the African Elephant Conservation Act.

*Honolulu, Hawaii:* The designated port of Honolulu is staffed by four wildlife inspectors, who typically clear over 3,000 wildlife shipments each year. Live tropical fish account for over 40 percent of the declared wildlife traffic passing through Honolulu.

Of the shipments stopped during 1999, about 68 percent were from the international mail facility, 21 percent from foreign passenger arrivals, and 11 percent from air cargo. Giant clam shells from Pacific islands, stony coral, and traditional Asian medicinals were the most common wildlife contraband seized. Inspectors in Honolulu also issued nearly 200 CITES permits.

*Portland, Oregon:* Port of Portland wildlife inspectors are responsible for examining wildlife imports and exports at the city's international airport, U.S. mail registry, and ocean cargo areas. This staff also provides wildlife inspection services for the U.S. Customs ports of entry at Astoria, Coos Bay, and Medford, Oregon, and Longview, Washington. The workforce dropped from three to two wildlife inspectors in 1999.

Nearly 80 percent of the wildlife shipments cleared by the inspection staff at Portland are commercial in nature. Wildlife shipments in 1999 included live animals (15 percent); trophies (20 percent); biological materials (2 percent); and a variety of other wildlife products (63 percent).

Educational programs and training were provided to other government agencies, trade shows, schools, and various public outreach events. Wildlife inspectors participated in the Kiwana's Law Enforcement Career Camp, Portland Parks and Recreation Earth Day Event, Oregon Museum of Science and Industry's Reptile and Amphibian Show, and numerous school and after-school presentations.

#### **Non-designated Port Activity**

Three "non-designated" ports of entry in the Pacific Region are currently staffed with wildlife inspectors: Blaine, Washington; Agana, Guam; and San Diego, California. Each of these ports handles significant wildlife traffic each year.

*Blaine, Washington:* A single wildlife inspector stationed at Blaine, Washington, monitors wildlife entering the country at all Canadian border ports along the Washington state border. Blaine has a particularly high volume of commercial truck traffic, with over 465,000 of these vehicles entering the United States during 1999. With the truck traffic comes shipments containing a variety of live wildlife, including sharks, elands, parrots, sea lions, reptiles, raptors, and wolverines. Blaine is also a major entry point for non-CITES big game trophies taken in Canada.

*Agana, Guam:* Agana, Guam, is staffed by a single wildlife inspector who provides wildlife inspection support at two ports of entry, the port of Agana in Guam and the port of Saipan, located in the Commonwealth of the Northern Mariana Islands. Agana, a special port, includes an international

*An unusually large number of live birds were smuggled into the United States during the past year along the Mexico/California border.*



*Living contraband seized at California border ports included cardinals, buntings, jays, toucans, and Amazon parrots. USFWS/J&K Hollingsworth*

airport that handles 1.5 million visitors per year; and an air cargo facility used by four major airlines. Seaport traffic includes fishing vessels, cargo freighters, and cruise ships. The port of Saipan is an unstaffed, non-designated port that includes both an international airport and international seaport. The airport handled approximately 500,000 passengers in 1999.

Wildlife inspection activities are significantly enhanced at both ports by the assistance of Guam customs and quarantine officers and Saipan quarantine officers. These officers are responsible for the initial detection of many prohibited wildlife items. Asian medicinals and sea turtle products accounted for the majority of wildlife seizures made during 1999.

The planned expansion of airports on Rota and Tinian, two nearby islands, to handle direct international flights raises concerns for the future. Monitoring imports at these two remote sites will further strain the Service's ability to control illegal wildlife trade in this part of the world.

*San Diego, California:* The wildlife inspection staff at 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. The border inspection staff remained at three wildlife inspectors during 1999. Violations identified during the reporting period included offenses under the Endangered Species Act and CITES treaty (66 percent), Lacey Act (16 percent), Marine Mammal Protection Act (10 percent), and Migratory Bird Treaty Act (8 percent)—a breakdown that has remained consistent since 1996. The most frequent Endangered Species Act violations involve reptile skin products (23 percent) and live parrots (29 percent).

An unusually large number of live birds were smuggled into the United States during the past year along the Mexico/California border. The species involved included cardinals, conures, buntings, jays, Amazon parrots, and toucans. On three separate occasions, Service enforcement staff discovered live birds sewn into mesh nylon bags and hidden inside the door panels of cars. A total of 73 birds were recovered in these three incidents.

Training other federal inspection agencies, such as U.S. Customs, Agriculture, Immigration and Naturalization, and Border Patrol, continued to be a major focus on the southern border. Of 44 outreach events conducted in 1999, over half were directed at training other federal inspectors, including those from PROFEPA, Mexico's wildlife protection agency. Public outreach efforts reached thousands of people through events such as San Diego Earth Day, the Mira Mar Air Show, and the San Diego Science Educators convention.

## Region Two

Law enforcement activities in Region Two support programs that 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 non-designated port of Houston, as well as the border ports of El Paso, Laredo, and Brownsville, Texas, and Nogales, Arizona.

### Safeguarding Eagles

The region opened an investigation after receiving a report that a store in Pinetop, Arizona, was selling feathers from migratory birds, including eagles. Service special agents covertly contacted the store, where a clerk offered to sell two sets of Crown Dancer headdresses containing eagle feathers. The headdresses and 10 additional migratory bird feathers were seized. The store owner paid a \$750 violation notice for offering to sell eagle parts. Further investigation revealed that a Native American sold the headdresses and feathers to the store. This defendant forfeited \$750 collateral for one violation of the Eagle Protection Act. The items seized were returned to the White Mountain Apache Tribe because of their cultural significance.



*Region Two continued to work on cases involving the illegal sale of items made from eagle and other migratory bird feathers. USFWS*

Although the undercover phase of Operation Four Corners (a case that focused on the illegal take and commercialization of eagles) ended in November 1996, prosecutions and indictments continued. On October 12, 1999, another defendant agreed to plead guilty to a violation of the Native American Graves Protection and Repatriation Act. This individual will pay a \$5,000 fine and serve time on probation. As a result of the prosecution of this defendant and an associate, over 30 sacred Navajo medicine items were returned to the Navajo Nation. A fugitive, a citizen of British Columbia who has a felony complaint filed against him in the United States, was recently indicted on numerous felony charges in Canada as a result of cooperation between the two countries. Before the indictment, a search of the fugitive's residence in Canada ended with a seizure of eagle parts representing over 90 birds. To date, 44 subjects have been convicted in connection with this investigation, resulting in penalties totaling nearly \$60,000 in fines and forfeitures, 336 months probation, 15 months custody, and 420 hours of community service.



*Special agents investigated the shooting of a California condor in Grand Canyon National Park. David Clendenen/USFWS*

Service special agents concluded the Blue Water Key Eagle investigation, which involved the shooting and wounding of a bald eagle near Lake Palestine in northeast Texas. The defendant ultimately pleaded guilty to violating the Eagle Protection Act; he was sentenced by a U.S. magistrate to three years of supervised probation and must pay a \$25 special assessment and \$10,707 in restitution to the Ridge Road Animal Hospital, the Last Chance Forever Birds of Prey Conservancy, and the Texas Parks and Wildlife Department. The man also forfeited the rifle that he used to shoot and wound the bald eagle.

### Protecting California Condors

On March 15, 1999, special agents in Arizona began an investigation in response to a report that a California condor had been found dead in Grand Canyon National Park. Necropsy results showed that the condor died of a gunshot wound, and a bullet was recovered. After further investigation, the defendant confessed to killing the condor and relinquished custody of the pistol used in the killing. On April 24, 1999, the defendant entered into a plea agreement with the U.S. Attorney's Office and was sentenced before a U.S. magistrate. The defendant paid \$3,200 in fines, was placed on supervised probation for one year, forfeited the weapon used to kill the condor, and must contribute 200 hours of community service to the National Park Service. The carcass of the California condor was donated to the Clark R. Bavin National Fish and Wildlife Forensics Laboratory for use as an identification standard.

*Special agents assigned to the Oklahoma/New Mexico subdistrict launched a four-year environmental contaminants project, which saw them organize and conduct multiple oil field task force inspection operations during the reporting period.*

### **Oil Pit Inspections**

Special agents assigned to the Oklahoma/New Mexico subdistrict launched a four-year environmental contaminants project, which saw them organize and conduct multiple oil field task force inspection operations during the reporting period. In April 1999, agents provided personal and/or written briefings to all Oklahoma and New Mexico congressional delegations regarding the issue of open oil field hazards and migratory bird mortality. The briefings were well-received and served to deter congressional inquiries following the task force operations and the subsequent prosecutions of operators who were violating the Migratory Bird Treaty Act.

In June 1999, special agents coordinated joint oil field task force inspections of oil well production sites for netting compliance and migratory bird mortality in central Oklahoma, including Garvin, McClain, Hughes, Caddo, Tillman, and Cotton counties. Inspection teams included Service special agents, Oklahoma state game wardens, and Bureau of Land Management agents. A total of 243 oil field sites were inspected, and 65 open tanks or pits were documented with no netting or unmaintained netting. In addition, seven oil-covered bird carcasses were recovered from open oil field tanks or pits operated by six companies. The carcasses were submitted to the Service forensics laboratory, but to date, no positive species identification has been made. (The oil fields examined were actually a secondary target for the project; the initial area selected for inspection in north-central Oklahoma, which had previously been surveyed by aerial reconnaissance, was severely damaged by tornados.) Service special agents conducted follow-up investigations based on telephone complaints, and inspections of open pits resulted in the recovery of four oil-covered waterfowl carcasses. One company forfeited a collateral fine totaling \$700, and criminal charges are pending against the other.

In July 1999, special agents coordinated joint oil field task force inspections of 60 open pits and tanks at well sites in northeast Texas, which had been previously identified by aerial surveillance. Six inspection teams composed of Service special agents, Environmental Protection Agency enforcement personnel, and Texas Railroad Commission inspectors recovered 20 oil-covered bird carcasses from open pits or tanks at well sites operated by four companies. The carcasses have been submitted to the National Fish and Wildlife Forensics Laboratory for positive species identification, and it is anticipated that five or six violation notices will be issued. Texas Railroad Commission notices as well as Service letters were sent to operators with open pits or tanks.

In September 1999, Service special agents coordinated joint oil field task force inspections of pits and tanks at well sites in Wichita, Wilbarger, Archer, Young, and Jack counties in Texas. The Service's law enforcement aircraft provided aerial reconnaissance for the operation and directed ground teams to the open oil field hazards. Four ground teams composed of Service special agents and Texas Railroad Commission inspectors examined 158 well sites, of which 79 had no nets or unmaintained netting. Eleven oil-covered bird carcasses were collected and forwarded to the forensics laboratory for positive species identification. Those well sites with no nets or unmaintained nets were immediately cited with Texas Railroad Commission "Speed Memos" mandating immediate correction.

Agents extended their investigation of open oil field pits and tanks in west Texas with the investigation of two operators and the recovery of three oil-covered waterfowl carcasses and one roadrunner carcass. Both companies forfeited collateral fines totaling \$1,450. Four other petroleum operators were prosecuted for killing 63 migratory birds, five bats, one turtle, one rodent, and one salamander in open pits or tanks. State and federal litigation resulted in the payment of criminal collateral fines totaling \$11,339 as well as a Texas civil restitution payment of \$1,457.

*Service special agents successfully completed an investigation involving the killing of hundreds of protected birds in an egret rookery, which was bulldozed by the city of Carrollton, Texas.*



*A Texas city that killed more than 300 nesting cattle egrets paid a \$70,000 fine. USFWS*

The investigation of open oil field pits and tanks in southeastern New Mexico documented the deaths of multiple migratory birds at well sites belonging to seven petroleum operators. The operators forfeited collateral fines totaling \$6,250.

Forty-six non-game migratory birds were found dead in an oil tank on Bureau of Land Management land in southeastern New Mexico. A Notice of Violation was issued for the illegal take of migratory birds, and the operator subsequently paid \$4,950 in fines.

#### **Baiting Enforcement**

Service special agents investigated dove baiting cases near Tulsa and Salisaw, Oklahoma, that resulted in the apprehension and conviction of four subjects. Two of these individuals forfeited collateral fines totaling \$400 for hunting over a road baited with milo and wheat, while two paid state fines totaling \$250 for hunting over a field “top sowed” with wheat and cracked corn. The U.S. Department of Agriculture’s Extension Service in Oklahoma does not recognize or recommend top sowing of wheat as an accepted planting practice for crop production or erosion control.

Service special agents also investigated three dove baiting cases in north Texas. A case in Palo Pinto County resulted in the state prosecution of a landowner/feedstore manager who baited his land for the benefit of guest hunters. In a second case, the state prosecuted 24 hunters caught on a baited field in Young County. A case in Parker County resulted in the apprehension of two subjects hunting over a baited field without licenses and in possession of freshly killed migratory non-game birds.

Service special agents and Texas Parks and Wildlife officers filed charges on seven individuals for hunting over bait in Kennedy County, Texas. State fines totaled \$1,676. Three other individuals were caught hunting over bait near Hondo, Texas. Total state fines, including restitution, came to \$2,351. Agents also documented two baited fields in Starr County, Texas, and issued federal violation notices totaling over \$4,000 to 12 individuals.

#### **Other Migratory Bird Investigations**

Service special agents successfully completed an investigation involving the killing of hundreds of protected birds in an egret rookery, which was bulldozed by the city of Carrollton, Texas. In June 1999, the city forfeited a collateral fine totaling \$70,000 pursuant to a violation notice for the unlawful take of over 300 nesting egrets at Josey Ranch Park. The city had previously agreed to pay a local rehabilitator more than \$126,000 for the care of hundreds of injured and orphaned egrets from the incident.

Service special agents initiated an investigation of a defendant who set out bait injected with liquid Furidan on his ranch near Wichita Falls, Texas, and subsequently killed six turkey vultures, two opossums, one skunk, and several dogs. Agents contacted the defendant on the ranch, obtained a confession, and recovered the liquid Furidan from his truck. The Service jointly investigated the case with the Texas Department of Agriculture, which assessed a \$3,000 civil penalty for applying a pesticide without a license and using a pesticide in a manner inconsistent with its label.

Special agents investigated two separate pesticide misuse poisoning cases in the same general area in Texas. Both investigations involved the illegal misapplication of the agricultural pesticide TEMIC to kill feral hogs that were causing damage to corn and milo fields. Exposed poisoned grain put out as bait for the hogs also killed many other wildlife species. Migratory birds and other wildlife scavengers died from secondary or tertiary poisoning after feeding on the carcasses of poisoned birds and animals. In one investigation, four subjects confessed to one count each of illegally applying a registered use pesticide. Under a plea agreement, each will pay a fine of \$1,000 and make a \$500 donation to an as yet undetermined wildlife support organization. They were also sentenced to 100 hours community service, which will include community outreach in the four-county area of south Texas





*The successful prosecution of a man for the removal, "canned hunt," and interstate transport of a bull elk from Wichita Mountains National Wildlife Refuge may help deter other would-be poachers. USFWS*

to explain the unacceptable risks of illegal poisoning. Each will serve 18 months probation.

### **Illegal Big Game Hunting**

One of the most significant conclusions to an ongoing investigation during this reporting period was the week-long criminal trial in U.S. District Court in Oklahoma City of three defendants charged with felony conspiracy and Lacey Act violations regarding the take of live elk from Wichita Mountains National Wildlife Refuge and the subsequent "canned hunt" and interstate transport of a bull elk taken in violation of Oklahoma regulations. A federal jury ultimately acquitted two of the defendants of all charges and found the third guilty of the felony Lacey Act count involving the illicit canned hunt and subsequent interstate transportation of the bull elk trophy valued at \$7,500. On August 24, 1999, the judge sentenced this defendant to serve one year and one day in prison; pay a criminal fine of \$30,000 and a special assessment of \$100; and complete two years supervised probation following his release from prison. This strong sentence and the extensive press coverage the case received may help deter elk and deer poaching on the refuge as well as interstate trafficking in illegally taken big game trophies.

Service special agents investigated the illegal take of endangered species on a ranch in San Saba County, Texas. The owner of the ranch was issued a Notice of Violation and forfeited collateral in the amount of \$10,000 for the taking of a guar and a banteng, both exotic animals that are protected under the Endangered Species Act.

A defendant in a poaching case pleaded guilty and paid a \$100,000 fine for the unlawful capture, sale, and interstate transportation of deer. Of this amount, \$50,000 will go to the state of Texas and \$50,000 to the Fish and Wildlife Foundation. The defendant will also pay an additional \$20,000 restitution to the wronged parties and serve one year probation.

### **Wildlife Trafficking Investigations**

A second defendant in an investigation involving the illegal importation of reptile-skin boots signed a settlement agreement with the U.S. Attorney's Office in the Western District of Texas. The defendant paid \$300,000 in civil penalties for numerous violations of the Endangered Species and Lacey Acts. As a result of this settlement agreement, the pending criminal indictment was dismissed. The penalties will be deposited in the Lacey Act Reward Account. The property forfeited during the investigation netted \$250,000 at an auction conducted by the Service's National Wildlife Property Repository in Colorado. This investigation also resulted in the collection of \$679,176 in penalties.

A six-year investigation into the illegal interstate trafficking of jaguar and ocelot mounts concluded in Tucson, Arizona. A jury trial that lasted seven days resulted in guilty verdicts for both defendants, who had been charged with three Lacey Act felonies and one Endangered Species Act misdemeanor. Both defendants were sentenced to six months of house arrest and three years of supervised probation, during which time they may not hunt, guide, or associate themselves in any way with such activity. Defense attorneys have filed an appeal.

Service special agents concluded most litigation regarding the investigation of a pet store in Dallas, Texas, for trafficking in endangered red Asian arowanas, which are commonly referred to as dragon fish. The operator was sentenced to pay a \$2,000 criminal fine and serve four years supervised probation for the sale and purchase of the endangered aquarium fish. Another defendant in this case is still at large.

In March, a defendant in a case involving parrot smuggling along the Texas border lost her last appeal and was ordered to report to begin serving her 28-month sentence. She had been convicted four years before.

Service special agents investigated two subjects for the smuggling of 14 spider monkeys. One was sentenced on January 20, 1999, to 30 months in federal prison. The other defendant was sentenced to five years supervised probation and three months home confinement. On September 23, 1999, this defendant pleaded guilty to five counts of violating her probation at a revocation hearing in Corpus Christi, Texas. Her probation was revoked, and she was sentenced to 14 months in prison and three years supervised probation upon her release. Six of the 14 monkeys survived quarantine and were donated to the zoo in Abilene, Texas.

### **Inspection Program Activities**

During FY 1999, inspectors in Region Two processed 5,887 shipments of wildlife and wildlife products. The designated port of Dallas/Fort Worth was the Nation's sixth busiest wildlife trade location, handling 3,397 shipments. The region's border and special ports also saw considerable traffic.

Wildlife inspectors at the El Paso, Texas, border port conducted commercial inspections yielding revenues of \$25,740 as well as more than 500 non-commercial inspections. They also processed 59 applications for CITES export permits and re-export certificates.



*Leather products made from reptile skins were among the items most commonly seized by Region Two wildlife inspectors. USFWS*

Most of the commercial seizures made in El Paso during this reporting period involved undeclared wildlife imports or exports intercepted from pedestrians and vehicles coming across the border. Wildlife products seized included exotic skin boots made of python, alligator, lizard, caiman, eel and shark; reptile skins; and sea shells, dried corals, and crabs.

The majority of the non-commercial seizures at this border port consisted of boots and small products made of endangered sea turtle, crocodile, and elephant. Seizures also included migratory birds and feathers, bobcat skins, deer mounts, coyote furs, and live turtles.

Wildlife inspectors at the Houston Airport processed 794 shipments, collecting approximately \$76,290 in fees, and issued 66 CITES permits. The addition of a third inspector allowed this non-designated port to increase the percentage of shipments that were physically examined.

The border ports of Brownsville and Laredo, Texas, reported a steady stream of live animals being exported to Mexico. Shipments included ostriches and other exotic game.

### **Mexican Gray Wolf Reintroduction Project**

Region Two acquired supplemental funding and established a special agent position in Pinetop, Arizona, to support the Service's efforts to reintroduce the Mexican gray wolf to its native habitat. This funding allowed the region to continue conducting wolf protection details and to provide timely law enforcement response to wolf mortalities.

Wolf protection details, staffed by special agents from Regions Two and One, are expected to continue through FY 2000. During these details, agents monitor wolf movements and use marked vehicles to provide an overt law enforcement presence. In addition, numerous contacts are made with landowners, ranchers, and local businesses. No wolves have been lost to illegal take since these protection details began in November 1998.



*Increased patrols and outreach have helped prevent Mexican gray wolf shootings. Richard Forbes/USFWS*

### **Supporting Wildlife Refuges and Other Service Programs**

Region Two law enforcement provided key assistance to national wildlife refuges and other Service programs during the reporting period. Special agents, for example, teamed with the Ecological Services Division, Luke Air Force Base, Cabeza Prieta National Wildlife Refuge, and state biologists to complete a preliminary investigation into the death of an endangered Sonoran pronghorn antelope. In southwest Arizona, investigative and technical assistance to refuges included support in such areas as forfeiture of collateral issues, theft of government property, illegal camping, unlawful entry, and regulated hunts.

