



Fish & Wildlife *News*



★
SPECIAL
ISSUE
**Law
Enforcement**
★

Refuge Law Enforcement /8

Elephant in the Room /12

Tools for the Conservation Trade /14

Departments

From the Director / 1

News / 2

Conservation in Action / 16

Field Journal / 20

Around the Service / 21

Our People / 33

Transitions / 33

Honors / 33

Features



Refuge Law Enforcement / 8

The Indiana Joneses of the Service

By Susan Morse



Elephant in the Room / 12

Timeline of an Ivory Investigation

By Susan Morse



Tools for the Conservation Trade / 14

The Service's Office of Law Enforcement plays a vital role in protecting species and habitat.

By Sandra Cleva

Correction:

In the fall 2010 issue of *Fish & Wildlife News*, the photo at the top of page 12 was incorrectly attributed to Bonnie Strawser. It should have been credited to Kim Betton. On page 16, Ken Litzenberger and Robert McGinn's photos were reversed. We apologize for the errors.

ON THE COVER:

Shorebird meetup. *A flock of mixed shorebirds including willets and marbled godwits.*
By Ingrid Taylar / FLICKR

Rouan Gould



A Year to Remember

AS I SAT DOWN TO WRITE what I hope will be my last column for this magazine as Acting Director, it was hard to know where to begin. The past 12 months have been a rollercoaster ride for all of us, beginning with the terrible loss of our leader and friend Sam Hamilton and continuing through the difficult months when it seemed that oil would never stop flowing into the Gulf.

Any words I could write will be inadequate to describe what this year has meant. And so I will simply express my deep gratitude to all of you for your unflagging dedication and hard work in support of fish and wildlife conservation through the most difficult of circumstances. What we have accomplished together over the past 12 months represents a staggering achievement, and I can't thank you enough. It has truly been an honor to serve as Acting Director and I'm humbled by the high standards you have set.

In the coming months, expect to see an unprecedented burst of activity on key issues like renewable energy development, Landscape Conservation, Endangered Species Act implementation...

Looking forward, I'm very optimistic for the future of the Service. The nomination of Dan Ashe as Director gives us a real opportunity to build on what Sam started and to make progress on incredibly important initiatives such as the development of Landscape Conservation Cooperatives and efforts to improve our implementation of the Endangered Species Act. Dan grew up in the Fish and Wildlife Service family with the values his father Bill, a career Service employee, instilled in him. During his career with the Service, he has championed the cause of scientific integrity and professionalism and been instrumental in leading the agency's efforts to address landscape-level conservation challenges. I am excited to work with him as Director, and I know the agency will benefit from his leadership and vision.

Moving forward, the Service must find ways to leverage its resources and work more efficiently and effectively across the landscape with our partners. Like state wildlife agencies and many conservation organizations, we face a climate of fiscal austerity and need to contain costs and find management efficiencies in order to meet our mission goals. We can no longer afford to go our own way—as a conservation community, we are in this together.

In the coming months, expect to see an unprecedented burst of activity on key issues like renewable energy development, Landscape Conservation, Endangered Species Act implementation and our efforts to craft a renewed vision to guide the future growth and management of the National Wildlife Refuge System. In these endeavors and everything else we do, your ideas and engagement are the key to success.

I look forward to the next year and the accomplishments we will realize together. Thank you for the privilege of serving as your Acting Director. □

Patrolling to Protect the Pallid Sturgeon

Prior to the collapse of the Soviet Union, Russia dominated the commercial fishing industry in the Caspian and Black Seas. After 1989, the fishing industry became privatized, allowing for an open and unregulated commerce which nearly wiped out wild sturgeon populations in just a few years.

Even as the supply of sturgeon, paddlefish and salmon caviar diminished, demand for their valuable roe soared. Commercial fishermen began to look to North American waters to cater to the demands of the world's caviar consumers—grim news for the already struggling populations of pallid sturgeon in the Mississippi, Missouri and Yellowstone Rivers.

The pallid sturgeon, cousin to the more common shovelnose sturgeon, is a remnant of the Cretaceous period and one of the largest fish found in North America's large river systems. Pallid sturgeon can grow to more than six feet in length and weigh up to 80 pounds. When the pallid sturgeon was listed as federally endangered in 1990, the U.S. Fish and Wildlife Service's (Service) Columbia Fish and Wildlife Conservation Office (FWCO) amplified efforts to monitor and restore the species to its native habitat. Just as the FWCO developed strategic monitoring and recovery efforts, Federal agents from the Service's Law Enforcement division ramped up efforts to patrol and prosecute the illegal harvest of pallid sturgeon by commercial fishermen.

In a cooperative effort to restore pallid sturgeon populations in their native waters, fish biologists and federal agents joined forces to reduce the threat posed by commercial fishermen to this endangered species.

Shovelnose and pallid sturgeon are often misidentified due to their similarity of appearance; therefore commercial fishermen fishing for shovelnose can and do inadvertently capture endangered pallid sturgeon—a Class A misdemeanor under the Endangered Species Act. If the flesh or roe are sold and the value exceeds \$350, the case can be prosecuted under the Lacey Act as a felony.

"It is very difficult to distinguish the two species, even for a biologist who works with and handles these fish on a regular basis," said Dr. Tracy Hill, project leader at Columbia FWCO in central Missouri. "As you move down the system from north to south, especially in the lower Missouri all the way to the Gulf of Mexico, it becomes harder and harder to distinguish these fish from one another."

"I saw how important it was to protect this species," said Dr. Hill. "And it was clear to us there was illegal activity taking place that was hampering our recovery efforts."

As a result, state law enforcement officers and special agents from multiple Service offices, along with biologists from Columbia FWCO and state natural resources agencies began working together to improve monitoring and regulatory enforcement of commercial fishing.

The federal agents sought solid training in fish identification to be able to distinguish pallid from shovelnose sturgeon, and fish biologists hoped to glean a sharper eye for illegal commercial fishing activities on the river. Fish biologists from Columbia FWCO shared their expertise on fish identification with special agents. By setting nets that imitated different types of commercial fishing gear, the special agents were better able to identify the various commercial harvest nets, and which were used for catching sturgeon. Special agents also participated in on-the-water

details alongside Columbia FWCO fish biologists to learn how to use side-scan sonar to look for commercial fishing nets.

"We cover a large geographic area on our commercial fishing patrols, and it was difficult to know where and when the fishermen would be. There were so many variables making it difficult to monitor for suspicious activity," said Dan Burlinson, special agent with the Service's St. Petersburg Law Enforcement Office.

"Fisheries biologists are out on the river every day, so they can give us the insight we need to enforce commercial fishing regulations."

"The fish biologists use the same gear that commercial fishermen use, but for different reasons. They have an understanding of the kinds of nets and times of year commercial fishermen go out," Burlinson said. "They

It is very difficult to distinguish the two species, even for a biologist who works with and handles these fish on a regular basis.

—Dr. Tracy Hill, project leader at Columbia FWCO in central Missouri

FLICKR /



*Pallid sturgeon caught with
Columbia Fish and Wildlife
Conservation Office fishing gear.*

were also able to help with the basics—giving us tips and tricks on how to distinguish a pallid from a shovelnose or hybrid. “

Special agents and biologists together patrolled portions of the Missouri and Mississippi Rivers, locating nets and practicing fish identification.

“As we would pull the net, we would check to see if it was in violation of any state rules or regulations. We would check to see if the nets were properly tagged, and what type of fish they were set for—paddlefish, sturgeon, catfish, etc.,” said Burleson. “If we encountered a violation, such as a pallid

sturgeon caught in the net, we would set up surveillance and wait for the commercial fisherman to return.”

In the event a pallid sturgeon is caught in a commercial fishing net, the commercial fishermen would not be under any scrutiny if released. However, if the pallid sturgeon is kept, the commercial fishermen would face prosecution.

Since the late 1990s, six cases of pallid sturgeon being caught by commercial fishermen have been documented. Several of the cases were prosecuted in state or federal court; one federal case is pending. The convictions were prosecuted under state wildlife laws, the Lacey Act, or the Endangered Species Act. In 2005, Missouri Conservation Agents found three pallid sturgeon in a commercial net, two were

released alive and one had died. This case was prosecuted in federal court.

“Some fishermen can’t tell male from female, so they will insert a turkey-baster type of needle into the abdomen to check for eggs,” said Burleson. “Others make a larger incision in the stomach.”

The incision leaves behind what fish biologists term “check marks” on the abdomen of the fish. Law enforcement officers and fish biologists monitoring sturgeon use these check marks to provide information on locations of commercial harvesters depending on where the fish is found.

“It’s hard to tell how many fish die from this methodology,” said Dr. Hill. “And there’s always the possibility of infection.”

“Through these efforts that cross program lines, helping each other becomes one of the foremost things we should do,” said Dr. Hill. “We thrive in a teamwork environment, not only within our own fisheries office, but also across programs, within the larger Service family.”

The lucrative caviar market, coupled with the suspected take of federally endangered pallid sturgeon by commercial fishing, will continue to present a challenge to the pallid sturgeon’s recovery. The Service recently decided to treat the shovelnose sturgeon as a threatened species under the “Similarity of Appearance” provisions of the Endangered Species Act to provide further protection for pallid sturgeon. Under an October 2010 final rule, pallid sturgeon are being protected by treating shovelnose sturgeon as a threatened species where their ranges overlap, making commercial fishing of shovelnose sturgeon in those areas illegal. □

For more information:

■ The Service’s Midwest Region Law Enforcement program, visit www.fws.gov/midwest/StPeters.

■ Columbia Fish and Wildlife Conservation Office visit www.fws.gov/midwest/columbiafisheries.

*Ashley Spratt, Public Affairs,
Midwest Region*

Telling Our Story: Why Special Agents Should Talk to the Media

News about Service law enforcement investigations is often hard to come by. Legitimate concerns about confidentiality, legal restrictions or instructions from a judge or prosecutor can keep details of a case from the public eye. But, in many cases, suspicion, fear or even loathing of the press can prevent special agents from talking to the media. As a result, too many good stories with important conservation messages go untold.

"I try to tell agents that we are special agents, not secret agents," says Special Agent Ed Newcomer of the Office of Law Enforcement (OLE) in Torrance, California. "While policy and some restrictions on public communications are important, concerns over implied secrecy can be carried to a point where it may be doing a larger disservice to our law enforcement efforts. We need to engage the media to tell our story."

Newcomer joined the Fish and Wildlife Service OLE in 2002 after serving 10 years as an Assistant Attorney General in Colorado and Washington. This experience, in part, has taught him the value of telling the OLE's story and its conservation messages to media.

"There are a number of good reasons for engaging the media to tell our story," Newcomer explained. "As a public servant, we have a duty to inform the public about what we do. As a special agent, I want to tell people about what we do to conserve wildlife and why they should care. If people don't know what we're doing, they have few reasons to support us."

The OLE office in Torrance is one of the largest in the country. Five

special agents are responsible for investigations across southern California. The office's 10 Wildlife Inspectors screen commercial cargo shipments and international passengers at Los Angeles International Airport (LAX). The OLE office in San Diego has similar responsibilities in the area along the US.- Mexico border. The region is also the nation's second largest media market and reporters' interest in smuggling and other wildlife crime is high.

"You can't always pick and choose which reporter to talk to, but you can choose what you can say to the reporter when he shows up, which can happen at any time," said Special Agent Lisa Nichols of the OLE office in San Diego. A special agent for 16 years, Nichols routinely serves as the media spokesperson for the San Diego and Torrance offices. Her outreach experience as a former park ranger means she's well suited for the job, which she sees as "educating" the media.

"Special agents and inspectors shouldn't be afraid to talk with reporters," Nichols said. "We need them to educate the public about what is going on with wildlife. Media exposure creates visibility for our efforts and awareness of wildlife protection laws. Some stories even generate tips about possible wildlife crime from the public."

Two years ago, Nichols attended an industry media training course designed specifically for police and firefighters. The course taught techniques for working with media through practical, real-world exercises and role playing. She still remembers one of its' first lessons. "Never say 'no-comment' to a reporter, it makes the reporter mad and communicates the wrong message (secrecy) to the public," she said. "Develop talking points and messages ahead of time so you'll know what to say when



Special Agent Ed Newcomer of the Law Enforcement Office in Torrance, Calif., displays rare butterflies seized from a smuggler in 2007. Published photos and video of seized wildlife enhances the public's connection to protected wildlife and increases public understanding for the conservation laws enforced by the Service.

We need to use [special agents and inspectors] to educate the public about what is going on with wildlife. Media exposure creates visibility for our efforts and awareness of wildlife protection laws.

—Lisa Nichols, Special Agent of the San Diego OLE office

they turn the cameras on.” Newcomer agrees that preparation is important. “I put a lot of thought into the messages I want the reporter and the public to walk away with after an interview,” he added.

Newcomer estimates he’s done about 20 to 30 media interviews since 2002, many resulting from two high-profile cases in 2007. Operation High Roller investigated the killing of hundreds of raptors by members of roller pigeon clubs in Los Angeles, and Portland, Ore. Another involved the lengthy investigation and prosecution of Hisayoshi Kojima, a Japanese man who claimed to be “the world’s most wanted butterfly smuggler.” Both cases resulted in stories that “had legs,” and Newcomer was deluged by media requests for interviews for months afterward. Resulting stories brought national media exposure to the Service’s law enforcement efforts.

“The first interview about the Kojima butterfly smuggling case was with Helen O’Neil of the Associated Press (AP) and it was my first experience with major media,” Newcomer recalled. “I knew she wanted inside dirty details about the case, but I wanted her to know how dedicated we are, and how much we do with our relatively small law enforcement staff. We were able to get into habitat loss and how butterflies are an indicator of species and ecosystem health. I thought these are important things for the public to understand.”

The AP story appeared in newspapers nationwide on August 18, 2007, including a featured story in *USA Today*. In the following months, Newcomer was recounting the smuggling case and delivering the OLE story to national audiences on National Public Radio and in *Backpacker* magazine. The publicity led to a meeting and interview with

journalist and author Dr. Peter Laufer whose simple curiosity about butterflies morphed into a book, *The Dangerous World of Butterflies: A startling subculture of criminals, collectors and conservationists*, published in 2009. During his own national media interviews about the book, Laufer recounted his conversations with Newcomer and cast more light on the criminal global trade of the world’s endangered butterflies.

