



Monthly

Bulletin

Environmental Crimes Section

February 2020

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Send your federal case updates to: [REDACTED]

Florida mud turtles rescued by wildlife agents. [REDACTED]

District/Circuit	Case Name	Case Type/Statutes
District of Alaska	United States v. Paul Silvis	Guiding Services/Lacey Act
Central District of California	United States v. CG Roxane LLC d/b/a Crystal Geyser	Drinking Water Processing/HMTA, RCRA
Eastern District of California	United States v. Gilberto Garcia-Garcia	Marijuana Grow/Drug
Middle District of Florida	United States v. Novita Indah et al. United States v. Akbar Akram United States v. Mark E. Zywotko	Turtle Sales/Lacey Act Water Monitor Lizard Smuggling/ Lacey Act Fish Harvesting/Mail Fraud
Central District of Illinois	United States v. Christopher Brackett United States v. Rick A. Hamm, et al.	Deer Hunting/Lacey Act Geese Hunting/Lacey Act, MBTA
District of Kansas	United States v. Harcros Chemicals, Inc.	Chemical Cloud/CAA
Northern District of Mississippi	United States v. John H. Couey	Lab Fraud/CWA
Eastern District of Missouri	United States v. Bobby D. Lowrey et al.	Pesticide Application/False Statement, FIFRA
District of Montana	United States v. Bryan Berg	Grizzly Bear Killing/Lacey Act
District of Nevada	United States v. Robert Barkman	Wildlife Parts/Lacey Act
Northern District of New York	United States v. William Saiff, III	Hunting Over Bait/Lacey Act
Western District of New York	United States v. Christopher Casacci United States v. James S. Marshall	Exotic Animal Sales/Animal Welfare Act, Lacey Act Demolition/CAA, False Statement
Northern District of Ohio	United States v. Mohamed M. Salem et al.	Animal Slaughtering/CWA, Counterfeit Goods, Firearms, Money Laundering, Unpermitted Slaughter of Animals
Southern District of Ohio	United States v. Khaled Ebrigit et al.	Hazardous Waste Dumping/Conspiracy, RCRA
Northern District of Oklahoma	United States v. William T. Gangemi	Turtle Smuggling/Conspiracy
District of South Carolina	United States v. SC Distributors d/b/a Herbie's Famous Fireworks, Inc.	Fireworks Imports/Entry of Goods by Means of False Statements
District of South Dakota	United States v. David Meyer	Eagle Deaths/BGEPA, FIFRA

Indictments/Informations

United States v. Khaled Ebrigit et al., Nos. 2:20-CR-00014, 2:19-CR-00252 (S.D. Ohio), AUSA Mike Marous, ECS Trial Attorney Adam Cullman, and RCECs Erik Olson and James Cha.

On January 28, 2020, prosecutors charged contractor Khaled Ebrigit with conspiracy and violating the Resource Conservation and Recovery Act for his involvement in illegally transporting and disposing of hazardous waste (18 U.S.C. § 371; 42 U.S.C. §§ 6928(d)(1),(d)(2)(A)). Co-defendant Martin Eldridge pleaded guilty to similar charges in December 2019.

In October 2018, Conrex Property Management, LLC paid Ebrigit \$5,000 to remove drums containing 'chemical substances' from behind a property the company purchased. Ebrigit, in turn, paid Eldridge \$400 to remove three 55-gallon drums and 64 ten-gallon drums, most of which were clearly labeled "flammable" with detailed information regarding precautions to take when handling. Fluids leaked from many of the drums. Eldridge loaded the drums into his van and dropped them off next to dumpsters at several apartment complexes throughout Columbus.

Emergency personnel responded to reports of the illegal dumping, collected the drums, and performed site cleanup.

The Ohio Environmental Protection Agency, the U.S. Environmental Protection Agency Criminal Investigation Division, and the Ohio Bureau of Criminal Investigation conducted the investigation.



Leaking Drums

Indictments/Informations

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Indictments/Informations

***United States v. Christopher Casacci*, No. 20-CR-00005 (W.D.N.Y.), ECS Trial Attorney Patrick Duggan, AUSA Aaron Mango, and ECS Paralegal Jillian Grub.**

On January 8, 2020, prosecutors charged Christopher Casacci with trafficking African wild cats in the exotic pet trade, using false records, and violating the Animal Welfare Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B); 7 U.S.C. §§ 2134, 2149(e)).