*Special agents and wildlife inspectors helped improve interagency cooperation with respect to wildlife law enforcement by training federal and state counterparts.*

Special agents conducted surveillance operations on refuge lands along the Rio Grande River in south Texas, and interdicted 647.3 pounds of marijuana being smuggled through the Morillo Banco National Wildlife Refuge. The seized marijuana was transferred to the U.S. Customs Service, which will conduct further investigation of the drug trafficking.

During the last half of the fiscal year, Refuge Division law enforcement personnel and Region Two special agents recovered over 2,000 pounds of marijuana along river crossings on refuge lands, an amount that does not include narcotics seized by the U.S. Border Patrol in the same areas. Service special agents have been working with the HIDTA Task Force and U.S. Customs Service Office of Investigation to combine efforts targeting narcotics and wildlife smuggling on refuge lands.

Service special agents and Refuge Division law enforcement personnel met with Operation Alliance representatives in El Paso, Texas, to examine border-related refuge problems. Issues discussed included drug smuggling and interdiction, illegal alien trespassing, and damage to refuge property by smugglers. Intelligence and enforcement concerns, equipment needs, and statistics involving trafficking of all types of contraband, including wildlife, were also discussed.

#### **Native American Training and Liaison**

Region Two law enforcement staff continued to support wildlife law enforcement on tribal lands. During FY 1999, Service officers provided training to game rangers from the White Mountain Apache Tribe on the identification, handling, gathering, and storage of evidence and presented a program on contaminant enforcement to Oklahoma tribal officers attending a Waste Management Workshop in Oklahoma City, Oklahoma. Law enforcement staff met with representatives of the Pascua Yaqui Tribe in Tucson, Arizona, to address issues related to the import and export of wildlife articles across the U.S./Mexico border; presented a briefing on wildlife law enforcement at the 10<sup>th</sup> Annual Native American Fish and Wildlife Association Conference, which was held in Window Rock, Arizona; and taught federal wildlife law to students from the Bureau of Indian Affairs at New Mexico State University.

#### **Training for Federal, State Counterparts**

Special agents and wildlife inspectors helped improve interagency cooperation with respect to wildlife law enforcement by training federal and state counterparts. For example, classes on wildlife trade rules and inspection procedures were presented to staff of other federal inspection agencies stationed at Nogales, Arizona; this training, which was provided as part of the Multi-Agency Group Inspection Curriculum (MAGIC), has already made a substantial difference in cooperative enforcement work at this busy border port. Service staff also presented wildlife law enforcement training programs to officers of the U.S. Customs Service, U.S. Department of Agriculture, and the Immigration and Naturalization Service at border ports and crossings in Texas and New Mexico. These efforts secured increased assistance in enforcing wildlife protection laws.

In addition to these ongoing efforts, the region trained over 60 Customs inspectors, 15 U.S. Department of Agriculture Plant, Protection and Quarantine inspectors, and 10 Immigration inspectors at border ports and airports in the Southwest regarding last minute changes in Mexican law concerning imports of migratory game birds taken in that country. Creation of wildlife management areas in the state of Tamaulipas, Mexico, had created confusion about bag limits on white-winged doves.

Other examples of training support to federal agencies include instruction on wildlife laws for National Park Service rangers in Oklahoma and assistance to the Anahuac National Wildlife Refuge, which offered a motorboat operator certification course for Texas state officers and refuge system employees in Texas and Louisiana.

Region Two law enforcement staff provided training on federal wildlife laws to Oklahoma Department of Wildlife Conservation reserve conservation officers, supporting a state program that certifies biologists and managers to participate in specific law enforcement details. They also presented a program on contaminant enforcement issues at an Oklahoma environmental crimes seminar for state and local officers, and briefed attendees at a meeting of the Western States Project on Environmental Crimes concerning successful liaison with Mexico on wildlife trade issues.

### **Industry and Public Outreach**

Law enforcement staff attended EnviroNet's first Raptor Electrocutation Seminar in Arizona along with a representative from the region's Migratory Bird Office. Service officials described the agency's enforcement mission and discussed the application of the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act to the electrocution of raptors and other migratory birds.

Public outreach efforts during FY 1999 included programs for scout groups and retiree associations; participation in the Texas Tech Outdoor Festival; and presentation of an annual law enforcement briefing for students attending the Introduction to Wildlife Management Class at that university. Law enforcement representatives answered questions about federal wildlife laws on a local radio station in El Paso, Texas. A feature story in the *El Paso Times* highlighted efforts to reduce conflicts between construction companies and burrowing owl populations in housing and commercial developments.

### **Region Three**

Region Three covers the midwestern states of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Four of the five Great Lakes—Superior, Huron, Michigan, and Erie—are also located in Region Three. As of September 30, 1999, 26 special agents and 9 wildlife inspectors were stationed in this region. Inspection services are provided at the designated port of Chicago and the non-designated ports of Detroit and Minneapolis/St. Paul.

#### **Mussel Poaching**

1999 saw the close of a five-year joint federal-state investigation of illegal clamming in the Midwest. The probe culminated with the sentencing of the Nation's second largest shell buying and exporting company and seven other defendants.

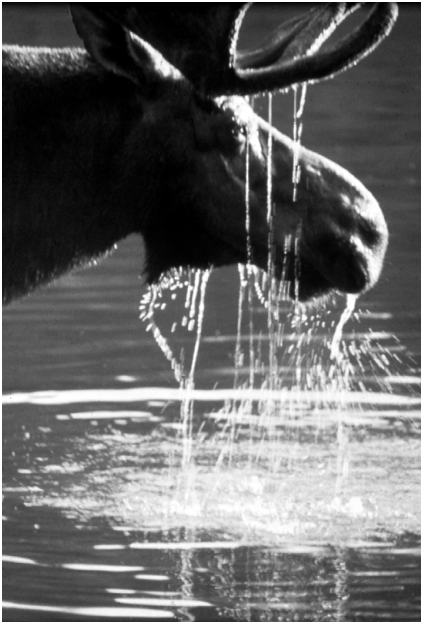
The investigation began in the spring of 1995, when Illinois conservation officers received information about the unlawful take of freshwater mussels, also known as clams, from the Rock River and the sale of those clams to an Iowa-based shell company. The investigation, which was coordinated with Iowa conservation officers and Service special agents from Illinois, Iowa, and Wisconsin, revealed that freshwater mussels from closed waters in Illinois, Wisconsin, Minnesota, North Dakota, Michigan, and Ohio were being taken in violation of various state laws.

The shell company involved purchased the largest, most valuable mussels from independent buyers and clambers with full knowledge that they had been taken from waters where state law prohibited their harvest. The shells, which provided feedstock for the estimated \$5 billion international cultured pearl industry, were laundered through Muscatine, Iowa, and shipped to Japan. At the time of the investigation, commercial quantities of shells had become scarce in Midwest rivers open to harvest, and prices soared from \$1 to \$4 per pound to as much as \$22 per pound. The shell company and its suppliers began looking for any source of shells, legal or illegal.

A federal grand jury, convened in Des Moines, Iowa, indicted the defendants on a total of 72 felony violations of the Lacey Act. The defendants pleaded guilty in October 1998. Sentences handed down in January 1999 included



*The United States exports large quantities of mussel shell to Asia via ocean ports on the West Coast. In Region Three, a probe of illegal trafficking in midwestern mussels broke up a major poaching operation. USFWS*



*An investigation involving the illegal take and interstate transport of moose and bear produced charges against eight individuals, all of whom pleaded guilty in federal court. Ronald Bell/USFWS*

\$257,500 in fines, \$126,000 in restitution to the states, four years of prison time, and over 15 years of supervised release.

Freshwater mussels are among the most endangered species of animals in North America. Of the approximately 300 known mussel species, 30 are already extinct and another 70 are either threatened or endangered.

#### **Great Lakes Fishing**

A Canadian commercial fisherman from Port Stanley, Ontario, pleaded guilty and was sentenced in U.S. District Court in Cleveland, Ohio, to two years probation and ordered to pay \$15,425 for violating the Lacey Act after harvesting fish from U.S. waters of Lake Erie. The man's company was ordered to pay \$15,000 to the National Fish and Wildlife Foundation's Great Lakes Conservation Fund.

On two occasions in 1997, the company's 60-foot fishing vessel was observed using gill nets to illegally harvest fish from U.S. waters of Lake Erie in violation of Ohio state law. On both occasions, a U.S. Coast Guard patrol aircraft saw the vessel operating within U.S. waters. The Coast Guard crew also videotaped the crew harvesting fish by gill net from the lake.

U.S. laws strictly regulate fish harvest and commercial fishing in U.S. waters of the Great Lakes. Canadian law, however, encourages commercial fishing in Canadian waters and allows the use of gill nets. Gill nets are forbidden in the U.S. waters of Lake Erie. Lake Erie is home to the largest Canadian commercial fishing fleet on the Great Lakes. Because of the competition for fish in Canadian waters, some fishermen are tempted to venture illegally into U.S. waters in search of a better catch. The Coast Guard and the Service have been working together for the past 10 years to increase patrols of the Great Lakes fisheries to deter illegal commercial fishing.

#### **Safeguarding Migratory Birds**

In September 1999, a shoe manufacturer based in Glendale, Wisconsin, pleaded guilty before a U.S. magistrate judge in Milwaukee to unlawfully killing a ring-billed gull. In June, tenants of buildings surrounding the company's Glendale facility notified the Wisconsin Department of Natural Resources that people atop the shoe company's warehouse were killing gulls with shovels and throwing birds and nests over the side of the building. Wisconsin wardens notified Service special agents, who began an investigation.

Agents discovered that company employees had, in fact, killed and removed several hundred young ring-billed and herring gulls from the roof of the Glendale building. The Service had issued the company a depredation permit to remove gull nests and eggs from the roof. During the permit-issuing process, the Service and the U.S. Department of Agriculture's Wildlife Services specifically told company employees that the permit did not allow the killing of live birds.

The company entered its guilty plea under an agreement in which it admitted to violating the Migratory Bird Treaty Act. The agreement resulted in a \$15,000 criminal fine, the new maximum under that law, and a \$15,000 donation to the National Fish and Wildlife Foundation, which will be used to support the conservation of colonial water birds.

#### **Illegal Hunting**

In November 1998, seven men and one woman were indicted by a federal grand jury in Minneapolis on felony and misdemeanor Lacey Act charges for illegally killing bear and moose in northeast Minnesota. The grand jury found that the group was hunting black bear and moose without licenses; tagging black bears taken in Minnesota with Wyoming tags; selling Minnesota resident black bear licenses and tags to nonresident hunters; conspiring to take, gut, skin, butcher, and store illegally taken bear and moose; and unlawfully transporting wildlife across state lines in violation of the Lacey Act. The investigation revealed that the defendants conspired to

illegally hunt black bear and moose in Minnesota between September 1995 and September 1997.

In April 1999, the eight defendants were sentenced in federal court in Duluth, Minnesota, after pleading guilty to Lacey Act violations involving the illegal take and transport of a moose and three bears. Six of the individuals will serve three years of supervised probation with the condition that they cannot hunt anywhere in the United States during that time. The defendants will also pay \$4,355 in restitution to the state of Minnesota and forfeit six weapons, a chain saw, bear mounts, bear and moose meat, and moose antlers. As one defense lawyer stated in arguing for leniency, the defendants were a “ragtag band of people who made some poor judgments out in the woods.”

### **Wolf Shooting**

A joint federal-state investigation led to the successful prosecution and conviction of a Rhinelander, Wisconsin, man for shooting an endangered gray wolf in Iron County, Michigan, in November 1998. Service special agents and officers of the Michigan Department of Natural Resources worked the case with assistance from officers from the Wisconsin Department of Natural Resources.



*Special agents are valued members of the Ohio River Ecosystem Team. Tom MacKenzie/USFWS*

The case was prosecuted by the Iron County, Michigan, prosecuting attorney with assistance from the U.S. Attorney’s Office in Marquette, Michigan. The defendant was assessed a fine of \$1,000 and ordered to pay \$1,500 in restitution to the state of Michigan for the loss of the animal; he must also serve 60 days in jail and an additional 60 days of supervised release. The defendant must forfeit the firearm used, and his future hunting privileges in Michigan were revoked.

The victim, Wolf #3605, was a one-and-a-half year old female that had been radio-collared as pup in 1997. The wolf was an important link in the effort to monitor the natural recovery of wolves in Michigan. The confirmed wolf population of Michigan’s Upper Peninsula numbers 174 wolves in about 30 packs.

### **Ecosystem and Environmental Issues**

In March 1999, members of the Ohio River Ecosystem Team voted to create a Standing Committee on Law Enforcement. The Standing Committee will address enforcement issues on an ecosystem-wide basis and coordinate enforcement efforts between Regions Three, Four, and Five and the various state enforcement agencies within the ecosystem. Special agents from the three regions as well as representatives of other Service programs will attend the meetings of the Standing Committee. The possibility of expanding this concept to other ecosystem teams is being explored.



*Special agents helped ensure that the terms of a new Habitat Conservation Plan for the endangered Karner blue butterfly are enforceable. J&K Hollingsworth/USFWS*

Agents in Wisconsin assisted Region Three Ecological Services personnel in developing the first comprehensive statewide Habitat Conservation Plan (HCP) for the endangered Karner blue butterfly. The historic agreement will protect the butterfly’s habitat on more than 260,000 acres in Wisconsin while permitting local landowners, businesses, and governments to continue carrying out their daily activities. The agreement was signed by Secretary of the Interior Bruce Babbitt at a ceremony at Sandhill Wildlife Area in Babcock, Wisconsin.

Habitat Conservation Plans provide for the protection of endangered species while allowing economic development to continue. Under an HCP, landowners may take individual endangered or threatened species incidental to otherwise lawful activities when the effects of the taking are mitigated and minimized by conservation measures. Wisconsin agents ensured that the language contained in the Karner blue butterfly HCP was enforceable, and worked closely with Ecological Services personnel to structure an agreement that will ensure compliance well into the future.

*The Service escorted the “Ghost Shirt” through customs and presented it to a representative of the South Dakota Historical Society, the Cheyenne River Tribe, and the Wounded Knee Survivors Association.*



*Region Three special agents and wildlife inspectors helped facilitate the repatriation of this Lakota “Ghost Shirt,” a Native American religious artifact which was returned from Scotland. Glasgow Art Gallery and Museum*

In January 1999, the Division of Law Enforcement in Region Three established a special agent position dedicated to the investigation and prosecution of cases involving contaminant-related threats to Service trust resources in the region. This position is co-located with the Environmental Protection Agency’s (EPA) Criminal Investigation Division in Chicago, Illinois. This agent serves as a subject matter expert on contaminant-related investigations and prosecutions and represents law enforcement interests in coordination with other Service divisions, such as Ecological Services and Environmental Contaminants, and with other federal and state agencies.

#### **Native American Liaison and Support**

Region Three wildlife inspectors and special agents assisted in the international repatriation of a religious and historical Indian artifact known as the Glasgow “Ghost Shirt.” The Native American Ghost Dance religion was one of the largest social and religious movements among American Indians during the 19<sup>th</sup> century. Ghost Shirts were worn by Ghost Dancers as an important part of Native American religion, and the Lakota imbued the shirts with protective qualities by decorating them with eagle feathers and sanctifying them in an elaborate ceremony. The repatriated Ghost Shirt was taken to Glasgow, Scotland, shortly after the Wounded Knee massacre in 1890 by “Buffalo” Bill Cody as part of his traveling “Wild West” show.

On July 28, 1999, a delegation led by the Glasgow Art Gallery and Museum arrived at Minneapolis/St. Paul International Airport with the Ghost Shirt, which is adorned with golden eagle feathers, raven feathers, great horned owl feathers, and buffalo fur. The shirt was accompanied by a CITES pre-Convention certificate. At the international arrivals building, Service inspectors examined and cleared the Ghost Shirt. To facilitate the repatriation, the Service then took custody of the Ghost Shirt and escorted it through Customs and presented it to a representative of the South Dakota Historical Society, the Cheyenne River Tribe, and the Wounded Knee Survivors Association. A series of celebrations were held in South Dakota and on the Pine Ridge Reservation to mark the return of the Ghost Shirt.

Region Three special agents continued to support tribal police and conservation officers in Wisconsin. In June 1999, special agents provided firearms training to 35 officers of the Menominee Tribal Police Department and three Menominee conservation wardens. The agents conducted handgun re-qualification for all officers, and shotgun and rifle re-qualification for selected officers. In addition, mailings were sent to 33 tribal conservation officers in Minnesota, Wisconsin, and Michigan, as a follow-up to a class on “Identification of Eagle Feathers and Eagle Parts” that had been provided by Region Three special agents. The mailing updated the tribal officers on the new eagle transportation regulations issued by the Service and included contact information for law enforcement offices in the three states.

In September 1999, the Service issued a final rule revising the general permit restrictions in 50 CFR Part 22 with respect to the international transportation of eagle parts by Native Americans and public institutions. The regulation provides for the issuance of eagle transport permits for the temporary transportation of lawfully possessed eagle parts into or out of the United States for Indian religious purposes or for scientific or exhibition purposes. On September 29, 1999, the first eagle transport permit issued by the Service’s Office of Management Authority was presented to Service wildlife inspectors at Chicago’s O’Hare International Airport for inspection and validation. A Native American headdress containing approximately 65 golden eagle feathers was inspected and cleared for export to Scotland. The owner of the headdress will use it in Native American religious ceremonies in Europe before returning to the United States.

### **International Wildlife Trafficking**

The Nation's first prosecution under the Wild Bird Conservation Act concluded in January 1999. U.S. District Judge Elaine Bucklow sentenced an exotic bird importer to a \$7,000 fine and revoked the company's import/export license for five years. The company also abandoned 1,000 live African ring-necked parakeets to the federal government as a condition of probation in connection with its guilty plea to a one-count felony information charging it with illegally importing birds protected by the Wild Bird Conservation Act. This investigation by Service special agents produced the first charges ever under that 1992 law.

The charges, which drew on the strict liability provisions of the Act, stemmed from the company's March 1995 importation of approximately 2,300 African ring-necked parakeets, listed under Appendix III of the Convention on International Trade in Endangered Species, from Mali into Chicago's O'Hare International Airport. The court remarked that it considered illegal wildlife trade a significant violation and rejected the defendant's contention that no fine should be assessed since the corporation was no longer operating and claimed no assets.

A federal grand jury in Chicago, Illinois, returned a four-count indictment against a suburban Nashville, Tennessee, man, alleging that he illegally imported wildlife merchandise into the United States through Chicago's O'Hare International Airport. The defendant, an officer in an African jungle theme restaurant in Madison, Tennessee, was charged with attempting to smuggle three African dwarf crocodile skins, one full leopard skin, four African elephant ivory statues, and seven African elephant ivory beads from the Ivory Coast. The items, which were seized in January 1996 when the man tried to move them through U.S. Customs, were destined for display in the African theme restaurant.

The Nashville man was charged with one count of violating the Lacey Act by illegally possessing and transporting wildlife products, one count of smuggling, and two counts of making false statements. He filled out a Customs declaration form stating that he was not bringing any wildlife products into the United States; when questioned by a Customs Service inspector, he denied that he was carrying any animal products acquired abroad. The defendant was sentenced by a federal judge in the Northern District of Illinois to a \$5,000 fine, two years of supervised probation, and 200 hours of community service at Cross Creek National Wildlife Refuge.

### **Chicago Inspection Activities**

A commercial shipment of sturgeon meat (a CITES Appendix II species), which was destined for a Las Vegas hotel, was detected during a routine review of airline cargo manifests at Chicago's O'Hare International Airport. The meat was manifested as "smoked salmon," a product that would not be subject to Service regulation under the exemption for seafood intended for human consumption. Service inspectors, however, discovered invoices attached to the air waybill identifying some of the meat as sturgeon. They later learned that the meat was part of a larger shipment that had originated in the United States and had been exported illegally. After the sturgeon meat was seized and voluntarily abandoned by the importer, it was donated to the Greater Chicago Food Repository in time for the New Year's holiday.

Wildlife inspectors in Chicago seized 12,000 illegally imported paintbrushes made of squirrel and sable hair. The importer voluntarily abandoned the items. In June 1999, inspectors worked with the city of Chicago to distribute the brushes to the Chicago Public Schools Bureau of Visual Arts and Chicago Park District's Cultural Programming Department. The donation benefitted local Chicago educational programs and helped raise public awareness about the illegal wildlife trade. The paintbrushes were presented to city officials during a ceremonial photo shoot in front of the Division of Law Enforcement's educational "buyer beware" conservation display, which is located on the departure level of O'Hare's international terminal.



*Large commercial shipments of wildlife and wildlife products are common at Chicago's O'Hare International Airport, the Nation's fourth busiest port of entry for wildlife trade. USFWS*



The sturgeon meat and paintbrush seizures provide two examples of the Service's ongoing efforts to monitor wildlife trade at Chicago, the Nation's fourth busiest port of entry for wildlife and wildlife products. The wildlife inspection program at O'Hare International Airport is staffed by seven wildlife inspectors, who processed over 4,000 wildlife shipments in FY 1999. Seizures at the port during this period have resulted to date in the collection of over \$15,000 in fines and penalties.