Since then, the Kojima case has gone viral. The top result of an April 1, 2010 Google search of “butterfly smuggling” is the original August 18, 2007 AP story from *USA Today*, followed by other postings. Newcomer’s story and its accompanying conservation messages, lives on in dozens of other websites. Millions of people are better informed about the OLE mission and the Service’s efforts to conserve endangered butterflies because a special agent decided to talk with the media.

Before doing so, of course, they notified their chain of command to discuss the issues and messages, Newcomer added. Both Newcomer and Nichols also encourage agents to talk with other agents who have

experience with reporters, and explore opportunities for media training to get helpful communications skills and tools. Agents should also get help from their local External Affairs Office. “They can help with press releases and develop messages to use when talking to the media,” Newcomer said.

“Dealing with media is not something that a lot of us want to do, but my advice to other agents is to bite the bullet and talk to them” Newcomer explained. “There is no guarantee that everything will turn out exactly the way you want it to, but the benefits are far greater than the risks.” □

*Scott Flaherty, External Affairs,
Pacific Southwest Region*

Extra, Extra

You can listen to SA Nichols and SA Newcomer discuss their respective smuggling cases with National Public Radio. Links to the interviews and news releases are at: www.fws.gov/cno/press

Branding the Service

The Service's participation in the Gulf Oil Spill response is an example of the best of who we are as a federal agency. Hundreds of employees deployed this summer and many continue to deploy to the Southeast Region to provide their expertise, to gain experience and, most of all, to "work with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people."

Does it matter whether the individual employee is from the Alaska, Northeast or Pacific Region? From Refuges or FHC or EA? We each bring our individual skills to bear on the challenge at hand. When we do so together and when we collaborate with other agencies, stakeholders, we create and invigorate partnerships toward our common vision.

Consistent branding of our identity is critical for how we and others perceive our agency's place in America's conservation communities. It's critical for partners and stakeholders to identify us as one organization. But even as the Service had the greatest number of federal employees on-site (besides the Coast Guard perhaps) in the Gulf, it was difficult to readily identify the person shown on the video clip or in an interview as a Service employee. When I did see the shield or a Service employee identified in an article, I felt a sense of pride that I belonged to an organization bigger than myself working hard for the American people; in other words, "the nobility and

importance of the mission, the FWS family, of being a part of something larger than yourself," said Rowan Gould.

The most basic but perhaps also the most critical reason why consistent branding (read: identity) is important is simply to be able to engage the American public's support for the Service and its funding. Also crucial is the ability to present one face to our partners and stakeholders and to clearly define the value of the Service to those we serve, collaborate with, and work for in to achieve the Service mission. The 2012 budget and beyond will require us to be ever more creative in collaboration and leveraging of existing resources. Just as we came together in support during the oil spill, we all will need to be aware of the Service's needs and resources and how together we can continue to meet our stakeholders' high expectations—to achieve not only what we did yesterday or what we will do today, but what we will be able to do tomorrow.

The concept of "branding" is NOT for each Program, or Region or Office or employee to lose their identity, but for each of us to gain strength from being part of a greater whole. The old adage, "the whole is greater than merely the sum of the parts", is applicable here.

A variety of ongoing efforts will require many of us to work together in ways we haven't before, and new initiatives and tools will be a part of every program. For example,



A consistent message and look across communications, such as printed material and social media services like Facebook, Twitter and Flickr are allowing the Service to reinforce its presence.

■ **SHC message and identity—partnering at all levels encourages cross program efforts and collaboration;** LCCs by definition require it. A significantly strong and high quality FWS identity is required to implement Climate Change and LCC concepts; to coordinate on local, regional and national levels; and the coordination of a variety of programs, offices, and others regarding the management of data, information, best practices, and governance.

■ **Maintaining a consistent national presence with Facebook and other social media business tools** will reinforce the Service's identity. "Twitter is no longer just a platform for friends to stay connected in real time; it is evolving into an important component of brand marketing" This strategy is in accordance with the Service's Strategic Approach to Communications.

A unified, cohesive presence is as important on Capitol Hill as it is at the state capitol, at a Friends Group meeting and whenever a Service employee has a booth at a conference, job fair, or speaking engagement. The skills each of us bring needs to be a part of our self awareness of our contributions to the larger whole. This creates a paradigm of consistent service, a common vision, and minimizes disjointed efforts. The Service enjoys the best employees. It's up to us to make the Service the best organization. □

Bruce Decker, Chief, Division of Program and Partnership Support, Headquarters

Connecting the Dots: A New Tool for Consolidating Isolated Wildlife Incident Reports

Casework, inspections, takedowns, court appearances. Those terms bring to mind Law Enforcement's typical workload. But how about an innovative new way of harvesting real-time information from a paper warehouse of seemingly unrelated facts? Or a growing regional collaboration of state, federal and other wildlife professionals who can identify "hot spots" or patterns in wildlife sickness or mortality, invasive species sightings, even improper use of pesticides? You can find that in Law Enforcement, too. Just ask George Phocas, Resident Agent in Charge in Honolulu, who, with the help of OLE IT's Mike Macleod, developed an online web-based workspace to aid federal, state and territorial governments throughout all of the Pacific to collect, collate and share data on wildlife incidents.

It was adapted from an existing program already in use for reporting bird electrocutions.

Like many Service offices, OLE sees a steady stream of regulatory information pass through: reports of take of Migratory Bird Treaty Act or Endangered Species Act listed species, permits, refuge reports, sightings of invasive species — all of them documenting the who, what, when, where, why and how.

Gazing at yet another paper pile



The online web-based workspace amasses and collates what's already being collected so that cross-matching among agencies and locales is faster and more accurate.

of these reports one day, Phocas asked himself: why shouldn't we be able to pull data out of this? Why couldn't we create a shared virtual daily portal for agents, biologists, park rangers, game wardens and other government resource management professionals to report incidents? Why not get more use from all this information, something that allows us to query and tease out patterns?

Phocas called Macleod and with some after-hours brainstorming, the Critter Track was hatched. Designed for government wildlife professionals, all it takes is a login and some simple data

entry. User-friendly fields include a point of contact, species identification and other information such as whether it's alive/dead, juvenile/adult, whether it's releasable, a symptoms description, incident details including GPS coordinates, environmental factors (including the presence of powerlines, lights or windmills,) disposition, and space for uploading photographs. It's a ten-minute investment in connecting the dots between incidents. And it's catching on.

"This is still in its early phase," says Phocas, "but we have a growing number of partners

throughout the Pacific who see its usefulness." The database is not limited to birds and does not collect new data. It just amasses and collates what's already out there so that cross-matching among agencies and locales is faster and more accurate.

For example: someone finds a dead owl just west of Pearl Harbor and reports it to the state. Someone else finds another one two days later and reports it to the refuge, while a third person six days later finds two more dead owls and reports it to USDA. Normally, each incident might be treated as isolated, but when the information becomes part of this database, correlation is possible. It could lead to finding an illegal pesticide application with multiple secondary poisonings, or a rapid notification about disease. Perhaps bird banding data from different locations might reveal previously unknown local flyways. Participation is completely voluntary, but the number of records is growing quickly.

The program automatically creates a PDF of each report and emails it to key users who in turn alert others as needed. Finding new uses for existing technology to streamline and improve accuracy and efficiency is always a good idea, but when it also leads directly to on-the-ground results, it's the best kind of success story. □

Karen Sullivan, Retired Assistant Regional Director, External Affairs, Alaska Region



Refuge

LAW ENFORCEMENT

The Indiana Joneses of the Service

By Susan Morse

Law enforcement (LE) has always posed special challenges in a system as large, varied and complex as the National Wildlife Refuge System. That was true years ago, when LE was largely a collateral duty assumed by more than 600 refuge managers, biologists, maintenance workers and other refuge staffers on top of their regular field assignments.

IT'S EVEN TRUER TODAY as threats to public lands have multiplied, weapons have spread, and become more lethal and criminals have increased their level of sophistication. In response to increased demands, the Refuge System has professionalized its police force. Today, about 270 full-time and 130 dual function uniformed officers serve the System, undergoing more than 30 weeks of training, compared to the three weeks that officers received in the 1970s.

In the field, Refuge System officers frequently team with FWS Special Agents, state game wardens, local and state police as well as officers in other federal agencies to boost their reach and resources. Besides protecting public safety on refuges and enforcing hunting and fishing laws, they may stake out archaeological lootings, arrest drug traffickers, respond to hurricanes and other national emergencies or work with state and local prosecutors to obtain convictions.

Who are the people doing this work today and how do their responsibilities vary? Here's a look at three of today's Refuge System LE leaders and why they find their work rewarding.

Susan Morse is a writer-editor in the National Wildlife Refuge System



NAME: Heather Bartlett
TITLE: Pilot and Natural Resource
Law Enforcement Officer
REGION: Alaska
REFUGE: Arctic NWR, Alaska



Law enforcement beats don't come much bigger or wilder than this: 19 million acres of roadless wilderness in the northeast corner of Alaska. And it's all Heather Bartlett's responsibility as the U.S. Fish and Wildlife Service's only female pilot/law enforcement officer, assigned to the Arctic Refuge.

BARTLETT, WHO WILL BE 28 at the end of June, began her Service work at the Arctic Refuge as a Student Career Experience Position (SCEP) recruit while a wildlife biology student at the University of Montana. For two summers she lived out of a tent while searching for nesting ducks, surveying seabirds and counting fish at escapement weirs as a biological technician on Alaska refuges. Field access was only via small, single-engine planes. Little did she know that in a few years she'd be the pilot behind the controls.

After working one summer as a non-commissioned officer for the Kenai National Wildlife Refuge, patrolling for fishing violators, she was hooked on LE. She attended the Federal Law Enforcement Training Center's five-month Land Management Police Training course and then entered field training to learn the skills of a game warden.

Once she returned to Alaska as a commissioned officer, Bartlett grew tired of having to wait for air transport every time she wanted to go on patrol. So she studied to become a pilot herself. She earned her wings, first as a private pilot in 2007, then as a commercial pilot in 2008. In order to meet the

Service's requirement that pilots have 500 hours of pilot-in-command time before they can fly Service-owned airplanes alone, she flew all around Alaska with senior Service bush pilots in Huskys, Super Cubs, Bush Hawks, C-206's, C-185's and Scouts. Many of the aircraft were equipped with floats, skis and tundra tires, all required for year-round access to Alaska's national wildlife refuges.

Primary duties: Patrolling the Arctic Refuge by air, foot and raft; enforcing hunting and fishing regulations; administering hunting guide permits; revising the *Comprehensive Conservation Plan for the Arctic Refuge*.

Biggest challenge: Finding a balance between office duties and the need to be out flying and patrolling.

Best part of her job: The variety it offers. "I love that I never get bored with my job," she says. "One day, I'll be issuing citations for fishing or hunting violations or advising hunters on how to preserve game meat for days in the field. The next day, I'll be hiking along a river drainage to count Dall sheep in the mountains." □



NAME: Geoff Donaldson
TITLE: Zone Law Enforcement Officer
REGION: Midwest
REFUGE: Cypress Creek NWR, Illinois

As one of five zone law enforcement officers covering eight Midwestern states (Ohio, Michigan, Wisconsin, Illinois, Indiana, Missouri, Iowa and Minnesota), Geoff Donaldson knows the value of versatility.

ON A REFUGE, WHERE HE'S likely to be among the first people you encounter, he might be helping visitors or enforcing fishing regulations or protecting archeological resources. He and his more than 400 fellow uniformed officers in the U.S. Fish and Wildlife Service also write speeding tickets, handle drug cases, arrest drunk drivers, resolve domestic disputes, enforce boating laws or investigate public indecency complaints. "You name it. We're dealing with it," he says.

Donaldson, like many other refuge officers, is also a sworn and commissioned part-time sheriff's deputy. This dual role lets him prosecute cases in a state court, as well as a federal court, if needed.

Refuge LE cases can be demanding. Donaldson, who will be 37 in July, led a stakeout on Cypress Creek National Wildlife Refuge that netted, in January 2010, the first felony conviction of a looter on federal land in Illinois. The take: more than 13,000 ancient artifacts ripped from the ground, in violation of the Archaeological Resources Protection Act, which makes it a crime to disturb, damage or remove historic material from public lands.

To collect video evidence of the theft, Donaldson and other officers trekked into the wooded site repeatedly in camouflage gear, carrying cameras and crawling on their bellies across a log bridging a 30-foot creek. Then they hid and waited, often for many hours.

More recently, Donaldson helped track down a man who stuck a handgun out his car window and began

shooting at wildlife on the auto tour route at Mingo National Wildlife Refuge in Missouri. No one was hurt. One witness jotted down the suspect's license number. Working with state, federal and local law officers in Missouri and Arkansas, police found the shooter—a felon—and charged him with felony possession of a firearm. The man is was sentenced to jail.

After graduating from college with a degree in environmental biology, Donaldson worked three years as a Service firefighter before entering law enforcement training in 2000.

Primary duties: Protect natural resources and public safety on refuge lands, help refuge visitors, cooperate with other law enforcement agencies, recruit new officers, coordinate training events, maintain contact with refuge leaders, communicate with the U.S. attorney's office.

Biggest challenge: "You've got to be willing to work any time, any place and in any environment. Refuge officers might be sitting on a duck blind or marijuana garden one week, and patrolling the border in south Texas the next. Another week you're sitting in the woods, waiting for someone to shoot deer over illegal bait....It would blow your mind the amount of training our uniformed officers must have."

Best part of his job: The challenge and diversity of the work. "It's the most rewarding job in world," he says. "You can't beat it. You get to do about everything and get paid to do it." □



Cities and machines may have transformed the Wild West, but they never fully tamed it. Just ask Joe Mojica, who oversees Refuge law enforcement operations in Arizona, New Mexico, Texas and Oklahoma. Tension and challenge — make that multiple daily challenges — come with the territory.

BESIDES POLICING THE USUAL REFUGE LAW enforcement problems, such as looting, trespassing or hunting without a license, Mojica's officers routinely face tougher issues including border crossings, narcotics, and arms trafficking. "We have to respond to police calls if the offenses occur on our lands and it puts a big strain on our LE staffing," says Mojica. To bolster their forces, they team with officers in other federal natural resource agencies—the National Forest Service, the Bureau of Land Management and the National Park Service—enforcing each others' laws. They also depend on state and local police support from dispatch to investigation.

