



Monthly

Bulletin

Environmental Crimes Section

November 2015

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Orchids seized from defendant at Los Angeles International Airport. See *U.S. v. Cucho*, [inside](#), for more details .

Send your federal case updates to:
[REDACTED]

U.S. Department of Justice
Environment and Natural Resources
Division
Environmental Crimes Section
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"Thanks to this intergovernmental team, the habitat of the last remaining Siberian tigers and Amur leopards will no longer be threatened by the activities of this company. This case and today's plea deal demonstrate that those engaged in the commercialization of illegal timber imported into the United States will be caught and held accountable." —Deputy Assistant Director Ed Grace of the U.S. Fish and Wildlife Service's Office of Law Enforcement. [See *U.S. v. Lumber Liquidator* plea agreement [press release](#)].

District/Circuit	Case Name	Case Type/Statutes
District of Alaska	<u>United States v. James Slade</u>	Mining Operation/CWA
Central District of California	  <u>United States v. Victor Manuel Arias Cucho</u>	   Orchid Trafficking/ESA
Eastern District of California	<u>United States v. Rich Xiongpaop</u> <u>United States v. Antonio Garcia-Villa</u> <u>United States v. Jose Antonio Reyna-Chavez</u>	Marijuana Grow /Drug Charges, Depredation of Public Land
Southern District of California	<u>United States v. Lachelle Rene Thrower</u> <u>United States v. Kaven Company, Inc.</u>	Asbestos Certificates/False Statement Marine Wildlife Sales/Smuggling
District of Hawaii	<u>United States v. Waste Management of Hawaii, Inc.</u>	Medical Waste and Sewage Discharges/CWA
District of Idaho	<u>United States v. Max Spatig</u>	Paint Waste/RCRA, Recidivist
Northern District of Iowa	<u>United States v. James Hess</u>	Black Rhino Horn/Lacey Act
Eastern District of Louisiana	<u>United States v. Walter Oil & Gas Corporation</u>	Oil and Gas Platform/OCSLA
Western District of Michigan	<u>United States v. Cory Hammond</u>	Asbestos Removal/CAA, Tax
District of New Hampshire	<u>United States v. Christopher Garrity</u>	Direct Discharge/CWA
District of New Jersey	<u>United States v. Patrick Elfers</u>	Turtle Trafficking/Lacey Act, Conspiracy
Eastern District of New York	<u>United States v. Anthony Joseph</u>	Fisheries Fraud/ Wire Fraud, Mail Fraud, False Records
Western District of New York	<u>United States v. Kirk Canfield</u>	Baiting Fields/BGEPA
Eastern District of Virginia	<u>United States v. Lumber Liquidators</u>	Timber Imports and Sales/Lacey Act
Western District of Washington	<u>United States v. Wiegardt Brothers, Inc.</u>	Oyster Processing Facility/CWA

Trials

***United States v. James Slade*, No. 14-CR-00103 (D. Alaska), ECS Senior Trial Attorney Chris Costantini, FAUSA Kevin Feldis, SAUSA Karla Perrin, and ECS Paralegals Casey Layman and Christopher Kopf, with assistance from ECS Trial Attorney Cassandra Barnum.**

On October 7, 2015, James Slade, former Chief Operating Officer of XS Platinum, Inc. (XSP), was convicted on two misdemeanor lesser-included Clean Water Act counts (33 U.S.C. § 1319 (c)(1)(A)). The jury deadlocked on two felonies, as well as on the conspiracy count. Slade was acquitted on a CWA and a false statement violation. The defendant had been charged, along with Australian citizens and fugitives Bruce Butcher and Mark Balfour, with conspiracy to violate the Clean



Turbid water in Salmon River

Water Act and false statements stemming from mining operations in the Alaska interior.