According to the 33-count indictment, Casacci imported and sold caracals and servals from February to June of 2018. Caracals, also known as the “desert lynx,” are wild cats native to Africa, and grow to approximately 45 pounds. Servals, also wild cats native to Africa, grow to approximately 40 pounds. Both species are protected by the Convention on International Trade in Endangered Species.

Casacci, doing business as “Exotic Cubs.com,” illegally sold these cats as pets. He disguised his commercial activity by falsely declaring the animals as domesticated breeds, such as savannah cats and Bengal cats, on shipping records.

For those who deal in animals, the Animal Welfare Act requires adherence to humane care standards. The defendant failed to comply with these standards and failed to secure the proper licensing necessary for lawfully selling animals.

The U.S. Fish and Wildlife Service and the New York State Department of Environmental Conservation conducted the investigation.

***United States v. William Saiff, III*, No. 5:19-CR-00456 (N.D.N.Y.), AUSA Michael Perry.**

On January 8, 2020, the court arraigned William Saiff, III, after prosecutors charged him with violating the Lacey Act (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)). Saiff hired guides to lead hunters on illegal waterfowl hunts over baited ponds in October and November 2018. Trial is scheduled for March 2, 2020.

At the time of these offenses, Saiff was subject to a 17-month term of probation imposed in 2017 for the same conduct involving hunting over bait. The probation revocation is pending.

The U.S. Fish and Wildlife Service and the New York State Department of Environmental Conservation conducted the investigation.



Rescued serval kittens: photo c/o World Animal Protection

Indictments/Informations

United States v. James S. Marshall, No. 6:20-CR-006003 (W.D.N.Y), AUSA Aaron Mango.

On January 7, 2020, prosecutors charged James S. Marshall with violating the Clean Air Act, negligent endangerment, and making a false statement (42 U.S.C. §§ 7412, 7413(c)(1), (c)(4); 18 U.S.C. § 1001(a)(2)).

Marshall worked as a maintenance supervisor with the Finger Lakes Office for People with Developmental Disabilities (OPWDD). As part of his duties, Marshall controlled and supervised facilities under renovation or slated for demolition.

In October 2014, the defendant requested asbestos testing at the Hillcrest Building, owned by the OPWDD. Marshall directed an asbestos inspector to take four samples from just two locations within the 300,000 square foot Hillcrest Building. The results of the four samples came back negative for asbestos.

In November 2014, the OPWDD began soliciting bids to cleanout the building based upon these sample results. In December 2014, a third-party contractor won the bid for the cleanout and completed the work in April 2015. OPWDD received notification from Marshall of the successful cleanout.

Building inspectors subsequently located regulated asbestos-containing material (RACM) throughout the building. In addition to failing to make sure workers adequately wetted the RACM and sealed it in leak-tight containers, Marshall placed others in imminent danger of death and serious bodily injury during the cleanout.

Prosecutors charged Marshall with making a false statement when he claimed the asbestos sampler walked through the entire building during testing, which was not true.

The U.S. Environmental Protection Agency Criminal Investigation Division, conducted the investigation, with assistance from the New York State Department of Labor Asbestos Control Bureau.



Hillcrest Building

Guilty Pleas

United States v. Harcros Chemicals, Inc., et al., No. 5:19-CR-40021 (D. Kansas), AUSA Rich Hathaway.

On January 31, 2020, Harcros Chemicals, Inc., pleaded guilty to violating the Clean Air Act for discharging harmful chemicals (42 U.S.C. § 7413(c)(4)). MGP Ingredients, Inc., (MGPI) previously pleaded guilty to a similar charge.

Harcros is a subsidiary of MGPI. Harcros manufactures and distributes industrial chemicals throughout the United States. It supplies

sulfuric acid, sodium hydroxide, sodium hypochlorite, and propylene oxide to MGPI, which it uses for processing specialty wheat proteins and starches into food grade alcohol.

