



the *MARS* report

January 2002

The Northeast Region's Monthly Accomplishment Report Summary

Caviar Smuggler Resentenced After Government Appeal

A prison sentence deemed too lenient was increased from 20 months to 48 months in January for caviar importer Eugeniusz Kozcuk of Stamford, Conn., after successful appeal by the U.S. government, according to Thomas J. Healy, special agent in charge of law enforcement for the U.S. Fish and Wildlife Service's Northeast Region.

Kozcuk was originally sentenced in 2000 to 20 months in prison, fined \$25,000 and forfeited \$70,000 and 2,000 pounds of caviar worth more than \$2 million, Healy said. During sentencing, the judge departed downward from sentencing guidelines because, he said, the value of caviar overstated the seriousness of the crime. A three-judge panel of the U.S. Court of Appeals for the Second Circuit disagreed and overturned the first sentence in May 2001. U.S. District Court, Eastern District of New York, subsequently revised the sentence upward.

In 1999, a federal jury found Kozcuk guilty of conspiracy, smuggling and violating the Lacey Act, a federal law protecting wildlife taken, transported or sold in violation of any U.S. law or treaty. He and a business associate paid off-duty airline employees to smuggle

suitcases packed with caviar into the United States. Business records revealed sales of 21,000 pounds of caviar during a seven-month period when only 88 pounds of caviar were legally imported, Healy said. *Filed by Diana E. Weaver, R-5 External Affairs*

Record Illegal Caviar Shipment Seized at Boston

In what may be the largest illegal caviar seizure in Port of Boston history, a shipment with a declared value of \$528,732 was seized by a Service wildlife inspector in December. The seizure came after samples taken from the shipment were found to be from undeclared species of sturgeon. The shipment was seized for violations of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, for failure to declare and for marking violations.

The laboratory tests determined that the 1,400 kilogram shipment was made up of Russian and Siberian sturgeon.

In an unrelated incident in December, wildlife inspectors at the Service's Valley Stream, N. Y., law enforcement office seized 41 cases of caviar valued at \$138,000 and 52 cases of caviar valued at \$186,000. *Filed by Donna Taney, R-5 Law Enforcement*

Landlocked Salmon Evaluation to Benefit Lake Champlain Fishery

Representatives of the Service's Lake Champlain Fish and Wildlife Resources Complex recently met with New York State Department of Environmental Conservation and Vermont Fish and Wildlife Department staff to plan a landlocked Atlantic salmon strain evaluation study. The three agencies will attempt to determine if a strain (a subpopulation) of the salmon known as the Sebago Lake strain shows superior survival over fish currently grown at the Pittsford National



An Atlantic salmon brood fish of the Sebago Lake strain that is scheduled for stocking in New York's Boquet River (USFWS/Craig Martin)

Fish Hatchery and at New York state's Adirondack Hatchery. Biologists have obtained

eggs from the Sebago strain and will grow them together with the Pittsford salmon to produce 15,000 yearling fish, which will be stocked simultaneously with 15,000 yearlings from the Adirondack hatchery in the Boquet River in New York. The first fish stocking is planned for spring 2003, with evaluations beginning that fall and continuing for three years.

Lake Champlain generates 500,000 angler days annually and contributes \$54 million annually to the local economy. By maximizing the survival of 200,000 hatchery-produced salmon, the strain evaluation study will continue the agencies' support of the Lake Champlain fishery. *Filed by Craig Martin, Lake Champlain Fish and Wildlife Resources Office*

Natural Resource Trustees Assess Health of Hudson River Fish

The Natural Resource Trustees for the Hudson River has begun a study to determine whether fish health in the upper Hudson River is being affected by PCB contamination. Results from the study will help the trustees determine the next steps to restore natural resources injured by PCB contamination.

The study entails examining fish for evidence of internal and external lesions, tumors or other abnormalities and diseases, parasites or other immune system indicators. Field work for the fish health assessment began in autumn 2001. Investigators collected more than 500 fish of three species -- brown bullhead, yellow perch and

smallmouth bass -- from the Hudson River and related reference areas. Tissue samples were collected to investigate a variety of biological impacts that can be caused by PCB contamination. Analyses of data and samples are ongoing.