The XSP mine was situated along the Salmon River, which is important for the spawning all five species of Pacific salmon (chinook, chum, coho, pink, and sockeye). After flowing through federal Bureau of Land Management land, the Salmon River crosses the Togiak National Wildlife Refuge before entering the Pacific Ocean at Kuskokwim Bay. During 2010 and 2011, the defendants systematically discharged large amounts of heavily polluted mine wastewater into the river. Turbid water was observed for miles below the mine, extending all the way to the ocean. In addition, defendants made false statements that there were no discharges and that the wastewater was being recycled. General Manager Robert Pate and plant operator James Staeheli previously pleaded guilty to CWA violations.

This case was investigated by the U.S. Department of Interior BLM Office of Law Enforcement and Security and the U.S. EPA Criminal Investigation Division.

Indictments/Informations

***United States v. Walter Oil & Gas Corp.*, No. 2:15-CR-00245 (E.D. La.), AUSA Jon Maestri.**

On October 9, 2015, Walter Oil & Gas Corporation was charged in a one-count information with a felony violation of the Outer Continental Shelf Lands Act (33 U.S.C. § 1321(b)(5)(c)) for failing to immediately notify the proper agency of a hazardous waste spill in connection with its oil and gas operations.

On March 31, 2014, employees were cleaning out an underwater oil pipeline using a remote operated vehicle (ROV). The contents of the pipeline were supposed to be collected and brought to the surface for disposal. During the ROV's ascent, the holding container leaked approximately 60 plus gallons of oil. Supervisors were made aware of the discharge, but allegedly failed to report it.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Louisiana Department of Environmental Quality.

***United States v. Rich Xiongpaow*, No. 2:15-CR-00285 (E.D. Calif.), AUSA Daniel Griffin.**

On October 8, 2015, Thai national Rich Xiongpaow was charged in a three-count indictment with drug charges stemming from an illegal marijuana cultivation operation. Xiongpaow also was charged with depredation of public lands and resources (21 U.S.C. §§ 846, 841 18 U.S.C. § 1361). This particular grow site was located in the Ansel Adams Wilderness area, (originally protected as wilderness by the 1964 Wilderness Act) between Yosemite National Park and Mammoth Lakes.

Xiongpaow was arrested in September 2015 after he was observed by U.S. Forest Service agents tending the site where they found approximately 428 marijuana plants. According to the complaint, multiple species of natural vegetation had been cut to accommodate the cultivation operation and spring water had been diverted from a nearby riparian area. A large amount of trash and numerous containers of chemicals and fertilizers also were found throughout the area.

This case was investigated by the U.S. Forest Service.

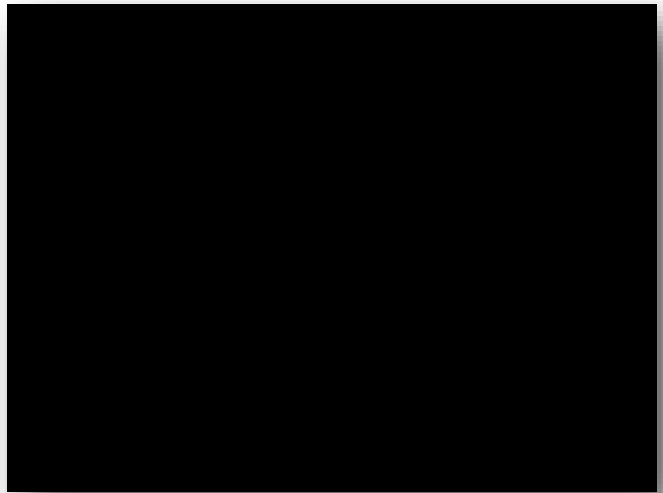


Marijuana plants

Indictments/Informations

[REDACTED]

[REDACTED]



[REDACTED]

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[REDACTED]

[REDACTED]

Guilty Pleas

United States v. Christopher Garrity, No. 1:15-CR-00156 (D.N.H.), AUSA Alfred Rubega.

On October 27, 2015, Christopher Garrity pleaded guilty to violating the Clean Water Act for knowingly discharging a pollutant into the Piscataqua River, a navigable water, without a permit (33 U.S.C. §§ 1311, 1319(c)(2)(A)).