One widely publicized incident happened in 2009 when a man scattered plastic water bottles for people crossing the Mexican border within Buenos Aires National Wildlife Refuge in Arizona. Officers, concerned about the risk to wildlife, charged the man with littering. Mojica met with staff in the local U.S. attorney's office "to make sure the Service's opinion was heard and that they didn't dismiss cases against violators just because of outside pressure. If they do that, the laws we use to enforce and conserve will mean nothing."

In 2010, says Mojica, his thinly stretched officers stretched more to beef up law enforcement on the violence-plagued Mescalero Apache Indian reservation in south central New Mexico.

A career cop, Mojica, 41, joined the Service in 2001 after serving as a Miami immigration officer, an insurance fraud investigator and a Navy police officer.

Primary duties: Coordinating efforts and smoothing relations between his force and their many sometimes-balky partners. There's also recruiting, budgeting, case review and crisis management.

Biggest challenge: Responding to ever-changing demands that strain the region's LE resources. "I'm only as good as my officers in the field," says Mojica. "They're the first line out there for conservation."

Best part of his job: Mojica says he's gratified "when I got out into the field and see what our people are doing to conserve our lands, because I want my kids be able to enjoy this." Visiting with refuge leaders, he says, "is always a learning experience...I love my job and love the agency I work for." □

Elephant

2006

Spring—Senior Special Agent Andy Cortez in Richmond, Virginia, sets up an undercover Internet business to investigate elephant ivory trafficking.

November 3—Wildlife Inspectors Larry Strong, Ali Martyn, Joe Ventura and Deputy Resident Agent in Charge Sam Jojola conduct an inspection blitz at the international mail facility in Los Angeles. A package referred by Customs contains ivory. The package, which was mailed from Thailand labeled as toys, is addressed to Moun T. Chau, a California donut shop owner.

Morphologist Bonnie Yates at the FWS Forensic Lab in Oregon examines photos of the ivory sent by e-mail and identifies the material as either Asian or African elephant—an I.D. backed up later on physical examination by fellow scientist Cookie Sims.

November 9—Special agents deliver the package to Chau's shop and search the premises. They seize more than 115 pieces of ivory, ivory carving tools, and Chau's computer.

November 21—Meanwhile in Richmond, Cortez (working undercover) e-mails Kanokwan Wongsarot in Thailand to ask about an eBay ad. He buys ivory tusks from her.

December 5-7—The tusks arrive labeled as "toy gift." Cortez documents 50 eBay ivory sales linked to Wongsarot valued at \$20,500. He responds to another eBay ad and buys a tusk tip from her.

December 8—In Los Angeles, agents analyze Chau's computer and learn that he used eBay and PayPal to buy ivory from Wongsarot. Records show that the latter had racked up some \$37,000 in U.S. sales alone.



2007

Winter—Immigration and Customs Enforcement (ICE) helps Cortez obtain eBay and Yahoo account records for Wongsarot containing her Bangkok address, phone number and banking information.

July 26—Cortez learns of the Los Angeles case from Intelligence Analyst Linda Nakamura. Agents continue both investigations but agree Cortez will develop the "business" relationship with Wongsarot.



in the room

Timeline of an Ivory Investigation

2008

Spring—Cortez contacts Special Agent (SA) Doug Goessman, who has been assigned to work in Bangkok as FWS liaison officer to the Association of Southeast Asian Nations-Wildlife Enforcement Network (ASEAN-WEN). They discuss pursuing a joint U.S./Thai investigation, and Goessman begins coordinating with the Royal Thai Police (RTP) (a task that SA Obe Lowry will take over in 2009).

Thai geneticist Suchitra Changtragoon travels to the Forensic Lab to study DNA differentiation of African and Asian elephant ivory. (She'll later make the first such forensic ID in her country.)

May 20—Cortez buys more ivory from Wongsarot; the invoice for the purchase shows she has a business partner named Samart Chokchoyma.

November 5—Lab geneticist Robert Hoesch positively identifies 2 ivory items from Cortez's purchases as African elephant. The case spans 3 continents: Africa, Asia, and North America.

December 9—ICE SA Paul Moore, detailed to Thailand, supports the investigation by posing as a friend of a U.S. ivory dealer and meeting with Chokchoyma in Bangkok. Chokchoyma admits that he uses his sister-in-law Wongsarot's identity to sell ivory around the world.

2009



May—Law Enforcement managers accept a case plan proposing that high-level Thai enforcement officials come to the U.S. to further their criminal case and that the FWS continue its investigation working with ASEAN-WEN, the RTP, and the Freeland Foundation, a non-governmental organization in Bangkok.

June 6-9—RTP Lt. Col. Astha Jarukanon and a Freeland staffer travel to Los Angeles. They interview agents, Lab staff, a PayPal employee, and U.S. subject Chau.

July 13—To solidify case jurisdiction in Los Angeles, Resident Agent in Charge Erin Dean assumes Cortez's undercover identity and buys ivory from Chokchoyma.

August 24—Moore meets again with Chokchoyma in Thailand, buys ivory, and obtains a handwriting sample so that FWS agents can compare it with the handwritten address labels on the packages sent to the U.S.

October 19—Dean maintains e-mail contact with Chokchoyma to monitor his whereabouts—information that is shared with the RTP.

November 9—Dean travels to Bangkok to assist the RTP as an investigative subject matter expert. The next day, FWS and Freeland officials attend an RTP briefing in preparation for serving arrest and search warrants on Wongsarot and Chokchoyma. Reporters show up to ask about ivory, raising concern that the subjects may also have been "tipped off."

November 16, a.m.—The RTP arrests Wongsarot. She denies direct involvement in ivory sales, but admits allowing Chokchoyma to use her name to create eBay and PayPal accounts and accepting deposits from his customers into her bank account.

November 16, p.m.—The RTP arrests Chokchoyma and searches his residence. Chokchoyma admits sending ivory to the United States. Officers obtain information on "higher level" traders believed to be part of a web buying raw ivory smuggled from Africa for sale around the world.

2010

January 16—Following up on this information, the RTP makes an undercover purchase of 6 raw elephant tusks valued at \$30,000 and arrests 2 more traffickers.

January 19, a.m.—Assistant U.S. Attorney Bayron Gilchrist of the U.S. Attorney's Office, Central District of California, and Dean present the case to a grand jury in Los Angeles. The grand jury indicts Chau (the donut shop owner) and Chokchoyma on 11 counts of smuggling, conspiracy, and wildlife violations.

January 19, p.m.—The FWS and RTP coordinate media events in both countries to announce the Thai ivory seizure and U.S. indictments. Media outlets worldwide pick up the story.

January 20—The *Los Angeles Times* runs detailed article on the joint investigation—the first ever in which U.S. and Thai officers travel to each other's country to collect evidence of wildlife trafficking.

February 24—Thai Customs seizes a 2-ton shipment from South Africa. Labeled as mobile phone parts, it contains 239 raw elephant tusks valued at \$3.6 million.

TOOLS

The Service's Office of Law Enforcement plays a vital role in protecting species and habitat.

by Sandra Cleva

FOR THE

CONSERVATION

TRADE



The United States hired its first wildlife enforcement officers in 1900, after Congress passed the Lacey Act. Since then, Federal officers have worked to safeguard species "shared" with other countries (such as migratory birds) as well as native and foreign animals and plants that face the threat of extinction. The Nation's conservation "tool kit" has thus included law enforcement for more than a century.



Service special agents often chase "paper trails" (in the form of business records and computer hard drives) when they investigate wildlife trafficking. But a typical day on the job may also include (clockwise from above left) retrieving evidence of a wolf mortality; riding backcountry patrol in grizzly bear territory; or conducting surveillance on the water during waterfowl hunting season.



"WHEN SERIOUS WILDLIFE CRIMES are committed, we have to be the hammer," said Office of Law Enforcement (OLE) Deputy Chief Ed Grace. "Our officers detect violations of Federal wildlife laws and pursue appropriate penalties. But we're also here to help the public understand these laws and to spur or assist individuals and companies in working with the Service as a conservation partner."

At a Glance

OLE's staff includes 348 officers: 208 plainclothes criminal investigators called special agents (who are stationed throughout the country to investigate crimes that range from black market trafficking to deadly oil spills) and 140 uniformed wildlife inspectors (who police wildlife trade and interdict smuggling at 38 air, ocean, or land border "ports of entry").

Their efforts are supported by OLE's wildlife forensics laboratory in Ashland, Oregon; an intelligence unit; headquarters staff that handle policy, regulatory, budget, and administrative matters; a unit that recovers digital evidence and provides high-tech investigative support to agents in the field; and an information technology team in Denver. OLE also maintains training staff at the Federal Law Enforcement Training Center in Georgia where agents and inspectors complete their basic training and operates the National Wildlife Property and Eagle Repositories in Colorado.

"We focus on threats to the survival of species in the wild," Grace says. Priorities include take and trafficking of protected resources; unlawful destruction of wildlife habitat; and loss of wildlife linked to environmental contaminants and industrial hazards.

Last year, agents and inspectors worked on more than 13,000 investigations involving violations of laws that ranged from the Airborne Hunting Act to the Wild Bird Conservation Act. They secured more than \$4.2 million in criminal fines and civil penalties and sent defendants to prison for more than 76 years.

“Arrests, indictments, and convictions are certainly the most publicized aspect of our work,” Grace said. “But we also work on the front end to head off problems before they become crimes or correct them by securing voluntary remedial action. That can mean as much or even more for conservation in the long run.”

Getting to Yes

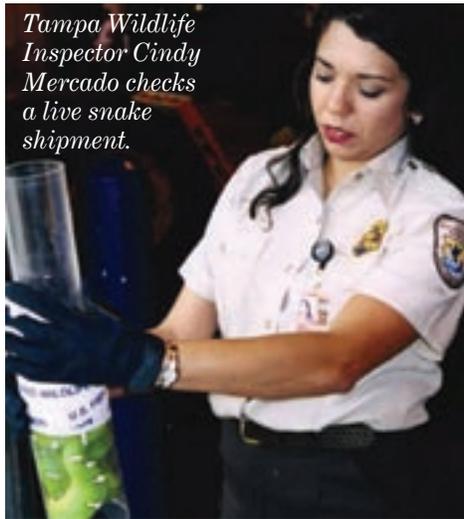
Being proactive “agents” for conservation is as much a part of OLE’s job as securing prosecutions. Sometimes OLE involvement upfront in a situation can prevent violations from even occurring.

Special Agent Richard Cook’s contacts this winter with the North Texas Municipal Water District about its plans to open an interstate pipeline that could transport zebra mussels into Texas from Oklahoma waters (an injurious species violation under the Lacey Act) prompted that group to explore other options. When Special Agent Ken Kessler in Topeka, Kansas, learned last spring that threatened least terns were nesting on spoil owned by a Wichita dredging company, he touched base with that business and helped it modify its operations so as not to harm the birds.

“We’re often the lever or pry bar that moves someone from being a violator to being a partner in conservation,” Grace notes.

In Illinois, for example, Special Agent Craig Tabor has worked with Ecological Services (ES) in Barrington to prevent the take of the endangered Hine’s emerald dragonfly in critical habitat that doubles as a railroad corridor. Aware now of its responsibilities under the Endangered Species Act, the railroad company using the tracks has agreed to work with the Service on a Habitat Conservation Plan (HCP) if studies document take of the imperiled insect.

The deaths of two piping plover chicks in a State park on Long Island last summer further fueled ongoing ES and OLE



Tampa Wildlife Inspector Cindy Mercado checks a live snake shipment.

The Office of Law Enforcement ends up supporting virtually every aspect of the Service’s mission, from recovering endangered species to promoting wildlife conservation around the world.

— Ed Grace, Deputy Chief, Office of Law Enforcement

efforts to improve protections for this endangered species. As a result, New York’s State Park authority agreed last fall to develop an HCP for the island’s State-managed beaches.

“Cooperation is almost always a win-win situation,” Grace says. “It’s been particularly important in our work with industries whose operations harm wildlife.”

Last year, Special Agent Greg Jeffers followed up on a report that protected trumpeter swans were colliding with powerlines near a migratory bird sanctuary north of St. Louis. Jeffers confirmed the problem and contacted the power company involved to explain the issue. The utility voluntarily spent \$80,000 to install more than 1,000 flight diverters on its powerlines to help the swans see and avoid these in-air obstacles.

This enforcement strategy has worked well for OLE on a larger scale. Hundreds of oil and gas companies and electric utilities across the country have taken steps over the years to protect birds.

Reaching the Public

Communication is an important part of OLE’s work. As Deputy Chief Grace explains, “Everyone’s responsible for knowing the law, but conservation itself benefits most when we make the effort to educate and remind people about their role in protecting wildlife.”

Last fall, for example, Region 1 OLE conducted outreach focused on the endangered Selkirk Mountains woodland caribou. This winter agents followed up by teaming with Forest Service and State officers to keep snowmobilers out of restricted areas inhabited by the species.

Promoting compliance is also critical to OLE’s efforts to police U.S. wildlife trade. The program’s wildlife inspectors instruct wildlife importers and exporters as well as inspect wildlife shipments and interdict wildlife smuggling. Meetings with customs and brokers associations across the country are common, as are compliance assistance contacts with both individual companies and other groups engaged in wildlife trade.

Supporting the Service

OLE’s goals mirror those of the Service. Its officers in the field and at regional and national headquarters work closely with counterparts across the agency—from migratory bird biologists and refuge managers to permit issuers and international conservation specialists.

“The more integrated we are in the Service’s core conservation work, the better it is for wildlife. We have the most impact when people bring us in on a problem sooner rather than later,” Grace says.

After all, a tool only works if you use it. □

Sandra Cleva is a writer-editor with the Office of Law Enforcement in the Headquarters Region

A Poacher Cries Wolf

How Investigations Protect Wild Populations

by Ed Newcomer

THE SPECIAL AGENTS of the U.S. Fish and Wildlife Service are federal agents with an incredible diversity of backgrounds. Some of us have legal or law enforcement backgrounds while others hail from the biological or scientific areas. Regardless, when we complete our training and receive our credentials and badges, we set out on a mission to catch crooks. Just like other crime, wildlife crime is perpetrated by criminals who are investigated and prosecuted. As special agents, we know that our non-law enforcement peers in ecological services, migratory birds, invasive species, and the many other divisions of the Service, are doing great things to increase the populations and habitats of protected wildlife on a daily basis. Sometimes it's hard for us to articulate how putting a poacher or smuggler in jail has an obvious, measurable impact on wildlife populations. Every now and then, though, a case comes along that really illustrates the importance of law enforcement as an integral component of species recovery. One such case involved the desperate race to uncover who was distributing poison laced meatballs in Idaho's wolf country.