On October 21, 2016, a Harcros driver delivered a load of sulfuric acid to MGPI's facility in Atchison, Kansas. An MGPI operator helped the driver access the transfer equipment. A greenish-yellow chlorine gas cloud formed when the employees mistakenly combined 4,000 gallons of sulfuric acid with 5,800 gallons of sodium hypochlorite. The toxic cloud covered the city for close to an hour until emergency personnel arrived. Local officials ordered community members to shelter in place and evacuate in some areas. Approximately 140 individuals sought medical attention.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



Toxic chlorine gas cloud

Guilty Pleas

United States v. David Meyer, No. 1:20-CR-10006 (D.S.D.) AUSA Meghan Dilges.

On January 30, 2020, David Meyer pleaded guilty to violating the Bald and Golden Eagle Protection Act and the Federal Insecticide, Fungicide and Rodenticide Act (16 U.S.C. § 668(a); 7 U.S.C. §§ 136j(a)(2)(G), 136l(b)(1)(B)). Sentencing is scheduled for April 2, 2020.

In March or April 2016, Meyer arranged for delivery of 22 1,800-pound sacks of Rozol Prairie Dog Bait, a restricted pesticide, to his ranch. The label clearly indicates the product should only be used underground under the supervision of a certified applicator. Workers dispensed the poison both inside prairie dog holes, and on the ground nearby, over approximately 5,400 acres of the Meyer Ranch. After a Standing Rock Sioux tribe game warden found a dead eagle, he notified the U.S. Fish and Wildlife Service, who notified the Environmental Protection Agency (EPA). Officials dispatched an EPA emergency response team to oversee the cleanup of the ranch land. Investigators recovered a total of six dead bald eagles confirmed poisoned by Rozol.

The U.S. Environmental Protection Agency Criminal Investigation Division and the U.S. Fish and Wildlife Service conducted the investigation.

United States v. SC Distributors et al., No. 7:18-CR-00644 (D.S.C.), AUSA Winston Holliday.

On January 23, 2020, SC Distributors d/b/a/ Herbie's Famous Fireworks, Inc., pleaded guilty to importing goods into the United States by false pretenses (18 U.S.C. § 542). Sentencing is scheduled for March 16, 2020.

Between January and April 2012, a Chinese fireworks manufacturer affiliated with SC Distributors sent a series of emails to a customer in South Carolina arranging for the shipment of unapproved, illegal fireworks. They agreed to conceal the contents using bogus invoices with false labelling, to prevent seizure from customs officials. They generated and mailed separate invoices describing the true contents.

The illegal fireworks are comprised primarily of fuses known as Cannon Fuses, Quick Fuses, and Perfect Fuses. These fireworks contain explosive powder mixed in dangerous ratios. The Pipeline and Hazardous Materials Administration (PHMSA) rejected all three in 2014.

Between May and July 2015, the Chinese fireworks manufacture affiliated with S.C. Distributors sent four additional containers of illegal fireworks. Officials intercepted all four containers, two of which were shipped to co-defendant Eric Stajos, who previously pleaded guilty to a similar violation. The other two were shipped to SC Distributors.

The Department of Homeland Security's Customs and Border Protection Agency and the Pipeline and Hazardous Materials Safety Administration conducted the investigation.



Bald eagle nest

Guilty Pleas

United States v. Mohamed Salem et al., No. 1:18-CR-00758 (N.D. Ohio), AUSAs Duncan Brown and Brad Beeson.

On January 15 and January 16, 2020, Mohamed Salem and Zahran Al-Qadan pleaded guilty to violations stemming from a complex scheme whereby they sold meat from illegally slaughtered goats and lambs, violating the Clean Water Act and a number of other statutes. Amin Salem pleaded guilty on December 17, 2019. The defendants are scheduled for sentencing in April and May of this year.

Amin Salem, Mohamed Salem, and Zahran Al-Qadan owned several area gas stations. Mohamed Salem managed the gas station's finances of behalf of his father, Amin. Zahran also owned and operated a bakery. Terminals were placed in the gas stations and bakery that accepted and processed Electronic Benefits Transaction (EBT) cards as part of the Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps. A court previously convicted Amin Salem for food stamp fraud and related crimes, prohibiting him from owning stores that processed EBT transactions. The Salems used the gas station terminals to process more than \$2.7 million in fraudulent SNAP transactions between 2010 and 2016. They deposited proceeds from the EBT transactions into bank accounts of "Annie's Properties" a company owned by the Salems. Amin Salem used the funds to purchase a farm.