### **Border Checks**

The Detroit inspection program typically processes over 1,000 wildlife shipments at the port of Detroit each year. For the third year in a row, inspectors in Detroit conducted border checks of U.S. bear and waterfowl hunters returning from Canada at various land crossings along the Canadian border. In September 1999, over 300 hunters and their cargo were examined in one weekend, including 50 caribou hunters. Seizures made at the border checks included sport-hunted gray wolves being exported unlawfully from Canada. In the fall of 1998, border checks resulted in the issuance of more than 30 violation notices to U.S. hunters returning from Canada for various violations of the Migratory Bird Treaty Act, including over bag limits, license violations, and migratory bird hunting stamp violations. Waterfowl hunters were checked at Wapole Island and the Algonac, Michigan, border port. Over 1,300 importations of sport-hunted waterfowl occur annually at Algonac.

### **Region Four**

The Southeast Region covers 10 states (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee) and the Caribbean trust territories of Puerto Rico and the U.S. Virgin Islands. The population of the region exceeds 55 million. The Southeast is home to 335 species of fish, wildlife, and plants that have been federally listed as threatened or endangered.

At the end of FY 1999, a total of 38 special agents and 11 wildlife inspectors were stationed in Region Four; funding shortfalls kept the Division from fielding its authorized force of 42 agents and 13 inspectors. The region maintains full-time inspection facilities at the designated ports of Miami, New Orleans, and Atlanta and at the non-designated port of Tampa. The wildlife inspector stationed at the non-designated port in Puerto Rico retired during the fiscal year; that position was closed in July and moved to Miami.

### **Honors and Awards**

During the year, three Region Four special agents were recognized by the Environment and Natural Resources Division of the U.S. Department of Justice for their outstanding work.



*Mercury poisoning caused by a Georgia chemical plant disrupted the breeding of endangered wood storks. USFWS*

Special Agent Patrick McIntosh, who is stationed in Savannah, Georgia, was commended by both the Department of Justice and the Environmental Protection Agency (EPA) for his success in bringing to justice the owners and operators of a chemical company that dumped over 300,000 pounds of mercury and other pollutants into the coastal marshes of Georgia's Golden Isles. As his award citation from the EPA explains, his "outstanding support to the law enforcement mission of the U.S. Environmental Protection Agency-Criminal Investigation Division result[ed] in the successful prosecution of LCP Chemicals-Georgia, one of the most polluted sites in the Nation, and the longest sentences ever given for environmental crimes in the United States."

Special Agent McIntosh was the primary investigator and the only federal agent to testify both at trial and at sentencing in a case that involved an array of serious environmental violations, including the take of endangered wood storks. Six company employees, including the chief executive officer, chief financial officer, and plant manager, and the corporation itself were sentenced to a total of 21 years and seven months of jail time, 10 months home detention, \$50,745 in fines, 13 years of probation, and 1,390 hours of community service.

*Efforts to protect the Nation's endangered manatees were a major focus for Region Four law enforcement during FY 1999.*



*A Service special agent in Florida "tickets" a boater during speed zone enforcement efforts aimed at protecting manatees from boat strikes. USFWS*

Senior Resident Agent Vance Eaddy and Special Agent Pat Lund, who are both stationed in St. Petersburg, Florida, received a special commendation from the Department of Justice for their contributions to the Branch of Special Operations' multiyear probe of the illegal reptile trade. Attorney General Janet Reno praised the award recipients as "people who work countless hours to protect something we all cherish."

**Safeguarding Endangered Manatees**

Efforts to protect the Nation's endangered manatees were a major focus for Region Four law enforcement during FY 1999. Death by boat strike is a significant cause of manatee mortality, and boating is "big business" in Florida. In 1996, there were 714,000 registered boats in the state, and 60 out of 416 manatee deaths (14 percent) were attributed to boat strike. In 1997, the percentage of boat-related mortalities rose to 22 percent (54 deaths out of 246). In 1998, boat-related mortality increased to 27 percent (66 out of 243). The state of Florida currently estimates that registered boats number over 800,000; adding transient craft brings the total number of boats using Florida waters each year to at least a million.

In an effort to reduce manatee mortality, the Service and the state of Florida established boating speed zones in areas utilized by manatees where boat strike deaths are frequent. To secure compliance with the speed zones, special agents organized and coordinated manatee protection task forces with the assistance of agents from other duty stations and officers from the Service's Refuge Division, U.S. Coast Guard, Florida Marine Patrol, and local sheriff's departments. In 1999, these task forces apprehended 799 boaters for speeding in manatee protection zones. The Coast Guard referred an additional 623 manatee speed zone violation cases to Service special agents for prosecution in federal court.

**Combating Illegal Reptile Trade**

Special agents in Miami contributed to Service efforts to stop illegal trade in rare and endangered reptiles. Work during FY 1999 included three major reptile trafficking cases.

A Service investigation brought a halt to a smuggling operation in which two cruise ship employees were trafficking illegally in rare and endangered reptiles taken from the wild on several Caribbean islands. One of the employees was a comedian; the other worked as a diving instructor. The former was sentenced to spend 14 months in federal prison, while his partner will serve 24 months in jail.

During the five-year period from 1992 through 1997, the pair poached and trafficked in CITES-protected reptile species that originated on various West Indies islands. The comedian developed the ruse of using an endangered species "captive breeding" permit obtained from the Service to disguise the wild-caught animals. Investigators used DNA matching to prove the species identification and origins of the smuggled iguanas and tortoises. Two of the species poached, the rock and Lesser Antillean iguanas, typically sold for as much as \$1,000 each.

About 20 specimens of one Bahaman species targeted by the smugglers (*Cyclura rileyi*), all of which died, represented a significant portion of the small remaining wild population of this highly endangered reptile. Experts explained in court that although science could not predict whether the loss of so many rileyi might doom the species in the future, it could be said with scientific certainty that the loss of so many members of such a small population greatly reduced the genetic diversity of the wild population and placed the species at substantially greater risk of extinction. The president of the Bahamas National Trust testified at trial that public education programs and other conservation efforts in the Bahamas are underway seeking to preserve these unique reptiles, which were featured on a special printing of the Bahamian dollar commemorating the 500th anniversary of the first landfall by Columbus in 1492.

*During FY 1999, Region Four special agents opened two significant investigations involving environmental contaminants and protected birds.*



*When agents surveyed southern Arkansas for problem oil pits, they found polluted sites the size of small lakes. USFWS*

In a second Miami-based investigation, a Service special agent broke up a smuggling operation dealing in reptiles and amphibians poached from the Amazon rain forest in Peru. Over a two-year period, a Peruvian national and two American co-conspirators smuggled thousands of protected species worth over \$200,000. The smuggled wildlife included: 1,727 mata mata turtles, 3,836 hylidae tree frogs, and 1,145 poison arrow frogs. Under the ruse of completing another illegal business deal, the Peruvian poacher was lured to Miami, where he was promptly arrested. He pleaded guilty to conspiracy to violate the Lacey Act and the Endangered Species Act and was sentenced to serve 18 months in a federal penitentiary.

In a third reptile smuggling case based in Miami, the Service exposed two individuals who developed a scheme for using fraudulent documents to smuggle Haitian curly-tailed lizards into the United States for sale in the commercial pet trade. Over a five-month period, the pair smuggled 11,415 curly tailed lizards into Miami from Haiti via Curacao, Netherlands Antilles, making it appear that the animals originated on the latter island. The lizards retail for \$30 each, making this smuggling venture worth \$342,450 had the defendants avoided detection. Both were convicted of felony smuggling, and each was sentenced to serve six months in jail. The originator of the scheme was also fined \$2,000.

### **Environmental Contaminants**

During FY 1999, Region Four special agents opened two significant investigations involving environmental contaminants and protected birds. Both show the crucial linkage between wildlife conservation and environmental protection.

In Florida, more than \$100 million in federal and state monies were spent to acquire some 13,000 acres of former agricultural land at Lake Apopka—land which was to be converted into wildlife habitat for shore and wading birds. Flooding began in the fall of 1998, and shortly thereafter birds began to die. By late winter, special agents had retrieved over 1,000 carcasses of dead birds, including white pelicans, egrets, endangered wood storks, herons, a peregrine falcon, and an eagle.

The Service's Environmental Contaminants personnel conducted analyses and determined that the birds died from ingestion of a toxic "cocktail" of chemicals, such as toxaphene, DDT, and dieldrin. It appears that toxic chemicals exist on the site in significant amounts. When flooded, the toxins enter the food chain and ultimately poison the birds using the area. This case has generated significant news media interest over the past year. The investigation is being coordinated with the Wildlife and Marine Resources Section of the Environment and Natural Resources Division of the U.S. Department of Justice and the Office of the U.S. Attorney for the Middle District of Florida.

In the spring of 1999, efforts began to investigate the take of migratory birds in open oil pits in southern Arkansas. Working with Ecological Services contaminants biologists, Region Six special agents, and staff from the Arkansas Department of Environmental Quality, Arkansas Game and Fish Commission, and the Environmental Protection Agency, Region Four special agents surveyed the southeastern part of the state and identified 97 problematic open oil pits.

The average size of the pits discovered exceeds that of those previously investigated in the western states; some actually approach the size of small lakes. One oil field near El Dorado, Arkansas, measured approximately 10 square miles and is located within five miles of the border of Felsenthal National Wildlife Refuge.

Ground surveys of many of the areas were conducted in the summer, and numerous migratory bird carcasses and one flock of live wood ducks were found trapped in the oil. The investigation will expand into Louisiana and Mississippi in FY 2000. Findings from the work already completed in

Arkansas suggest that open oil pits are taking significant numbers of birds in these three states. Reducing oil-related mortality in Arkansas, Louisiana, and Mississippi will be an important contribution to migratory bird conservation, for these states are the wintering home for millions of waterfowl.

### **Landmark Coral Case**

In Tampa, Florida, a Service investigation into the international smuggling of protected species of coral from the Republic of the Philippines culminated after a week-long trial with the jury finding a U.S. business owner guilty as charged. The defendant was sentenced to serve 18 months in jail, pay a \$5,000 fine, and undergo two years of supervised release when he gets out. The business was fined \$25,000 and placed on probation for five years. The case marks what Justice Department officials believe to be the first federal felony conviction for coral smuggling.



*Interception of this 400-box shipment of protected corals by a Service wildlife inspector in Tampa, Florida, prompted an investigation that resulted in the Nation's first federal felony convictions for coral smuggling. USFWS*

The investigation began after a particularly vigilant and tenacious Service wildlife inspector discovered an illegal shipment of coral hidden among legal products in a 40-foot cargo container. The special agent who handled the probe uncovered a conspiracy between the defendant, who operates a sea product and gift shop in Florida, and a coral and seashell exporting business in Cebu City, Republic of the Philippines, to smuggle protected corals and seashells into the United States using fraudulent declarations, commercial export invoices, and other documents claiming the shipments to be common, unprotected seashells. The United States has filed extradition papers with the Philippines seeking to make the exporter stand trial in Tampa for her role in the coral smuggling scheme.

The investigation revealed a smuggling operation that began in 1991 and continued through 1997, when the final shipment was detected by a Service wildlife inspector in Tampa. Targeted species included protected organ pipe, staghorn, blue, branch, brush, finger, brown stem, mushroom, and feather corals as well as seashells such as the giant clam. The U.S. resident who stood trial in August 1999 was convicted of two felony counts of violating the Lacey Act and one count of violating the federal anti-smuggling statute.

Lois J. Schiffer, Assistant Attorney General for Environment and Natural Resources at the Department of Justice, summed up the importance of this case and the government's resolve to protect coral reef resources: "The world's coral reefs are the 'tropical rain forests' of the oceans. Trafficking in protected corals harms biological diversity and degrades our environment. We will use all the resources available—both nationally and internationally—to put an end to the black market in protected corals."

In addition to their biological value, coral reefs are also a significant economic resource. Reefs in Florida, for example, contribute an estimated \$1.6 billion annually to the state's economy from tourism alone.

### **Waterfowl Hunting and Commercialization**

Migratory game bird hunting in the Southeast is "big business." Region Four special agents routinely apprehend about 1,250 hunters per year violating federal hunting regulations. FY 1999 was no exception. Violations ranged from over bag limits and hunting over bait to unlawful commercialization.



*Service agents teamed with Louisiana wildlife officers to investigate the commercial poaching of wood ducks and other waterfowl. Dave Menke/USFWS*

In Louisiana, a joint covert investigation by officers from the Service and the Louisiana Department of Wildlife and Fisheries into the commercial wildlife trade revealed active trafficking in migratory waterfowl. Covert contacts with one commercial poacher resulted in the purchase of 270 freshly killed wood ducks. The subject was indicted for a felony violation of the Migratory Bird Treaty Act and subsequently pleaded guilty. He was sentenced to serve 30 days in jail followed by 30 days of home detention, pay a fine of \$1,000, pay \$380 restitution, and serve one year of supervised probation during which he may not hunt or possess a firearm.

In North Carolina, Service law enforcement learned that some local hunters who were also commercial guides were taking waterfowl out of season and over bag limits around deserted barrier islands off of the coast. A special agent and refuge officer battled a strong northeast gale, made their way out to the area in question, and set up surveillance. After the pair waited nearly 24 hours in the freezing weather, four hunters showed up in the late afternoon, unloaded their gear and a 100-pound sack of corn, then disappeared into the marsh. The group returned around 10 p.m. with several freshly killed ducks, and the special agent apprehended them for hunting in a closed season. When they went to court, the judge sentenced them to a \$2,000 fine each and prohibited them from hunting for three years. At sentencing, the judge said he had seriously considered jail time but in view of the evidence of just how highly the defendants valued hunting, he believed revocation of that privilege to be a harsher penalty than incarceration.

In Arkansas, the subject of a 1997 covert investigation into illegal waterfowl guiding operations was convicted of five counts of over limit, wanton waste, hunting closed season, and Lacey Act violations. This year, he chose to ignore the conditions of his probation. He decided to hunt bears over bait and was caught by local game wardens. The Service brought the matter to the attention of the U.S. Attorney and a revocation of probation hearing was held in federal court. The judge ordered the man to spend 45 days in home detention under electronic monitoring, pay \$2,500 restitution, and serve an extended probationary period which will last until April 2002. During this time, he may not guide or hunt game of any type anywhere in the world.

#### **Other Significant Investigations**

In Puerto Rico, Service special agents apprehended a turtle nest robber on the beach with a sack containing 136 sea turtle eggs. Federal courts in Puerto Rico do not take poaching of the island's resources lightly, and the nest robber was sentenced to spend 120 days in jail.

In Alabama, a deer club manager was concerned about the coyote population and its potential effects on the club's deer herd. He dosed a deer carcass with Temik and left it exposed to scavengers. Unfortunately, a golden eagle fed on the carcass, ingested the poison, and died on the spot. A Service special agent investigated the killing, and through a series of interviews, laboratory studies, and first-class detective work, he successfully identified the person who placed the poison. The subject was convicted of violating the Bald and Golden Eagle Protection Act and the Federal Insecticide, Fungicide and Rodenticide Act. He was sentenced to pay a \$500 fine, perform 100 hours of community service, and serve one year of supervised probation.

In Tennessee, the federal jury trial of four defendants charged with violating the Airborne Hunting Act became a different sort of trial for a defense witness. The Service helped the state investigate the poaching ring's use of an ultra-light aircraft to illegally take white-tailed deer. At trial, the defense produced a witness whose direct testimony, which denied and refuted the government's case, was obviously very convincing to the jury. The Assistant U.S. Attorney, however, conducted what was described as a "masterful cross." The witness reversed himself, admitted lying to the jury, and the defense asked that the trial be stopped and entered guilty pleas for all defendants. Each hunter was sentenced to pay a \$1,000 fine, serve two years probation, and refrain from hunting for one year. The witness who committed perjury failed to consider the seriousness of his crime. In a separate hearing, the U.S. magistrate judge sentenced him to pay a fine of \$1,000 and serve three years probation, during which he may not hunt, be with anyone hunting, run his dogs, or possess a firearm outside of his residence.

In Louisiana, the black bear has been listed as a threatened species. Since that listing went into effect, investigations have been conducted on the cause of death of each animal that dies. Most mortalities have resulted from motor vehicle impact, train strikes, and being run over by sugar cane cutters. One dead bear, however, showed up with bullet holes. Investigation by a Service special agent provided the evidence to substantiate a conviction for illegal

*The agents rounded up all of the brown tree snakes known to have entered the country and charged the Miami business with a Lacey Act violation for importation of injurious wildlife.*



*Preventing the importation of injurious species, such as brown tree snakes, is a growing concern. Gordon H. Rodda/USFWS*

take. The killer was sentenced to five years supervised probation, no hunting or possession of firearms for five years, and payment of \$6,692 in restitution to the Wildlife Coop Unit of Louisiana State University.

Special agents went into “overdrive” when they discovered that a Miami wholesale pet dealer was selling brown tree snakes, an injurious species, to a retail pet store in Louisiana. The agents rounded up all of the brown tree snakes known to have entered the country and charged the Miami business with a Lacey Act violation for importation of injurious wildlife.

#### **Wildlife Inspection Activity**

Region Four regulates wildlife trade at several very active ports of entry. In 1999, for example, 17 million international travelers moved through Miami International Airport, a number that is expected to increase to 19 million next year. In addition to the airport, the Miami area is also home to three nearby seaports that handle both freight and cruise lines as well as a new international airport in Fort Lauderdale.

The port of Miami handles thousands of cargo shipments each year that require fish and wildlife inspection. About 95 percent of these shipments contain live wildlife, making Miami the busiest port in the Nation for inspection of live animals. Venomous reptiles and invertebrates account for a large portion of this trade.

Statistics from Atlanta show a significant increase in wildlife traffic since that city became a designated port four years ago. In FY 1996, fewer than 800 commercial shipments required inspection at this port. In FY 1999, that number had more than doubled. In FY 1996, Atlanta wildlife inspectors made 41 cases. Interdictions in FY 1999 numbered over 100, including seizures of 3,241 pieces of coral and 3,000 shell baskets containing protected sea shells, live Florida softshell turtles, endangered zebra trophies, live iguanas in personal baggage, and a live orangutan that was being illegally exported. In FY 1996, the number of international passengers arriving in Atlanta was 1.3 million; that number has doubled since then, hitting 2.6 million in FY 1999.

At the port of New Orleans, wildlife inspectors handled hundreds of shipments of wildlife requiring inspection, including the export of 5,246,000 live turtles bound for pet and food markets in Asia. Imports entering the country at New Orleans included 4.3 million feather masks. Inspectors at Tampa processed more than 1,000 wildlife shipments.

Two other locations of intense import/export activity in Region Four have no assigned Service inspection staff. The Federal Express hub in Memphis, Tennessee, handles about 50,000 importations and 90,000 exportations per day, making Memphis the world’s largest cargo airport. While the volume of wildlife trade is not known, U.S. Customs Service inspectors and the Service special agent assigned to western Tennessee typically make three to four seizures per week. Common contraband includes leopard skins, caviar, reptile/sea turtle footwear, other reptile products such as watchbands, and elephant ivory. Flights into the Memphis airport were recently monitored, showing 10,039 international passenger arrivals in 45 days.

The United Parcel Service hub in Louisville, Kentucky, handles a smaller volume of trade than Memphis but presents similar challenges for wildlife trade control. A recent case, for example, involved the interception of 88 geckos declared as toys from Thailand which were en route to Pella, Iowa; the importer paid a \$1,000 fine. In Charlotte, North Carolina, international airline flights have expanded and U.S. Customs refers about 10 seizures per year to the Service.

#### **Outreach**

Region Four law enforcement staff actively pursue public outreach in a variety of ways, contacting approximately 35,000 individuals during FY 1999. Programs were conducted on federal wildlife laws for thousands of visitors to the International Reptile Breeders convention in Orlando. Wildlife inspectors

*In FY 1999, the efforts of Region Five law enforcement staff to uphold global protections for sturgeon under the Convention on International Trade in Endangered Species (CITES) broke up a major smuggling ring and set the stage for the Nation's first federal felony prosecution for illegal caviar trade.*



*A case that started with the interception of seven "suitcase smugglers" on a flight from Poland led to the indictment of the owner of a Connecticut caviar company. USFWS*

in Atlanta provided similar programs for Safari Club International, Earth Day at Zoo Atlanta, and the American Association of Retired Persons (AARP) and conducted training for U.S. Customs, military police, and the U.S. Department of Agriculture. In Miami, inspectors visited numerous schools and zoos; met with the Florida Customs Brokers and Forwarders Association and Miami Chamber of Commerce; participated in Boy Scout's Fun Day and other educational events; and provided training to federal and state agencies. Special agents presented classes on federal wildlife laws to new recruits with state wildlife agencies in Louisiana, Mississippi, Kentucky, Alabama, and South Carolina as well as training to state conservation officers and national wildlife refuge officers at their annual "in service" refreshers. Public outreach included a presentation on the new baiting regulations for the Baldwin County Farmers Association in Alabama, and many similar briefings for hunting groups throughout the region.

### **Region Five**

Region Five is one of the most densely populated regions in the country. It includes the states of Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia, as well as the District of Columbia. As of September 30, 1999, 34 special agents were located in this region and 22 wildlife inspectors staffed the designated ports of New York/Newark, Baltimore, and Boston, and the non-designated port of Buffalo.

#### **Caviar Smuggling**

In FY 1999, the efforts of Region Five law enforcement staff to uphold global protections for sturgeon under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) broke up a major smuggling ring and set the stage for the Nation's first federal felony prosecution for illegal caviar trade. Special agents and wildlife inspectors also stopped numerous other would-be smugglers bringing in caviar without the required CITES permits.