The study, conducted by the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration and the New York State Department of Environmental Conservation, is part of the continuing Hudson River Natural Resource Damage Assessment.

Filed by MaryEllen VanDonsel, R5-New York Field Office

Investigations Will Help Control Lake Champlain Lamprey

The Lake Champlain Fish and Wildlife Resources Office is cooperating with the University of Vermont to investigate the dispersal and survival of sea lamprey from different sub-basins throughout the Lake Champlain drainage. Managers will use the information to prioritize and target streams for treatment based on lamprey production and survival.

For the study, sea lamprey have been captured and injected with tiny, individually numbered coded-wire tags. Anglers will catch some of these fish in the lake and when they return to the rivers to spawn in the spring of 2003. The project is expected to provide information needed to effectively manage Lake Champlain's sea lamprey population.

The sea lamprey is a non-native fish that has devastated native fish populations in Lake Champlain. This aggressive parasite attacks landlocked Atlantic salmon, lake trout and walleye, causing substantial economic losses to recreational fisheries. State and federal agencies, including the U.S. Fish and Wildlife Service, have spent over \$9 million to control sea lamprey. As part of the control program, poisons are applied to streams to selectively kill the lamprey in their larval stage.

Currently, streams are treated based on the concentration of larvae within each stream, but the existing program does not take



The sea lamprey is an aggressive parasite that can cause substantial economic loss to recreational fisheries. (USFWS/Craig Martin)

into account variations in survival of these parasites between stream tributaries.

Filed by Craig Martin, Lake Champlain Fish and Wildlife Resources Office

New York Oil Spill Settlement to Compensate for Fish, Wildlife Losses

The Natural Resources Trustees for the Hudson River (U.S. Department of the Interior and the State of New York) has agreed to a settlement with Conrail Consolidated Rail Corporation and Pennsylvania Rail LLC for natural resource damage compensation resulting from a spill of an estimated 6,000 to 7,000 gallons of diesel fuel into Cayuga Inlet in West Danby, N. Y., in November 1997. The diesel fuel spill, which resulted from derailment of a Conrail locomotive, caused a major fish kill in Cayuga Inlet and killed other wildlife.

The projects implemented

through this settlement will compensate for injuries to fish and wildlife and their habitats as a result of the oil spill, including compensation for lost fishing opportunities in Cayuga Inlet.

Under the settlement, the companies will fund restoration projects for 1,000 linear feet of streambank protection on Cayuga Inlet, acquisition and release of 10 river otters by New York River Otter Project, Inc., and purchase and stocking of 3,000 catchable-size brown trout in streams in Tompkins County.

Filed by MaryEllen VanDonsel, R-5 New York Field Office

Law Enforcement Activities

\$20,000 Fine for Poisoning Eagle, Hawks

On Jan. 24, John D. Vincent pleaded guilty in U.S. District Court in Wilmington, Del., to a violation of the Migratory Bird Treaty Act for his role in the poisoning of a bald eagle and four red-tailed hawks in January 2000. The bald eagles and hawks ate poison baits placed by the defendant and intended for predators, such as foxes.

Vincent agreed to pay \$20,000 to the National Fish and Wildlife Foundation toward eagle restoration and management in Delaware and surrounding areas. He also agreed to pay a \$300 forfeiture of collateral after he was charged with aiding others to hunt over bait during a commercial dove hunt on his farm. The hunts were attended by more than 70 hunters.

Seized Tiger Cubs Displayed at Baltimore Zoo

Sal Amato, resident agent-in-charge at the Service's Baltimore, Md., law enforcement office, met with Baltimore Zoo officials and reporters from local TV stations recently to announce the display of three tiger cubs. The cubs were seized during a Service investigation into potential Lacey Act violations involving the sale of endangered species. They were put on display at the zoo to publicize the seizure, which resulted from the illegal sale of

the cubs.