In February 2004, Idaho was the focus of the Service's effort to reintroduce a stable population of wolves in the West. But poaching of wolves was a regular occurrence and Service special agents throughout Montana, Idaho, and Wyoming were overwhelmed with unsolved cases. While individual poachers with rifles can take just one wolf at a time, the real threat came from individuals who systematically aimed to eliminate whole packs of wolves using poison. Poisoning predators in the West is a common illegal practice and the methods are well known. Meat laced with poison can be distributed in areas frequented by predators or animal carcasses can be poisoned and left in

the field. This method is effective and indiscriminate—wiping out whole packs or families of predators as well as any other scavengers that come by. Everything from weasels to bears can fall victim to poison laced meats.

This was exactly the case on February 24, 2004 in the Wagonhammer Creek area northwest of Idaho Falls, Idaho. On that day, a local citizen was walking her dog when the dog suddenly went into convulsions and collapsed on the trail.

Rushed to a local vet, the diagnosis was poisoning. The dog narrowly survived. Fortunately, the incident was reported to the Idaho Department of Fish and Game. Because the Wagonhammer Creek drainage is an area frequented by the Galena wolf pack, Idaho state officers quickly contacted U.S. Fish and Wildlife Service Special Agent Scott Bragonier.

When Bragonier arrived on the scene with Idaho investigators, he quickly found that the entire drainage area, encompassing a dozen square acres, was his crime scene. After exhaustively processing the scene, Agent Bragonier uncovered over ninety poisoned laced meatballs and numerous collateral kills. Everything from coyotes, to fox, to magpies and crows had been laid to waste by the tainted meat. Fortunately,



GARY KRAMER / USFWS

Bragonier found no wolf carcasses although there were wolf tracks in the area. Knowing an incident like this could easily wipe out the entire Galena pack, the case became his highest priority.

Finding a suspect and bringing them to justice is often a Fish and Wildlife agent's greatest challenge. After all, there are no animal informants and wolves can't call 911. Sometimes finding a perpetrator is about nothing more than a combination of tenacity, creativity, and good luck. The good luck came to Agent Bragonier in the form of a report filed by a Nez Perce

was investigated by another Service special agent and that the agent could not find evidence to refute Sundles' claim that the wolf had been killed in self defense. However, Bragonier found more, including a website bulletin board operated by Sundles that included statements deriding Fish and Wildlife special agents and provided a detailed how-to recipe for preparing poisoned meatballs—including how to distribute them for maximum effect. The similarities between the instructions on the web and the circumstances at Waggonhammer were uncanny and ultimately helped Agent

barrier remained. Definitely putting Sundles at Waggonhammer as the person who actually placed the meatballs.

The boot prints matched but was it Sundles who wore the boots that day? Bragonier had one last piece of evidence to examine. It was a collection of yellow snow recovered from in front of a set of the boot prints. Almost overlooked, the yellow snow became the lynchpin of the case. Having read Sundles' blogs and Internet posts from February 2004, Bragonier knew that Sundles had been sick with a cold in the days around the Waggonhammer incident. When a person is sick, they excrete dead cells through their urine and provide the best opportunity to obtain DNA from a urine sample. The yellow snow was sent to a DNA testing facility along with a court ordered sample of Sundles' blood. The ink wasn't even dry on the lab report when Sundles announced that he would plead guilty to the one count charged—attempt to take a threatened species.

Finding a suspect and bringing them to justice is sometimes a Fish and Wildlife agent's greatest challenge. After all, there are no animal informants and wolves can't call 911.

tribal biologist who'd had an unsettling encounter with a person who identified himself as Tim Sundles. The biologist reported that he'd been approached by an agitated Sundles in the field and that Sundles unloaded a torrent of anti-government and anti-wolf sentiments. During the rant, Sundles talked about killing wolves and made an off hand comment about dropping an elk carcass laced with poison. Albeit a thin one, it was Bragonier's only lead.

Creativity took over and Agent Bragonier started to research Tim Sundles. He quickly found Sundles was a vocal opponent of the federal government, particularly in regard to the U.S. Fish and Wildlife Service's involvement with grizzly bears and wolves in Idaho. Agent Bragonier found a newspaper article from 2001 that quoted Sundles admitting to having killed a radio collared wolf in 2001. Further research showed that the killing

Bragonier secure a search warrant for Sundles' home.

Having tenaciously pursued every lead, and with a search warrant in hand, Service special agents and Idaho wildlife officers entered Sundles' home on March 20, 2004. Inside the house and on the property, Bragonier hit the jackpot. In addition to finding boots that matched prints photographed at Waggonhammer, Bragonier recovered saddle bags stained with elk blood and a bottle of Temic, the same poison used to lace the meatballs at Waggonhammer. All of this was sent to the FWS National Forensics Laboratory in Ashland, Oregon and, before long, Bragonier had the final pieces in hand. The DNA in the blood stained saddle bags matched the DNA from the Waggonhammer meatballs. They were elk meat meatballs filled with Temic and the elk meat was now irrefutably connected to Sundles. Only one minor

It was the first known successful prosecution for an attempt to take a threatened or endangered species and the guilty plea sent shock waves through the anti-wolf communities in Idaho, Montana, and Wyoming. Agent Bragonier had neutralized an outspoken anti-wolf agitator who was not only personally placing poisoned meat on our public lands but who was also using the Internet to encourage and educate other would-be poisoners.

Through this case, and many like it handled by other special agents of the U.S. Fish and Wildlife Service, the Office of Law Enforcement does its part to support the Service's overall mission to protect wildlife, endangered and threatened species and their successful propagation. □

Ed Newcomer is a Special Agent in the Pacific Region



[THE FISH AND WILDLIFE SERVICE YOU *DON'T* KNOW]

In Tragedy's Aftermath, a Gift from Above

FBI Agent Reveals Discovery a Decade After 9/11

By David Klinger

Illustration by Tim Knepp

ED RYAN WAS BEAT. His weariness belied the usual appearance of a man with the blond, clean-cut looks of a middle-aged movie star. He had just spent the previous month working a major case, in 12-hour shifts, without a break.

Ryan had devoted much of his career to chasing bank robbers, inner city gangbangers, and drug kingpins, most of it in the gritty port city of Baltimore. Yet he'd never lost his understated and self-effacing manner ("The bad guys call me 'Agent Ryan.' But with my friends, it's 'Ed.'").

But this crime was different, and its physical and emotional impacts had taken their toll. Dog-tired, Ed Ryan needed down-time to decompress, to retreat temporarily from the most momentous investigation of his career—sifting through the chaotic aftermath of American Flight 77's crash into the Pentagon.

So 44-year-old FBI agent Ryan did what he usually did when he needed to clear his head. He jumped on his Honda ST1100 motorcycle and hit the road.

Ryan headed west, on a 4-hour sojourn into the lush, enveloping folds of western Pennsylvania's Allegheny hills, seeking solace and renewal. His star-fated getaway would remain one of the many little "back stories" in the history-changing cataclysm now known simply as "9/11."

The horrific events of September 11, 2001, are etched into the memories to all who lived through the terrorist attacks on America. The jetliners that slammed into the twin towers of New York's World Trade Center. The holocaust that consumed one side of the Pentagon. The deaths of nearly 3,000 souls. The eerie nighttime silence in the airspace over the National Conservation Training Center and a thousand other locations around Washington, punctuated only by the roar of the occasion F-15 fighter jet, endlessly circling in large and unseen protective arcs around and over the Nation's capital.

And United Flight 93, that plowed into an abandoned strip mine near Shanksville...intended as an airborne missile aimed at the Nation's capital, but pulled down prematurely through the heroic



efforts of an intrepid band of passengers, one of whom was the U.S. Fish and Wildlife Service's own Richard Guadagno.

What remains untold—until today—is the story of how fate, a restless investigator, and a ghostly wind intersected, by chance, in the fields of Pennsylvania, in the poignant aftermath of great tragedy.

Soon after the Boeing 757-200 slammed into rural Somerset County, extinguishing 44 lives, investigators descended on the crater for more than a month.

There, they scoured and combed for evidence scattered up to 8 miles from the point of impact. A 70-acre radius around the impact point contained the human remains...an approximation of what had once been the lives of 40 remarkably vibrant and diverse passengers and crew, including Guadagno, manager of California's Humboldt Bay National Wildlife Refuge, returning from New Jersey and a family celebration of his grandmother's 100th birthday.

By late October, the Flight 93 crash scene was, essentially, a secured and closed crime scene, after hundreds of investigators had probed the hillside, inch-by-inch, for evidence. Most had since departed, though a few state police remained, partly to continue the search, partly out of simple devotion to duty.

Only a fragment of Guadagno's law enforcement credentials badge reportedly survived the conflagration, according to California refuge supervisor David Paullin, Guadagno's supervisor. Paullin has since made it his mission to ensure that

What remains untold — until today — is the story of how fate, a restless investigator, and a ghostly wind intersected, by chance, in the fields of Pennsylvania...

the 38-year-old refuge manager is appropriately honored at the National Park Service's forthcoming Shanksville memorial. "I got a call saying the Pennsylvania National Guard had recovered the piece and wanting to verify his badge number, number 1038," recalls Paullin. "This information was so grim I never shared it with anyone, not even Rich's family. I felt it was better they never knew, than to add to their misery.

"In my mind, no badge was better than a damaged piece. The integrity, symbolism, and special meaning of the badge to both this agency and to the family were now violated and minimized by its destruction and partial recovery," says Paullin, now retired and living in Wyoming.

Thoughts turned to the whereabouts of Guadagno's missing credentials, a leatherette pouch of ID cards with the inset badge that reinforce a deputized employee's right to enforce Federal law. Guadagno was known to regard his police authority very seriously; he once cited a hiker on Mount Rainier for allowing his free-running dog to chase marmots, to the chagrin of a sister who was his backcountry companion. Guadagno would occasionally admonish his mother not to pick wildflowers along Oregon trails.

But from a fiery maelstrom, the chance of discovering additional personal objects like a wallet from the well-combed site now seemed nil.

Until October 20, 2001—a Saturday—when Ed Ryan revved up his bike and roared out of suburban Maryland on I-70, heading west, seeking solace from the harrowing month he had just spent on the Joint Terrorism Task Force.

The night before Ryan's fateful road trip, Friday October 19, a strong wind had swept across Shanksville—a chill, gusty evening blow...the kind that whispers that fall has come and winter's not far away.

And sometime during that night—nearly six weeks after the most violent terrorist attacks in American history claimed the life of Rich Guadagno—the refuge manager's missing credentials silently fell down through the inky darkness, unwitnessed and unacknowledged, and came to rest on Pennsylvania soil... where they would be found, mud-spattered and face-up, the next morning by Ryan at the crash site.

"For 37 days, those credentials were on a tree branch, hanging over the perimeter fence above the impact area," says Paullin, "hidden from view, as investigators searched and then as cranes and bulldozers knocked down and removed fire-scarred trees, back-filled the impact crater, and leveled the site. The slightest

bump from one of those cranes could easily have knocked those credentials to the ground where they could have been buried forever by the earth-moving bulldozers."

Ryan remains typically low-key about his role in the discovery. "My role was very minor," he shrugs. I just happened to be there that weekend and I just happened upon the credentials. The searchers, tromping around in mud, didn't miss them. They were stuck in the trees and there was just no way to find them. When I saw them, they were right out in the open. And if it wasn't me, it certainly would have been someone else real soon after I was there."

But it wasn't someone else. It was Ed Ryan, a dog-tired agent—like so many other Americans, momentarily demoralized and seeking a day's respite to make sense of all of the madness, at the place where a fellow law enforcement officer and 43 others died.

And it was Ryan, like Guadagno, who took an equally solicitous attitude toward the law enforcement credentials. He began the process of returning the packet to Guadagno's family. "I'm an FBI agent. If I travel, I keep my credentials on me at all times. That's true for every law enforcement officer I know. Credentials and badges don't go in suitcases. They're too important."

"Ed Ryan was the right person in the right place at the right time," concludes Paullin. "Someone who knew what they were and the importance of getting them back into the hands of the family."

"There can be a deep connection with someone you may not even know. That connection was immediate when I was at the scene," says Ryan. "And that's what happened to me in Shanksville."

Postscript: In the post-9/11 confusion, the Pennsylvania National Guard's initial report that a piece of Guadagno's badge had been recovered turned out to be erroneous. After Ryan's fortuitous discovery of the credentials, Paullin learned from the FBI that both the wallet and the full badge (in near-perfect condition, except for a missing pin on the reverse) had been found. Ripped apart on impact, independently reunited a month later; both were returned to the Guadagno family in 2002 when their son's name was affixed to his agency's "Fallen Comrades Wall" in Shepherdstown. □

This is the eighth in a series of short features about little-known aspects of the U.S. Fish and Wildlife Service by David Klinger of the National Conservation Training Center in Shepherdstown, West Virginia.

Enforcing Wildlife Laws

Tales of a Special Agent

By Robert Oliveri

BACK IN THE '60s AND '70s, when I was growing up in the East Harlem section of New York, I never thought that I would spend my entire 30-year career in wildlife law enforcement. But as I listened to John Denver's music during my daily commute to a college on Long Island, I got the idea of moving west and working outdoors. So in 1975, I left New York for Utah State University in Logan, Utah, eventually earning Bachelor of Science degrees in Wildlife Science and Range Science.

I spent the next few years working as a backcountry ranger on the Sawtooth National Recreation Area in Ketchum, Idaho, and as a ranger in Yellowstone National Park and Gettysburg National Military Park. In the early '80s, I was hired by the Fish and Wildlife Service and was named Refuge Manager (Law Enforcement) at Crab Orchard NWR in southern Illinois. My friendship there with Special Agent Larry Harris helped spark a passion for protecting migratory birds, and in 1986, I was selected as a Special Agent and assigned to Slidell, Louisiana. A second mentor, Special Agent Bill Mellor, helped me gain experience that would benefit me throughout my career.

When I moved to Jackson, Mississippi, in the summer of 1988, the summer heat and humidity were so overwhelming that I thought that I had made a huge mistake. As it turned out, however, it was a great opportunity to work a variety of cases that involved the Endangered Species Act, Eagle Act, Lacey Act and the Migratory Bird Treaty Act. I even had the chance to work a few undercover cases.