During 2015 and 2016, the Salems slaughtered and sold lambs and goats at Amin's farm. The Salems allowed customers to pay for the illegally slaughtered and uninspected meat using SNAP cards, which is forbidden under the SNAP regulations. The defendants discharged blood and other fluids from the slaughtered animals (without a permit) into Engle Ditch, which flows into the Black River and eventually Lake Erie. They deposited money from the meat sales and SNAP transactions into gas station accounts and other accounts they controlled.

Amin Salem pleaded guilty to conspiracy to launder money, violating the Clean Water Act, and distribution of adulterated meat (18 U.S.C. § 1956(h); 33 U.S.C. § 1319(c)(2)(A)); 21 U.S.C. §§ 610(c), 676(a)). Mohamed Salem pleaded guilty to engaging in real estate transactions using laundered funds and trafficking in counterfeit goods (18 U.S.C §§ 2320(a)(1),1957). Al-Qadan pleaded guilty to conspiracy to launder money.

The Federal Bureau of Investigation, the Internal Revenue Service Criminal Investigations, the U.S. Department of Agriculture Office of Inspector General, the U.S. Department of Agriculture Food Safety and Inspection Service, the U.S. Environmental Protection Agency Criminal Investigation Division, the Ohio Investigative Unit, the Ohio Department of Taxation, the Ohio Department of Agriculture, the Ohio Environmental Protection Agency, the Lorain County Sheriff's Office, the Guernsey County Sheriff's Department, the Cleveland Division of Police, the Westlake Police Department, and the Strongsville Police Department, conducted the investigation.

Guilty Pleas

***United States v. Novita Indah et al.*, No. 8:19-CR-00266 (M.D. Fla.), ECS Trial Attorneys Ryan Connors and Matt Evans, with assistance from AUSA Kelley Howard-Allen.**

On January 15, 2020, Novita Indah and Larry Malugin pleaded guilty to violating the Lacey Act for trafficking in protected Southeast Asian wildlife 16 U.S.C §§ 3372(a)(1), 3373(d)(1)(B)). Sentencing is scheduled for May 11, 2020.

The defendants, a married couple, began smuggling wildlife protected by the Convention on International Trade in Endangered Species (CITES) from their Indonesian home to the United States in 2011. They continued to do so as they moved to Puerto Rico and eventually Port Richey, Florida.

Between 2011 and 2017, the defendants made approximately 3,100 wildlife sales on eBay worth approximately \$211,000. They imported and resold Southeast Asian wildlife in the forms of taxidermy mounts, bones, skins, belts and wallets. The wildlife species included slow loris, babirusa (a rare Indonesian pig prized for its distinctive curving tusks), leopard cat, macaque, lutung, langur, spitting cobra, krait snake, monitor lizard, barn owl and reticulated python. They did not sell any live animals.

While executing a search warrant, agents seized nearly 370 wildlife items from their house.

The U.S. Fish and Wildlife Service conducted the investigation as part of Operation Global Reach, a long-term taskforce into the flow of illegal wildlife from Indonesia to the United States.

***United States v. CG Roxane LLC d/b/a Crystal Geyser, et al.*, No. 2:18-CR-00448 (C.D. Calif.), AUSAs Dennis Mitchell, Heather C. Gorman, and Michael G. Freedman.**

On January 9, 2020, CG Roxane, LLC, (d/b/a Crystal Geyser) pleaded guilty to illegally storing and transporting hazardous waste created from filtering arsenic out of spring water at its facility in Olancho, California. The company pleaded guilty to violating the Resource Conservation and Recovery Act (RCRA) for unlawfully storing hazardous waste and one count of unlawful transportation of hazardous material in violation of the Hazardous Materials Transportation Act (42 U.S.C. §§ 6928(d)(3), (d)(1); 49 U.S.C. § 5124). Sentencing is scheduled for February 24, 2020.