On October 28, 1998, special agents apprehended a group of individuals attempting to smuggle a large quantity of caviar into the United States through John F. Kennedy (JFK) International Airport in New York. Investigators linked the smuggling attempt to an international caviar company based in Stamford, Connecticut, and successfully documented a caviar smuggling operation that extended back to the previous April, when the CITES protections first went into effect.

Six of the individuals apprehended at JFK in October had been paid \$500 each to smuggle two suitcases of caviar from Warsaw, Poland. A seventh individual was paid \$1,000 to bring in suitcases. Agents found 901 tins of caviar, each weighing 500 grams, in the suitcases. Three individuals were arrested: a Polish police official, the wife of the president of the Connecticut-based caviar company, and an employee of the company.

A federal search warrant was obtained and executed by Service special agents along with U.S. Customs and Connecticut Department of Environmental Protection officers. Numerous business records and approximately 1,000 pounds of caviar were seized at the company president's Stamford home, which also doubled as the company's office.

As a result of this investigation, a seven-count indictment was filed against the company's president, the Polish police official, and the company employee arrested at the airport on charges that they smuggled large quantities of caviar into the United States in violation of the CITES treaty, the Endangered Species Act, and the Lacey Act. The indictment charged that between April 1, 1998 and November 3, 1998, the company sold approximately 19,000 pounds of imported caviar to American caviar retailers. During that same period of time, however, the firm received permits from the Service authorizing it to import only one shipment of 88 pounds of caviar. Each defendant faced up to five years imprisonment and a fine of \$250,000

*Endangered species investigations in Region Five targeted illegal take, habitat damage, and commercial exploitation. In FY 1999, for example, two Virginia companies whose activities harmed protected wildlife found themselves in court.*

per count if convicted. The indictment also sought forfeiture of the 2,000 pounds of caviar seized by Service agents as well as \$2 million in proceeds earned from the sale of other caviar illegally imported by the defendants.

During the week of December 28, 1998, special agents in New York targeted flights arriving from Russia at JFK International Airport based on an anonymous tip warning that a passenger aboard one of these flights would be smuggling beluga caviar in personal baggage. The enforcement blitz resulted in three unrelated seizures yielding a total of 75 pounds of caviar valued at approximately \$75,000. The three passengers apprehended did not possess the required CITES permits for the shipments. A passenger who brought in 60 pounds of caviar was issued a \$500 violation notice.

On October 30, 1998, a special agent and two wildlife inspectors were called to the International Arrivals Building at JFK International Airport to deal with a Russian national who was bringing two suitcases of caviar into the United States. A total of 21 kilograms with a commercial value of \$31,500 was seized.

A special agent assisted two wildlife inspectors with the seizure of 92 kilograms of caviar from one of the largest importers of caviar on the east coast. The declared value was \$43,000.

On May 14, 1999, a special agent and two wildlife inspectors at JFK apprehended a passenger importing 44 pounds of caviar into the United States from the country of Georgia without a CITES permit. The passenger told Service officers that he was going to sell the caviar to a company in New York City. The individual abandoned the caviar, which was worth approximately \$44,000, and was issued a \$500 violation notice.

On May 29, 1999, a special agent and a wildlife inspector in New York caught a passenger at the Delta Airlines Terminal importing 18 pounds of caviar into the United States from Russia in violation of CITES. From the passenger's name, the officers recognized this person as the same individual who had previously tried to receive smuggled caviar from three Aeroflot Airline crew members. The passenger abandoned the caviar, worth approximately \$18,000, and was issued a \$1,000 violation notice.

In June 1999, two special agents and a wildlife inspector at JFK apprehended a passenger illegally importing 33 pounds of caviar. The subject, who had ties to the Ukraine, was issued a \$500 violation notice. The seized caviar was valued at over \$15,000.

Wildlife inspectors conducted cargo inspections and passenger processing in Terminal E at Logan International Airport in Boston where they seized 2,500 grams of caviar purchased from a duty-free shop in Tehran. The importer, who declared the caviar on his Customs declaration, was interviewed and advised about CITES requirements. He voluntarily abandoned the caviar to the Service.

Wildlife inspectors in New Jersey seized 10 jars of caviar, each weighing 113 grams, from baggage arriving at Newark International Airport. The importer, who purchased the caviar in Russia at a tourist market, complained that no one had explained CITES permit requirements to him.

### **Protecting Endangered Species**

Endangered species investigations in Region Five targeted illegal take, habitat damage, and commercial exploitation. In FY 1999, for example, two Virginia companies whose activities harmed protected wildlife found themselves in court as did a Massachusetts auctioneer who attempted to sell goods made from protected species.

Investigation of a water pollution case that involved the contamination of endangered species habitat resulted in criminal charges against a coal processing corporation operating out of Lee County, Virginia. The company



pleaded guilty in U.S. District Court to two charges of negligently violating the Clean Water Act. In accordance with the terms of the plea agreement, the judge sentenced the corporation to serve two years probation and pay \$85,000 in fines, \$1,510,000 in restitution, and a \$250 special assessment.

On August 9 and October 24, 1996, a six-acre coal slurry pond operated by the corporation near the town of St. Charles had released discharges of contaminated or "black water" into nearby streams. As a result, millions of gallons of water containing coal fines, rock, and clay particles from coal processing operations contaminated Gin Creek, Straight Creek, and the north fork of the Powell River. The October 24 discharge also included excessive amounts of iron and manganese. More than 11,000 fish were killed, and the contaminated water flowed through a critical habitat area for two federally threatened fish species and eight species of endangered freshwater mussels.

A Roanoke, Virginia, cold storage company was sentenced in federal court after entering a guilty plea in connection with an illegal discharge of ammonia into the Roanoke River that resulted in the deaths of endangered Roanoke logperch. The company was ordered to pay the Skyline Soil and Water Conservation District \$25,000 in restitution; the money will be used for Roanoke logperch restoration projects. After the investigation, the company shut down operations and was sold. The new owners intend to renovate the entire operation using an alternative to ammonia refrigeration.

A Worcester, Massachusetts, auctioneer was fined \$4,000 by a U.S. magistrate judge after being convicted in January 1999 on four counts of violating the Endangered Species Act. The Service investigation documented the interstate sale of rugs and shoulder mounts made from cheetah, a leopard, and two tigers. The defendant was also assessed \$100 in court costs and agreed to abandon to the Service a life-size polar bear mount that had been purchased from New York state in violation of the Lacey Act.

#### **Cormorant Slaughter Case Solved**

In April 1999, three fishing guides from Henderson Harbor, New York, and six other individuals pleaded guilty in federal court in the Northern District of New York to conspiring to violate the Migratory Bird Treaty Act by killing over 1,000 cormorants near Little Galloo Island in Lake Ontario during 1998. A 10th individual pleaded guilty to being an accessory after the fact.

Plea agreements entered in the case documented the chain of events that resulted in the deaths of hundreds of double-crested cormorants in an incident that attracted widespread national publicity because of its wanton nature. On July 26, 1998, five of the defendants traveled by boat to Little Galloo Island, where they shot and killed more than 850 birds. Most of the cormorants killed were juveniles that were unable to fly or escape. After leaving the island, these five individuals met with another boat operated by the defendant who was later charged as an accessory. The five shooters transferred their shotguns to this individual, who held the weapons for several days. Several of the guns were then transferred to a second individual, who kept them hidden for several months. Neither of these men participated in the cormorant killings that occurred on July 26. Nine men (including the five July shooters, three sons of one of these individuals, and the second gun handler) admitted to killing cormorants on other earlier occasions during 1998.

Five of the defendants were sentenced to six months home confinement and must pay a \$2,500 fine and contribute \$5,000 to the National Fish and Wildlife Foundation. One individual will serve three months home confinement, pay a \$2,500 fine, and make a \$2,500 contribution to the Foundation. Three others will each serve three months home confinement and pay a \$1,000 fine. The defendant charged as an accessory after the fact will pay a \$1,000 fine. The investigation was a joint effort by Service special agents and New York state conservation officers.



*Service special agents and state officers successfully identified those responsible for the July 1998 slaughter of hundreds of double-crested cormorants on an island in Lake Ontario. Tim McCabe*

*Region Five special agents work with state counterparts to prevent the unlawful commercial exploitation of fish and wildlife resources in the Northeast.*



*A joint federal-state investigation in Maryland snared an Ohio seafood company for the illegal take and sale of yellow perch. USFWS*

#### **Other Migratory Bird Investigations**

Three Gloucester County men pleaded guilty in federal court in Richmond, Virginia, to the first charges filed in the region after passage of the Migratory Bird Treaty Reform Act changed the burden of proof and penalties for hunting migratory game birds with the aid of bait. The new law made the placement of bait a separate crime and eliminated the strict liability standard for enforcing baiting prohibitions. The first suspect pleaded guilty to a Class A misdemeanor for placing bait to assist other hunters. He was sentenced to pay a \$2,000 fine, spend 30 days in jail, and serve three years probation during which he is banned from all hunting. The second individual pleaded guilty to knowingly hunting a baited area. He was sentenced to a \$3,000 fine, 45 days in jail, and three years probation without hunting. The third defendant also pleaded guilty to knowingly hunting a baited area. He was sentenced to pay a \$3,000 fine, serve 30 days in jail, and complete three years probation while banned from hunting.

On March 19, 1999, a resident of Merrimac, Massachusetts, pleaded guilty to a misdemeanor violation of the Migratory Bird Treaty Act. His crime, which was investigated jointly by Service agents and the Massachusetts Environmental Police, involved the use of illegal leg-hold traps that snared and eventually killed a great horned owl. The owl was found by state environmental officers and taken to Tufts University Wildlife Clinic for treatment. The bird's wounds, however, were too severe, and it was euthanized a short time later. Great horned owls are protected under the Migratory Bird Treaty Act, and there is no open season for the species. The use of steel leg-hold traps is prohibited by state law. Immediately following the man's plea, the judge imposed a sentence that included a \$2,500 fine and the payment of more than \$1,000 in restitution to Tufts and the Triton Wildlife Clinic.

#### **Illegal Commercialization**

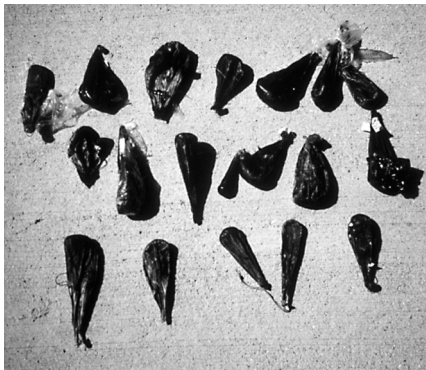
Region Five special agents work with state counterparts to prevent the unlawful commercial exploitation of fish and wildlife resources in the Northeast. Prosecutions closed out several key investigations of this type of wildlife crime during FY 1999.

On May 7, 1999, two brothers from Sandusky, Ohio, were sentenced in federal court in Maryland for Lacey Act violations involving the unlawful take and sale of yellow perch. The case developed out of a joint Service/Maryland Department of Natural Resources investigation of illegal guiding practices on Maryland's Eastern Shore.

In February 1997, officers caught three fishermen taking 1,400 pounds of yellow perch from waters near the Aberdeen Proving Grounds during the closed season. One of the Ohio brothers had advised a state officer who ran a small undercover seafood business that they would buy yellow perch anytime, in any quantity, even during the closed season in Maryland. When permission was granted by the U.S. Attorney's Office in Baltimore to set up a sale of the 1,400 pounds of yellow perch recovered in February, the brothers conspired to violate Maryland law by knowingly purchasing fish taken during a closed season. Service special agents and state officers monitored the sale of the fish to the brothers' driver in Breezewood, Pennsylvania, and followed the Ohio seafood truck on the five-hour trip to Sandusky. They served two search warrants at the seafood company, seizing business records, a computer, the F250 Ford truck, and 28 boxes of yellow perch, on which the origin of the fish had been falsely labeled.

During the sentencing, the judge advised the brothers that the taking of yellow perch for commercial sale during their spawning run in the closed season was a serious offense and would be treated as such. One brother was found guilty of one Class D felony Lacey Act count and was sentenced to three months home detention at his own expense and two years probation during which he must pay a fine of \$5,000 and a \$100 special assessment. He was also reminded by the judge that, as a convicted felon, he may never possess a firearm again. The second brother, who owned the seafood

*This enforcement blitz marked the culmination of a three-year undercover investigation targeting the illegal killing of black bear in and around Shenandoah National Park and the illegal sale of black bear parts in interstate commerce.*



*Bear gallbladders fetch high prices in Asian medicinal markets.*  
USFWS

company, was found guilty of a Class A misdemeanor and was sentenced to two years probation; he must also pay a \$25 special assessment, perform 200 hours of community service, and pay a fine of \$15,000. In addition, the brothers forfeited a 1998 F250 Ford truck valued at approximately \$12,000 to the government along with the \$2,444.75 that they paid to undercover officers for the 1,400 pounds of yellow perch.

In another cooperative federal-state case involving the illegal sale of wildlife, a Connecticut man was sentenced for the interstate transport of contaminated clams for commercial purposes. The individual harvested approximately 100 bushels of hard shell clams from contaminated waters off of Greenwich, Connecticut, and transported them to Port Chester, New York. He was apprehended by Service, New York Department of Environmental Conservation, and Connecticut Department of Environmental Protection officers as he attempted to land the clams at a dock in New York. The man was sentenced to 10 months imprisonment, two years supervised probation, a \$4,000 fine, and a special assessment of \$100. He will serve five months in prison and five months in home detention to complete his 10-month prison term.

### **Federal-State Bear Poaching Probe**

On January 18, 1999, over 100 officers from the U.S. Fish and Wildlife Service, National Park Service, U.S. Forest Service, Virginia Department of Game and Inland Fisheries, and West Virginia Natural Resources Department fanned out over Virginia and West Virginia making arrests, serving state and federal search warrants, and seizing vehicles in connection with a major probe involving the poaching of bears for the “parts” trade. This enforcement blitz marked the culmination of a three-year undercover investigation targeting the illegal killing of black bear in and around Shenandoah National Park and the illegal sale of black bear parts in interstate commerce.

By nightfall, 23 individuals had been arrested and 10 federal search warrants had been successfully served. Officers also completed two “buy-busts.” A National Park Service undercover ranger purchased \$18,000 worth of illegal bear galls from a Sperryville, Virginia, husband and wife team. At the same time, the covert operative made arrangements to buy two whole bears stored in a freezer. After the buy, a search team arrived, recovered the money, and went over the residence, storage area, and farm property. In the second buy-bust, a Virginia undercover officer purchased 26.6 pounds of bear galls for \$7,100 from a Petersburg, West Virginia, man. The latter claimed that he was selling his entire stock, but minutes later, a search team hit the business, recovered the money, and found 80 additional galls stored in the freezer. Service special agents from Georgia, Maryland, Virginia, and West Virginia participated in this operation.

On March 16, 1999, a press conference was held announcing the indictments handed down in this case. The state of West Virginia also announced that as a direct result of this investigation, legislation had been passed in the state that would for the first time prohibit commercialization of the organs and feet of West Virginia black bears. The governor of West Virginia signed the legislation into law on June 19, 1999.

### **Other Investigative Accomplishments**

A team of Service special agents, including a Region Five officer, worked with the Kenya Wildlife Service to execute search warrants in that country in connection with a joint investigation of international wildlife trafficking. As a result, the main suspect in the probe, a British citizen, was charged in Kenya with one count of trafficking in illegal game trophies, two counts of illegal possession of ivory, two counts of illegal possession of rhino horn, and one count of illegal possession of game trophies. This individual was found to be in illegal possession of 25 pounds of rhino horn, 160 pounds of ivory, and 1,100 pounds of bone trophies from giraffe, eland, elephant, impala, kudu, oryx, and hippopotamus. Information developed by a Region Six special agent (see p. 56) prompted the investigation; both that agent and a senior special agent



*Special agents from Region Five, Region Six, and the Washington Office helped the Kenya Wildlife Service carry out search warrants that uncovered a collection of trunks containing hundreds of fraudulent Masai artifacts made from rhino horn and other wildlife parts.  
Benito Perez/USFWS*

from the Division's Washington headquarters office helped coordinate and carry out the searches in Kenya (see p. 66).

A joint federal-state investigation into what was initially thought to be the illegal take of a bald eagle resulted in the documentation of numerous violations of the Pennsylvania Game Code for illegal take and possession of white-tailed deer and a vulture. Interviews and a search warrant provided enough evidence to charge two South Mountain suspects, the first with 16 counts and the second with three counts of violating the state's game code. The pair pleaded or were found guilty of all charges. The first individual was fined \$6,450 and lost his hunting privileges for 12 years. The second was fined \$1,500 and banned from hunting for three years. Officers were not able to find any evidence proving illegal take of a bald eagle.

With the assistance of the U.S. Customs Service, Region Five law enforcement intercepted an illegal importation of sturgeon crossing the border at Champlain, New York. When a senior customs inspector examined a truckload of frozen fish bound for a fish market in New York City, he found 67 cases of non-manifested sturgeon. The truck driver claimed that it must have been a mistake, since he was supposed to have salmon, among other fish. When the inspector searched the cab of the truck, he found documentation showing that the sturgeon was, in fact, supposed to be on the truck. The cases of sturgeon, worth approximately \$40,000, were seized since the shipment had not been declared and lacked the required CITES export permits for Appendix II wildlife.

On March 18, 1999, a resident of Newfoundland, Canada, pleaded guilty to charges of illegally guiding and allowing a Pennsylvania resident to use his resident moose and caribou hunting licenses in Newfoundland in 1996 and 1997. The Canadian was fined \$3,500 (Canadian dollars) and had his guiding license revoked for five years. Due to the license application procedures in Newfoundland, it will be about seven to eight years before this individual can apply for and receive a hunting license. The Pennsylvania resident had previously pleaded guilty in federal court to three felony violations of the Lacey Act. This wildlife investigation was the first foray into working in the international arena by Newfoundland wildlife authorities; they hope to conduct additional joint investigations with the Service in the future.

### **Wildlife Inspection Program**

Wildlife inspectors in Region Five were responsible for monitoring about 30 percent of the Nation's wildlife trade. The designated port of New York, New York/Newark, New Jersey remained the busiest port of entry for wildlife and wildlife products, handling some 18,000 shipments during FY 1999.

Enforcement of CITES protections for sturgeon that went into effect in April 1998 proved a major focus for the inspection program, and numerous seizures of unlawful importations of caviar worth hundreds of thousands of dollars were made. Some of these interdictions are described in the "Caviar Smuggling" entry on p. 42. Although caviar accounted for some of the year's largest dollar value confiscations, wildlife inspectors in the region also intercepted numerous other unlawful shipments.

For example, inspectors working out of the Valley Stream office, which provides inspection services at New York's JFK International Airport, seized two shipments containing 5,330 lizard watchbands imported in violation of CITES—a seizure that resulted in \$11,000 in civil penalties. Inspectors prevented the importation of 267 kilograms of live Chinese mitten crabs, refusing clearance because these animals are an injurious species. Wildlife products confiscated during the reporting period also included sea turtle eggs, elephant ivory items, big cat skins, and a wide variety of reptile-skin goods.

Many of these same types of products came through the port of Boston as well. Unusual seizures there included a shipment of varanus lizard and primate handicraft items coming in from Kenya and the confiscation of a crocodile-skin armchair.



*Wildlife inspectors in Newark, New Jersey, monitor commercial trade at both the city's international airport and ocean port. The latter receives thousands of containerized shipments each year, providing a possible conduit for illegal wildlife trafficking. USFWS*

Like their counterparts in New York, wildlife inspectors stationed in Newark, New Jersey, seized a variety of wildlife products imported or exported in violation of U.S. or international laws during FY 1999. Examples include routine interceptions of reptile-skin products and shells as well as more unique interdictions, such as 28 birdwing and papilio butterflies that were confiscated from a shipment of framed butterflies and insects because the importer lacked the required CITES permit and two cartons of pepinos (sea cucumbers) unlawfully imported in a live fish shipment from Ecuador. Wildlife inspection staff helped the U.S. Customs Service Antiquity Team examine items at Sotheby's auction house in New York City, preventing the sale of several items decorated with ivory, 198 pieces of ivory, and 162 grams of ivory trimmings that entered the country without CITES permits or that failed to meet the 100-year age criteria for antique ivory.

### **Training Partnerships**

Two Region Five special agents, along with three colleagues from other regions (see p. 56), presented a two-week in-country wildlife law enforcement program to 55 rangers from the Tanzanian National Parks and the Tanzanian Wildlife Department. The agents transported and distributed six duffel bags of equipment to the rangers. The equipment included global positioning system units, compasses, maps, flashlights, knives, binoculars, and other miscellaneous items. The training was very well-received by Tanzanian officials. Classroom sessions were followed by field exercises conducted against a backdrop of baboons and elephants.

A wildlife inspector from Amherst, New York, provided training to 15 military police officers at Fort Drum, an Army base in Watertown, New York. The officers learned about import prohibitions, federal wildlife laws, wildlife identification techniques, and safety issues involved in wildlife inspections. Fort Drum is in the process of becoming a "mega-base" that will receive all military troop transports from Bosnia. While at Fort Drum, the inspector toured the new arrivals terminal, which was built to process international military troop transports. An area of the terminal will be assigned to the Service for wildlife inspections, and the Army has requested that wildlife inspectors be available to help process arriving military personnel.