One undercover case involved a Wyoming rancher and an outfitter from Arkansas. Together they sold hunts in remote regions of Montana and Wyoming. But the clients were hunting during the closed

season and without a license. They were killing antelope and mule deer in excess of the limit, and leaving them wasting in the field if they were not up to the client's standards. I went undercover as a hunter on one of these trips when a Wyoming state trooper joined our hunt. A fellow law enforcement officer, he seemed to sense something was suspicious about me, and I spent a sleepless night wondering if he knew my secret. But the group never discovered my true identity, and the case resulted in 15 subjects being indicted and convicted on Lacey Act felony and misdemeanor charges.

In 1989, I was selected as the Resident Agent in Charge of Alabama, Arkansas, Louisiana and Mississippi. As a supervisor, I had the opportunity to oversee several complex investigations that involved our state and federal partners.

One case that became famous—"Operation Stone Duck"—involved poaching, sale of methamphetamines and automatic weapons, and a local conservation officer who was on the wrong side of the law in this case. For at least two years, a group of hunters consistently poached on Panther Swamp NWR in Mississippi and the surrounding area, killing more than 55 trophy-size white tail deer. The group was so bold that they even poached on the most restricted area of the Stennis Space Center, where the space shuttle rocket boosters are tested, and where it is a felony to even possess a firearm. During one poaching incident, a subject explained how he was engulfed in smoke while the rocket was being tested.

The hunters made friends with a local conservation officer, who they called "The Boss," and who was present when they killed more than 600 doves on one hunt alone. When the arrests were made,



Resident Agent-in-Charge Robert Oliveri.

it was with the cooperation of the Service, the FBI, the Bureau of Alcohol, Tobacco and Firearms and Mississippi state law enforcement. The main target was convicted and sentenced to 10 years in federal prison. Two other subjects were sentenced to 4 and 2 years in federal prison. One subject served 6 months in prison. The conservation officer was fired and sentenced to 30 days in prison.

Hurricane Katrina expanded our mission for a short period of time to one of search and rescue. Several of our Special Agents did an outstanding job of leading a small group that was responsible for the rescue of more than 600 people from the devastated homes and flooded streets around New Orleans. It was the greatest humanitarian effort that I had ever witnessed.

Even though there are times when we have to muddle through obstacles that seem to get in the way of catching violators, it has been a wonderful journey. I am very thankful to have worked with such a dedicated staff of employees and supervisors. Being a Special Agent for almost 25 years has been a true blessing. □

Robert Oliveri is a Resident Agent-in-Charge in Jackson, Mississippi



Going Green in Los Angeles

Special agents working in Los Angeles and San Diego are actively embracing the Service's effort to lead the fight against global warming by adopting hybrid vehicles. "It makes sense that the U.S. Fish and Wildlife Service would utilize hybrid vehicles wherever possible," said Erin Dean, Resident Agent in Charge of the Service's Office of Law Enforcement in Torrance, California. "We just need to make sure we can meet our mission at the same time."

It's not as if a special agent can go out to the parking lot and just pick up any government vehicle for the day. The vehicles assigned to special agents are very mission specific. Each unmarked vehicle is normally equipped with covert emergency lights and sirens, communications equipment, and secure storage for tactical firearms and other gear. "Agents work all hours of the night and day in all types of terrain and we need to be available to handle a variety of situations but we're really striving to utilize new and environmentally friendly equipment wherever possible," said Paul Chang, Special Agent in Charge of the Office of Law Enforcement in Regions 1 and 8. Chang has promoted the use of hybrids in the two regions and three Ford Escape hybrids have been assigned to special agents in Southern California. Additional law enforcement hybrids have been adopted in Portland, Oregon.

"Even in Southern California, it's important to have fully equipped four-wheel drive vehicles available," said Dean, noting that her office is responsible for investigating wildlife violations not only in large metropolitan areas but also in some of the more remote and rugged deserts in the Southwest. "However, addressing climate change is important and we've found that much of our work in Los Angeles and San Diego can be handled in the less rugged, but more fuel efficient hybrids."

A typical agent carries everything they need to conduct surveillance, make arrests, serve search warrants, and process crime scenes. Each agent's vehicle is ready to serve as an office on wheels. Although the Ford Escape hybrids are not four-wheel drive, they are a good compromise as they can carry equipment and can be outfitted to law enforcement's specifications.

The agents using the vehicles are happy with their performance. After driving a hybrid Escape for six months, Deputy Resident Agent in Charge Ed Newcomer highlighted their extra-environmental benefits when he said, "They have surprising pick-up due to the instant torque provided by the electric motor and, at low speeds, the electric motor takes over so you can silently creep along while on surveillance." □

*Ed Newcomer, Special Agent,
Pacific Region*

Stop Monkeying Around: A Cautionary Tale of Smuggling and Risk

It sounded like a scene from the movie *Outbreak*: In November 2007, a mother and daughter team smuggled a tiny infant rhesus macaque monkey aboard a passenger airliner from Thailand to the United States. The daughter hid the drugged monkey under her shirt and pretended to be pregnant. They got through Customs undetected and took the monkey home to Spokane, Washington, to be another exotic pet in their collection. They fed it french fries, painted its nails red, and took it shopping at a clothing store. In six weeks the monkey's owners had exposed a thousand airline passengers on several international flights plus themselves, any visitors to their home, and everyone in the clothing store to whatever diseases the monkey might have been carrying. The consequences can be serious. Highly infectious Ebola, Herpes B, Tuberculosis,

and Encephalitis are only a few of the dozens of viral, bacterial, fungal and parasitic diseases carried by wild monkeys. Monkeys are also protected under the Endangered Species Act and prohibited for import as pets.

Here's where the scene departs from the movie. An employee in the clothing store heard the monkey's squeaks and went to investigate. She overheard the owner telling a friend about smuggling it into the country. Ironically, she had rented the movie *Outbreak* the previous night. She called the FBI, who eventually contacted Customs and U.S. Fish and Wildlife Service law enforcement agent Corky Roberts. Search warrants were executed, evidence was seized, and a prosecution resulted in conviction, with a 60-day jail sentence, three years of court supervision, and a \$4,500 fine for the mother and daughter. Both are appealing the case. >>



Rhesus macaque monkey

Continued from page 21

The most important result was from the monkey itself, which tested negative for infectious diseases. This meant that those thousand airline passengers, those guests, those store employees, and others who were in close proximity to the monkey and its owners did not need to be tracked down, warned of the potential exposure, and tested. Because nearly two months had passed between the monkey's arrival and when it was quarantined, there would have been enough incubation time for outbreaks of fatal diseases such as Ebola, had it been present.

The most important result was from the monkey itself, which tested negative for infectious diseases.

There is no happy ending for wild monkeys who become household pets. Monkeys live a long time, are completely dependent on their owners, and have a tendency to bite. At best they're messy (they cannot be toilet trained) and mischievous. Rhesus macaques are known to be mean, strong and dangerous. A fully grown macaque of 40–50 lbs. is capable of killing a human being. Un-quarantined monkeys must be carefully shipped to a primate care quarantine facility; this monkey is now at such a place, with other primates. Sadly, it has developed tremors which veterinarians attribute to the many different drugs that were experimentally used on it in Thailand in search of an adequate sedative for the flight.

The woman at the store who first reported the monkey deserves a lot of credit. Because federal, state and local law enforcement personnel everywhere are often overloaded with work, it can take more than one call by a concerned citizen to find the right agency when reporting a violation. She persevered, in spite of criticism from some co-workers. We all benefit from such valiant efforts. □

Karen Sullivan, Retired Assistant Regional Director of External Affairs, Alaska Region



pacific southwest

A Bird in the Hand is Worth \$\$\$\$

In November 2000, Ricardo Ayala was caught smuggling 65 birds in the trunk of his car. Four days later Estroberto Cancino was caught smuggling 46 birds in the trunk of his car. Both subjects attempted to cross through the Otay Mesa Port of Entry. Both subjects lived within ten miles of each other, in Riverside County, California. Neither subject acknowledged bringing the birds for someone else, or being paid by anyone to smuggle. Cancino claimed no knowledge of Ayala's activities.

One month later, a young eighteen year old man, Dario Cortez, and his girlfriend were caught smuggling 25 birds through Otay Mesa. Dario lived in Perris, California, within 15 miles of the other two subjects, and worked as an auto mechanic, like Ricardo Ayala. The total value of these three loads was about \$36,000.00 retail. There were no direct connections between subjects at this point in the case, but Dario said he was paid to smuggle by a man who lived in the "Hunt Club" apartments in Perris, California. He did not give a name, but the apartment address stuck in my head.

It just seemed too coincidental that three bird smugglers would cross within a month's time period, and claim to not know each other, all three living and working within minutes of each other. I started looking at this as something more than just the odd money grabbing scheme

that each one thought up independently. So I filed the information back in my head, along with names, addresses, cities and faces.

Then, in March of 2001, the big break came. Juan Ruvalcaba was caught at the same Port of Entry with 120 birds. His single load was worth over \$34,000, and he admitted that he has crossed with a load of birds once before. In truth, he had crossed with 12 loads prior to being caught. His young 14 year old daughter, and his teen age son both admitted to helping their father smuggle birds. Ruvalcaba told me that he was paid by a man named "Joel." A man that he worked with in Riverside County. I was able to follow his family to the house of Joel Valencia, when they drove back to Perris to pick up their father's car, where it had been left the night before. Perris, California may not be as exotic as Paris, France, but it turns out to be the "hot bed" of exotic birds in Southern California.

Through records checks and surveillance, I found out that Valencia once lived in the Hunt Club apartments, just as Dario Cortez had described. I also found phone records showing calls made to and from Valencia's number during all of the critical times of previous smuggling loads. There were even six phone calls made to known bird vendors, starting within 15 minutes of Ayala being stopped by Customs officers at the border. Not knowing what was said, but I pictured in my head Valencia calling all of his buyers and saying, "No birds for you at the swap meet tomorrow," click... "No birds for you at the swap meet tomorrow," click...

It was over a year and a half later before Israel Rojas was caught smuggling 43 birds hidden under the rear seat in specially built metal boxes. I had seen Rojas' van parked in front of Valencia's place on several occasions, as I spent many hours stuffed in the back of my SUV, conducting surveillance. I knew he was also being paid by Valencia, and wanted to make sure he didn't slip through the cracks, even though I was having a hard time convincing a Customs agent to go down and arrest him for me. I was three hours away, on another detail, when Rojas crossed with his "load." I finally got a sympathetic ear, and sure enough, Rojas confessed that he was paid by Valencia.

As I was putting together the case against Valencia, the conspiracy to smuggle, things fell apart when I was out of commission for three months after breaking my neck. A truly "bad break" in my case! When I came back, I started up again, and set up a team for one last surveillance to try to figure out who was Valencia's current "mule." I hoped to catch Valencia himself actually receiving smuggled birds. As I pulled our surveillance van into place that afternoon, my heart began to race. With a stroke of luck, we watched as Valencia loaded up his family and headed for Mexico. SAs Erin Dean and John Brooks ran a two and a half hour rolling surveillance with only two cars. In southern California, during Friday night traffic, that's a miracle in itself. They watched him cross into Mexico, and when he came back, much to my surprise, instead of paying someone else to do the dirty

work, he had the load of birds in his own truck. Joel Valencia was caught on August 28, 2004 with 129 birds hidden in specially built metal boxes, which were hidden under the truck seats. I remember emptying out one box, about the size of a shoe box. Too small for even one Amazon parrot to be transported in and it was like the proverbial clowns in the taxi cab scene. First one screaming bird came out, then another, and another...until eight parrots, all about 10 inches tall each, jumped from that one box. Unbelievable!

Valencia admitted to smuggling about 20 loads himself, but other record checks indicated that he made about 35 runs into Mexico for such short periods that he obviously wasn't visiting "Grandma." By my best and very conservative estimates, Valencia was responsible for bringing in over 6,000 illegal birds valued at over \$1.5 million during a four year period. The last large outbreak of Exotic Newcastle disease (END) which broke out in Southern California cost the U.S. government over \$266 million to eradicate. More than 3.1 million domestic poultry had to be euthanized. The outbreak started just a few miles from the location where Valencia sold most of his birds at a swap meet in Riverside County. Who knows where the exact source of that outbreak began, but it is clear that, along with impact to wild bird populations, the risks to the agriculture community and the U.S. economy run high with bird smuggling.

Valencia was convicted of a felony violation of the Lacey Act 16 USC 3372(a)(1) (A)- Importation of wildlife which was possessed in violation of U.S. laws. On January 24, 2005, Joel Valencia was sentenced in the Southern District of California for his role in the smuggling of 128 birds from Mexico into the United States.

Forty-eight of the birds Valencia smuggled were Lilac-crowned Amazon parrots, which became listed as CITES Appendix I species in January 2005. He was sentenced to 18 months in federal prison, and 3 years supervised probation. Valencia was ordered to pay a special assessment of \$100, but no monetary penalty was charged. Unfortunately, as is the case with many wildlife charges, the penalties are rather small, considering the long term ramifications to the environment. In the border cities, wildlife cases compete with drug and immigration cases for time and attention from the courts and the prison systems.

What makes this case so important, even six years later, is the impact it had on the bird trade. Since Valencia's arrest, there have only been five commercial loads of birds seized at the California-Mexico border crossings over a six year time frame. Compared to averaging three to 13 cases a year for the four years prior, this is an impressive drop in the number of illegal birds crossing into the U.S. Checks at the swap meets show an 80 percent drop in the number of psittacine birds (the majority of bird species being smuggled) sold and 50 percent fewer bird vendors. We developed a great working relationship with our counterparts in Mexico during the following year when we conducted several bird repatriation programs, complete with birds literally laughing as they were carried out to waiting transport trucks, media in tow. What a great way to end a day! □

Lisa Nichols, Special Agent, Pacific Southwest Region



Flickr / BRIAN GRATWICKE

The Lilac-crowned Amazon parrot was one of 48 such exotic birds seized in the smuggling case.

midwest

Native American Fish and Wildlife Hosts Training

Last year, the Service provided an overview of Federal fish and wildlife conservation laws and training in eagle and raptor parts identification at the National Native American Fish and Wildlife Society meeting, June 6-9, 2010. The meeting was hosted by the Fond du Lac Band of Lake Superior Chippewa Indians at the Black Bear Casino Resort in Cloquet, Minnesota. Service Law Enforcement personnel from the Midwest Region and the National Forensics Laboratory in Ashland, Oregon provided the training. Each year, as part of its Regional and National meetings, the society offers various types of law enforcement training to attending Tribal conservation officers.