Crystal Geyser drinking water company, drew water from underground wells containing naturally-occurring arsenic, using sand filters to reduce the concentration of arsenic. To ensure the filters' efficiency, Crystal Geyser back-flushed them using a hydroxide-and-water solution. This process generated thousands of gallons of arsenic-contaminated wastewater. Crystal Geyser discharged that wastewater into a nearby manmade pond known by employees as "Arsenic Pond." Testing by the California Department of Toxic Substances Control in the fall of 2014 determined that the wastewater stored in the pond was a RCRA hazardous waste.

In May 2015, the company hired other companies to remove and transport the hazardous waste without properly identifying it as hazardous. A facility not authorized to

(Continued on page 11)

Guilty Pleas

(Continued from page 10)

treat hazardous waste ultimately received the shipment. As a result, employees discharged more than 23,000 gallons of arsenic-contaminated wastewater into the sewer without appropriate treatment.

United Pumping Service, Inc., and United Storm Water, Inc. are scheduled for trial to begin on April 21, 2020. The companies are charged with unlawful transportation of hazardous waste, transporting hazardous waste to an unpermitted facility, and making false statements on manifests used to transport and dispose of hazardous waste in violation of RCRA and the HMTA (42 U.S.C. §§ 6928(d)(3), (d)(1); 49 U.S.C. § 5124).

The U.S. EPA Criminal Investigation Division and the U.S. Department of Transportation Office of Inspector General, conducted the investigation. with assistance from the California Department of Toxic Substances Control.

United States v. Akbar Akram, No. 5:19-CR-00530 (M.D. Fla.), ECS Trial Attorney Gary Donner and AUSA Colin McDonell.

On January 8, 2020, Akbar Akram pleaded guilty to violating the Lacey Act for illegally trafficking live water monitor lizards from the Philippines (16 U.S.C §§ 3372(a)(1), 3373(d)(1)(B)). Sentencing is scheduled for March 27, 2020.

Akram illegally imported more than 20 live water monitor lizards from the Philippines between January and December 2016. To avoid detection by United States customs authorities, co-conspirators placed the lizards in socks sealed with tape, and concealed them in the back panels of audio speakers or other electronic equipment. They shipped the equipment via commercial carriers to Akram's associate, who resided in Massachusetts. The customs declarations accompanying the shipments identified the contents as audio speakers or similar electronics. After receiving the reptiles, Akram sold some of them to customers in Massachusetts, as well as people in Colorado and Connecticut.

This case is part of Operation Sounds of Silence, an ongoing effort by the U.S. Fish and Wildlife Service, in coordination with the Department of Justice, to prosecute those involved in the illegal taking and trafficking in protected species, including water monitor lizards

The U.S. Fish and Wildlife Service conducted the investigation.

Sentencings

***United States v. Paul Silvis*, No. 1:19-CR-00036 (D. Alaska), AUSAs Steven E. Skrocki and Jonas M. Walker.**

On January 22, 2020, a court sentenced Paul Silvis to six months' home incarceration (a stricter version of home detention), as a condition of a five-year term of probation. Silvis will pay a \$20,000 fine, \$2,000 in restitution divided between two victims, perform 100 hours of community service, and is forbidden from hunting for the rest of his life. He also will publish a public apology in the Alaskan Professional Hunter Association Magazine.



Brown bear

From 2009 through 2016, Silvis, a resident of Idaho, repeatedly violated Alaska state and federal law by unlawfully providing guided bear and moose hunts in the Noatak National Preserve. Hunters paid Silvis a total of \$121,500 for his illegal guiding services that resulted in the unlawful taking of seven brown bear and one moose.

In September 2013 and September 2014, within the Preserve, Silvas guided illegal hunts for other Idaho residents who did not possess the appropriate permits. Silvis advertising his unlicensed guiding services under the name "Orion Outfitters," transported illegally taken game across state lines, and submitted false business records to the Alaska Department of Fish and Game (ADF&G) in order to conceal these hunts and the illegal take of brown bears.

To legally hunt brown bears within the Preserve, a non-resident hunter must contract with a licensed big game guide, possess the appropriate ADF&G draw permits and appropriate big game tags. Hunters also must tell ADF&G how many big game animals they killed. Silvis pleaded guilty to violating the Lacey Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)).

The National Park Service and the Alaska Wildlife Troopers conducted the investigation.