Special agents from Virginia and West Virginia conducted week-long classroom and field exercise training for officers of the Virginia Marine Resources Commission. The training, which was held at the U.S. Coast Guard Reserve Training Center in Yorktown, Virginia, covered federal court procedure, rules of evidence, migratory bird identification, federal wildlife laws, and current trends in wildlife commercialization. The well-received program was requested by the Commission under a law enforcement memorandum of understanding with Region Five.

Two special agents in Massachusetts provided training to a class of recently hired Massachusetts Environmental Police officers at Westover Air Force Base in Chicopee, Massachusetts. The training covered waterfowl identification, federal wildlife laws, and related issues.

A Region Five senior resident agent gave a two-hour presentation on federal wildlife laws, the rules of evidence, and federal court procedure to 30 military police officers from Fort Eustis, Fort Story, Fort Lee, and Fort Monroe Army bases. The training was sponsored by the environmental coordinator for all Army bases in southeastern Virginia.

Two special agents in Virginia conducted a day-long class for 26 military game wardens from across the United States who were gathered at Oceana Naval Air Station for annual in-service training. The agents' presentation covered federal wildlife laws, the rules of evidence, and "tricks of the trade" in federal investigative procedure.

A senior resident agent teamed with two sergeants from the Virginia Department of Game and Inland Fisheries for a presentation at the Southeastern Association of Fish and Wildlife Agencies annual conference in

*A Region Five wildlife inspector participated in a media event at the Baltimore/Washington International Airport marking the dedication of the new Fish and Wildlife display at Pier D of the terminal.*



*A Baltimore wildlife inspector shows seized wildlife products to camera crews and reporters.  
LaVonda Walton/USFWS*

Orlando, Florida. Their talk focused on the illegal glass eel industry on the east coast. A number of state fisheries managers attended this law enforcement session.

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

A Baltimore special agent coordinated a Fishing Derby and Youth Outdoor Day on June 5, 1999, in southern Maryland. The project, which was sponsored by the Optimist Club of the Seventh District in partnership with the Service and the Maryland Department of Natural Resources, kicked off the opening of National Fishing Week. The derby, a catch and release event at a local lake, attracted 156 children, with more kids and parents attending the afternoon family activities.

A Region Five special agent represented the Division of Law Enforcement at a dedication ceremony coordinated by the office of the late U.S. Senator John Chafee at a wetlands site in North Kingstown, Rhode Island. Funds for the site came from the \$3-million criminal fine that was assessed for violations of the Migratory Bird Treaty Act that occurred during a major oil spill off the coast of Rhode Island. Service special agents and forensic scientists played a key role in investigating the spill. Service Director Jamie Rappaport Clark and Assistant U.S. Attorney Ira Belkin, the federal prosecutor who handled the case, spoke at the ceremony.

A special agent teamed with a Service Refuge Division colleague to represent the agency at the Pennsylvania Snow Goose Workshop sponsored by the Pennsylvania Game Commission and a local sportsmen's group. Topics discussed at the meeting, which was held at the Middle Creek Wildlife Management Area in Lancaster County, Pennsylvania, included federal and state laws, species management, hunting techniques, and hunter/landowner relations. Over 300 people, far more than expected, attended the eight-hour workshop.

A Baltimore wildlife inspector participated in a media event at the Baltimore/Washington International Airport marking the dedication of the new Fish and Wildlife display at Pier D of the terminal. Several local TV news stations and newspapers covered the ceremony, which featured remarks by Service Director Jamie Rappaport Clark and a presentation encouraging international travelers to avoid buying products made from endangered species.

Baltimore wildlife inspectors presented a 2 1/2-hour training class to 47 researchers and scientists at the National Zoo in Washington D.C. The inspectors explained the application of wildlife import/export regulations to scientific specimens and reviewed document requirements and other basic import/export procedures.

A special agent assisted with the 1999 piping plover steward training conducted as a joint effort by the Service, New York State Department of Environmental Conservation, The Nature Conservancy, and the Krusos Foundation. Participants included approximately 52 attendees from various federal, city, town, county, and state agencies as well as a number of contractors.

In April 1999, a special agent participated in a railroad enforcement/education safety program sponsored by Conrail and the Pennsylvania Department of Transportation. The program included a train excursion from Harrisburg, Pennsylvania, to Hagerstown, Maryland, with video cameras mounted on the lead engine to show grade crossing and trespass violations. The agent made contacts with Conrail police regarding trespass on Conrail (soon to be Norfolk Southern) rights of way by hunters and fishermen. Conrail police have offered Service agents access to waterfowl areas through company properties.

Region Five special agents and wildlife inspectors participated in a variety of educational programs at schools during FY 1999. Examples include wildlife

*Service special agents in Wyoming have devoted considerable effort to developing and implementing proactive programs designed to prevent illegal killings of wolves and grizzly bears.*

conservation and career day presentations at elementary schools in Maryland, New York, and New Jersey, and outreach programs targeting teens interested in science, law enforcement, and wildlife conservation in a number of states.

## **Region Six**

Region Six contains some of the Nation's most rugged and varied terrain. As of September 30, 1999, 21 special agents and four wildlife inspectors were employed to handle the Service's law enforcement activities in the states of Colorado, Wyoming, Utah, Montana, North Dakota, South Dakota, Nebraska, and Kansas, and at the non-designated ports of entry at Golden, Colorado, and Pembina, North Dakota, and the border port of Great Falls, Montana. The region is also home to the National Eagle and Wildlife Property Repositories in Commerce City, Colorado.

### **Preventing the Take of Endangered Species**

Endangered species conservation benefits more from the prevention of illegal take than from the prosecution of those who kill protected wildlife. To this end, Service special agents in Wyoming have devoted considerable effort to developing and implementing proactive programs designed to prevent illegal killings of wolves and grizzly bears. Recent U.S. Department of Justice guidelines regarding prosecution of Endangered Species Act cases make this approach even more valuable, for lawyers now agree that the government will have to prove that defendants knew they were killing a protected animal in order to bring charges for illegal take under the Act.

Special agents in Region Six have worked closely with the Service's wolf reintroduction team. Information about wolf locations and wolf movements helps them identify and contact persons who are likely to encounter wolves on their property or during hunting trips on public lands. Many of the wolf killings that occurred in Wyoming in the past involved persons who shot wolves after mistaking them for coyotes. Agents took the lead to prevent such killings by mailing wolf identification brochures to all persons with hunting licenses who were expected to hunt in areas inhabited by wolves. These brochures alerted readers to the possible presence of wolves and described the distinguishing characteristics of wolves and coyotes. These proactive enforcement efforts have successfully kept wolf killings to a minimum. Only one incident (involving two wolves) occurred in Wyoming during FY 1999, and no killings took place during the hunting season.

Service agents also conducted back-country horse patrols in wilderness areas during hunting seasons. The patrols, which are geared toward preventing illegal wolf and grizzly bear killings, are closely coordinated with the U.S. Forest Service, National Park Service, and Wyoming Game and Fish Department. The high visibility of law enforcement personnel provides an effective deterrent; patrolling officers also help educate hunters about ways to avoid bears and handle encounters without harm to themselves or the animals. Agents also assisted the Forest Service in enforcing food storage regulations; following these guidelines is probably the single most effective way to prevent human-caused grizzly mortalities.

Agents in Wyoming have also continued to help the Wyoming Outfitters and Guides Association and the Professional Guide Institute in teaching grizzly bear education classes. These classes are designed to prevent illegal and self-defense killings of bears while avoiding injury to people. The classes have been taught in Wyoming, Idaho, Montana, and Colorado. Since the classes started, guides in Wyoming have killed fewer grizzly bears, and no one completing the training has been injured or has killed a bear. Plans are underway to make this well-received program available to hunters who do not use guides or outfitters.

In FY 1999, the success of these Service outreach programs prompted the governor of Wyoming to nominate a Region Six special agent to sit on the state's Animal Damage Management Board. His presence has helped

prevent wolf and bear confrontations with ranchers from turning into animal fatalities. Thanks to the agent's active involvement with the Board, ranchers now better understand how to manage their livestock to prevent loss of property.

### **Endangered Species Investigations**

A developer in southern Utah ignored Service warnings about the conservation and legal ramifications of developing commercial property in a Utah prairie dog habitat. The individual elected to develop the area, causing the deaths of hundreds of threatened prairie dogs in the process. A \$15,000 civil penalty was proposed, but disputed by the developer. A decision from the administrative law judge who heard the appeal is expected in the spring of 2000.

A sheepherder in Montana unlawfully killed a grizzly bear that was frequenting the area where he was tending his sheep. The herder killed the bear even though there was no threat to himself or others. The defendant paid a \$2,000 fine for the Endangered Species Act violation.

On January 11, 1999, the U.S. Supreme Court refused to hear a case in which a man charged with illegally killing a wolf in southwestern Montana sought to appeal a 9<sup>th</sup> Circuit Court decision upholding his conviction. The defendant had killed a wolf and then tried to destroy its radio collar; he skinned the animal and took its hide and skull to his home as trophies. In the original case, which was tried before a U.S. magistrate, the defendant was found guilty of illegally taking and possessing a threatened species. He was sentenced to six months incarceration and one year of supervised probation, and was ordered to pay \$10,000 in restitution; no fine was imposed due to his inability to pay.

The defendant appealed his case to the 9<sup>th</sup> U.S. Circuit Court of Appeals, disputing the validity of the regulation, multiplicity of the charges, and the degree of intent that the government must prove, and arguing that the killing fell under the incidental take exemption of the Endangered Species Act. The appeals court ruled in favor of the government on all issues, specifically stating that the Service's re-introduction of wolves was in accordance with the Endangered Species Act. This decision was in conflict with another ruling by a U.S. District Court judge in Wyoming, prompting the defense to unsuccessfully petition the Supreme Court to hear the case.



*Region Six special agents have secured the cleanup of hundreds of oil pits in the Rocky Mountain and Great Plains states that were once death traps for migratory birds. USFWS*

### **Removing Oil Pit Hazards**

The region continued its efforts to inspect oil pits, oil production areas, and exposed oil tanks for migratory bird mortalities. Ongoing education of the industry on how to avoid avian deaths and partnerships with other agencies, including state conservation departments, state oil and gas commissions, oil producers associations, the Environmental Protection Agency, Indian tribes, and the Bureau of Land Management, have made this an extremely effective wildlife enforcement program.

In 1995, for example, the Service identified hundreds of oil-polluted sites in Kansas during aerial surveys. In 1999, aerial surveys conducted over the same areas revealed only 42 potential problem sites. Seventeen oil producers were prosecuted for illegally killing migratory birds at oil production facilities. They paid \$10,487 in fines and spent thousands of dollars cleaning up their sites, reducing threats to migratory birds in the state.

In Wyoming, a Service special agent responded to a complaint of a single dead migratory bird in an oil pit. The bird was collected, and the company was notified. In an effort to secure compliance and prevent future bird mortalities in the pit, agents advised the oil producer that it could avoid prosecution if it corrected the problem. Three months later, agents again visited the site and recovered 69 dead migratory birds. The company vice-president was charged with a criminal violation of the Migratory Bird Treaty Act, fined \$5,650, and ordered to clean up the facility.



Thanks to the efforts of Region Six special agents, thousands of migratory birds throughout the Great Plains and Rocky Mountain states will be saved from horrendous deaths in oil pits and tanks. In 1999, the Environmental Protection Agency presented its Gold Medal Environmental Achievement Award (its highest national honor) to Special Agent Gary Mowad, who coordinated the region's oil pit contaminants program.

### **Raptor Electrocution**

Service special agents in Region Six have been working successfully with utility companies that generate and distribute electrical power throughout the western states to reduce the electrocution threat of power poles, lines, and equipment to raptors and other migratory birds. Although criminal prosecution remains an option, law enforcement in the region has adopted a new six-point approach that effectively solves electrocution and collision problems. Education, research, data collection, public awareness, cooperation, and traditional law enforcement are each key elements.

The program emphasizes educating and training both Service personnel and the industry itself on how to avoid problems. Agents have met with industry representatives to identify factors, through research and development, that contribute to raptor electrocutions. As a result, the utility industry is searching for ways to design, manufacture, and introduce more "bird friendly" products. Agents are working to improve the collection of data documenting raptor mortality; both utility companies and state and federal land management and conservation agencies have been asked to support this undertaking.



*Electric power poles, lines, and equipment represent an electrocution threat to raptors and other migratory birds; agents have forged proactive partnerships with industry to address this problem.*  
USFWS

Law enforcement staff and partner groups are working to increase public awareness of the electrocution problem and gain public support for remediation efforts. Two major television documentaries have been produced that identify the problem of power line electrocution and document its effect on migratory birds. These segments aired on the Cable News Network and "Game Warden Wildlife Journal," a syndicated program. Numerous articles about the electrocution problem have appeared in magazines and newspapers throughout the country. Service outreach has also extended outside of the United States, for the electrocution/collision problem is a worldwide concern. A Region Six special agent was asked to give a presentation on U.S. efforts to deal with this threat to birds at the World Conference on Raptors in South Africa.

Another key element in the region's raptor electrocution program is improved cooperation and coordination within the Service. Agents are building consensus on solutions by working with the Migratory Bird Management Office, National Wildlife Refuge System, and External Affairs staffs at all levels, from the field to the Directorate.

When companies choose to ignore their responsibility to protect raptors and other migratory birds and fail to retrofit problem power lines, traditional law enforcement takes over. In a precedent setting case, a rural electrical association was charged in federal court with killing at least 13 raptors, including eagles (many more avian deaths were actually documented). A U.S. District Court judge in Colorado sentenced the utility company to pay a \$50,000 fine and \$50,000 in restitution, and serve 36 months probation. The court also ordered the company to hire a consultant to advise management on electrocution problems; prepare and implement an avian protection plan; and sign a Memorandum of Understanding (MOU) with the Service, the Colorado Division of Wildlife, and Utah Division of Wildlife Resources to document, implement, and evaluate retrofitting efforts. This MOU will be used as a prototype for similar agreements with other utility companies nationwide.

The Service's goal, of course, is to protect migratory birds from electrocution hazards, and the region has achieved considerable success in securing voluntary compliance. In Utah, for example, special agents documented the electrocution deaths of approximately 128 raptors, including 35 eagles. As a

*In FY 1999, Region Six special agents trained approximately 100 Native American wildlife officers, bringing the total trained during the past three years to over 350 individuals representing more than 120 tribes.*



*Region Six is working with the Native American Fish and Wildlife Society to provide training to Native American wildlife enforcement officers throughout the country. USFWS*

direct result of proactive enforcement efforts, utility companies in the state have retrofitted approximately 260 power poles to make them bird friendly. The utility industry in Utah reports that it spent approximately \$223,000 in FY 1999 to prevent raptor electrocutions. Cooperation of this type is often far more effective in reducing bird mortalities than criminal prosecutions.

#### **Other Migratory Bird and Eagle Investigations**

The Service investigated a heap leach gold mine in Montana for killing hundreds of migratory birds that landed in highly toxic waste ponds. The U.S. Attorney's Office filed an information charging the mine with the illegal take of migratory birds. In October 1998, the mine agreed to a negotiated settlement involving payment of a \$10,000 fine. In order to eliminate future bird mortalities, the mine installed a \$5.1-million recovery system that reduces the concentrations of toxic cyanide in its ponds.

During FY 1999, Service special agents based in Colorado investigated four separate incidents in which Penobarbital, a chemical used to euthanize livestock, killed eagles. Eagles feed on the dead livestock and ingest the poison. In three of the incidents, the responsible individuals were identified. Fines have been paid, but more importantly, steps have been taken to educate veterinarians and ranchers who unwittingly create the problem by not burying or burning the carcasses of euthanized animals. The Colorado Department of Agriculture published and circulated an article about the problem prepared by a Region Six special agent. One investigative subject, whose work contributed to the deaths of seven eagles, has offered to pay for a national outreach program to educate other veterinarians about the problems caused by not properly disposing of euthanized livestock.

During the summer of 1999, agents learned that a rancher in southeastern Montana had illegally shot and killed several hawks and eagles on his property. The killings were part of his "predator control" program. Special agents executed a federal search warrant at the ranch and subsequently obtained a confession from the ranch manager, who acknowledged killing at least 10 raptors over a two-year period. The ranch manager paid a \$2,850 fine to the U.S. District Court Central Violations Bureau.

The region once again undertook a major effort to protect waterfowl in Utah during the hunting season. Dozens of Utah Department of Natural Resources officers, Service special agents, and refuge officers dedicated thousands of hours to this enforcement effort around the Great Salt Lake. Emphasis was placed on ensuring hunter compliance at the Bear River Migratory Bird Refuge. Enforcement teams documented more than 500 violations of state and federal waterfowl hunting regulations. To date, over \$46,000 in fines have been assessed, including about \$42,000 through the federal judicial system. In addition to manpower and hours in the field, the region also focused on using the media and personal contacts to heighten hunter awareness of federal and state waterfowl regulations. These efforts paid off in greater voluntary compliance during the waterfowl hunting season.

#### **Native American Partnerships and Liaison**

The Service has been working hand-in-hand with the Native American Fish and Wildlife Society in an attempt to provide wildlife law enforcement training to all of the Native American Indian tribes throughout the United States. Training classes cover authority and jurisdiction, federal wildlife laws, firearms, laws of search and seizure, evidence collection, wildlife forensics, and courtroom testimony.

In FY 1999, Region Six special agents trained approximately 100 Native American wildlife officers, bringing the total trained during the past three years to over 350 individuals representing more than 120 tribes. This year, classes were offered in New Mexico and Connecticut; instruction staff included special agents from other regions and a Region Two refuge officer. Region Six agents also visited Alaska to assist officials there in planning a similar training program.

*A Service investigation resulted in the return of a historic eagle feather headdress to the Standing Rock Sioux.*

A Service investigation resulted in the return of a historic eagle feather headdress to the Standing Rock Sioux. During the summer of 1997, a Montana resident contacted an art dealer in the southern part of the state and attempted to sell an Indian headdress. The young chief's war bonnet, which is intricately decorated with beadwork, ribbon, and 33 feathers from three golden eagles, dates back to the mid-1920's. The art dealer contacted a Service special agent who arranged for the illegal transaction to take place. The defendant met the art dealer in a restaurant parking lot and sold the headdress to the agent for \$5,500. The agent and law enforcement personnel from the Montana Department of Fish, Wildlife and Parks videotaped the transaction. Pursuant to a plea agreement, the defendant agreed to pay a \$7,500 fine and serve two years probation. The eagle headdress was returned to the Standing Rock Tribal Council at Fort Yates, North Dakota. Region Six agents also assisted with the repatriation of a Native American "Ghost Shirt" to the Wounded Knee Survivors Association. The shirt was returned to the United States by a museum in Glasgow, Scotland (see p. 34).

Service agents throughout the region were actively involved in assisting Native Americans with wildlife-related matters. They provided coordination on enforcement cases, met with tribes and states to mediate issues, worked on cooperative agreements, addressed migratory bird hunting problems, supported the prosecution of non-Indians hunting on Indian lands, and helped develop and implement tribal game and fish codes.

As a result of coordinated enforcement efforts, a Rosebud Sioux Indian Reservation elk poaching case was tried before the U.S. magistrate in Pierre, South Dakota. The defendant was found guilty and sentenced to pay a \$1,000 fine. This case was the first time in the state of South Dakota that DNA evidence was used in a wildlife prosecution. In another case, a non-Indian working at Rosebud was prosecuted and paid an \$850 fine for killing a trophy white-tailed deer on the reservation.

**Illegal Guiding and Hunting**

Operation Dinosaur, a covert investigation into the illegal guiding of big game hunters on Dinosaur National Monument, concluded this year with the successful prosecution of all defendants. The case, which was pursued in conjunction with the Colorado Division of Wildlife and the National Park Service, resulted in federal charges against nine individuals, including a guide who led hunters into the Monument and encouraged them to violate federal and state laws. The guide told agents working undercover that he considered Dinosaur National Monument, which is closed to all hunting, to be "the boys [hunting] club." This defendant pleaded guilty to four Lacey Act felonies. He was sentenced to one year in prison, ordered to pay a \$10,000 fine, and forfeited two firearms, a truck, and an ATV. Other defendants in the case, all hunters, paid a total of \$76,000 in fines and restitution and forfeited wildlife trophies, ATVs, guns, and hunting privileges.

A joint investigation with the Colorado Division of Wildlife led to the conviction of eight individuals for illegally taking big game in western Colorado, using tags that belonged to others, and transporting unlawfully acquired wildlife in interstate commerce. The subjects were ordered to pay \$22,839 in fines and penalties; the case also resulted in a \$2,000 "donation" to Colorado's Operation Game Thief program and a \$700 civil penalty. One individual was incarcerated for 90 days. Species involved in this commercial Lacey Act case included bighorn sheep, elk, mule deer, pronghorn antelope, and owls.

Service agents participated in a joint investigation with the Montana Department of Fish, Wildlife, and Parks that identified a Minnesota resident who had taken numerous "over limits" of elk and transported the illegally acquired animals back to his home state. The individual had also hunted for five years with a resident Montana hunting license. The defendant entered a guilty plea and agreed to pay over \$6,000 in state fines, forfeit four illegally taken bull elk, and lose his hunting privileges for three years. An investigation of two Montana guides who helped the defendant with his illegal hunting activities continues.