The Service works in partnership with Tribes and many other

Service sponsored training for Tribal conservation officers in Keshena, Wisconsin



entities to enforce federal fish and wildlife conservation laws including the Migratory Bird Treaty Act, the Lacey Act, the Bald and Golden Eagle Protection Act, the Endangered Species Act, the Native American Graves Protection and Repatriation Act, and the Archeological Resources Protection Act. The Service assisted with a similar training for Tribes in 2006 in Keshena, Wisconsin. In addition to providing an overview of federal laws and training in feather identification, such training typically focuses on: working with informants, interviewing skills, report writing, search warrant preparation, planning for raids and takedowns, courtroom testimony, and evaluating case files. Service-sponsored law enforcement training for Tribes, such as the training last June, strengthens our partnerships with Tribes and builds Tribal capacity to assist the Service in enforcing Federal fish and wildlife conservation laws. □

southwest

Oil Pits: Past, Present, and a Need for Change

The three men always approach oil pits slowly during inspections. “You never know when you look into these pits what you might find,” Mike Merida, Law Enforcement Agent for the U.S. Fish and Wildlife Service chuckled, “Once we came over the levy and a huge jackrabbit came charging over, right at us!”

“We’ve found all sorts of things in these pits. It would be funny if it wasn’t so sad,” responds Craig Giggelman, Environmental Contaminants Specialist, Ecological Services, Texas.

Every year, millions of birds and uncounted number of other wildlife species become trapped in oil pits ranging from less than an acre to many acres. Although the Service has provided guidelines to minimize risk to wildlife, not all pits follow those standards during construction. Even when operators follow the guidelines, the integrity of the protective structure can be lost through a lack of maintenance. In Texas, Environmental Contaminants Specialists partner with Law Enforcement to visit areas of heavy oil production. In spite of state law requiring protection to keep wildlife from entering the pits, they have found hundreds of migratory birds mired in the oil.

“The Texas Administrative Code clearly lays out the need to protect all birds from entry,” says Giggelman. “It states that operators must ‘screen, net,

cover, or otherwise render harmless to birds’ any open-top storage tanks greater than eight feet in diameter (Title 16, Part 1, Chapter 3). Many other states have similar statutes.”

“The Texas Railroad Commission has jurisdiction over the pits, but there is no specific method of tracking open pits, so enforcement is difficult. You can get information on the location of wells—and there are thousands of them!” He exclaims, “Even knowing where the wells are, you can’t tell if the storage sites are covered or uncovered. When we go out to inspect pits on the basis of possible Migratory Bird Treaty Act violations, we’re left with picking general areas to inspect, and it’s hit or miss.”

“Even so, we try. The Service’s Southwest Region, Ecological Services worked with Law Enforcement to inspect over 1,800 sites, between 1999 and 2002 and from 2005 to 2009, throughout historic petroleum production areas in New Mexico, Oklahoma, and Texas,” reports Jacob Lewis, also an Environmental Contaminants Specialist, Ecological Services, Texas.

“The most common issue we find is where the operator has made an attempt to protect wildlife using flagging to haze wildlife or substandard netting to eliminate access.” He continues, “Unfortunately, the animals quickly become accustomed to the flags, and then a big storm puts the net into the oil. At that point, in addition to the animals getting mired in the sludge, they also get caught up in the net.”

“During those inspections we documented netting compliance and oilfield migratory bird mortality, recovered more than 570 dead migratory birds and issued over 150 violation notices for non-compliance with the Migratory Bird Treaty Act.” Adds Merida, “Over \$430,000 in collateral fines were collected for documented migratory bird mortality.”

“These funds were deposited directly into the North American Wetlands Conservation Fund,” picks up Gigglesman, “and they were used to do wetland restorations throughout the state. These restorations directly benefited migratory birds by increasing a sensitive habitat that is in decline.”

“The Service does what it can to educate the public,” adds Lewis, “Our Intermountain West Region has wonderful educational materials alerting operators to wildlife and legal risk, and illustrating wildlife protective measures. They also have a great publication on their website called “Reserve Pit Management Risks to Migratory Birds,” which provides natural resource managers recommendations to prevent or minimize impacts to migratory birds, federally-listed threatened and endangered species, and state or federal lands. It also provides a nice summary of state and federal oil and gas rules that relate to pits.”

“Unfortunately, the best management practices are more expensive than the alternative of just lining a hole and throwing up some fencing,” states Gigglesman. “What we need are better laws, and in some cases, more inspections to support the laws already on the books.”

“Data generated from Service investigations by Southwest Region law enforcement personnel were directly responsible for establishing an advisory netting rule in Oklahoma and state netting mandates of open oil pits in Texas and New Mexico,” reports Merida. “However, sometimes the penalties allowed under some state laws isn’t enough of a deterrent,” he adds, “There are some sites across the nation that have received multiple citations for violations, but they just pay them and never really implement adequate protection strategies.”

“The Service’s efforts, partnered with that of industry leaders, have shown progress on this issue; however, entrapment of migratory birds in oil pits remains a significant source of mortality,” states Merida.

“Until greater enforcement of existing laws is backed up by stiffer penalties, the problem will not go away,” says Gigglesman, shaking his head. “In the meantime, we in the Service will continue to collect and provide compelling data to support such change.” □

In 2009, Service agents had to extract two boa constrictors from inside a guitar that an American had brought back from Brazil.

southeast 

Wildlife Smugglers, Inspections, and Creativity

At the world’s busiest passenger airport—Atlanta’s Hartsfield-Jackson International—Mondays are the busiest days for wildlife inspectors. Cargo has accumulated over the weekend, stacked ceiling-high on pallets in vast warehouses the public never sees. Most of it is legal. Some illegal. On a recent Monday, it was up to Wildlife Inspector Stacey Witherwax to figure out which was which.

The day might bring a large box full of legal fish, but with a false bottom containing rare, endangered Asian Arowana fish, worth thousands of dollars each to those who believe they bring good fortune. It could be ivory carvings from Africa painted to look like wood, caviar that some restaurant owner is trying to import without proper permits, unlabelled medicinal herbs, live coral, alleged aphrodisiacs made from endangered species.

“You name it, somebody out there will try to smuggle it,” says Witherwax.

Like snakes, one of a wildlife inspector’s least favorite items to find. About a year ago, she got a phone call from U.S. Customs and Border Protection, which works closely with Fish and Wildlife inspectors at ports and airports nationwide. “We’ve got live snakes inside a guitar case,” the customs agent told Witherwax, “and we’re not opening it until you get here.”

An American, flying into Atlanta’s Hartsfield-Jackson from Brazil, had said he had nothing to declare. When Customs put his guitar case through the X-ray machine, however, inside was a guitar, which was expected, and inside the guitar were two snakes, which were not expected. The smuggler first said he had no idea how the snakes got into his guitar, then said maybe someone had put them there as a joke.

“Those snakes didn’t crawl in there while he was playing ‘Kumbaya’ in the jungle,” said Darwin Huggins, the Atlanta Resident Agent in Charge, >>



Continued from page 25

who was also involved. "I had to know if they were venomous. I didn't want to reach in there and find a mamba."

Witherwax, Huggins and other agents shined flashlights inside the guitar and identified the snakes as boa constrictors, which at least aren't poisonous. They managed to get the snakes out, even though they didn't want to, and the reptiles now are living happily ever after at Zoo Atlanta.

"Every day is something new," says Witherwax.

She and her two fellow inspectors in Atlanta, Debbie Bossie and Brian Downie, each keep an inspection bag in the back of their Service SUV to help them cope with what they may find. Her bag includes a camera, flashlight, rubber and Kevlar gloves, evidence bags, a hammer and crowbar for opening crates, lots of tape, and a respirator mask. She sometimes opens shipments from Africa with animals that have been killed by hunters and not yet taxidermied; these animals are covered with a powdered pesticide that keeps insects at bay. "You don't want to be breathing that stuff in," she says.

Witherwax is 31, married and a mother of three, with that straight-to-the-point manner that many law enforcement officers have. She worked for U.S. Customs for five years, and moved to Fish and Wildlife inspection two and one-half years ago.

She checks a large wooden crate, 8 feet long, 5 feet high, 4 feet wide, being shipped from Johannesburg, South Africa, to Texas, by way of Atlanta. There's no indication what is inside, but it's a good bet it's something someone shot and is shipping home. She pulls the heavy lid off to reveal about a dozen shoulder-mount trophy heads, all finished: impalas, wildebeests, kudu, a warthog. They're packed in tightly, but jumbled at all angles, and the visual effect of so many different animal heads packed into such a small space is oddly disconcerting. Witherwax has seen a lot stranger, though, and everything checks out as legal, so she carefully reseals the crate with color-coded tape that indicates she opened it and found nothing amiss.

"Many shipments are covered by CITES," she says—the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The inspectors must also know the Lacey Act, Migratory Bird Treaty Act, U.S. Endangered Species Act and other wildlife laws. "I'm really working on species preservation, which is where my heart is," she adds.

She makes checks in Delta and other warehouses: a shipment of expensive Italian eelskin and pythonskin handbags destined for an upscale leather goods store, a box filled with bags of costume jewelry, to see if any of the beads are made from prohibited shells.

These spot checks, a big part of an inspector's job, can yield unexpected results. Huggins,

Witherwax's supervisor, recalls an inspector in Atlanta who was walking through a Hartsfield airport warehouse in 2007 and smelled something not quite right. He opened a box and it was full of illegal dried shark fins, which had been processed in Florida and were being shipped to Hong Kong for use in shark fin soup, in violation of the Lacey Act. After a lengthy investigation, the company and its owner were fined and sentenced in 2009 to five years' probation. It was a literal version of something police officers sometimes say about an illegal activity: It didn't pass the smell test.

"An important part of our job is to expedite the legal trade, particularly with perishables," says Huggins. So when a shipment of live fish comes in on Korean Air, Witherwax heads over to another warehouse for a little fishing. Ninety boxes are stacked up, each containing hundreds of fish destined for a pet store chain. She samples them at random, but there are no false bottoms hiding rare Asian good luck fish in this shipment.

In Atlanta, Huggins oversees a team that includes the three inspectors and seven Special Agents: three in Atlanta, two each in North Carolina and South Carolina. When an inspector finds something suspicious, frequently the agents do the follow-up, which can involve questioning suspects, and getting subpoenas to check emails.

While most of inspection involves imports coming in, sometimes it means checking exports going out. Justin Kobylka, an Atlanta

snake breeder, is shipping 54 pythons to a private collector in England, and has made an appointment with Witherwax to check the shipment before it moves on to become the proverbial snakes on a plane. She used to own a python and is comfortable with the breed, and has worked with Kobylka before, so she isn't worried. Still, pythons will bite, so she puts on her Kevlar gloves to inspect them. A few passersby stop and stare as the young adult snakes writhe over her gloved hands. One man keeps his distance. "Snakes," he says to himself. Then, again, "Snakes."

The three inspectors, Witherwax, Downie and Bossie, rotate assignments weekly: One inspects warehouses, one works in the office, and one mans the Federal Inspection Station in Hartsfield's International Concourse, alongside Customs and the Department of Agriculture. This week, that's Downie, who is unpacking international travellers' suitcases and pulling out all sorts of things most of us don't pack. He pulls out a gallon jar, wrapped with yards of shrink wrap and duct tape, and explains to the Asian woman who owns it he has to open it to see what's inside. It turns out to be Vietnamese fish paste for cooking, and the pungent odor wafts over the conveyor belts and X-ray machines. But even though it doesn't pass the smell test, the fish paste is legal. The jar and its owner soon move on. □

Phil Kloer, External Affairs, Southeast Region

A Cold Case in the Hot Keys

Here's a short list of what a Lobster Mobster has to do to gather his illegal harvest: Dive down to the little traps he has spread on the ocean floor, lift the lids, then gather up hundreds of the tasty crustaceans in a net—or gig them with a spear.

That, and not get arrested. It was that last part that proved to be a problem for South Florida poachers—Lobster Mobsters as they are sometimes called in the Florida Keys—during a recent stretch in what turned out to be the biggest lobster poaching case ever conducted. It was actually three cases, linked together, all falling under the Lacey Act, the federal act which protects plants and wildlife and regulates how some species can be taken, possessed, transported or sold. Starting in 2008 with Operation Tortuga Hooker (named for the fishing company that was targeted), the trail led the agents to what they dubbed Operation Freezer Burn, which led to Operation Frost Bite. By the time it was done, eight people had been arrested and convicted, with five handed federal prison sentences.

"What made this difficult is you have such vast expanses of water and such limited resources," said David Pharo, the Fish and Wildlife Service Special Agent who worked the case. He was joined by Special Agents Kenny Blackburn and John O'Malley of the National Oceanic and Atmospheric Administration, and along the way coordinated with several other agencies.

"We don't look at jurisdictional lines here in South Florida," said Eddie McKissick, the Service's

Resident Agent in Charge in Miami. "We get a bigger bang for our buck when we join forces."

Joining forces was how it started. In March 2008, the superintendent of Dry Tortugas National Park, a cluster of islands about 70 miles west of Key West, told the Service he suspected a fishing charter company, Tortuga Hooker, was doing more than just taking amateur anglers on fishing charters. He suspected the owner, Robert Hammer, was hauling in grouper and snapper and selling it to restaurants in Miami in violation of the Lacey Act. McKissick and Pharo, based in Miami, took on the operation.

Pharo found an informant close to Hammer's operation, and put Hammer under surveillance. But two strangers kept popping up in the surveillance: A man who worked on Hammer's charters, and a wealthy resident of Cudjoe Key who regularly hosted Hammer at his mansion. The Service agents didn't know who either man was. Yet.

Meanwhile, Special Agents Blackburn and O'Malley of NOAA had been keeping tabs on a young man who was building casitas at his house in Key West. (He continues to help law enforcement with a number of cases; the agents nicknamed him "The Kid," and that's how he will be referred to here.) A casita is made by strategically welding pieces of trash together, like a dumpster lid or a car hood onto two parallel sections of steel guard rails, the kind that line highways. A lobster poacher will sink his casitas on the ocean floor so that the lid sits a few inches off the ground. To lobsters, it looks like a great little shelter to crawl under and hide from predators.