Sentencings

***United States v. Bryan Berg*, No. 9:19-CR-00047 (D. Mont.), AUSA Ryan Weldon.**

On January 16, 2020, a court sentenced Bryan Berg to pay a \$5,000 fine to Montana Fish, Wildlife & Parks Law Enforcement and complete a three-year term of probation. The court banned him from hunting during the term of probation. Berg previously pleaded guilty to violating the Lacey Act (16 U.S.C. §§ 3372(a)(1), 3373(d)(2)).

Berg transported grizzly bear claws to Washington after shooting the bear in the Bob Marshal Wilderness in September 2017. After receiving a tip, agents flew to the scene and found that someone had pushed a dead grizzly bear down the mountain, after removing its front claws. In an interview with law enforcement officers in March 2018, Berg said he shot the grizzly bear in self-defense, which the investigation confirmed to be accurate. Berg, however, did not report the grizzly bear shooting as required, and it was illegal to take the claws.

The U.S. Fish and Wildlife Service and the Montana Department of Fish, Wildlife and Parks conducted the investigation.

***United States v. John H. Couey*, No. 4:19-CR-00059 (N.D. Miss.), AUSA Robert Mims.**

On January 16, 2020, a court sentenced John H. Couey, the owner and lab director of Davis Research, Inc. (Davis), to 18 months' incarceration, followed by one year of supervised release, for submitting false statements and lab results to the Mississippi Department of Environmental Quality. Couey previously pleaded guilty to violating the Clean Water Act (33 U.S.C. § 1319(c)(4)).

Davis performs environmental analytical testing services for more than 175 clients including cities, towns, utilities, private industries, and state and federal entities. Between January 2016 and April 2018, Couey created and submitted approximately 57 falsified laboratory test results related to Methanol data. Proper Methanol testing requires a gas chromatograph, which the lab did not have. Similarly, between December 2015 and May 2018, Couey claimed he analyzed samples for nitrogen, phosphorous, and metals using specified EPA test methods and procedures, without the necessary equipment.

In total Couey admitted to falsifying more than 1,000 lab tests for more than 100 clients since January 2015. This is the largest reported environmental lab fraud case in Mississippi history.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

Sentencings

United States v. Christopher Brackett, No. 1:18-CR-10063 (C.D. Ill.) AUSA Katherine Legge.

On January 15, 2020, a court sentenced Christopher Brackett, the former host of a cable hunting show, to complete a 30-month term of probation, pay a \$26,500 fine, and make \$3,500 in restitution to the Indiana Department of Natural Resources. Brackett is banned from hunting during the term of probation. He previously pleaded guilty to violating the Lacey Act for illegally poaching deer (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)).

Brackett self-produced and starred in his own cable hunting show, "Fear No Evil," which aired on the Outdoor Channel. During filming of an episode in December 2013, he killed two bucks within minutes of each other. The state of Indiana permitted hunters to kill only one buck per season. Brackett transported the second, 11-point buck he nicknamed the "Unicorn Buck," (for its unique antler formation) to his home in Illinois.

Brackett featured the "Unicorn Buck" kill on his television show in 2014. He instructed his cameraman and producer to hide footage of the kill of the first, smaller eight-point buck. In 2017, prior to charges being filed against him, Brackett instructed an employee to destroy the eight-point rack.

The U.S. Fish and Wildlife Service conducted the investigation, with assistance from both the Illinois and Indiana Departments of Natural Resources.

United States v. Mark E. Zywojko, No. 2:19-CR-00113 (M.D. Fla.), AUSA Jeffrey F. Michelland.

On January 13, 2020, a court sentenced Mark E. Zywojko to 60 days' incarceration, followed by three years' supervised release, after previously pleading guilty to mail fraud. Zywojko overharvested more than 50,000 pounds of Gulf reef fish from the waters off Southwest Florida between January 2013 and December 2017 (18 U.S.C § 1341). The court also ordered Zywojko to forfeit \$286,260 (the value of the illegally caught fish), and to pay \$291,884 in restitution to the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NMFS).

As the captain of the fishing vessel *Little Z.*, Zywojko illegally harvested and sold federally-regulated Gulf reef fish, including red grouper and red snapper, and submitted false documents, to state and federal agencies to conceal his overfishing.