In June 2013, investigators witnessed polluted water being discharged from a tanker truck located at the Grimmel Industries facility. A hose led from the tanker directly into the Piscataqua River. Garrity, who was the terminal manager at the time of the discharge, was responsible for connecting the hose to the truck. EPA had brought a civil case in 2011 against the company for similar discharges.



Tanker truck discharging into river

Garrity is scheduled to be sentenced on February 2, 2016. This case was investigated by the U.S. EPA Criminal Investigation Division, with assistance from the Portsmouth Harbor Master's Office of the Pease Development Authority, Division of Ports and Harbors.

United States v. Antonio Garcia-Villa, No. 1:15-CR-00159 (E.D. Calif.), AUSA Karen Escobar.

On October 26, 2015, Antonio Garcia-Villa pleaded guilty to conspiring to manufacture, distribute, and possess with intent to distribute marijuana and possession of firearms in furtherance of a large-scale cultivation operation (21 U.S.C. §§ 841, 846; 18 U.S.C. § 924). Garcia also had been charged with depredation to government land as the illegal grow site caused extensive damage to natural resources in the Sequoia National Forest.

Between March and May 2015, Garcia was paid to tend and water about 8,596 marijuana plants near Little Poso Creek in the Sequoia National Forest. Native trees and plants were cut down and steep hillsides were terraced to plant the marijuana. Pesticides (including Malathion), fertilizer, water lines, trash, clothing and camping equipment were scattered throughout the site. Garcia is scheduled for sentencing on January 19, 2016. Co-defendant Uriel Silva Garcia pleaded guilty to drug violations.

This case was investigated by the U.S. Forest Service, Kern County Sheriff's Office, and Immigration and Customs Enforcement, Homeland Security Investigations.

Guilty Pleas

***United States v. Lumber Liquidators, Inc.*, No. 2:15-CR-00126 (E.D. Va.), ECS Trial Attorneys Patrick Duggan and Christopher Hale, AUSAs Steve Haynie and Kevin Hudson, and ECS Paralegals Ashleigh Fields and Diana Greenberg.**

On October 22, 2015, Lumber Liquidators, Inc. pleaded guilty to multiple crimes related to its importation of timber products, marking the first felony conviction for timber importation crimes. Lumber Liquidators has agreed to pay \$13.15 million in criminal fines, forfeiture, and community service payments, and to implement an environmental compliance plan as part of a stipulated five-year term of probation. The stipulated \$7.8 million criminal fine would be the largest criminal fine ever for Lacey Act violations. Sentencing is scheduled for February 1, 2016.

The charges include Entry of Goods by Means of False Statements, a felony, and four misdemeanor Lacey Act violations (18 U.S.C. § 542; 16 U.S.C. §§ 3372, 3373). The information describes how Lumber Liquidators imported millions of dollars worth of timber harvested from far east Russia, the home of the last 450 wild Siberian tigers. Illegal logging is considered the primary risk to the tigers' survival, because they are dependent on intact forests for hunting and because Mongolian oak acorns are a chief food source for the tigers' prey species. The timber was then shipped from Russia to China to be manufactured into hardwood flooring. Much of the Russian timber had been illegally harvested under Russian law, as Lumber Liquidators imports alone exceeded the amount permitted to be harvested from a specific concession by more than 800 per cent. Other timber was falsely declared upon entry into the U.S., either as having been harvested in Germany or as a species of oak found only in Western Europe. Additionally, seven shipments of mahogany were falsely declared upon import as originating in Indonesia. The wood actually came from the Myanmar Timber Enterprise, a company under sanction by the U.S. Treasury with which U.S. companies are prohibited from interacting.

Click on this link for a short [video](#) announcing the guilty plea in the case, which was produced by the NGO Environmental Investigative Agency.

This case was investigated by the U.S. Fish and Wildlife Service and Homeland Security Investigations as part of "Operation Oakenshield."

Sentencings

United States v. Anthony Joseph, No. 14-CR-00201 (E.D.N.Y.), ECS Trial Attorney Christopher Hale.

On October 29, 2015, Anthony Joseph was sentenced to seven months' incarceration, followed by three years' supervised release. He was ordered to pay \$603,000 in restitution.