Casita Curtain

When all the evidence was in on the three cases, the agents mapped the GPS coordinates of all the casitas they had found and confiscated. The resulting "Casita Curtain" stretched 40 miles long and 15 miles wide through the Florida Keys National Marine Sanctuary. There were so many of them, clustered so tightly and over such a wide expanse it looked like a map of the stars in the Milky Way. It has since been partially dismantled.

When Blackburn had enough evidence to haul The Kid in, he did, and since the Service helps enforce the Lacey Act, he told the Service. Pharo went to Key West to interview The Kid with Blackburn.

"You're a small fish," they told The Kid. "Who we really want is your boss." The Kid rolled over and gave them not one, but two bosses: Hammer and David Dreifort, the most successful lobster poacher in South Florida. Dreifort had been harvesting lobsters for years, and was wealthy enough to afford a \$2.5 million home on Cudjoe Key. He was the mystery man whose house Hammer had been staying at.

"I have the biggest felony known to mankind sitting in my basement right now," The Kid told the agents. That was a bit of an overstatement, but it was certainly the largest lobster poaching case.

"Our jaws hit the floor," Pharo recalled. "It was everything we could do to keep from jumping for joy."

The Kid led the agents to his basement, where he showed them a huge freezer: eight feet long, four feet high, and full almost to the top with thousands of dollars worth of frozen lobster tails that he and Dreifort had taken illegally during the closed season, and which Dreifort planned to sell after the open season began. The Kid told them Dreifort had another, similar freezer at his own house. Thusly, Operation Tortuga Hooker was joined by Operation Freezer Burn.

By now it was July 2008. The Kid was in jail in Key West, and the two agencies were building their case. When Blackburn went to the jail one day, he noticed it was next door to Sunset Marina. And who should show up at the marina one day but Robert Hammer, the original target. He was sitting at a picnic table when Blackburn spied him, walked over and joined him. Before long, Hammer, completely at ease and unaware that Blackburn was a federal agent, was talking freely, admitting to illegal fishing trips in Dry Tortuga and some lobster poaching, and bragging about his compadre who had practically built a mansion off illegal lobstering: Dave Dreifort.

Pharo and Co. set up a video camera in The Kid's basement, keyed to a motion sensor, so that when Dreifort let himself in with his latest lobster haul to stash in the freezer, the camera would get him on tape. They also put a tracking device on Dreifort's >>

Continued from page 27

boat, and watched on a laptop computer as Dreifort went out on a late afternoon run through the Great White Heron National Wildlife Refuge. Within two hours, he had harvested 400 lobsters: diving down to casitas, spearing the lobsters, ripping the carapaces off, and putting the tail meat in a big cooler on his boat. Hours later, when he cruised back to Cudjoe Key, the agents watched him from atop a bridge. "It was after dark, but he was running totally blacked out," Pharo recalled. "Like he was back in the drug runner days."

Dreifort went to The Kid's house to deposit his lobsters in the freezer. But not wanting to be seen by anyone, he kept the lights off, which meant that even though the video camera was working, there wasn't enough light to get the evidence the agents needed. He opened the lid of the freezer, the freezer light came on, showing his face. They had him.

The agents still had one more goal. Under the law, Dreifort would have to forfeit any boats and vehicles used to commit his crimes, so they wanted to document that. "What they really fear is seizure of their assets; if you take away their toys, their \$70,000 cars and \$150,000 boats, you really hurt them," said Pharo. And that's how Pharo found himself high above the Keys in a high surveillance aircraft borrowed from U.S. Customs and Border Protection, documenting Dreifort on one last run using his best boat. As soon as they had that, more than 40 Federal and state agents descended on Dreifort's house with warrants.

"He is by far the best poacher I have ever seen, but he knew this day would come," said Blackburn. "He said he had planned to retire two years ago, but the money was so good he had to keep coming back."

Just as The Kid had given up Dreifort, once Dreifort was in custody he gave up two more Lobster Mobsters: John Buckheim and Nick Demauro. They had once worked for Dreifort and spun off on their own. So after Operation Freezer Burn came Operation Frost Bite.

Frost Bite sometimes had more comedy than drama. Buckheim and Demauro would make a plan to go out and harvest casitas they had planted, but then decide to stay home and relax instead. Buckheim's boat was barely seaworthy, in constant danger of sinking, and at one point it did just that, sinking with a Service-installed tracking device on board. "They drove us crazy," Pharo said, but eventually, they, too, were arrested. Hammer was also arrested, along with various accomplices: eight arrests in total, all of them eventually convicted.

After the string of arrests in 2008, the remaining Lobster Mobsters in the Keys laid off, fearful of being caught. Almost immediately, the lobster population in the waters south of Florida increased dramatically, benefitting those who hunt for them legally. But the remaining poachers aren't home free yet. The investigations are continuing, and the agents expect to make more arrests. □

*Phil Kloer, External Affairs,
Southeast Region*

northeast

Striped Bass "License to Steal" Investigation Leads to Felony Pleas, Tougher State Regulations

On the shores of the Chesapeake Bay, sandy beaches melt effortlessly into crystal blue open water. Here, out in the bay, lies the main spawning and nursery ground for striped bass, an integral part of both the local economy and the region's marine ecosystem. In the mid-1980s, the near collapse of the population led Maryland and Virginia to impose moratoriums on bass fishing. Since then a great deal of public effort has gone into restoring the striped bass fishery, which made the call Special Agent Kenneth Endress received in 2003 all the more disturbing.

On the other end of the phone that day was a Maryland Natural

Resources police officer concerned about increasingly widespread abuses within the state's commercial tagging and harvest reporting system—and the perceived lack of judicial deterrence handed down by the state court system.

"A group of commercial fishermen were basically absorbing small fines handed down for illegal fishing as just another cost of doing business," said Endress of the Service's Annapolis, Maryland, field office. "What I began to find was a 'wild west' mentality out on the Chesapeake and Potomac. The most effective tool in wildlife management—vigorous enforcement and compliance with the law—was lacking."

And so began the Interstate Watershed Task Force (IWTF) that from 2003 to 2010 conducted an investigation into the illegal harvest, sale and purchase of

Agents collected evidence, including pound net tags (green) and hook and line tags (blue), both from Maryland, during the investigation.



striped bass in the Chesapeake Bay and Potomac River. The IWTF included agents from the Service's Office of Law Enforcement, the Virginia Marine Police and the Maryland Natural Resources Police.

In 2003, the task force began the covert phase of the operation to document illegal commercial fishing. What they found was a large-scale conspiracy involving an interconnected network of commercial fishermen and seafood buyers to circumvent state fishing regulations.

Owing to loopholes in Maryland's tagging laws, the fishermen, check-in stations and co-defendants, all who profited from the arrangement, referred to the state's striped bass permit as a "license to steal." The investigation initially targeted commercial fishing practices along the Potomac River and later spread to encompass the western shore of the Chesapeake Bay.

"As the investigation progressed, and the true scope became apparent, we realized that this criminal conspiracy was one of the biggest of its kind the area had ever seen," said Endress.

Ultimately, the investigation resulted in the disruption of a criminal conspiracy that during the course of the investigation included the sale and purchase of more than one million pounds of striped bass with an estimated value of up to \$7 million. Nearly all defendants opted to enter into plea deals with the government—a testament to the quality of the investigation—resulting in the conviction of 19 individuals and three corporations.

But perhaps even more important than fines and prison sentences is the investigation's effect on Maryland's fishing laws. As a result of the case, Maryland has initiated an overhaul of the state's commercial fishing regulations. The state has also increased fines and created further deterrents. It has changed a number of aspects of the tagging system that make widespread abuse more difficult while simplifying enforcement by state wildlife officers.

The case has brought to light the challenges facing conservation efforts in the Chesapeake Bay, but also the tremendous conservation efforts in the region.

"There has been an outpouring of public support and media attention," said Endress. "Combined with the changes to state commercial fishing regulations for all commercial marine species found in the bay, we've already seen a significant change in attitude in this realm of conservation and its proper management in the region. I am grateful as well for the importance placed on these serious crimes by the U.S. Department of Justice Environmental Crimes Unit, the U.S. Attorney's Office for the District of Maryland, and by the Federal Court system. The Northeast Region's Office of Law Enforcement, from special agents to supervisors, managers and administrative staff, have devoted time and resources and believed this to be an important mission. They have all helped in making this a first class wildlife investigation at a great benefit to the resource and the public."

In recognition of this successful investigation, members of the

task force, including Endress, were presented with a 2009 Annual Award of Excellence from the Atlantic States Marine Fisheries Commission for their highly significant law enforcement contributions to the conservation of Atlantic coastal fisheries.

The case highlights the impact made by cooperative law enforcement efforts—on the state and federal level—to protect and manage our treasured marine habitats and aquatic resources. The Chesapeake Bay watershed is an iconic part of the Atlantic seaboard and efforts of the Office of Law Enforcement aim to ensure that it remains that way for generations to come. □

*Bill Butcher, Public Affairs,
Northeast Region*

Live Invasive Asian Carp Found in Boston's Seafood Markets

Doors in Chinatown lead into open markets and what seems like a different world. Unless you are one of the regulars here, you stand out like a sore thumb—but most turned heads lower quickly, and you blend into the masses of people filling baskets with strange-looking citrus, bok choy, black chickens and ginseng extracts. You politely muscle your way through until you reach the very back of the market where "seafood department" takes on a whole new meaning.

Boston's Chinatown seafood markets can be as entertaining as the New England Aquarium, just blocks away. Here, most everything is sold alive. Unlike your local supermarket, you

will not ring a bell to summon someone to weigh previously frozen cod. In these markets, you'll find men in stained white coats and fisherman boots, bearing fish nets and cleavers. If you speak Chinese, they immediately take your order and butcher the freshest seafood available with expert precision.

To a spectator, the Asian seafood markets seem exciting, exotic and interesting. But what exactly are these fish? The signs can bear odd versions of common species names—buffalo fish, golden carp, Chinese carp, yellow carp, bigmouth bass, bighead carp or grass carp.

Most of these fish innocently feed the cultural preferences or adventurous palates of the purchaser, but some of them are unwelcome in this country, a sign of growing national concern over the spread of non-native species and the effect they have on our native species.

In January 2010, Service special agents and Massachusetts Environmental Police officers seized more than 1,000 pounds of live Asian bighead carp in a sting involving several Boston-area markets. The seizure was part of a federal investigation targeting traffickers in the unlawful transport and sale of invasive carp from Midwest and Southern states into the Northeast.

A violation of a state or foreign wildlife or plant protection law and the subsequent sale or transport of the wildlife or plant in interstate or international commerce can be a violation of the federal Lacey Act's wildlife trafficking provisions. >>

Continued from page 29

The issue of controlling invasive and injurious species and their importation makes headlines and is increasingly expensive for state, local and federal governments to tackle.

The Secretary of the Interior can list non-native animals as “injurious” after determining they may devastate native populations if introduced into the ecosystem. The Lacey Act prohibits trade in these species, including import into the United States and transport of injurious animals to or from U.S. territories.

“Invasive” species are identified through an inter-agency collaborative including the U.S. Geological Survey, U.S. Department of Commerce, U.S. Department of Agriculture, the Service and other federal agencies. A list of invasive species is available at the National Invasive Species Information Center <www.invasivespeciesinfo.gov>. These non-native plant and animal species are prolific and have already spread through some parts of the United States.

While invasive species are not specifically addressed in any federal laws or regulation, many states incorporate injurious and invasive species into their own laws. These laws may restrict or prohibit actions like transport, sale or possession.

Unfortunately, state laws vary greatly. One state may prohibit invasive and injurious species, while an adjacent state has no similar regulations. Several states allow the aquaculture industry to produce Asian carp in farm ponds. Meanwhile, neighboring states invest millions to battle the Asian carp invasion. Many of these farm ponds are in the Mississippi River watershed, where they are vulnerable to inundation by flood waters that may carry the species to streams and rivers where they can multiply in the wild.

And it is all about the money. Like any other commodity, high demand and limited supply of these live species has driven up profits for traffickers who pursue profit regardless of laws and environmental concerns. Although failing to label or falsely labeling species involved in interstate or international commerce violates the Lacey Act, traffickers routinely do it to hide their activities.

The prosecution of violators may discourage would-be traffickers and encourage some change in the laws governing trade in live invasive species. The challenge throughout the country may be twofold: the ability of our conservation agencies to work together to establish cohesive state laws, and our ability to work together to stem potential threats before they take root and threaten our natural resources. □

*Bryan Landry, Special Agent,
Law Enforcement, Northeast
Region*

mountain- prairie



Special Agents and Energy Industry Working to Safeguard Migratory Birds

In the West wildlife and energy development often combine with lethal consequences for affected animals. Special agents in the Mountain-Prairie Region work tirelessly to minimize such incidents and ensure the energy industry is abiding by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

However, the agents’ goal is not to hamper energy development, but prevent the illegal killing of wildlife and habitat destruction through enforcement of federal statutes while working with industry to conserve wildlife.

The discovery of many electrocuted birds, especially bald and golden eagles in Wyoming, prompted the investigation of PacifiCorp, one of the largest electric utilities in the West, by Special Agent Tim Eicher, a veteran of 32 years.

The problem of eagle electrocutions in Wyoming is far from a new phenomenon and PacifiCorp is not the only party responsible for such raptor mortality. Eicher said over the last 20 years, more than 1,000 golden eagles have been electrocuted in Wyoming with half of them dying in the Bighorn Basin.

“Agents around the West have been dealing with electrocutions of golden eagles and other protected migratory birds since the 1960s,” said the agent based

in Cody, Wyoming. “There was so much country to cover that it took a lot of time because we handled electrocutions from clear up at the northern border of Wyoming clear down to the southwest corner of Wyoming.”

During the investigation, Eicher was assisted by Special Agent Roy Brown, who worked out of Lander, Wyoming. The duo used ATVs and their feet to trace the Cowboy state’s powerlines for dead raptors. The search resulted in nearly 40 golden eagle carcasses being sent to the Service’s Forensics Laboratory in Ashland, Oregon, where Rhoda Alston performed necropsies.

Once Eicher had gathered enough evidence for the investigation, he presented the case to U.S. Attorney John Barksdale, who began negotiations with PacifiCorp. After the untimely death of Barksdale, U.S. Attorneys David Kubichek and Kelly Rankin took up the case and saw it through to completion.

“The big deal on this case is that the Department of Justice—in particular the U.S. Attorney for the District of Wyoming—thought it was important and brought his resources to bear,” Eicher explained.