The NMFS relies upon fishermen accurately reporting their catch to properly manage the Gulf reef fish fishery. Officials use the reports and other documentation to determine the total allowable catch or quota for a species, or when a particular fishery's season should be closed. NMFS also charged a three percent cost recovery fee to recoup a portion of its the administration costs.

Under the NMFS Gulf of Mexico Individual Fishing Quota (IFQ) program, qualified fishing vessel operators could fish for, land, and sell a specific allocation of regulated species throughout the year if they held IFQ allocation shares for a specific species of Gulf reef fish. Zywojko did not hold any IFQ shares and had to purchase allocation from other program participants. By underreporting his catch and falsifying documents, Zywojko avoided paying for IFQ allocation to other program participants, avoided paying \$5,624 to NMFS in cost recovery fees, and concealed the true amount of IFQ Gulf reef fish he landed and sold.

The NOAA National Marine Fisheries Service, and the Florida Fish and Wildlife Conservation Commission, conducted the investigation.

Sentencings

United States v. Rick A. Hamm et al., No. 1:18-CR-10023 (C.D. Ill.), AUSA Katherine Legge.

On January 9, 2020, a court sentenced outfitter Rick A. Hamm to complete a two-year term of probation, pay a \$50,000 fine into the Lacey Act Reward Fund, and \$2,500 restitution to be divided as follows: \$1,800 to the U.S. Fish and Wildlife Service and \$700 to the Illinois Department of Natural Resources. Hamm previously pleaded guilty to violating the Lacey Act (16 U.S.C. §§ 3372(a)(2)(A), 3373 (d)(1)(A)). The court further banned him from hunting during the term of probation.

Hamm owned the “Show Me Your Snows,” waterfowl outfitting service. In December 2015, he and his assistant guides used electronic callers to lure and kill geese while guiding two hunter clients (undercover wildlife agents), knowing it was unlawful under the Migratory Bird Treaty Act (MBTA) and Illinois conservation regulations.

In a previous case in 2000, Hamm pleaded guilty to violating the MBTA for shooting waterfowl over the bag limit, transporting untagged waterfowl, and hunting with lead shot. In that case, Hamm paid a \$5,000 fine.

A court sentenced assistant guides Trent Gustafson, Zachary Entwistle, James Schupp, and J. Weston Schupp on January 16, 2020, to complete six-month terms of probation and pay \$1,500 fines. They previously pleaded guilty to violating the MBTA (16 U.S.C §§ 703(a), 707(a)).

The U.S. Fish and Wildlife Service, with assistance from the Illinois Department of Natural Resources, conducted the investigation.

United States v. Gilberto Garcia-Garcia, No. 2:18-CR-00197 (E.D. Calif.), AUSA David W. Spencer.

On January 7, 2020, a court sentenced Gilberto Garcia-Garcia to 24 months’ incarceration, followed by 36 months’ supervised release, after pleading guilty to conspiring to manufacture marijuana (21 U.S.C. §§ 841, 846).

During an aerial surveillance operation, law enforcement officers located two large marijuana cultivation sites in the Shasta-Trinity National Forest. They hiked into the area and observed Garcia and another individual tending to and harvesting the marijuana. Officers apprehended Garcia at the site and found more than 11,000 plants. A white powder, appearing to be carbofuran (a highly toxic insecticide), dusted the plants.

The Bureau of Land Management, the California Department of Fish and Wildlife, and the Trinity County Sheriff’s Department, conducted the investigation.

Sentencings

United States v. Bobby D. Lowrey et al., No. 1:18-CR-00165 (E.D. Mo.), AUSA Dianna Collins.

On January 2, 2020, a court sentenced Bobby D. Lowrey and Lowrey & Lowrey d/b/ a Lowrey Farms. The company will pay a \$200,000 fine. Bobby Lowrey will complete 60 days' probation, with a special condition of 60 days' home confinement. The defendants both pleaded guilty to violating the Federal Insecticide, Fungicide, and Rodenticide Act for misapplying the pesticide dicamba. Lowrey Farms also pleaded guilty to making a false statement (7 U.S.C. §136j; 18 U.S.C. §§ 1001).