*This eagle feather headdress was illegally offered for sale. USFWS*

Service special agents participated in a joint investigation with the Montana Department of Fish, Wildlife and Parks that culminated with the execution of two federal search warrants. Officers seized business records, five illegally taken and mounted trophy animals, a sawed off shotgun, and paraphernalia from a dormant marijuana-growing operation. To date, the investigation has identified nine individuals who illegally took 34 animals, committing over 30 federal felony violations in the process.

A joint investigation with South Dakota Game, Fish, and Parks revealed that a major big game outfitter corporation in that state was orchestrating opportunities for non-residents to hunt with resident licenses and illegally kill deer. The non-resident hunters paid between \$1,650 and \$2,000 per hunt and were supplied resident licenses to cover their illegal hunting. The corporation and its president both pleaded guilty to felony Lacey Act violations while all the hunters pleaded guilty to Lacey Act misdemeanor violations. The 41 defendants must pay \$129,000 in fines and restitution as well as \$29,000 in civil damages to the state of South Dakota. They must perform 1,275 hours of community service, serve 31 months home confinement and 26 years probation, and forfeit 34 deer mounts.

Another South Dakota investigation snared pheasant hunters who ignored bag limits. A guide and bird processor brought five groups of corporate non-resident pheasant hunters into the Kimball, South Dakota, area on five different hunts. In two days, the groups illegally killed three daily limits of pheasants. An informant provided information about the illegal activities. A Service agent and South Dakota Game, Fish, and Parks officers conducted a surveillance on the last group and apprehended these individuals while they were hunting. Although the other groups had already left the state with their pheasants, officers used motel records, statements from the guide, and his records to show that each hunter exceeded the possession limit by three birds. All of the hunters were charged in state court. Federal and state officers seized 118 pheasants, and the subjects were charged in federal court with transporting illegally taken birds across state lines in violation of the Lacey Act. The investigation resulted in the issuance of 68 citations and produced \$19,427 in fines.



*Trophy animals targeted by illegal guiding operations include bighorn sheep, elk, and deer. Dean Biggins/USFWS*

During a visit to Wyoming, a resident of Michigan illegally killed a trophy bull elk. The defendant removed the head from the carcass and transported it back to Michigan, leaving the remainder of the elk to waste in the field. A cooperative investigation involving the Wyoming Game and Fish Department, Michigan Department of Natural Resources, and Service special agents uncovered the identify of the hunter. After the elk head was recovered in Michigan, DNA testing was used to match it with the carcass; finger prints taken from the antlers added to the evidence needed to prove the defendant illegally killed and transported the animal. As a result of multiple past felony convictions, the defendant had lost his right to possess firearms, yet the investigation clearly showed he had two rifles during his trip to Wyoming, one of which was unlawfully used to kill the bull elk. After being indicted by a federal grand jury in Wyoming, the defendant pleaded guilty to violating the Lacey Act and to possessing a firearm while being a convicted felon. A U.S. District Court judge sentenced him to serve 61 months in prison for possessing the firearm and 12 months for violating the Lacey Act. He must also pay a \$1,000 fine, serve three years supervised probation, and pay \$5,000 restitution to the Wyoming Game and Fish Department.

A two-year undercover investigation conducted with the Kansas Department of Wildlife and Parks resulted in state and federal prosecution of 13 subjects involved in the guided hunting of trophy deer in that state. Hunters illegally killed deer in Kansas and transported the wildlife in interstate commerce. Three Kansas brothers were convicted of felony Lacey Act violations, one state felony, and dozens of state misdemeanor violations. Eight other subjects, including four hunters from North Carolina, each paid a \$10,000 fine for misdemeanor Lacey Act offenses. Defendants in this case have paid \$86,470 in state and federal fines. They also forfeited six rifles, two-way

*Accomplishments include anti-poaching training for park rangers in Tanzania and investigative work on a cooperative international probe of illegal wildlife trafficking.*

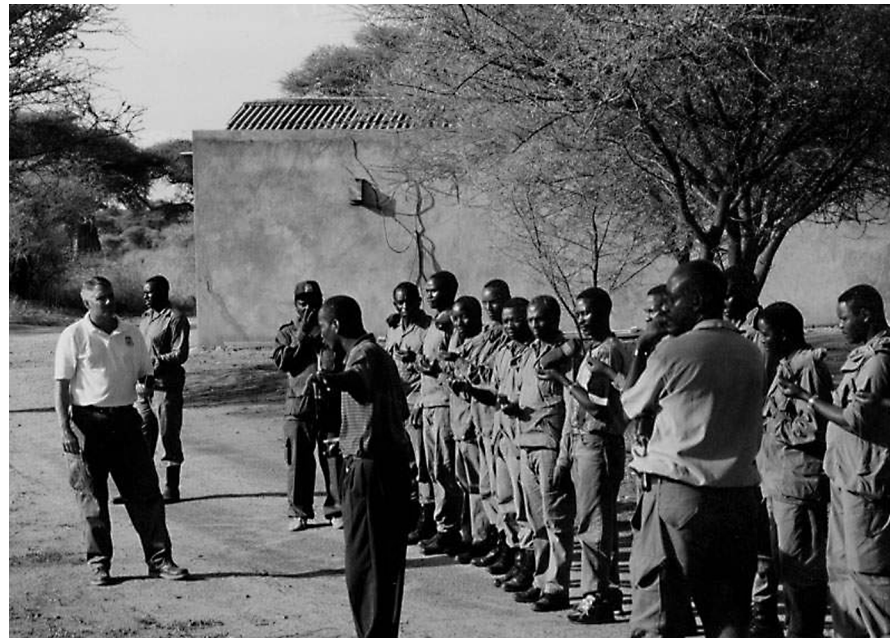
radios, two mounted deer heads, 21 packages of deer sausage, and three other deer capes and antlers and lost 44 years worth of hunting privileges. In addition, the head guide was sentenced to four days of jail time and 40 hours of community service. The investigation resulted in the first federal felony convictions for wildlife crimes in Kansas and received a great deal of media and public attention.

#### **Supporting Global Wildlife Conservation**

During FY 1999, Region Six special agents made key contributions to international wildlife conservation. Accomplishments include anti-poaching training for park rangers in Tanzania and investigative work on a cooperative international probe of illegal wildlife trafficking.

During October 1998 and February 1999, a Region Six special agent assisted other Service agents in conducting a wildlife law enforcement training and evaluation program for officers from the Tanzania National Parks and Tanzania Wildlife Department (see p. 48). The region's contributions to this project included organizing and coordinating the February 1999 training session, which was presented in Tarangire National Park in Tanzania. The agents also provided training to seven law enforcement and community conservation program personnel from Tanzania National Parks when those officers visited Wyoming and Montana during the summer.

A Region Six special agent developed information from an informant that helped launch an international investigation into illegal commercialization of ivory, which was conducted in conjunction with the Kenya Wildlife Service. While in Tanzania conducting training, the agent took a local bus and traveled over eight hours to Kenya where he joined other Service agents to assist in the execution of a criminal search warrant in Nairobi (see p. 46 and 66). The search warrant culminated in the seizure of a large quantity of counterfeit Masai artifacts made from protected species—items that could have fetched as much as \$3 million from unsuspecting art collectors. The fraudulent artifacts, which were modeled after historic Masai pieces, contained elephant ivory, elephant bone, black rhinoceros horn, rhinoceros bone, and rhinoceros skin. Similar artifacts had been illegally sold in international markets and smuggled into the United States.



*Special agents from Regions Six and Five presented hands-on law enforcement training for national park rangers in Tanzania. USFWS*



*Technician examines recovered birds at the National Eagle Repository. USFWS*

### **Easement Enforcement**

Wetland easement enforcement remained a priority in the Dakotas. These efforts involve identifying and obtaining restoration of wetlands that have been drained, filled, or burned. In FY 1999, Service special agents in North and South Dakota spent a significant amount of time working closely with wildlife refuges and wetland management districts to identify easement violations, help bring cooperators into compliance, and, when necessary, prosecute those who refuse to take corrective measures. Law enforcement staff, however, generally succeed in working cooperatively with landowners to correct problems and restore wetlands.

### **Supporting Other Law Enforcement Agencies**

A special agent in Montana assisted the U.S. Marshals Service in the arrest of a former biker and known methamphetamine cooker who resided on property adjacent to the National Bison Range. An arrest warrant for this individual was obtained for operating a drug lab. The agent helped with acquiring maps, keys, and equipment; gaining access to the defendant's land; and executing the warrant. The defendant was arrested without incident, although officers found a loaded pistol under the pillow where he was sleeping. A search warrant was subsequently executed and a rolling methamphetamine lab was discovered within 10 feet of the common fence shared with the National Bison Range. The defendant later hanged himself in the Mineral County Jail.

### **Wildlife Inspection Activities**

Region Six is home to 34 Customs ports of entry along the U.S.-Canada border as well as numerous interior Customs ports (mostly air) throughout its eight-state territory. The volume of wildlife trade crossing the border is increasing; this traffic includes personally owned pets, reptiles, sport fish, circuses, waterfowl, taxidermy shipments, fur shipments, hunting trophies, and other live animal shipments. The number of violations detected has increased accordingly. When appropriate, shipments are refused clearance and are not allowed to enter the United States. The number of cases referred for civil penalty or criminal prosecution has, however, increased in recent years.

### **National Eagle Repository**

The National Eagle Repository is located on the Rocky Mountain Arsenal, northeast of Denver, Colorado. The Eagle Repository continued to see an increase in the number of requests from Native Americans seeking to obtain eagle feathers for religious use. Although staff filled 1,314 eagle orders in FY 1999, the Repository received 1,163 new requests. New submissions included 224 requests for bald eagles, 528 requests for golden eagles, and 411 requests for either species.

The Repository continued to ship boxes and prepaid mailing labels to the field, expediting turn-around time for receipt of eagle carcasses. Despite Service efforts to ensure that dead eagles are sent to the Repository, the demand for eagles and feathers far outweighs the supply, creating a three- to four-year backlog in filling requests. In FY 1999, the Repository received 1,260 eagles/parts, consisting of 788 bald eagles and 472 golden eagles. In addition, 1,632 raptors and miscellaneous bird carcasses were received and 266 orders filled for these species. The total number of birds received this fiscal year was 2,892.

To improve outreach and service to Native American communities, the Eagle Repository invited tribal elders from the Jemez and Cochiti Pueblos in New Mexico to tour the facility and meet with staff. This interchange provided an excellent opportunity for tribal leaders to learn more about the Service's program for distributing eagle feathers to Native Americans. It also gave the Repository staff a better understanding of the needs of Native American communities.

*Approximately 200,000 wildlife items that were surplus to the needs of conservation educational programs were sold.*



*Prospective bidders examine lots at the Service's June 1999 wildlife property auction. USFWS*

### **National Wildlife Property Repository**

The National Wildlife Property Repository, which is also located on the Rocky Mountain Arsenal near Denver, continued to collect forfeited and abandoned wildlife items, 99 percent of which came from Fish and Wildlife Service designated ports of entry. In FY 1999, 378 boxes of wildlife property were received by the Repository and 99 requests for property were filled. Wildlife products and items were loaned to public scientific and educational institutions, state fish and game departments, and Service field offices for use in conservation education programs throughout the United States.

The Repository also supported several specific conservation education programs. Wildlife items were provided to Safari Club International's Sensory Safari program, which was presented at the International Sportsman Show in Denver and Ocean Commotion Day in Schriever, Louisiana. "Sensory Safari" provides deaf and blind children the opportunity to learn about wildlife through their sense of touch. Both programs were well received, reaching several thousand children and adults.

As part of its outreach efforts, the Repository sponsored two high school students participating in a Job Shadow program through local high schools and hosted a Career Awareness Institute student during the summer. In collaboration with Rocky Mountain Arsenal National Wildlife Refuge, the Repository participated in the "1999 Eagle Festival." Several thousand individuals toured the wildlife property facility during the year.

In June 1999, the Repository held the largest wildlife property auction in Service history. Approximately 200,000 wildlife items that were surplus to the needs of conservation educational programs were sold. Products sold included several hundred reptile-skin cowboy boots, belts, handbags, wallets, clothing, shell art objects and jewelry, and coral. The items were inventoried, grouped into 652 lots, and sent to the auction block. No threatened or endangered species, migratory birds, or marine mammals were included in the auction. After four hours, all lots had sold, yielding more than \$520,000. Thanks to a recent amendment to the Fish and Wildlife Improvement Act, all the proceeds were deposited in the Lacey Act/Endangered Species Act Reward account.

Denver International Airport and United Airlines entered into a partnership with the Service to place two educational exhibits in the center of concourse B, the airport's busiest concourse used by most international travelers. The exhibit cases, which cost approximately \$5,000 each, were donated by a commercial tenant at the airport. The exhibits feature a variety of confiscated wildlife items; they will heighten the awareness of international travelers about prohibitions on importing protected wildlife from foreign countries. The displays will also teach the public about wildlife laws and the effects of illegal wildlife trade on species in the wild. The airport has also donated display space in three other exhibits cases in the main terminal, which normally lease for \$8,500 each.

### **Region Seven**

Region Seven—the state of Alaska—encompasses 586,000 square miles of scenic beauty, an area one-fifth the size of the lower 48 states. Seventy-seven million acres of the National Wildlife Refuge System's 93 million acres are located here. During FY 1999, 10 special agents and two wildlife inspectors were responsible for enforcing federal wildlife laws in Alaska.

#### **Illegal Guiding**

Region Seven special agents, working closely with investigators from the Fish and Game Protection Division of the Alaska State Troopers, remained a formidable force for combating illegal commercial big game guiding in Alaska. Most guided hunts involve out-of-state or foreign hunters, and investigations require coordination and full cooperation between Service and state authorities. Much of the hunting done in the state occurs on refuge lands, making commercial guiding violations a major investigative priority in the region.

*One particularly notable case from FY 1999 helped spread the anti-poaching message on national television. Agents investigated the televised guided big game hunt of a well-known celebrity outdoorsman, who produces and stars in a syndicated hunting and fishing TV show.*

One particularly notable case from FY 1999 helped spread the anti-poaching message on national television. Agents investigated the televised guided big game hunt of a well-known celebrity outdoorsman, who produces and stars in a syndicated hunting and fishing TV show. As a result of the investigation, the TV show host, his Alaskan guide, an assistant guide, and one other hunter were all convicted of federal wildlife crimes related to the taking of caribou with airplanes and the interstate shipment of illegally taken wildlife. In addition to probation and a \$15,000 fine, the celebrity outdoorsman was required to air 13 public service announcements on his television show about wildlife conservation and ethical hunting.

The assistant guide paid a \$5,000 fine; the other hunter paid a \$1,000 fine and forfeited his trophy caribou and the rifle he used to kill it. The head guide was the only one who did not plead guilty. After a week-long trial, this individual was found guilty on all counts and sentenced to one year in jail, two years probation, and a \$5,000 fine. He forfeited one of two airplanes seized from him, and a civil action is pending against the other.

In an ongoing investigation, Service special agents documented the criminal activities of a loosely knit group of unlicensed big game guides who operated out of a private inholding within a national park. Eight out-of-state hunters and one hunter from Alaska have been charged to date in U.S. District Court in Anchorage.

During the course of the investigation, agents obtained 21 full-length home videos showing dozens of hunters illegally killing black bear, grizzly bear, moose, caribou, and sheep over a period of several years. One video featured a hunter shooting a caribou out of an airplane window. The tapes have proved essential in identifying defendants and refuting claims of innocence.

So far, one hunter, a Minnesota police officer, has pleaded guilty; he was sentenced to probation and fined \$6,000. The other eight hunters are all in various stages of entering guilty pleas. All will be required to testify against the guides, who have yet to be charged, and help identify other hunters in the incriminating videos. Three Super Cub airplanes used to illegally take wildlife were seized and will probably be forfeited.

A Fairbanks big game guide is negotiating a guilty plea to federal wildlife charges related to the illegal take of sheep and grizzly bear on the Tetlin



*The host of a hunting and fishing TV show, two guides, and a second hunter were convicted of wildlife crimes related to an illegal caribou hunt in Alaska. John Sarvis/USFWS*





*A Canadian aviculturist pleaded guilty in a case involving the illegal collection of spectacled eider and other protected eggs. Glen Smart/USFWS*

Indian reservation, which borders Canada. The airplane used to commit the violations was seized in Montana, where it was found hidden on a friend's ranch.

The Service's investigation of the chief of police in Nome, who moonlighted as a big game guide catering to law enforcement officers, finally concluded when the now-retired chief pleaded guilty to violating the Lacey Act. He was fined \$20,000 and placed on probation for one year. The count stemmed from the illegal taking of a grizzly bear by a California client. The hunter, who also pleaded guilty to violating the Lacey Act, forfeited the trophy and paid a \$5,000 fine. In this same case, a special agent with the Bureau of Alcohol, Tobacco and Firearms from Virginia avoided appearing in federal court in Fairbanks by paying a \$2,500 Notice of Violation for transporting an illegally taken moose in interstate commerce.

### **Protecting Migratory Birds**

A prominent aviculturist from Canada, who had been a fugitive since 1992, waived extradition proceedings and returned to the United States where he pleaded guilty to four Migratory Bird Treaty Act counts in federal court in Fairbanks. He was ordered to pay a \$20,000 fine, contribute an additional \$50,000 in restitution to the North American Wetlands Conservation Fund, and serve three years probation.

Agents who had been investigating the man had reason to believe that he was illegally commercializing in waterfowl and exceeding the numbers and species that he was allowed to collect under U.S. and Canadian permits. In 1992, he was arrested in Anchorage as he was trying to return to Canada from a collecting trip. Agents found that he had collected more eggs than permitted, and that he had collected eggs from protected species, such as the spectacled eider.

The defendant was released after posting \$50,000 cash bail. Although the judge ordered that he remain in Alaska, the man fled to Canada, where he remained a fugitive for seven years. In addition to the fine and restitution, he forfeited the \$50,000 bail he posted in 1992. His illegal collecting trip to Alaska ended up costing him \$120,000.

Agents investigated a rash of unexplained raven deaths in southeast Alaska. Over 20 dead birds were recovered. The investigation revealed that the pesticide Diazanone was being placed on lawns to control a particular species of grub. The ravens were succumbing after eating the infected grubs. An extensive education effort about the poisoning curtailed use of the pesticide.

### **Eagle Shooting**

A man in Haines pleaded guilty to shooting a bald eagle near that southeast Alaska community after eyewitnesses came forward. The man was fined \$1,500 and placed on probation for two years. He must also perform 150 hours of community service and forfeit the big game rifle he used to shoot the eagle. The witnesses received a reward. Several other eagle shootings remain unsolved in this part of the state, where eyewitnesses to such crimes are rare.

### **Inspection Program Activities**

The region's two wildlife inspectors, who are based at the Anchorage International Airport, continued to see an increase in their workload, mainly as a result of the United Parcel Service (UPS) and Federal Express shipping hubs based at the airport. Federal Express reported an 18-to-22 percent increase in overall shipments in the past year. UPS doubled the number of wildlife shipments it cleared through Anchorage during the same period.

Inspectors intercepted a shipment of sturgeon caviar being smuggled into Alaska from Russia. A routine search of a Russian citizen's suitcase turned up 50 pounds (22.68 kilograms) of the delicacy. Under regulations that went into effect in April 1998, individual travelers may bring no more than 250 grams of caviar into the country as personal effects.

*Inspectors and agents continued annual education and enforcement efforts to ensure compliance from the increasing numbers of foreign and U.S. hunters who pass through Anchorage on their way to the Russian far east to hunt brown bears.*

Wildlife inspectors and special agents participated in two border check stations at Alcan, where the Alaska highway enters Canada. In May 1999, over 100 inspections were conducted in a day and a half. Roughly a fourth of the travelers were found to be transporting some type of wildlife product. In August, U.S. Customs requested assistance with a second check station operation. A number of wildlife violations were detected, and a fugitive bank robber from Michigan carrying \$22,000 in cash was apprehended.

#### **Outreach**

Inspectors and agents continued annual education and enforcement efforts to ensure compliance from the increasing numbers of foreign and U.S. hunters who pass through Anchorage on their way to the Russian far east to hunt brown bears. Inspectors meet with groups of hunters on their way to Russia, providing information on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and import/export regulations, then conduct inspections of trophies when the travelers return. Over 200 hunters were contacted this year before they left for Russia, and 130 brown bear trophies were inspected when these individuals returned to the United States.

Region Seven agents and wildlife inspectors continued to play an active role in Service outreach and education efforts, especially in remote villages of Alaska where people rely on fish and wildlife resources for subsistence. Many of these efforts were coordinated with Alaska Native organizations such as the Eskimo Walrus Commission, the Waterfowl Conservation Committee, the North Slope Borough Fish and Wildlife Department, and similar groups.

#### **Honors and Accolades**

The Region Seven Division of Law Enforcement received high praise from the Interior Department, after the program was inspected by a team from the Secretary's Office of Law Enforcement and Security. John Berry, the Department's Assistant Secretary for Policy, Management and Budget, referred to Alaska's Law Enforcement Division as "one of the best organized and managed law enforcement operations we have had the pleasure to review."

Former Fairbanks Special Agent John Rayfield, who transferred to Region Four in January 1999, was presented with the Valor Award by the Director at a Washington, D.C. ceremony. The award recognized Special Agent Rayfield's courageous attempt to save the life of a floatplane crash victim trapped in a submerged aircraft. Special Agent Rayfield risked his own life, repeatedly diving beneath the frigid water trying to free the victim. He persisted until he was overcome by cold and exhaustion and had to give up the rescue attempt.