Joseph previously pleaded guilty to a four-count information charging him with violations stemming from the systemic overharvesting of fluke and the falsification of documents. Specifically, he pleaded guilty to one mail fraud count, two wire fraud counts, and one false records violation for knowingly submitting 158 falsified fishing logs and aiding and abetting the submission of 167 falsified dealer reports as part of a scheme to defraud the United States of overharvested and underreported fluke (18 U.S.C. §§ 1341, 1343, 1519).

Joseph was the captain of the *F/V Stirs One*, a federally-licensed trawler that was based in Point Lookout, New York. From June 2009 through December 2011, under Joseph's direction, the vessel over-harvested fluke (summer flounder) in excess of New York State and federal Research Set-Aside (RSA) Program catch limits. He then lied on federal paperwork to conceal his activities. The total value of the fraud was approximately \$625,000.

Joseph was overheard stating that the RSA Program was a "license to steal" because the program allowed him to launder what would otherwise be illegal fluke by pretending those fluke were caught under the RSA Program.

This case was investigated by NOAA's National Marine Fisheries Service, with assistance from the New York State Department of Environmental Conservation Police.

United States v. Kirk Canfield, No. 15-mj-02117 (W.D.N.Y.), AUSA Aaron Mango.

On October 29, 2015, Kirk Canfield was sentenced to a six-month term of probation, and to pay a \$1,000 fine and \$3,000 in restitution to the New York State Department of Environmental Conservation Bald Eagle Program. Canfield previously pleaded guilty to violating the Bald and Golden Eagle Protection Act (16 U.S.C. § 668(a)).

Canfield operated a produce farm in Wilson, New York. In August 2014, he placed a pile of meat that had been mixed with Golden Malrin fly bait at the edge of a cornfield on his farm in an attempt to kill coyotes. The bait contained Methomyl, an insecticide that is not to be used in a manner that allows animals to be exposed to it. Three juvenile bald eagles died after eating the contaminated meat and were photographed by an



Dead juvenile bald eagle

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Sentencings

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individual riding an ATV. Subsequently, Canfield removed the eagles and the meat from the field and moved them to an adjacent property.

This case was investigated by the U.S. Fish and Wildlife Service, with assistance from the New York State Department of Environmental Conservation.

***United States v. Victor Manuel Arias Cucho*, No. 2:15-mj-01780 (C.D. Calif.), AUSA Dennis Mitchell.**

On October 28, 2015, Victor Manuel Arias Cucho, a Peruvian national, pleaded guilty to violating the Endangered Species Act (16 U.S.C. 1538(c), 1540(b)) for illegally trafficking in protected orchid plant species. He was sentenced to pay a \$7,500 fine to go into the Lacey Act Reward fund. Cucho also will complete a two-year term of probation.

On September 24, 2015, Cucho was arrested at the Los Angeles International Airport after he was found carrying well over 200 orchids that were CITES Appendix II species. The orchids were concealed in various parts of Cucho's luggage.

Cucho had been travelling from Australia to Peru. While in Australia, he had attended a major orchid trade show where he traded and purchased numerous orchids. He knew that he could not bring the orchids into Peru without having CITES documentation from Australia and a phytosanitary certificate. Cucho decided to smuggle the plants from Australia, through the United States, and into Peru. When he filled out a U.S. Customs Declaration, he falsely stated that he was not carrying any plants or cash, despite having \$15,000 and the plants in his possession.

This case was investigated by the U.S. Fish and Wildlife Service, with assistance from the USDA Animal Plant Health Inspection Service (APHIS) Plant Protection and Quarantine Program.



More than 200 orchids were seized from Cucho

Sentencings

United States v. Cory Hammond, Nos. 1:14-CR-00216, 00234 (W.D. Mich.) AUSA Christopher O'Conner.