The cubs will be on display at the zoo through April.

City Pays Fine Following Bird Poisoning

The City of Wildwood, N. J., has paid a fine in the amount of \$5,850, levied after the city's public works department improperly applied a fertilizer laced with Diazinon in the vicinity of a city park. The application resulted in the death of 110 brants.

The notice of violation was issued by special agent Dorothy Manera following the death of the birds.

Ivories Are Ticklish Subject for Piano Importer

Wildlife inspector Roland Marquis recently discovered a piano importer had failed to declare ivory keys on six different pianos. The keys were estimated to have a declared value of approximately \$100,000. The subject, who stated that he has been in business for 21 years and is a small time importer of antique pianos, is alleged to have made over 30 shipments in 2001 alone.

An investigation continues into the importer's knowledge of illegally imported and traded ivory. Requests will be made by Service agents to the U.S. Customs Service to determine if

there are grounds for a criminal investigation.

Joint Enforcement Detail is Eventful

Service agents wrapped up an eventful joint enforcement detail with Maryland Department of Natural Resources in January. Nineteen federal agents (16 special agents and three refuge officers) and an equal number of state officers participated in the three-week detail designed to provide enhanced enforcement for the second part of the state's migratory Canada goose split season.

Feedback from all involved agencies has been very positive. Many violations were observed and documented, the most common of which were overlimit violations. The violations will be pursued through both state and federal court systems. In addition to detecting violations, the detail provided some outstanding training for six agents currently in the Service's field training program. It also provided a great opportunity for newly assigned agents to become familiar with their areas of responsibility and make contact with some of their state counterparts. In one instance this resulted in agents being called to assist in an investigation that was separate from the detail.

All reports filed by Donna Taney, R-5 Law Enforcement

Virginians Sentenced, Fined for Selling Wildlife and Human Remains

A Highland Springs, Va., man was sentenced to two years in prison, fined \$17,575 and required to forfeit two vehicles, while his corporation and his son received probation and fines after pleading guilty to charges relating to illegal sale of protected wildlife and Native American human remains, according to Tom Healy, senior agent in charge of law enforcement for the Northeast Region.

During a two-year undercover investigation, Service agents purchased and seized wildlife from the men and the corporation valued in excess of \$80,000, Healy said. Mounts and parts included a white

rhinoceros head, a black leopard, grizzly bears, gray wolves, black bears, bobcats, and migratory birds, all endangered, threatened or otherwise protected species.

In a parallel investigation, the National Park Service purchased Native American remains sold in violation of the Native American Graves Protection and Repatriation Act.

Courtney C. Smith Jr., age 69, was convicted of selling Native American remains and selling endangered or threatened wildlife. He was sentenced to 24 months in prison; \$10,000 fine; \$7,500 costs to the National Park Service to repatriate

Native American remains; \$75 in special assessments; and forfeiture of a 2000 Ford Excursion and a 1997 Chevrolet Suburban with a combined value of \$66,000.

Courtney C. Smith III, age 40, was convicted of attempting to sell endangered wildlife. He was sentenced to one year probation, \$3,000 fine and a \$25 special assessment.

The Virginia corporation, Courtney C. Smith Jr. Limited, trading as Great Southern Arsenal, was convicted of illegal sale of archeological resources, illegal sale of endangered or threatened wildlife and selling Native American remains.

Accomplishment Reports Received (continued from page 6)

24. Half Million Dollars In Illegal Caviar Seized, Donna

Taney, R5 Law Enforcement

25. Nest Disturbance Discovered During Interview,

Donna Taney, R5 Law Enforcement

26. City of Wildwood Pays \$5,000 Fine Following Bird Poisoning, Donna Taney, R5

Law Enforcement

27. Confiscated Property Transferred to Government Agencies, Donna Taney, R5

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28. Elver Purchase Leads to Notice of Violation, Donna Taney, R5 Law Enforcement