*Wildlife inspectors in Anchorage processed 130 brown bear trophies imported by U.S. hunters returning from the Russian far east. USFWS*



## IV. Office of Law Enforcement Highlights

During FY 1999, the headquarters-based Office of Law Enforcement provided overall program direction and guidance for Service law enforcement that allowed the Division to work more effectively within the agency; improve coordination with state, federal, tribal, and private partners in this country; and strengthen its leadership role in global wildlife law enforcement. The Office's contributions included investigative success in combating the illegal reptile trade; the presentation of wildlife law enforcement training programs in Asia and Africa; and participation in national initiatives involving such issues as coral reef protection and invasive species.

Most importantly, however, the Office tackled long-neglected resource issues that threaten the very existence of the law enforcement program, beginning the arduous task of positioning the Division to meet the challenges of the new century. The Branches of Technical and Field Support, Investigations, and Training devoted considerable staff resources and expertise to this vital undertaking.

### **Restoring Wildlife Law Enforcement**

During FY 1999, the Office of Law Enforcement worked with the regions to review the status of federal wildlife law enforcement and complete a comprehensive needs assessment for Service use in rebuilding its law enforcement capability. Months of intensive analysis identified the current and future impacts of funding shortfalls on the Division's ability to protect wildlife, serve the public, and ensure the safety of its officers. This review of current funding and staffing levels and projected retirement rates documented a resource crisis that, left unchecked, will cripple key conservation efforts to stem illegal wildlife trade, save endangered species and their habitat, and ensure that future generations of Americans enjoy ample hunting and fishing opportunities.

The Service has 252 authorized special agent and 93 authorized wildlife inspector positions. Only 216 agents and 90 inspectors were on the job at the end of FY 1999 because the Division's budget could not support a fully staffed law enforcement program. No new agents were hired, and the force in place operated at less than full capacity because adequate funds were not available for case work, travel, gasoline, and safety equipment.

The law enforcement needs assessment concluded that budget stagnation has seriously eroded the Service's ability to protect the Nation's wildlife and enforce the Nation's wildlife laws. Funding for law enforcement had not kept pace with increased U.S. wildlife conservation responsibilities and increased personnel and operating costs.

Funding for basic law enforcement operations and personnel is based on a "per-officer" cost formula that dates back to 1984. While Service spending on resource management since that time more than doubled, funding for law enforcement only inched up or—as in the past five years—remained basically flat. Personnel costs (especially those associated with pay, retirement, and relocation benefits) increased dramatically during this period, eroding the funds available for conducting law enforcement operations.

The Senate study that originally endorsed the concept of "per officer" funding concluded that an effective law enforcement program required an operations/personnel spending ratio of 34 to 66 percent. The Division's needs assessment showed that that ratio had eroded significantly over the years; in 1998, for example, 86 percent of the funding base went to covering personnel costs, leaving only 14 percent to pay for actual law enforcement operations. If the Division had been fully staffed, the proportion of funds available for operations would have plummeted to 4 percent.

In recent years, budget shortfalls forced the Division to choose between filling jobs that became vacant or keeping remaining officers equipped to do their work. If current funding levels continue, the Division will be unable to forestall an even more severe staffing crisis. Over the next five years, 11

*As part of the needs assessment, the Office of Law Enforcement updated funding models to reflect the real costs of putting a fully trained and equipped agent or inspector on the job.*



*An assessment of law enforcement resource needs identified deferred spending for protective equipment and safety training as a key concern. USFWS*

percent of the existing workforce must retire under mandatory law enforcement retirement rules. Funds are not available to hire, train, and equip new agents to fill these positions.

The Division projects that other officers will also leave the force during this period because of stressful working conditions and resource shortages. Many agents are already eligible to retire or will become eligible within the next five years. The loss of these agents on top of those who must retire would bring agent staffing down to less than half of authorized strength.

As part of the needs assessment, the Office of Law Enforcement updated funding models to reflect the real costs of putting a fully trained and equipped agent or inspector on the job. The additional resources needed to allow the current workforce to operate at full capacity and to begin addressing the Division's staffing shortages were identified. Law enforcement staff also documented the impacts of the Division's funding and staffing crisis on the Service's conservation mission and on the health and safety of officers on the job.

Impairment of endangered species enforcement, reduced investigative support for refuges, curtailment of cooperative enforcement with states and tribes, reduced inspection of wildlife trade, and weakened industry liaison would all have serious consequences for protected U.S. and international species. Deferred spending for safety training, protective equipment, and vehicle replacement puts Service officers at risk, while staffing shortages increasingly result in agents working alone or with reduced levels of supervision.

The Division presented these findings to the Service Directorate at a day-long briefing in April 1999 and secured the agency's endorsement of an effort to seek the resources needed to restore Service law enforcement. During the late spring and summer, Office of Law Enforcement staff worked closely with Service and Department budget offices to develop a FY 2001 funding proposal that would begin to address the Division's resource needs.

The Office also prepared outreach and briefing materials to explain the law enforcement resource crisis to Administration officials, Congressional staff, Service partners, and the public. The Director, Chief, and other law enforcement officials conducted briefings for key decisionmakers and discussed the challenges facing Service law enforcement with constituent groups and appropriate media forums, including the annual meetings of the Outdoor Writers Association of America and the Society of Environmental Journalists.

### **Service Priorities and Policy**

In addition to its work on the law enforcement needs assessment, the Branch of Investigations participated in a number of projects that addressed key conservation issues and Service and Administration priorities. The Branch also published two final rules that revised Service policy and regulations with respect to baiting and the international transport of eagle items, and supported public outreach and Native American liaison goals.

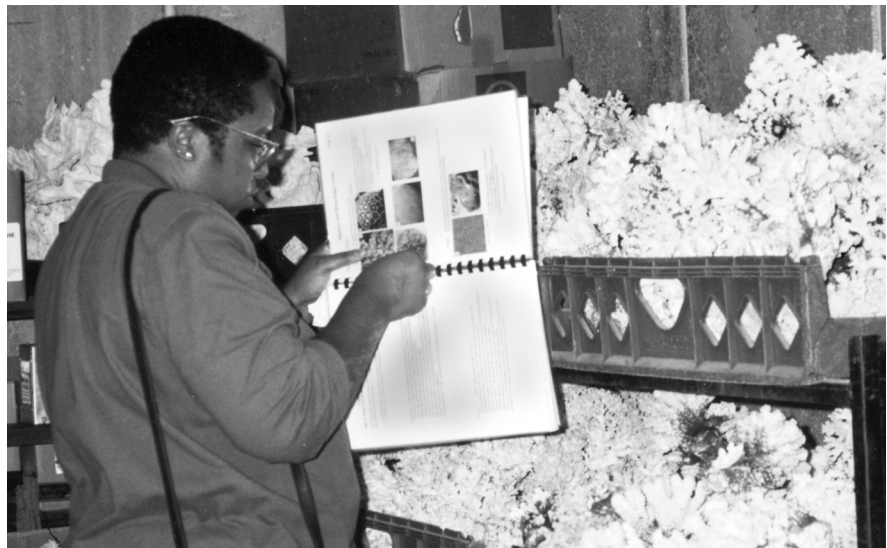
The Branch contributed to U.S. and global efforts to protect coral reefs, nearly 60 percent of which are imperiled by human activity. A senior wildlife inspector co-chaired the trade subgroup of the Presidentially created U.S. Coral Reef Task Force, directing an interagency effort to analyze U.S. trade data for corals, giant clams, and other reef resources and propose improved trade controls. The group, which also included a senior special agent, worked to facilitate international cooperation for coral reef conservation and identify ways to help coral reef countries improve their capacity to manage and protect reef resources. Liaison with the states and territories, industry, and non-governmental organizations such as the Marine Aquarium Council and the World Wildlife Fund helped increase public awareness of the U.S. role in, and concerns about, the trade of coral reef species.

*Senior wildlife inspectors took the lead in planning, coordinating, and conducting a marine invertebrate identification workshop for North American wildlife law enforcement officers.*

Senior wildlife inspectors took the lead in planning, coordinating, and conducting a marine invertebrate identification workshop for North American wildlife law enforcement officers. This training, which was sponsored by the North American Wildlife Enforcement Group (NAWEG) and funded by the Commission on Environmental Cooperation, targeted the growing global concern about the future of coral reef and marine resources. The November 1998 workshop, which included sessions on species and product identification, global trade patterns, and techniques for conducting inspections and detecting fraud and smuggling, promises improved enforcement of trade laws that protect corals and other marine species at U.S., Canadian, and Mexican ports of entry. Instructors included wildlife inspectors from Miami and Los Angeles; scientists from the Southern California Marine Institute and Aquarium of the Pacific; and representatives from PROFEPA (Mexico's federal environmental protection authority), the National Oceanic and Atmospheric Administration, the National Marine Fisheries Service, and TRAFFIC USA (an arm of the World Wildlife Fund).

Law enforcement staff helped the South Pacific Regional Environmental Program forge an international partnership to tackle invasive species issues in Oceania, and contributed to protocols to keep Hawaii's new Kahului airport from becoming a conduit for unwanted wildlife and plants. The Branch of Investigations proposed a framework for new U.S. legislation that would allow emergency listings and increase fines and penalties for importers. A planned expansion of the Service's canine inspection program promises improved interdiction of invasive species at the Nation's ports and border crossings. Outreach to educate other regulatory agencies, such as the Food and Drug Administration, about the dangers of invasive species laid the groundwork for a united federal effort to close U.S. borders to injurious animals and plants.

A senior special agent joined staff from Service International Affairs to host the CITES Tiger Technical Mission, which visited the United States in late January on the second stop of a 14-country tour of tiger range and consumer states. Law enforcement officers at the port of Los Angeles provided tours of airport cargo and passenger inspection facilities, demonstrated the role of the Division's detector dog in intercepting smuggled Asian medicinals, and briefed the visitors on the ongoing work of the area's multiagency task force, which targets the illegal trade in products made from tigers and other endangered species. Information gathered from the Service will be used by the Mission to evaluate global efforts to protect tigers and recommend improvements needed to safeguard this endangered species.

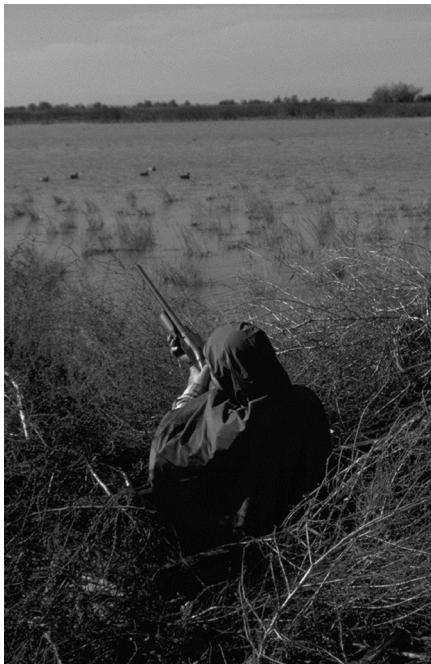


*A Service-coordinated marine invertebrates workshop gave North American wildlife enforcement officers an opportunity to work on coral identification skills. Sheila Einsweiler/USFWS*

In June 1999, the Service revised federal regulations on baiting for the first time in 25 years; the new rules support the long-term conservation of migratory birds by encouraging the restoration and creation of additional wetland habitat. The Branch of Investigations, which worked with the Office of Migratory Bird Management to prepare the new regulations, assembled a team of field agents to develop public outreach materials to explain the changes to both waterfowl and dove hunters. A data collection system was also finalized to track baiting violations and gauge the effect of statutory changes in baiting enforcement introduced by the Migratory Bird Treaty Reform Act. This 1998 law eliminated the strict liability standard for baiting violations, increased penalties for hunting over bait, and made the placement of bait a separate federal crime.

In September 1999, the Service published a final rule that authorizes the issuance of permits to Native Americans and public institutions that want to temporarily take legally possessed bald or golden eagle parts, items, and mounts out of the country for religious, scientific, or exhibition purposes. The United States had prohibited all bald eagle exportations since 1940, including those for noncommercial purposes such as personal religious use or public display. Similar restrictions had applied to golden eagles and their parts since 1962. The new eagle transport rule addresses the religious needs of Native Americans, makes it easier for scientists to share information, and maintains adequate safeguards for eagles.

Last minute legal research, intraagency negotiations, and coordination paved the way for the return of a 19<sup>th</sup> century Lakota Ghost Shirt from a Scottish museum to its rightful Native American owners. The shirt, a sacred garment of the Ghost Dance religion, is a cotton tunic trimmed with golden eagle, great horned owl, and raven feathers. Importation of such an item would normally be prohibited under the Migratory Bird Treaty Act and Eagle Protection Act, both of which ban international trade in protected birds and their feathers and parts. Because of the Ghost Shirt's religious and cultural significance, the Service decided to co-sponsor the transfer by accepting the garment on its arrival in the country and facilitating its transit through U.S. Customs. The actual importation would occur while the shirt was in U.S. government custody and thus not subject to import restrictions. This unusual arrangement fulfilled long-standing U.S. trust responsibilities to Native American tribes and upheld the American Indian Religious Freedom Act, which commits the federal government to protecting the rights of Native Americans to "believe, express, and exercise [their] traditional religions." Region Three law enforcement staff processed this unusual importation on July 28 (see "Regional Highlights," p. 34).



*New rules on baiting encourage the restoration of wetlands, promising benefits for both migratory birds and hunters. Megan Durham/USFWS*

Outreach efforts in FY 1999 included working with Service External Affairs, the Baltimore Law Enforcement office, Patuxent Research Refuge, and Chesapeake Bay Field Office to coordinate a media event dedicating a new exhibit at Baltimore/Washington International Airport (see "Regional Highlights," p. 49). The display, which spotlights the national refuge system and the illegal wildlife trade, invites the public to visit refuges to learn more about "wild things" and "wild places" and urges travelers to be "wildlife-wise" consumers when they visit foreign countries. Service Director Jamie Rappaport Clark spoke at the dedication ceremony and took media representatives on a behind-the-scenes look at an actual wildlife inspection in one of the airport's cargo facilities.

### **International Training and Liaison**

The Office of Law Enforcement worked successfully to improve coordination and liaison with the international law enforcement community. A senior special agent from the Branch of Investigations was assigned to represent wildlife enforcement interests on the staff of INTERPOL's Washington, D.C. office. Service presence there helped facilitate the international exchange of intelligence involving wildlife trafficking and support the investigation of wildlife crimes that extend beyond U.S. borders.

A senior wildlife inspector represented the United States at the Third Meeting of the World Customs Organization's Working Group on CITES Enforcement, which convened in Brussels, Belgium, in January 1999. More than 30 countries and international organizations participated in the conference, which focused on improving global efforts to combat illegal wildlife trade. Headquarters officials also represented the United States at meetings of the North American Wildlife Enforcement Group (NAWEG) during the year. This group, which includes officers from U.S., Mexican, and Canadian wildlife enforcement agencies, works to build trilateral enforcement capacity and increase cooperation in protecting wildlife on the continent.

During FY 1999, Service special agents and wildlife inspectors proved the instructors of choice for countries seeking to upgrade their wildlife law enforcement capability. Staff from the Office of Law Enforcement's Investigations, Training, and Special Operations branches all contributed to international training efforts, as did agents and inspectors from the regions.

Special agents from Regions Six and Five, for example, conducted hands-on anti-poaching training for national park rangers in Tanzania in cooperation with the U.S. Agency for International Development (see "Regional Highlights," p. 48 and p. 56). Some of these rangers met with Office of Law Enforcement staff for overview briefings on Service enforcement responsibilities when they visited Washington, D.C., in July as part of an eight-week summer environmental protection course they were completing here in this country.

Special agents teamed with the Global Survival Network, Wildlife Conservation Society, and Thai Royal Forestry Department to help launch an anti-poaching and community outreach campaign in Khao Yai National Park—Thailand's oldest and most famous protected area. A senior special agent from the Branch of Training and Inspection and a special agent from Region Six prepared and taught the core law enforcement segment of an intensive 12-day training program for park rangers, who are increasingly challenged to protect the park's animals and plants from commercial poaching and subsistence hunting. Threatened resources include the aloewood tree (a source of perfume and incense that has become a prime poaching target) as well as elephants, tigers, and bears. The Service training, which was conducted at Khao Yai in August 1999, covered firearms handling, ranger safety, patrolling techniques, and crime scene analysis. An armed encounter between rangers and poachers in November, which resulted in the death of an untrained officer, showed how vital such training programs are for law enforcement operations trying to stop poachers who stand to profit from the theft of protected plants and animals.

Office of Law Enforcement and Service International Affairs staff joined the U.S. Department of Justice to promote wildlife conservation and improved trade monitoring in Madagascar—an island nation where wildlife resources are increasingly being plundered for the global black market. Wildlife inspectors from Region Two and the Branch of Investigations and Office of Management Authority staff conducted CITES training for customs officers and wildlife protection officials in China.

International enforcement partnerships also included investigative assistance to the Kenya Wildlife Service on a probe of an organized wildlife crime syndicate operating in the United States and other countries. The group was smuggling items made from elephant ivory, rhino horn, and other wildlife parts out of Kenya, passing them off as antique Masai artifacts and selling them in art studios in New York and other cities around the world. In February, Service special agents from Region Six, Region Five, and the Branch of Investigations helped execute search warrants in Kenya and evaluate seized evidence (see "Regional Highlights," p. 46 and 56). This effort uncovered a clandestine collection of more than 2,800 wildlife items valued at \$3 million that had been hidden from Kenyan authorities for over nine years. Six individuals were arrested in February, and in July the Kenya Wildlife

*During FY 1999, Branch agents continued their work on Operation Chameleon, a multiyear covert investigation of the illegal international trade in exotic reptiles.*



*The Branch of Special Operations broke up a smuggling ring that was trafficking in Komodo dragons and other rare reptiles. Ernest Mayer/USFWS*

Service charged the main suspect in the probe with multiple counts of illegal wildlife trafficking and possession.

## **Special Operations**

As the operational unit of the Office of Law Enforcement, the Branch of Special Operations conducts long-term, complex investigations into the illegal commercialization or large-scale illegal take of protected plants and animals. 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.

During FY 1999, Branch agents continued their work on Operation Chameleon, a multiyear covert investigation of the illegal international trade in exotic reptiles. As in the past two years, Branch efforts resulted in a number of indictments, arrests, and convictions. During the reporting period, seven more individuals were charged, four were arrested, and nine were sentenced. To date, Operation Chameleon has produced charges against 40 people in the United States, Canada, and Germany; 23 of these individuals have been prosecuted.

Operation Chameleon broke up several organized rings that were illegally trafficking in protected reptiles and amphibians. Key branch activities for FY 1999 included the prosecution of additional subjects identified in the “Madagascar” phase of this investigation as well as the charging and arrest of wildlife dealers from Malaysia, Hong Kong, Cameroon, and the United States in the “Asian” phase of the probe.

In March 1998, Branch agents and special agents from Region Four executed a federal search warrant at a reptile dealer’s business in Fort Meyers, Florida, where they seized seven endangered Exuma Island iguanas. The owner and business manager had purchased Madagascar tree boas and West Indies island iguanas from other subjects investigated by the Service knowing that the reptiles had been smuggled into the United States. Both businessmen were charged with misdemeanor Lacey Act violations, and were sentenced in federal court in November. The business owner was placed on two years probation and was ordered to perform 100 hours of community service and pay a \$50 special assessment. The business manager must serve two years probation, perform 50 hours of community service, and pay a \$25 special assessment.

In November 1998, three southern Florida reptile collectors were indicted by a federal grand jury in Miami on 11 counts related to the illegal collection and importation of rare West Indies island iguanas. Two of these individuals were also indicted for their role in the smuggling of Madagascar tree boas, ground boas, and tortoises into the United States from Germany. The charges were the result of joint investigations by Region Four agents and agents from the Branch of Special Operations (see p. 37). In May 1999, a federal jury in Fort Lauderdale found two of the three reptile collectors guilty of conspiring to violate the Lacey Act and illegally importing several species of protected West Indies island iguanas. One was sentenced later in the year to serve 14 months in federal prison; the other will serve 24 months.

In January 1999, a former central Florida reptile dealer pleaded guilty to seven felony counts related to his role in an international smuggling ring that specialized in rare reptiles from Madagascar. During his court appearance, the man admitted that he had been involved in smuggling and selling more than 200 reptiles. In April 1999, he was sentenced to serve 30 months in prison, perform 150 hours of community service, and spend three years on supervised release, during which time he is prohibited from any involvement with animals.

In February 1999, a former business manager of this reptile dealer was sentenced in South Carolina after the venue for his prosecution was moved from the Middle District of Florida. This individual was placed on three years



supervised probation with three months of home detention; he was also ordered to perform 200 hours of community service and pay a \$150 special assessment.

In this same month, a reptile dealer from Maryland was sentenced in Baltimore for receiving 30 Madagascar tree boas that had been smuggled into the United States from Germany. The Maryland dealer had also been involved in the illegal importation of rare frogs and Madagascar tortoises from The Netherlands. The man was sentenced to four months home detention and three years of supervised release for his part in these illegal activities.