In fact the Department of Justice’s resources helped negotiate a plea agreement of historic proportions. PacifiCorp pleaded guilty in Federal court in Casper, Wyoming, to unlawfully killing golden eagles and other migratory birds in Wyoming. The company was ordered to pay more than \$10.5 million for killing eagles and other protected birds.

All told, PacifiCorp pled to 34 counts of unlawfully taking golden eagles, hawks, and ravens



in violation of the Migratory Bird Treaty Act. The company admitted to killing 232 eagles in Wyoming from January 2007 to 2009 and was sentenced to pay a \$510,000 criminal fine and an additional \$900,000 in restitution. The company will spend five years on probation. During this period, the company was ordered to spend \$9.1 million to repair or replace its equipment to protect migratory birds from electrocution in Wyoming.

But more than the costly fines and probation, Eicher said it's the change in companies' behavior that is the true measure of a successful case.

"It was a very satisfying case, not because of the big numbers, but because of the aftermath and all the positive work that's now being done by PacifiCorp and the other rural coops and oil and gas companies," Eicher said. "What's really satisfying is this: PacifiCorp is spending over \$10 million doing retrofitting—and that's going to save a lot of eagles. Plus, when the plea agreement came out, it made a lot of other companies think twice before making the same mistakes. So we now have a lot of companies—rural coops, rural electric associations that

are non-profit, and oil and gas companies—that spent a lot of money fixing powerlines in Wyoming."

Eicher said he's positive the PacifiCorp case has had a ripple effect across Wyoming and will ultimately further bird conservation.

"In addition to PacifiCorp, there are a lot of different companies who are developing Avian Protection Plans, retrofitting powerlines and new construction is being built to raptor-safe standards. And that's the big deal. We won't ever have to do another one of these in Wyoming," he said.

Unfortunately, avian mortality is not exclusive to powerlines. Many bird species across the West also face the lure of reserve oil pits, which more often than not prove fatal for any animal that mistakenly immerses itself in the hydrocarbon-polluted bodies of water, said Special Agent Kevin Ellis, a veteran of monitoring reserve oil pits in Wyoming and Colorado.

"Reserve pits kill a lot of birds. They're associated with natural gas drilling; they're the pits all the fluids go in and they often have

hydrocarbons on top—and hydrocarbons kill birds. Those pits attract birds. Birds land on them and they die," he said. "It's important because natural gas reserve pits kill thousands of birds every year; it's a big impact to their population."

Ellis and others routinely check reserve oil pits to ensure the company responsible for the pits covers them with either balls or netting. Covering the pits prohibits birds from mistakenly landing on the toxic fluids and is the best known means for excluding wildlife.

When Ellis checked the reserve oil pits administered by Exxon-Mobile, he was troubled to find there were no measures in place to stop birds from readily accessing the pits. Ellis wrote Exxon a ticket for illegally killing a few small birds, but that did not solve the problem. Ellis initiated an investigation into Exxon's reserve oil pits in Colorado, as did Special Agent Roy Brown in Wyoming. When the two felt they had put together a strong case, they appealed to the Department of Justice for assistance.

"Exxon-Mobile really took no action the first three years, so we went to the Department of Justice with the case. We entered into a three-year negotiation period that eventually led to their plea agreement. To their benefit, they realized how serious it was. Well before they pled guilty, they started excluding all wildlife from their reserve pits at considerable expense to the company," he said.

Though it took the threat of prosecution to change the behavior of Exxon-Mobile, Ellis said natural gas developers often just need a reminder of what right looks like.

"We just have to warn them that the pits are likely to cause mortality and give them some recommendations on ways to prevent mortality. Then it's up to them to act and if they don't, as Exxon didn't, and continue to kill birds then they're subject to criminal prosecution," he said.

Ellis and Brown worked with Senior Trial Attorney Robert Anderson, in the Department of Justice, to resolve the case with a successful plea agreement. Exxon pled guilty to violating the Migratory Bird Treaty Act in five states. The charges stemmed from the death of 85 migratory birds killed over five years in the states of Colorado, Wyoming, Texas, Kansas and Oklahoma. The plea agreement called for Exxon-Mobile Corporation to pay a fine of \$400,000 and \$200,000 in community service.

Though the plea agreement and fines were indicators of bringing a successful case to fruition, Ellis said Exxon-Mobile's adherence to an environmental compliance plan was the real victory; the company spent more than \$2.5 million to implement it.

"It was personally satisfying and challenging to reach such a successful conclusion because of the complex legal negotiations that took place," Ellis said. "The biggest challenges were the legal negotiation process and the ability to be flexible, but still protect wildlife, and understanding their challenges and their understanding of ours. The goal is always zero mortality." □

*Leith Edgar, Public Affairs,
Mountain-Prairie Region*

Enforcement and Outreach at the Top of the World

In the spring of 2009, the U.S. Fish and Wildlife Service's Alaska Region knew it was facing a potential conservation emergency on Alaska's North Slope. The ESA-listed Alaska-breeding population of Steller's eiders was precariously small, and the traditional spring-summer migratory bird subsistence hunt was just around the corner. The best available information indicated that this population of eiders numbered in the hundreds, possibly in the low hundreds; and the Service was not aware of Steller's eiders attempting to breed in significant numbers anywhere in North America except for the immediate vicinity of Barrow, Alaska.

Steller's eiders are vulnerable to predation from foxes, jaegers, and gulls, but have also been shot during the subsistence and fall harvests. These ducks are closed to take during both hunts, but harvest estimates and direct counts of dead birds have indicated that dozens are shot annually on the North Slope near Barrow. In 2008 alone, the Service documented that 20 Steller's eiders were shot (with seven more found dead of unknown causes) on the North Slope. These birds were most likely shot by accident or by hunters who were unable to distinguish them among flocks of legal birds.

This was clearly a situation that called for the presence of Service Law Enforcement, but also one that would benefit from outreach and education as much as, or more than, simple enforcement measures.



A successful collaboration of law enforcement and education and outreach helped conserve the dwindling population of Steller's eiders.

A significant step was taken on March 26, when the Service, with robust Law Enforcement participation, signed a Memorandum of Understanding (MOU), with the North Slope Borough, the Native Village of Barrow, the Inupiat Community of the Arctic Slope, and Upeagvik Inupiat Corporation agreeing on steps that all signatories will take to protect threatened Steller's eiders during the 2009 Migratory Bird Subsistence Harvest on the North Slope. Then, in April, the Department of the Interior published in the Federal Register its final rules governing the 2009 migratory bird subsistence hunt. These two documents represented many hours of negotiation with the groups mentioned above, and were supported by Law Enforcement outreach efforts consisting of meetings with other concerned citizens and organizations, participation in radio talk shows, and making individual contacts with village elders and community leaders.

In accordance to the terms of the MOU, all Service law enforcement personnel and other staff operating in the North Slope area underwent training in the traditions of the subsistence lifestyle and areas of cultural sensitivity. In addition, law enforcement personnel agreed to wear clothing that readily identified them as officers and drive marked vehicles to make them easily identifiable. These steps were intended to ensure that interactions between U.S.

Fish and Wildlife Service staff and North Slope residents were mutually respectful and helpful to all parties involved.

To decrease the likelihood of killing Steller's eiders during low-light or night conditions when bird identification is most difficult, the new regulations allowed hunting only from a half hour before sunrise until sunset in the north coastal zone (from Ross Point to Cape Thompson) in August. Because of the still-long days in the north, this regulation resulted in only 12 days with closed shooting hours in the Barrow area: from August 20 – 31.

Additionally, the regulations specified that it was illegal to possess a dead Steller's eider, or any other bird not open to harvest, during any hunting season. Similarly, the regulations stated that law enforcement personnel could ask to see any birds taken by hunters during the spring/summer season, and that hunters were required to comply with such requests.

In support of the MOU and the new regulations, Alaska Region Law Enforcement officers conducted another round of public outreach, including call-in programs and public meetings (often with audiences that were suspicious of, or hostile to, any perceived intrusion upon their subsistence lifestyle). The Law Enforcement presence in the Barrow area varied over the course of the season, from a high

of five officers to a low of two, depending upon hunting activity, the presence of birds, and the opening and closing of seasons.

When the subsistence season ended on September 1st, Alaska Region Law Enforcement staff had made hundreds of individual hunter contacts, and issued only four citations; these for the possession of lead shot. Not a single Steller's eider was reported or discovered killed or shot during the entire season. Progress was made on the lead shot front as well. With encouragement from LE staff, the remaining outlet in the Barrow area that had stocked the illegal shot agreed to pull it from the shelves.

Thanks to the professionalism, dedication, and patience of the Service's Alaska Region Law Enforcement staff (special agents and refuge officers), as well as the cooperation and commitment of the MOU partners and the local community, what had loomed as a conservation emergency at the beginning of the season turned into a signature conservation success story. And, perhaps, achieved a landmark in ongoing efforts to recover the Alaska-breeding population of this small and threatened sea duck. □

Bruce Woods, Chief of Media Relations, Alaska Region

transitions

Headquarters



Chief Benito Perez, who has directed the Office of Law Enforcement (OLE) since October 2007, left the Service

for retirement at his Texas ranch on January 31 after 22 years as a special agent and law enforcement manager.

Perez came to the agency in 1988 with nearly 15 years of previous law enforcement experience (including 10 as a Texas game warden). From 1988 to 1998, he conducted investigations as a field agent in Los Angeles and Dallas, exposing such crimes as eagle commercialization, sea otter and zebra skin trafficking, wildlife smuggling, and large-scale take of migratory birds by a California fish farm.

In 1998, Perez was promoted to senior special agent, joining the Branch of Investigations at OLE's headquarters office. His work quickly earned him advancement to Special Agent in Charge of that group and then to Deputy Chief.

In 2001, Service management recruited him to oversee OLE operations in the Pacific Region (which then included what is now Region 8). As Special Agent in Charge, he directed investigations of habitat loss, take of protected species, and wildlife trafficking. He also served as an incident commander during a volatile 10-week standoff between Federal officers and protesting farmers in Klamath Falls, Oregon.

Perez returned to headquarters as Deputy Chief in 2004. He oversaw OLE's first strategic planning effort and guided the program through a comprehensive workforce planning process. He stepped up to serve as chief in 2007, playing a critical role in implementing OLE's strategic plan and guiding its efforts to protect native wildlife and prevent illegal trafficking in global species.

As chief, Perez prioritized the recruitment of new special agents, hiring more than 25 percent of all investigators now on board. He oversaw a major expansion of OLE's forensics laboratory; created a new unit for high-tech investigative support; and revitalized OLE's Special Operations Unit, which focuses on long-term undercover investigations. □

Valerie Salentine just joined the Service as a Youth Programs Specialist in the Branch of Interagency Coordination, Division of Education and Outreach, NCTC. □

Jeffery Rupert, was promoted from a Refuge Manager to a Fish and Wildlife Administrator. Jeffery is joining the headquarters office from the Southwest region. □

David Diamond, a Fish and Wildlife Administrator in Fisheries & Habitat Conservation has left the Service to work at the National Oceanic and Atmospheric Administration. □

Richard Winn, a Supervisory Criminal Investigator, for the Law Enforcement division retired. □

Northeast Region



William Anderson has been appointed resident agent in charge of the U.S. Fish and Wildlife Service's

Law Enforcement office in New York, including John F. Kennedy and

LaGuardia international airports, the Port of New York, an office in Albany and the Canadian border ports of Champlain and Buffalo.

Headquarters for Law Enforcement wildlife inspectors and special agents in the state of New York are in Valley Stream, near JFK airport, the largest and busiest port of entry for wildlife and wildlife products.

On any given day, the work can include seizing a \$50,000 trunk made of crocodilian skins, examining trophy imports or following the trail of an eagle killer.

Anderson's staff includes special agents investigating illegal trade in wildlife; wildlife inspectors ensuring that wildlife shipments comply with international law as they pass through passenger terminals, cargo facilities and mail carriers; and permit staff who issue nearly 35,000 documents for wildlife imports and exports each year.

Anderson brings 28 years of fish and wildlife law enforcement experience to the job. When he began his career with the Service in 1982 as a wildlife inspector at the Port of New York, the first shipment he examined contained tegu lizard shoes. An experienced inspector showed him the difference between the scales of a tegu, from South America, and the scales of monitor lizards, from Thailand, Indonesia or Africa.

"How am I ever going to be able to learn the difference?" he remembers thinking. But like hundreds of wildlife inspectors before and after him, he learned to identify thousands of animals—both dead and alive—and plants.

Anderson, a native of Long Island, holds a bachelor's degree in forestry and wildlife from Virginia Tech. ("I'm a Hokie and always will be," he says.)

Anderson's predecessor, former Resident Agent in Charge John "JB" Neal, recently retired from the Service's New York Law Enforcement office after 26 years. □

honors

The Service recently announced the recipients of the **Environmental Leadership Awards**. These awards recognize the Service's offices, employees and contractors for their exceptional achievements in recycling, waste/pollution prevention, sustainable design/green buildings, energy efficiency and renewable energy, environmental management systems, environmental cleanup/restoration, minimized petroleum use in transportation, and green purchasing. This year's awards were given in four main categories:

- Hatchery of the Year Award,
- Refuge of the Year Award
- Facility/Office Environmental Leadership Awards
- Individual Environmental Leadership Award.

This year, the Hatchery of the Year Award and the Refuge of the Year Award recipients were both from the Service's Mountain Prairie Region headquartered in Denver, Colorado. The Hatchery of the Year award went to the Ennis National Fish Hatchery in Montana for its energy efficiency and renewable energy practices. The 2010 Refuge of the Year award was given to Sullys Hill National Game Preserve in North Dakota for its successes in waste and pollution prevention. □

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parting shots



Cyndi Perry and Dr. Michelle Gadd from the Service's International Affairs program coordinated a nationwide effort this year to collect outdated, incorrect size and surplus uniform pieces from Service employees to donate to conservation partners abroad. Working with multiple field offices all across the country, these Service employees procured hundreds of "gently used" uniform pieces, which were given to support the Angolan rangers patrolling their national parks, particularly Cangandala National Park. The park rangers and game wardens who received the much needed uniforms work to protect a wide variety of African wildlife, including the Giant Sable antelope. This project is just a small part of ongoing Service efforts to work with multiple African nations to build professional wildlife management capacity. Pictured is United States Ambassador to Angola Dan Mozena presenting "gently used" Fish and Wildlife Service uniforms to the Angolan Minister of the Environment, Fafaitima Jardim.

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