29. Ivories Are Ticklish Subject for Piano Importer, Donna

Taney, R5 Law Enforcement

30. Investigations Will Help Control Sea Lamprey In Lake Champlain, Craig

Martin, Lake Champlain FWRO

31. Natural Resource Trustees Assess Health of Hudson River Fish, MaryEllen

VanDonsel, New York FO

32. Agents Investigate Interstate Transport of Wild Game, Donna Taney, R5 Law

Enforcement

33. DHL Worldwide Pays Civil Penalties on Import Violations, Donna Taney, R5

Law Enforcement

34. Illegally Imported Coral Shipment Seized, Donna

Taney, R5 Law Enforcement

35. Injurious Catfish Shipment Intercepted, Donna Taney, R5

Law Enforcement

36. Injurious Mitten Crab Shipment Sent Back to

Netherlands, Donna Taney, R5

Law Enforcement

37. Interstate Transport Brings Dual Charges, Donna Taney, R5

Law Enforcement

38. Mitten Crab Shipment Intercepted, Sent Back to Shanghai, Donna Taney, R5

Law Enforcement

39. Landlocked Salmon Evaluation to Benefit Lake Champlain Fishery, Craig

Martin, Lake Champlain FWRO

Accomplishment Reports Received

The following reports were received in the Accomplishment Reporting System prior to Jan. 31, 2002. Reports received after that date will be included in the next issue of *the MARS report*.

To enter the Accomplishment Reporting System, go to <http://ars.fws.gov/>. To view issues of *the MARS report*, go to <http://northeast.fws.gov/> or (Service employees only) to the Northeast Region ARS intranet site (<http://sii.fws.gov/r5ea/ars/>).

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1. **\$20,000 Fine Paid for Poisoning Eagle, Hawks**, Donna Taney, R5 Law Enforcement
2. **Joint Enforcement Detail is Eventful**, Donna Taney, R5 Law Enforcement
3. **Law Enforcement Catches Up With Violator**, Donna Taney, R5 Law Enforcement
4. **Seized Tiger Cubs Displayed at Baltimore Zoo**, Donna Taney, R5 Law Enforcement
5. **Civil Penalties Paid on Wildlife Violations**, Donna Taney, R5 Law Enforcement
6. **Illegal Reptile Possession**

- and Theft Investigated**, Donna Taney, R5 Law Enforcement
7. **Raptor Poisoning Ends In Plea Agreement**, Donna Taney, R5 Law Enforcement
8. **Service Cooperates in Maryland Waterfowl Enforcement Efforts**, Donna Taney, R5 Law Enforcement
9. **Waterfowl Baiting Investigated In Stakeout**, Donna Taney, R5 Law Enforcement
10. **DHL Airlines Fined for Illegal Imports**, Donna Taney, R5 Law Enforcement
11. **Eagle Mount Seized After Display**, Donna Taney, R5 Law Enforcement
12. **Federal Agent Impersonation Investigated**, Donna Taney, R5 Law Enforcement
13. **New York Inspection Site Opens**, Donna Taney, R5 Law Enforcement
14. **Resentencing Appeal Raises Jail Term for Smuggling**, Donna Taney, R5 Law Enforcement
15. **Shahtoosh Shawl Seized From Arriving Passenger**, Donna Taney, R5 Law En-

forcement

16. **Surveillance Brings Arrests for Eight Hunters**, Donna Taney, R5 Law Enforcement
17. **Tusk Seized After Baggage Inspection**, Donna Taney, R5 Law Enforcement
18. **Inspectors Seize \$300,000 Worth of Caviar**, Donna Taney, R5 Law Enforcement
19. **New York Oil Spill Settlement to Compensate for Fish, Wildlife Losses**, MaryEllen VanDonsel, New York FO
20. **Proposal Accepted on Plea Offer Revision**, Donna Taney, R5 Law Enforcement
21. **Trophy Elk Antlers Forfeited by W. Va. Hunter**, Donna Taney, R5 Law Enforcement

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22. **Agent Investigates Report of Monkey Cooking**, Donna Taney, R5 Law Enforcement
23. **Agencies Investigate Fraud on Government Property**, Donna Taney, R5 Law Enforcement

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