In March 1999, another Maryland reptile collector and dealer was sentenced in Baltimore for his role in the smuggling of radiated tortoises (a species found only in Madagascar) and rare frogs from The Netherlands to the United States. He was placed on one year probation and ordered to pay a \$500 fine and \$25 special assessment. This individual was an associate of the Maryland reptile dealer sentenced in February.

In June 1999, a reptile dealer from Ontario, Canada, was sentenced in that province for violating Canada's Export Act. The man, who was a close associate of a Windsor reptile dealer convicted last year for his role in the Madagascar phase of Operation Chameleon, was sentenced to pay a fine of 4,000 Canadian dollars and agreed to forfeit the reptiles seized from him during the Canadian investigation. In September 1999, one of several Canadian couriers for the Madagascar-to-Germany smuggling ring was sentenced in Ontario for her role in bringing illegally acquired reptiles into Canada from Germany. The woman was sentenced to pay a fine of 5,000 Canadian dollars.

In August 1999, the reptile curator of a major California zoo pleaded guilty in federal court to one count of wire fraud and one count of theft involving a program receiving federal funds. The charges involved nearly \$109,000 in funds; some of this money was tied to the illegal sale of rare reptiles, including Australian pythons, that had allegedly been imported for zoological purposes. The curator, who awaits sentencing, retired after 37 years of employment with the zoo.



*Species targeted by smugglers snared by Operation Chameleon included endangered ploughshare tortoises. Ernest Mayer/USFWS*

Covert work on the Asian phase of Operation Chameleon culminated in the fall of 1998 when an undercover Branch agent lured one of the world's most notorious wildlife dealers from the safety of his Malaysian homeland to Mexico City, where he was arrested by Mexican authorities at the behest of the Department of Justice and the Service. The dealer had been indicted in September 1998 in San Francisco, California, along with a wildlife dealer from Hong Kong, an attorney-turned-smuggler, and an Arizona reptile dealer. The latter two, both U.S. citizens, were arrested in this country as the Malaysian dealer was being taken into custody in Mexico.

The four men were charged in a 55-count federal indictment for conspiracy, smuggling, money laundering, making false statements, and felony violations of the Lacey Act — all related to the smuggling of more than 300 animals worth nearly half a million dollars. The reptiles targeted included such rare and endangered species as Komodo dragons, ploughshare tortoises, and Chinese alligators.

The Malaysian wildlife dealer had been indicted in the United States in 1992 for smuggling Fiji island iguanas. (The former central Florida reptile dealer who was sentenced in January 1999 for his role in the Madagascan phase of Operation Chameleon had also been charged and prosecuted under that earlier indictment). At the time of the Malaysian dealer's apprehension in Mexico, outstanding warrants for his arrest existed in the United States for that earlier crime as well as for the criminal activities alleged in the September 1998 indictment.

*The Branch of Training and Inspection is responsible for preparing new special agents, wildlife inspectors, and refuge officers to work in the field and for keeping Service law enforcement officers up to date on the skills and knowledge needed to do their jobs.*

Extradition proceedings are ongoing in Mexico for the Malaysian wildlife dealer; the Justice Department is exploring the possibility of seeking extradition of the indicted Hong Kong wildlife dealer. Court action is pending for both the Arizona reptile dealer and the attorney-turned-smuggler.

In June 1999, a well-known west African wildlife dealer based in Cameroon was charged in a 19-count indictment in the Northern District of California and a warrant was issued for his arrest. The man allegedly sold endangered Goliath frogs and rare African chameleons that were smuggled into the United States or that had falsely been declared as other species on import documents. In August, the Cameroon dealer was arrested in San Francisco after he was lured to the United States by a Branch undercover agent. He is being held in custody pending legal proceedings.

Service work on Operation Chameleon was recognized by the Justice Department as an important contribution to fighting environmental crime. Branch of Special Operations staff and Region Four special agents were honored for their role in this major, multiyear investigation of illegal wildlife trade by Attorney General Janet Reno at an April 1999 award ceremony in Washington, D.C.

In addition to its continued probe of international reptile trafficking, the Branch of Special Operations also began a new covert investigation of the unlawful trade of Native American cultural items in FY 1999. This investigation, which is being conducted jointly with the Federal Bureau of Investigation and with the assistance of the National Park Service and Bureau of Indian Affairs, focuses on allegations that a number of individuals are actively involved in the acquisition, possession, and sale of items protected under the Native American Graves Protection and Repatriation Act and the Archaeological Resources Protection Act. Some of the alleged criminal activity also involves unlawful commercial sale of items that contain parts of protected migratory birds, including eagles. Such transactions violate the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and Endangered Species Act.

## **Training and Inspections**

The Branch of Training and Inspection is responsible for preparing new special agents, wildlife inspectors, and refuge officers to work in the field and for keeping Service law enforcement officers up to date on the skills and knowledge needed to do their jobs. The Branch conducts basic training for new Service officers at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, and annual in-service training for special agents and wildlife inspectors. In-service programs are designed to refresh basic law enforcement skills and brief officers on changes in laws, regulations, and policies. The Service's National Conservation Training Center (NCTC), located in Shepherdstown, West Virginia, has hosted these programs in recent years.

During FY 1999, Branch staff located at FLETC and Arlington, Virginia, administered the various training programs required for Service law enforcement personnel. The Branch also provided training on wildlife protection laws to other federal agencies; addressed issues related to force readiness; and helped plan, coordinate, and, in some cases, conduct training programs for wildlife law enforcement officers overseas. A Branch training officer, for example, helped to develop instructional materials and served as an instructor for the Thai anti-poaching training described earlier in this section under "International Training and Liaison."

Branch staff began the year completing final preparations for the national wildlife inspector in-service program. Two one-week in-service training sessions for inspection staff were presented at NCTC during the weeks of October 27 and November 3, 1998. The program included updates concerning relevant international and domestic wildlife laws; protective mask fittings; sessions on mammal identification, butterfly identification, forensic



*A special agent (foreground) completes a simulated armed encounter during 1999 annual in-service training. USFWS*

ornithology, and caviar species verification; and a legal review presented by Region Five's Office of the Solicitor.

Twelve new wildlife inspectors successfully completed Wildlife Inspector Basic School, which was conducted at FLETC January 25-February 19, 1999. The four-week course covered such topics as Service authority and jurisdiction, major wildlife laws, wildlife identification, courtroom testimony, report writing, interviewing techniques, and wildlife forensics. Instructors included guest speakers from the Department of Justice, U.S. Customs Service, Environment Canada, FLETC, and the Center for Disease Control as well as Service senior wildlife inspectors and special agents.

In June 1999, the Branch of Training and Inspection conducted two one-week national in-service programs for special agents at NCTC. The agenda included instructors from wildlife agencies in Canada and New Zealand, the Department of Justice, FLETC, the Bureau of Alcohol, Tobacco, and Firearms, and the Division's Forensics Laboratory. The Branch also kicked off the new national wellness program for Service special agents; agents attended a fitness presentation by a health promotion manager and participated in a series of wellness events that helped them gauge their current level of fitness.

As part of the national in-service program, the Branch provided 12 hours of management training to the Assistant Regional Directors for Law Enforcement and their deputies. These sessions covered dealing with change as a manager and addressing conduct, performance, medical and leave issues.

The Branch presented a firearms instructor update for all special agent firearms instructors during the weekend between the two agent in-service sessions. Agents had an opportunity to work with firearms instructors from FLETC and a private company to improve their knowledge and skills in this essential area.

On August 24-27, 1999, the Branch conducted a "Law Enforcement for Managers" training program at FLETC for 13 officials from Service headquarters and regional offices. The program was designed for Service managers who have the overall responsibility for the administration of law enforcement activities in their respective regions and on national wildlife refuges. The program exposed the managers to such issues as enforcement authority and jurisdiction; preventive law enforcement; Service law enforcement policies; concerns related to use of force; and the roles and responsibilities of special agents, wildlife inspectors, and refuge officers. Participants also had an opportunity to review and discuss Service law enforcement policy and procedures as they relate to specific regional and programmatic concerns.

On September 14, 1999, the Branch participated in a Curriculum Review Conference at FLETC, which examined a new law enforcement management program designed by the training center. Feedback provided will help ensure that the new course of instruction meets the needs of federal law enforcement agencies.

The Branch helped negotiate a new federal-state partnership with the University of Maryland-Eastern Shore, a historically black college, that will prepare students at the school for careers in natural resource law enforcement. Training staff will work with counterparts from the Division of Refuges, Bureau of Land Management, and Maryland Department of Natural Resources to help the school develop a course of instruction that will provide students the academic credentials needed to meet the qualifications for entry-level law enforcement jobs. The program should benefit criminal justice students at the university by linking instruction to job opportunities and give the resource agencies a source of well-qualified job applicants that can help them field a professional and diverse law enforcement force.

*The Branch of Technical and Field Support made significant progress in its efforts to upgrade and improve the Law Enforcement Management Information System (LEMIS).*

The Branch also contributed expertise to the FY 1999 Departmental Safety Seminar. The Special Agent in Charge participated in a panel discussion about supervisory health and safety responsibilities, which was broadcast as part of this interactive training program.

The Branch of Training and Inspection conducted field inspections in Regions Seven, Five, and Four. In April, an inspection team visited offices in Anchorage, Fairbanks, and Nome, Alaska. The Region Five inspection, which was performed in July, examined law enforcement operations in Dover, Delaware; Cambridge, Maryland; and Hadley, Massachusetts, and reviewed the wildlife inspection program at the ports of Baltimore and Buffalo. In September, an inspection team looked at Region Four law enforcement offices in Atlanta, Georgia; Conway and Little Rock, Arkansas; and Jacksonville, Florida; and reviewed the inspection function at the port of New Orleans.

### **Technical and Field Support**

The Branch of Technical and Field Support played a major role in completing the comprehensive study of Division of Law Enforcement resource needs. Branch staff updated per-officer funding models; analyzed funding and retirement trends; and developed the funding proposals that provide the basis for the Service's effort to rebuild the law enforcement program.

The Branch made significant progress in its efforts to upgrade and improve the Law Enforcement Management Information System (LEMIS). In 1997, the Branch began working with the Service's Division of Information Resources Management to redesign LEMIS using Internet technology. Phase I of the LEMIS 2000 project—the design and implementation of a new wildlife import/export module and employee information system—was completed in FY 1999. All associated data were transferred from the original LEMIS computer to the new server.

Phase II—development of the investigations module of LEMIS 2000—continued on schedule. This module, which is slated for release by July 2000, will replace all data entry and query capabilities now performed in the LEMIS for Windows 95 application. The LEMIS 2000 system has been fully tested and certified as Y2K compliant.

The Branch of Technical and Field Support also manages a centralized data entry group, which is tasked with entering key information from more than 85,000 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 1999, the Branch processed more than 150 requests for such data filed under the Freedom of Information Act.



## 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 identification 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 are 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 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 5,000 cases, analyzing more than 35,000 pieces of evidence. Casework submissions have increased each year. Each case may represent 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 forensic science as criminalistics, morphology, serology, chemistry, and pathology. Technical support professionals also make key contributions.

### **FY 1999 Accomplishments**

During the period from October 1, 1998, through September 30, 1999, the Laboratory processed 672 cases involving the analysis of 3,316 evidence items. Federal agencies accounted for 70 percent of the cases that lab staff worked on. State agencies (26 percent) and international law enforcement entities (4 percent) also submitted evidence for lab analysis.

The Laboratory welcomed a number of important visitors during FY 1999. In July, members of the House Appropriations Subcommittee for the Department of the Interior visited the facility for briefings and a tour. The Laboratory also hosted visiting scientists or law enforcement officers from India, the United Kingdom, Canada, and Australia.

Laboratory scientists were involved in technical information transfer with academic institutions or law enforcement entities responsible for CITES compliance in the former Soviet Union, the Peoples Republic of China

*Work on the identification of the species of sturgeon eggs will support Service efforts to regulate the caviar trade and enforce CITES protections for these imperiled fish.*



*Laboratory scientists developed a DNA technique for identifying the species of sturgeon eggs sold as caviar. USFWS*

(including Hong Kong), and France as well as with other federal agencies, including the U.S. Customs Service and U.S. Geological Survey.

The Laboratory organized and hosted the first international symposium on wildlife forensic science, which was held in conjunction with the 15th triennial meeting of the International Association of Forensic Sciences (IAFS) in Los Angeles, California. The session represented the first time that wildlife forensics had been recognized by the international scientific community as a distinct area of forensic science. All of the Laboratory's scientists presented papers or poster sessions on their research and casework; the titles of the technical papers presented are listed below.

The Laboratory hired staff to meet increased workload demands in the areas of ornithology, herpetology, molecular biology, and chemistry.

Laboratory scientists completed research in several key areas. Work on the identification of the species of sturgeon eggs will support Service efforts to regulate the caviar trade and enforce CITES protections for these imperiled fish. A technique for identifying Tibetan antelope (*Panthelops hodgsoni*) makes it possible to scientifically link suspected shahtoosh shawls with this endangered species, an important capability given the increasing popularity of these high-fashion items around the world. Lab scientists successfully used mass spectrometric analysis of hemoglobin to characterize blood stains, research that promises to provide the basis for a quick and accurate way to identify wildlife species from blood samples.

The Laboratory supported the wildlife inspection program by acquiring digital cameras for use at the Nation's ports of entry and training wildlife inspectors in using this equipment to submit photographs electronically to the lab for rapid identification of wildlife parts and products. This new capability will expedite decisions on the clearance or seizure of wildlife imports and exports and improve the efficiency of Service efforts to regulate wildlife trade.

The Laboratory Director made several presentations to forensic associations and public groups on wildlife forensics and the planned expansion of the laboratory facility.

## **Publications**

Stroud, Richard K. 1998. "Wildlife Forensics and the Veterinary Practitioner." In: Fudge, Alan M., Cooper, John E., and Cooper, Margaret E. (editors). *Seminars in Avian and Exotic Pet Medicine: Forensic Veterinary Medicine*. Vol. 7, No. 4 (October), pp. 182-192.

Espinoza, E.O., Cech Lindley, N., Gordon, K.M., Ekhoﬀ, J.A., and Kirms, M.A. 1999. "Electrospray Ionization Mass Spectrometric Analysis of Blood for Differentiation of Species." *Analytical Biochemistry*, v. 268, pp. 252-261.

Cox, R.J., Peterson H.L., Young, J., Cusik, C., and Espinoza, E.O. "The Forensic Analysis of Soil Organics by FTIR." *Forensic Science International*. (Peer reviewed and accepted, September 1999).

## **IAFS Presentations**

"Investigating Wildlife Poisoning Cases in the United States: Eight Years of Experience" by R. Stroud, R. Ralston, and M. Kirms.

"Diverse Analytical Approaches for Determining Species of Bear Parts" by J.A. Shafer and S. Fain.



*The Laboratory worked on 672 cases in FY 1999, analyzing more than 3,000 pieces of evidence. USFWS*

“Forensic Identification of Rhinoceros Horn by Mitochondrial DNA Sequencing” by R. Hoesch and S. Fain.

“Who Killed Cock Robin? - Casework and Clues in Forensic Ornithology” by P. Trail.

“Species Determination by Mass Spectrometric Analysis of Blood” by E. Espinoza, K. Gordon, N. Lindley, J. Ekhoﬀ, and M. Kirms.

“Microsatellite Analysis and Genetic Variability” by J. Ruth, B. Hamlin, and S. Fain.

“Individual Typing of North America Black Bear” by J. LeMay.

“Revealing Patterns Digitally” by D. Morrel and A. Reinholz.

“Comparative Morphology of the Hand and Foot Bones of American Black Bear and Human” by C. Sims.

“Use of Electrospray Ionization Mass Spectrometry to Rapidly Differentiate Marine Mammal Species from Blood and Muscle” by E. Espinoza and D. Duffield.

“Investigation of a Source of Blunt Trauma in Cattle Egrets” by R. Ralston.

“The Planned Expansion of the National Fish and Wildlife Forensic Laboratory” by K.W. Goddard.

“Identification of Cooked Meats by the Analysis of Hemoglobin and Myoglobin by Electrospray Ionization Mass Spectrometry” by E. Espinoza, M. Kirms, L.Gilmore, and R. Hoesch.

“The Development of a DNA Procedure for the Forensic Identification of Caviar” by S. Fain.



## VI. Historical Background

Federal wildlife law enforcement celebrates its centennial in 2000 with the 100<sup>th</sup> 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 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.



*In the case of Missouri v. Holland, 252 U.S. 416, 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.”*

1920. In the case of *Missouri v. Holland*, 252 U.S. 416, 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.

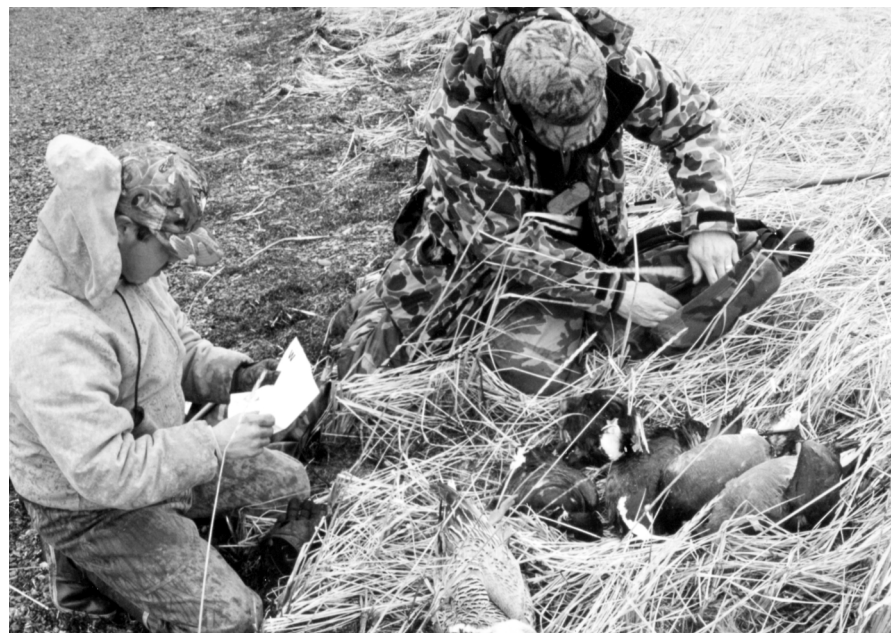
1935. The Lacey Act was expanded to prohibit foreign commerce in illegally taken wildlife.

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, or barter.

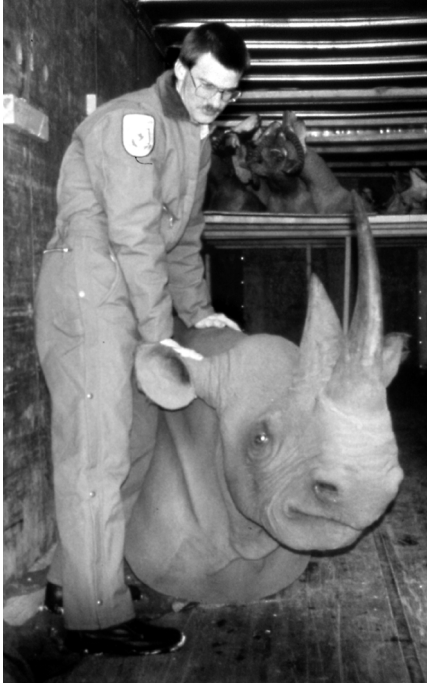
The Bureau of Biological Survey and the Bureau of Fisheries were combined to form the Fish and Wildlife Service, Department of the Interior. All law enforcement responsibilities continued to reside in the Division of Game Management.



*Service special agent checks hunter during waterfowl enforcement detail. Many of the Nation’s longstanding wildlife protection laws promote migratory bird conservation and safeguard legitimate hunting opportunities. USFWS*

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.



*A wildlife inspector intercepts an illegal trophy shipment. Inspectors help enforce the international trade provisions of the Endangered Species Act as well as the CITES treaty. 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 became effective, 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 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 became law, establishing a moratorium on the taking and importing of marine mammals, such as polar bears, sea otters, dugongs, walrus, manatees, whales, porpoises, seals, and sea lions.

The Eagle Protection Act was amended to increase 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 implemented protection for a new “threatened” category—species likely to become in danger of extinction.

*The Lacey Act  
Amendments  
increased penalties  
and included a  
felony punishment  
scheme to target  
commercial  
violators and  
international  
traffickers.*

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 last decade. The Lacey Act was amended to include, among other things, felony provisions for commercial guiding violations.

*1989.* The National Fish and Wildlife Forensics Laboratory was dedicated 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 renamed the Clark R. Bavin National Fish and Wildlife Forensics Laboratory in 1990 in memory of Clark R. Bavin, who served as chief of the Division of Law Enforcement from 1972 until his death in 1990.

*The Wild Bird Conservation Act of 1992 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.*



*Large shipments of wild-caught birds were a common sight at the Nation's ports of entry before passage of the Wild Bird Conservation Act. USFWS*

1990. Portland, Oregon, became the 10<sup>th</sup> designated port of entry for the importation and exportation of wildlife.

1992. Baltimore, Maryland, became the 11<sup>th</sup> designated port.

The Wild Bird Conservation Act of 1992 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 12<sup>th</sup> designated port.

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

1997. The Division of Law Enforcement was removed from the supervision of the Assistant Director-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-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.

### **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
1996-1997	John G. Rogers Jr., Acting
1997-Present	Jamie Rappaport Clark

## **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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