

United States Attorney's Office
District of New Hampshire



Environmental Crimes
Working Group

Executive Summary of Fall Meeting

09/09/11

At the direction of and with the guidance of Attorney General H. Eric Holder Jr., the United States Attorney's Office for the District of New Hampshire created an Environmental Crimes Working Group (ECWG) during the spring of 2010.

Member agencies include:

Federal Agencies

USDA – Animal Plant Health & Inspection Service

USDA – Office of the Inspector General

USDA – Forest Service

USDHHS – Food & Drug Administration, Office of Criminal Investigations

USDHS – US Coast Guard, Marine Safety Office

USDHS – US Coast Guard, Portsmouth Harbor Station

USDHS – US Coast Guard, Sector Northern New England

USDHS – Immigrations & Customs Enforcement, Manchester, NH

USDHS – Customs & Border Protection

USDHS – Border Patrol

USDHS – Federal Protective Service

USDOC – NOAA Fisheries Service, Office for Law Enforcement

USDOJ – Fish & Wildlife Service, Division of Law Enforcement

USDOJ – Fish & Wildlife Service, Division of Refuge Law Enforcement

USDOJ – Fish & Wildlife Service, Great Bay & Parker River Nat'l Wildlife Refuges

Army Corp of Engineers, Franklin, NH.

Environmental Protection Agency, Criminal Investigations Div., Region 1, Boston, MA.

USDOJ - Federal Bureau of Investigation

USDOJ – US Attorney's Office, District of New Hampshire

State Agencies

NH Dept. of Justice, Attorney General's Office – Environmental Protection Bureau

NH Agriculture & Markets

NH Dept of Resources & Economic Development, Bureau of Lands & Forests

NH Fish & Game Department

NH Marine Patrol

NH Dept. of Safety, State Police

NH Dept. of Safety, Homeland Security & Emergency Services

The function of the Environmental Crimes Working Group is to enhance and develop the cooperation and capabilities of member agencies in the effective enforcement of their respective environmental laws; exchange information and intelligence; provide prosecutorial support and training opportunities to better serve and protect the citizens of New Hampshire and the environment for all and for generations to come.

The USAO NH ECWG conducted its fall meeting on September 9, 2011 at the Seacoast Science Center, Learning Studio in Rye, NH. The facility is located at Ordiorne State Park.

The fall meeting included two presentations and an “at- sea” area familiarization tour of the New Hampshire seacoast by the US Coast Guard, Station Portsmouth Harbor, NH.

The Effects of Subtle Poaching and the Challenges it presents for Conservation Law Enforcement.

The presentation was prepared and provided by US Fish & Wildlife Service special agent Patrick Bosco from the Essex Junction, Vermont field office. Agent Bosco provided detailed information through a Powerpoint presentation focusing on the difference between traditional poaching activities and the cumulative effects of subtle poaching. Agent Bosco first defined and described this type of poaching activity in May 1998 edition of Field & Stream magazine. Field & Stream magazine is a monthly publication with a national distribution.

UPFRONT
The rules that govern hunting and fishing cannot bend without breaking.

Subtle Poaching

LET'S FACE IT. MANY OF US KNOW "sportsmen" who would report a jacklighter in a fish but see no harm in selectively bending hunting and fishing rules a tad; they use Uncle Charlie's deer tag or release a dying trout so the creel count remains legal until a bigger fish to fry can be hooked. As long as they pay lip service to the law and do nothing flagrant, they would never call themselves poachers.

Well, are they? The dictionary definition of poaching is "taking game and fish illegally," and under the letter of the law, a violation is a violation, whether it's downing a duck five minutes before legal shooting time or shining a dozen deer after dark.

Patrick Bosco, a special agent with the law enforcement division of the U.S. Fish and Wildlife Service, and a passionate hunter and angler, calls this "subtle poaching." It's a fitting term, Bosco says, because this type of violation eludes perception by those who do it and by the many sportsmen who don't understand the danger that subtle poaching poses to hunting, fishing, and the resources upon which they depend.

"The problem is real," Bosco says, and "at least as serious as massive overbagging." In terms of overall effect, there's little difference between a small number of people who flagrantly take far more than the legal limit and a large number of people who shoot the guide's limit of ducks on top of their own, or catch theirs and their more game than they are legally allowed, he argues, and if they can get away with it with deer, they'll do the same with turkeys, ducks, and fish. Where does it end?

Moreover, many tags are "borrowed" from family members and friends who don't even hunt or do so rarely. In states with a limited number of tags or with a lottery system, cross-tagging destroys the system's intended fairness. For example, you can hunt a particular buck for days, only to have someone who's already taken his legal buck(s) shoot your deer on a borrowed tag.