On October 27 and 28, 2015, three individuals were sentenced for their role in what environmental investigators believe may be the largest asbestos release in Michigan since it was declared a hazardous air pollutant in 1971. Cory Hammond and Michael White pleaded guilty to Clean Air Act violations (42 U.S.C. § 7413(c)(1)) and were each sentenced to serve three years' probation and pay \$154,604 restitution to EPA for clean up costs. Luanne McClain (LaBrie) previously pleaded guilty to a CAA violation (42 U.S.C. § 7413(c) (1)) and failure to file timely tax returns. (26 U.S.C. § 7203). She was sentenced to three years' probation and will pay \$721,484 in restitution to the EPA and \$175,841 to the IRS.



Asbestos—containing material to be removed from building

In 2011, LaBrie, Hammond, and White agreed to salvage valuable material from a former power generation facility. All three defendants knew that asbestos was present inside the facility. LaBrie supervised and controlled the facility, visited the site on a regular basis, and communicated with White and Hammond concerning the status of the salvage operation. Despite knowing that Hammond, White, and other laborers were stripping and removing asbestos insulation from pipes and facility components, LaBrie failed to notify the EPA or the State of Michigan that the salvage operation would involve the removal of asbestos from the facility. Hammond and White admitted to failing to adequately wet asbestos material that had been stripped and removed during the salvage operation. The EPA Superfund cleanup involved the removal of approximately 15,390 cubic feet of disturbed asbestos-contaminated debris over a 12-month period.

This case was investigated by the U.S. EPA Criminal Investigation Division, the Michigan Department of Natural Resources Environmental Investigation Section, and the Internal Revenue Service.

United States v. Waste Management of Hawaii, Inc., No. 14-CR-00468 (D. Hawaii), AUSA Marshall Silverberg, ECS Senior Trial Attorney Dan Dooher, ECS Trial Attorney Leslie Lehnert, USAO Paralegal Specialist Ora Morita, ECS Supervisory Paralegal Specialist Lisa Brooks, and ECS Paralegal Specialist Cynthia Longmire.

On October 26, 2015, Waste Management of Hawaii, Inc. (WMH); Joseph R. Whelan, vice president and general manager; and environmental protection manager Justin H. Lottig were sentenced. The company will pay a \$400,000 fine and \$200,000 in restitution to be divided equally between the Ko Olina Community Association and the Malama Learning Center. Whelan and Lottig were each ordered to pay \$25,000 fines.

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Sentencings

(Continued from page 11)

The defendants previously pleaded guilty to misdemeanor violations of the Clean Water Act (33 U.S.C. §§ 1311(a), 1319(c)(1)(A)) stemming from the illegal discharge of millions of gallons of contaminated storm water from a landfill on the island of Oahu, into coastal waters. The discharges were from the Waimanalo Gulch Sanitary Landfill, operated by WMH, after heavy rain storms in December 2010 and January 2011. The discharges included storm water contaminated with wastes from the landfill, including sewage sludge, garbage, and medical waste.

The defendants had been variously charged with knowing discharges of pollutants, conspiracy, false statements, and with omitting critical information that should have been provided to authorities regarding the storm water management system.

This case was investigated by the U.S. EPA Criminal Investigation Division, with assistance from the Hawaii Department of Health Clean Water Branch.

United States v. Jose Antonio Reyna-Chavez, No. 1:14-CR-00161 (E.D. Calif.), AUSA Karen Escobar.

On October 26, 2015, Mexican national Jose Antonio Reyna-Chavez (Reyna) was sentenced to six years' incarceration, followed by three years' supervised release. Reyna previously pleaded guilty to conspiring to manufacture, distribute, and possess with intent to distribute marijuana and possessing a firearm in furtherance of a drug trafficking crime (21 U.S.C. § 841; 18 U.S.C. § 942). He also had been charged with depredation to government land and resources (18 U.S.C. § 1361).

Reyna was involved in the cultivation of more than 1,500 marijuana plants in the Blue Canyon-area of the Sierra National Forest in Fresno County. The cultivation operation caused significant damage to the land and natural resources. Found at the grow site were six large helicopter net-loads of material and debris, including fertilizer, propane tanks, and pesticides, along with firearms. As part of his sentence, Reyna will pay \$10,093 in restitution to the U.S. Forest Service for cleanup costs.