Bobby Lowrey owned and operated Lowrey Farms. In 2016, under Lowrey's management, the farm engaged in the cultivation of cotton and soybean crops on approximately 6,700 acres covering numerous fields and plots. Scientists genetically modified these crops to resist the pesticide dicamba, a weed killer. Officials did not approve STRUT, a dicamba-based pesticide product, for post-planting application to cotton crops, and limited its use on soybean crops.

On multiple occasions in 2016, under Lowrey's direction, employees applied dicamba-based pesticides to cotton post-planting and to non-mature soybean crops prior to the approved preharvest application interval. Multiple nearby farmers reported crop damage consistent with drift from dicamba-based pesticides applied on Lowrey Farms. In response to numerous complaints, Missouri Department of Agriculture representatives requested to meet with Bobby Lowrey and asked Lowrey Farms to provide current spray application records for cotton and soybean crops.

During the investigation, Lowrey made numerous false statements and provided fraudulent documentation certifying that employees only applied dicamba-based products during burndown applications.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Missouri Department of Natural Resources, and the Missouri Department of Agriculture conducted the investigation.

Announcements

***Next Environmental Crimes Seminar - May 12-15, 2020: Registration open now until Feb. 28: <https://www.justice.gov/usao-dc/assistant-us-attorney-positions/assistant-us-attorney-training>

The seminar focuses on pollution and wildlife crimes, including the major statutes under which most pollution and wildlife violations are prosecuted. It is designed to give attorneys less experienced in this area a foundation in environmental crimes, while also covering areas useful to veteran prosecutors experienced in the handling of environmental crimes cases. Through the use of mixed teaching methods, combining lecture, small group discussion and breakout groups, prosecutors learn how an environmental criminal case is investigated and prosecuted. The course will include case law updates, an ethics session, and sessions addressing specific legal, evidentiary, and practical issues that arise in environmental crimes prosecutions.***

We have updated Chapter 8 (RCRA) and Chapter 14 (TSCA) in Volume 1 of the [Environmental Crimes Manual](#).

When submitting a press release for posting with the Executive Office of U.S. Attorneys <https://www.justice.gov/usao/pressreleases>, please be sure it is tagged for the "Environment/Wildlife" topic. This will help ensure that your case is not overlooked for reporting in the Bulletin.

News from state, local, and Canadian cases is posted on the Regional Environmental Enforcement Associations [website](#).

If you are in researching data for your wildlife or pollution cases, please contact [redacted] with your search requests.

Please notify ECS of any appeals taken in your cases, as per [Section 5-11.118](#) of the U.S. Attorneys' Manual

A public version of the [Bulletin](#) is available for non-law enforcement readers.

Environmental Crimes Section Attorneys: (Main # 202-305-0321)

Position	Name	Phone
Chief	Deborah Harris	
Deputy Chief	Joseph Poux	
Assistant Chief	Thomas Ballantine	
Assistant Chief	Wayne Hettenbach	
Assistant Chief	Lana Pettus	
Assistant Chief	Jennifer Whitfield	
Senior Litigation Counsel	Howard P. Stewart	
Senior Litigation Counsel	Richard Udell	
Senior Counsel for Wildlife	Elinor Colbourn	
Senior Counsel	Kris Dighe	
Senior Trial Attorney	Jennifer Blackwell	
Senior Trial Attorney	Christopher Costantini	
Senior Trial Attorney	Daniel Dooher	
Senior Trial Attorney	Todd Gleason	
Senior Trial Attorney	Jeremy Korzenik	
Senior Trial Attorney	Ken Nelson	
Trial Attorney	Cassandra Barnum	
Trial Attorney	Mary Dee Carraway	
Trial Attorney	Ryan Connors	
Trial Attorney	Adam Cullman	
Trial Attorney	Stephen DaPonte	
Trial Attorney	Gary Donner	
Trial Attorney	Patrick Duggan	
Trial Attorney	Ethan Eddy	
Trial Attorney	Matthew Evans	
Trial Attorney	Stephen Foster	
Trial Attorney	Christopher Hale	
Trial Attorney	Joel LaBissonniere	
Trial Attorney	Samuel (Charlie) Lord	
Trial Attorney	Shennie Patel	
Trial Attorney	Erica Pencak	
Trial Attorney	Richard Powers	
Trial Attorney	Lauren Steele	