Subtle poaching also fuels anti-hunting and fishing sentiment. And it creates a gray area in game and fish law enforcement.

Bosco cites the example of punching a deer tag—something that, in his excitement, an honest hunter might forget to do, but others deliberately disregard so they can take another deer. "How do officers distinguish between the two?" Bosco asks.

The bottom line, according to Patrick Bosco: "If you cheat even a little, you're a poacher." Even for sportsmen who don't necessarily agree with every fish and game regulation, it's hard to argue with that statement.

—Ed Ricciuti

What Do You Think? We'd like to hear your opinion on the above issue. Send letters to "Backlash" (May), Field & Stream, 2 Park Ave., New York, NY 10016, or e-mail us at EdRicciuti@fwd.com, or visit our website at <http://www.fieldandstream.com> and click on "Backlash."

“Subtle poaching is wildlife crime that the violator believes is minor, insignificant, low risk, and is an accepted practice by similar peers, but has the potential of being an enormous impact to the resource and to wildlife management practices” (SA Patrick Bosco, 2011).

The article touched a nerve of many of Field & Stream magazines subscribers, as evidenced by the number of comments they received relative to the content of the article.

BACKLASH

About 85 percent of the 1,200-plus readers who responded to the UpFront article “Subtle Poaching” (May 1998, page 12) agreed with the statement, “If you cheat even a little, you’re a poacher.” Many of these readers considered **subtle poaching** a pervasive problem and said they know sportsmen who regularly bend the rules.

The remaining 15 percent found the above statement to be too strong. Many of these readers said that cheating a little is okay in some situations, such as subsistence hunting and fishing. Others said that fish and game laws are too convoluted to be followed to the letter.

“Subtle poaching is a perfect example of our amazing ability to rationalize and justify our actions to fill our own personal wants, regardless of right or wrong.”—Richard Snedeker, Aurora, Colorado.

“I would kill a deer for a friend if it meant the difference between his having a meal for supper or not.”
—David Ferron, Jr., Harrison, Arkansas

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“Wildlife dies without a sound. The only voice it has is yours”
(Terry Grosz, USFWS Special Agent in Charge, Retired)

Agent Bosco laid out a plan to identify and combat subtle poaching:

- Aggressive Public Outreach Campaign
- Educate Prosecutors/ Judges
- Interview Violators & Establish Motive
- * Collect Statistical Data on Variations in Poaching:
 - Commercial trafficking in wildlife
 - Subsistence Poaching
 - Intentional Poaching
 - Subtle Poaching

*The plan includes the development of a questionnaire that will be sent to the state conservation law enforcement agencies in all 50 states. This initiative is being sponsored by U.S. Attorney's Office for the District of New Hampshire, Environmental Crimes Working Group.

Federal Bureau of Investigation – Eco Terrorism Unit

Kieran Ramsey, FBI Resident Agent in Charge of the Bedford, NH. delivered a presentation of the FBI's role in investigating eco-terrorism groups and organizations operating in New England. Due to the content of the presentation and the need for confidentiality, there is no discussion included in this Executive Summary.

A list identifying Potential Eco-Terrorist Targeting for NH organizations and groups has been uploaded to the NH ECWG Special Interest Group (SIG) at the Law Enforcement Online web site administered by the FBI at www.leo.gov.

In the afternoon, several members of the ECWG participated in the "at-sea" area familiarization of the marine environment off the NH coastline aboard a USCG patrol vessel from Station Portsmouth Harbor, NH.

UPDATE on the handheld Personal Digital Assistant (PDA) Initiative involving the USAO NH ECWG and Global Relief Technologies of Newington, NH.

An initiative has been launched to determine the feasibility of this technology being utilized by the NOAA Fisheries Service, Office for Law Enforcement, Northeast Enforcement Division in collecting data relating to enforcement activities conducted by the uniformed enforcement officers in the northeast. Likewise, the NH Fish & Game Department Law Enforcement Division is interested in the capabilities of this technology with respect to documenting search and rescue missions conducted by the department.

A meeting has been arranged with Chris Tillery from the DOJ The Department of Justice (DOJ) National Institute of Justice (NIJ) in Washington, DC in October to determine grant opportunities and eligibility requirements for funding this initiative.

UPDATE on Utilizing Low Level Offenders for Conservation Projects

A panel discussion explored the feasibility of initiating a program where low level (low risk) offenders from federal and state correctional facilities could satisfy court imposed community

service conditions by performing conservation projects on public lands and facilities managed by these agencies.

The justification for pursuing this initiative is all governmental agencies are facing serious financial restraints and have to find innovative ways to meet their mandated responsibilities.