This case was investigated by the U.S. Forest Service, the California National Guard, and Fresno County Sheriff's Office, with assistance from the California Department of Fish and Wildlife.

United States v. Lachelle Rene Thrower, No. 14-CR-03485 (S.D. Calif.), AUSA Melanie Pierson.

On October 23, 2015, Lachelle Rene Thrower was sentenced to a three-year term of probation. A restitution hearing has been scheduled for December 7, 2015. Thrower previously pleaded guilty to falsifying asbestos training certificates (18 U.S.C. § 1001).

Thrower was employed by an approved provider of asbestos removal training. Students seeking to be accredited to remove asbestos were required to complete four, eight-hour days of training, and to pass a written examination. Between May 2010 and August 2014, the defendant falsely certified between 100 and 150 training certificates for people who did not actually attend the training or take the test. Thrower kept the money paid by

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Sentencings

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the non-attending trainees, and falsified their certificates by using an electronic signature of the authorized trainer. Her false certificates were then submitted to the EPA-delegated agency, Cal/OSHA. Thrower also admitted that when trainees did actually attend classes and pay in cash, she kept this cash as well. The defendant caused a financial loss to her employer of between \$10,000 and \$30,000.

This case was investigated by the U.S. EPA Criminal Investigation Division and the FBI.

United States v. James Hess, No.1:15-CR-00041 (N.D. Iowa), AUSA Anthony Morfitt.

On October 21, 2015, taxidermist James Hess was sentenced to 27 months' incarceration, followed by three years' supervised release for trafficking in black rhino horns. A fine was not assessed. Hess previously pleaded guilty to a Lacey Act violation (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)).

In August 2011, he contacted an individual in Oregon who had advertised a pair of black rhino horns for sale online. Hess purchased the horns and then traveled to Oregon to get them. He told the seller he was

reselling the horns to an individual living in Oregon, and showed the seller a driver's license for this other person. That other person, however, had no involvement in the deal. Hess had the horns shipped back to Iowa and gave them to Wade Steffen, a Texas resident, who shipped the horns to California. Steffen gave Hess a portion of the profit Steffen expected to make from selling the horns in California. Steffen pleaded guilty in California in 2012 and awaits sentencing.

This case was investigated by the U.S. Fish and Wildlife Service as part of "Operation Crash," a nationwide effort to investigate and prosecute those involved in the black market trade of endangered rhino horns. Operation Crash is a continuing investigation by the Department of the Interior's Fish and Wildlife Service, with assistance from other federal and local law enforcement agencies.



Black rhino horn

Sentencings

***United States v. Patrick Elfers*, No. 2:15-CR-00327 (D.N.J.), AUSA Kathleen O'Leary.**

On October 20, 2015, Patrick Elfers was sentenced to pay a \$30,450 fine and will complete a five-year term of probation, after previously pleading guilty to a conspiracy and a Lacey Act violation (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B); 18 U.S.C. § 371) for trafficking in a variety of turtle species. As a condition of probation, Elfers is prohibited from residing with wildlife of any kind and his computer will be monitored for any online wildlife trade activity. The defendant also forfeited 40 turtles, including Eastern box turtles, a Florida box turtle, three three-toed box turtles, five Gulf Coast box turtles, and four North American wood turtles. The fine will be paid toward the Lacey Act Reward Fund and will be used to care for the forfeited reptiles.

Between December 2011 and March 2014, Elfers advertised a variety of turtles for sale on wildlife trade websites from his home in New Jersey. He shipped turtles to purchasers in New York by tying them in tube socks to restrict their movement, and packing the socks in boxes that were neither designed nor appropriate for the shipment of live animals. Among the species sold were Spotted Turtles, North American Wood Turtles, and Eastern Box Turtles. New Jersey has designated the North American Wood Turtle as threatened. The Spotted Turtle and Eastern Box Turtle are listed by New Jersey as a species of special concern.

This case was investigated by the U.S. Fish and Wildlife Service.