These activities could include performing maintenance functions on federal & state forests that include brushing back hiking trails, restoring boundary markings, roadside litter control and building maintenance. Other suggestions included maintenance of national and state owned fish hatcheries and historic sites.

The ECWG was supportive of this initiative, providing US Attorney Kacavas with suggestions and contact information for researching this idea.

In advance of this meeting, on April 4, 2011, a brainstorming session moderated by U.S. Attorney John P. Kacavas and documented by NOAA Fisheries Service special agent Chris Schoppmeyer was conducted to determine the feasibility of using low level state and federal offenders to perform conservation and maintenance projects for federal and state land management agencies located in New Hampshire.

Invitees

Federal Bureau of Prisons, Berlin, NH FDC (unable to attend due to funding restrictions)
NH Department of Corrections
US Forest Service – White Mountain National Forest
US Fish & Wildlife Service – Umbagog National Wildlife Refuge
US Fish & Wildlife Service – Great Bay National Wildlife Refuge
US Fish & Wildlife Service – National Fish Hatchery, Nashua, NH
National Park Service, Saint Gaudens National Historic Site
NH Fish & Game Department, Great Bay National Estuarine Research Reserve
NH DRED, Forests & Parks

Logistics

- MOU's between BOP/ NH correctional facilities and participating agency.
- Definition of a low level offender and the relation to the risk level.
- County inmates generally pose the least risk.
- Insurance issues - correctional facilities are self insured.

- BOP and NH Corrections determine inmate eligibility for conservation projects.
- Inmates bid on projects. Match inmates to jobs.
- Projects can be accomplished at correctional facilities or off site.
- Inmate transport, performed by whom?
- Location of correctional sites in relation to job sites.
- Correctional affiliate of the NH County Association – Betsy Miller?
- 2,700 inmates in NH state correctional sites (Concord, Berlin & women's prison in Goffstown, NH).
- NH state inmates classified as C1 & C2. C1 are inmates in a halfway house and C2 inmates are supervised.
- Average length of stay in NH state correctional sites is 2 years.
- Participants in agreement that there is a definite need for use of inmates to perform conservation projects.
- US Forest Service and NH DRED provided examples of when inmates were used for projects.
- US Fish & Wildlife Service suggested inmates could be utilized for pre-commercial operations, such as timber stand thinning.
- Participants develop criteria for supervised versus unsupervised projects.

Pros

- Complete projects that may not get done due to budgetary and manpower constraints.
- Provide constructive rehabilitative projects.
- Inmates can build confidence and self esteem.
- Inmates can acquire skills that can be used later as they integrate back into society.
- Inmates can earn educational credits (Academic Achievement).
- Most projects can be completed during the spring, summer and fall.

Cons

- Red tape in designing and implementing the program.
- Optic Issue – public perception of using inmates in adjacent neighborhoods and potential for interaction with the public.
- Insufficient training to perform identified tasks.
- Safety concerns – limitations on use of power tools and hand tools that could be deemed dangerous.

Potential Projects

- Trail maintenance (brush back trails, replace signs)
- Construct interpretive sign frames in prison wood shop.
- Roadside mowing
- Removal of invasive species.
- Boundary line maintenance.
- Forest management practices.
- Prescribed burning
- Wild lands fire control
- Boat ramp construction & maintenance.
- Stocking fish.
- Constructing wildlife nesting boxes at prison wood shop (ie: wood duck, bluebird, bats).
- Raise wildlife attractant plantings at prison green house.
- Bio control – raise beetle spp. for pest control (ie: Endangered Species - Karner Blue Butterfly habitat improvement).
- Posting closed area signs.
- Plantings and maintenance at State of NH Nursery.
- Maintenance of visitor centers & buildings.

Due to the potential reorganization of the state correctional facilities and lack of funding for the newly constructed Federal Detention Center in Berlin, NH, this initiative has been tabled for now. This issue has been the subject of various studies. Articles and publications relating to this issue have been posted in the NH ECWG special interest group (SIG) at the Law Enforcement Online web site: www.leo.gov, administered by the Federal Bureau of Investigation.

U.S. Attorney John P. Kacavas would like to thank Jim Chase and the staff of the Seacoast Science Center for their hospitality and use of their facility and learning studio to conduct the fall meeting of the USAO NH Environmental Crimes Working Group. He would also like to thank David Andressen, Officer in Charge of USCG Station Portsmouth Harbor and his crew for their hospitality and assistance in the area familiarization of the New Hampshire coastline.

If logistics can be worked out, the next meeting of the ECWG has been tentatively scheduled for May of 2012 at the Star Island Hotel, Isles of Shoals in Rye, NH.