***United States v. Max Spatig*, No. 4:12-CR-00302 (D. Idaho), ECS Trial Attorney Adam Cullman, former ECS Senior Trial Attorney Ron Sutcliffe, AUSA Michael Fica, and ECS Paralegal Diana Greenberg.**

On October 8, 2015, Max Spatig was sentenced to 46 months' incarceration, followed by three years' supervised release, and was ordered to pay \$498,652 in restitution to the U.S. EPA for cleanup costs.

Spatig was convicted by a jury in June 2015 on RCRA storage and disposal charges (42 U.S.C § 6928(d) (2)(A)). He has been in custody since September 2014 due to repeatedly violating the conditions of release.

Spatig operated a concrete finishing business known as M&S Enterprises. In June 2010, officials discovered approximately 3,400 containers of waste at his residence, most of which was derived from paint, some in heavily corroded and leaking containers. Investigators also found containers of corrosive wastes



Drums found on Spatig's property

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Sentencings

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including hydrochloric acid. The ensuing EPA cleanup cost close to \$500,000 and was the second cleanup Spatig has been involved in. The State of Idaho Department of Environmental Quality conducted the prior cleanup in 2005 at a different property in southeast Idaho.

This case was investigated by the U.S. EPA Criminal Investigation Division, with assistance from the Madison County Sheriff's Office.

United States v. Kaven Company, Inc., No. 3:14-CR-003662 (S.D. Calif.), AUSA Melanie Pierson.

On October 5, 2015, a Los Angeles-based furniture business, Kaven Company, Inc., and its owner, Kam Wing Chan, were sentenced after previously pleading guilty to smuggling endangered abalone and Totoaba worth millions of dollars in China (18 U.S.C. § 545). Both defendants were ordered to pay restitution to the government of Mexico.

Chan was sentenced to a one-year term of probation to include six months' home confinement. He also will perform 100 hours of community service, pay a \$2,000 fine and pay \$10,000 in restitution to be equally divided between the Criminal Justice Act Fund and CONAPESCA (an acronym for the Mexican agency equivalent of NOAA). Chan will complete a three-year term of probation, pay a \$12,500 fine, and pay \$50,000 in restitution to PROFEPA (an acronym for the Mexican agency equivalent of FWS).

Chan used Kaven, a purported importer of Asian furniture, to purchase endangered fish in Mexico, import them into the United States, and then export them to Asia. In October 2013, Chan smuggled 37 pounds of dried abalone (including the endangered white and black abalone) and 58 Totoaba swim bladders into the United States, which had been purchased in violation of Mexican law. The seafood was then illegally exported to companies owned by one of Chan's relatives in China. Both abalone and Totoaba are prized in Asia where they are considered culinary delicacies.

Totoaba swim bladders are valued in Mexico at approximately \$1,500 to \$1,800 each. Once imported into the United States, their value increases to \$5,000 each. They can then be resold in the overseas market for \$10,000 to \$20,000 apiece.

White abalone formerly numbered in the millions off the California coast. Overfishing has reduced the population to approximately 1,600-2,500 animals. Black abalone commercial fishing peaked in 1973. By 1993, both commercial and recreational fisheries for black abalone closed. Black abalone is now extinct in certain areas off the coast of California.

This case was investigated by the NOAA Office of Law Enforcement and the U.S. Fish and Wildlife Service.

Sentencings

United States v. Wiegardt Brothers, Inc., No. 15-CR-5300 (W.D. Wash.), AUSA Jim Oesterle and SAUSA Karla Perrin.

On September 25, 2015, oyster processing facility Wiegardt Brothers, Inc. (WBI) and WBI President Frederic Wiegardt were sentenced after pleading guilty to negligent Clean Water Act violations for wastewater discharges made into Willapa Bay (33 U.S.C §§ 1318, 1319(c)(1)(A)).

Wiegardt was sentenced to pay a \$100,000 fine (joint and several with WBI), serve a one-year term of probation, and perform 75 hours of community service. In addition to the fine, WBI will make a \$75,000 community service payment to National Fish and Wildlife Foundation, serve a three-year term of probation, implement an environmental compliance plan, and make a public apology by submitting notice of its guilty plea to the Pacific Coast Shellfish Growers Association for publication in the Association's quarterly newsletter.

Between 2012 and 2014, the company's general manager was not properly performing the monthly effluent sampling as required by the NPDES permit. Some of the wastewater processing equipment was not functioning correctly and the samples taken were not representative. After being notified about the improper sampling and reporting, Wiegardt took no action for more than a year. In August 2014, the company reported the violations of the NPDES permit to local regulators.

This case was investigated by the U.S. EPA Criminal Investigation Division.

Environmental Crimes Section Attorneys

Position	Name	Phone
Chief	Deborah Harris	
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Assistant Chief	Elinor Colbourn	
Assistant Chief	Wayne Hettenbach	
Assistant Chief	Jennifer Whitfield	
Senior Litigation Counsel	Howard P. Stewart	
Senior Litigation Counsel	Richard Udell	
Senior Counsel	Robert Anderson (Montana)	
Senior Counsel	Kris Dighe	
Senior Counsel	Rocky Piaggione	
Senior Trial Attorney	Georgiann Cerese	
Senior Trial Attorney	Christopher Costantini	
Senior Trial Attorney	Daniel Dooher	
Senior Trial Attorney	Todd Gleason	
Senior Trial Attorney	David Kehoe	
Senior Trial Attorney	Jeremy Korzenik	
Senior Trial Attorney	James Nelson	
Senior Trial Attorney	Ken Nelson	
Senior Trial Attorney	Lana Pettus	
Trial Attorney	Cassandra Barnum	
Trial Attorney	Jennifer Blackwell	
Trial Attorney	Mary Dee Carraway	
Trial Attorney	Ryan Connors	
Trial Attorney	Adam Cullman	
Trial Attorney	Gary Donner	
Trial Attorney	Patrick Duggan	
Trial Attorney	Ethan Eddy	
Trial Attorney	Thomas Franzinger	
Trial Attorney	Christopher Hale	
Trial Attorney	Joel LaBissonniere (NOAA)	
Trial Attorney	Leslie Lehnert	
Trial Attorney	Brandy Parker (USCG)	
Trial Attorney	Shennie Patel	
Trial Attorney	Richard Powers	
Trial Attorney	Mark Romley	
Trial Attorney	Brendan Selby	
Trial Attorney	Lauren Steele	
Trial Attorney	Shane Waller	

Announcements

Jennifer Whitfield was recently promoted to Assistant Section Chief at ECS. Jennifer arrived in the Section in 1998 and has been a Senior Trial Attorney since 2004. Jennifer came to ECS from the Cook County State's Attorney's Office in Chicago, Illinois, where she prosecuted state crimes for 10 years, including two years as a supervisor in the Environmental and Health Division. Jennifer has quietly amassed a great number of environmental victories over the years, including, *Attaluri*, *Tanknology*, *Emery Worldwide Airlines*, and *Honeywell*. She also has been the moving force behind our ever-improving relationship with the Department of Transportation and, in particular, our Pipeline Safety Initiative.

The [September 2015](#) issue of the U.S. Attorneys' Bulletin is devoted to wildlife crimes and features articles on Endangered Species Act habitat modification cases; federal animal protection laws; domestic fisheries enforcement; elephant ivory prosecutions; Operation Crash cases involving rhino horns; plant case prosecutions; working with NGOs in criminal wildlife cases; and sentencing in wildlife prosecutions. These articles reflect the contributions of prosecutors in ECS, ENRD's Appellate and Law and Policy Sections, and agents, scientists and regulators at FWS, NOAA and USDA.

Please send information regarding State and local cases to the [Regional Environmental Enforcement Association's Webpage](#). Updates on federal cases should be sent to [\[REDACTED\]](#).

The Hazardous Materials Transportation Law chapter of the ECS Manual has been updated on the [website](#). A separate chapter addressing pipeline issues is forthcoming, and the revised MBTA chapter is almost ready for posting.

If you are in need of sentencing data for your wildlife or pollution cases, please contact [\[REDACTED\]](#) with your search requests.