

# Department of Justice

United States Attorney William J. Hochul, Jr.  
Western District of New York

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FOR IMMEDIATE RELEASE  
NOVEMBER 9, 2011  
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**LOCAL DEVELOPER INDICTED FOR OBSTRUCTION OF JUSTICE  
AND ILLEGALLY FILLING WETLANDS IN AMHERST, NEW YORK**

BUFFALO, N.Y.– U.S. Attorney William J. Hochul, Jr. and Assistant Attorney General Ignacia S. Moreno, of the Environment and Natural Resources Division of the U.S. Department of Justice, announced today that a federal grand jury has returned a seven count Indictment charging William L. Huntress, 55, of Buffalo, N.Y., and two companies he controlled, Acquest Development, LLC and Acquest Transit, LLC, with conspiracy to defraud the United States and obstruction of justice. In addition, Huntress and the companies are charged with making a false statement and concealing material facts, criminal contempt, and filling a wetland in violation of the Clean Water Act. The charges carry a maximum penalty of 20 years in prison, a fine of \$50,000 per day of violation, or both.

Assistant U.S. Attorney Aaron J. Mango and Trial Attorney Todd W. Gleason, who are responsible for the trial of the case, stated that the Indictment identifies the federal Clean Water Act, along with the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps), as closely regulating federal wetlands and development activities that affect federal wetlands. In January of 2006, Huntress and Acquest purchased a 97-acre piece of property at 10880 Transit Road in Amherst, New York for \$425,000. Prior to the purchase, Huntress and Acquest had a wetland delineation conducted for the site which concluded that 76.3 acres or 79% of the site qualified as federally jurisdictional wetlands.

From January 2006 to July 2009, Huntress and Acquest hired various contractors to perform mechanized earthmoving and land-clearing activities to prepare for the ultimate development of the site. Specifically, from November 2006 to February 2007, Huntress and Acquest hired a construction company to install a 25-foot wide gravel road that extended from Millersport Highway onto the site, on top of and through federal wetlands. In addition, from March 2007 to May 2007, Huntress and Acquest arranged for

the delivery and dumping of hundreds of truck loads of fill material in an approximately 3.2 acre area adjacent to the gravel road.

Once the EPA commenced an investigation into the defendants' activities on the site, the Indictment outlines how Huntress and Acquest obstructed justice, concealed material facts, made false statements, and committed criminal contempt.

In Count 1, the defendants are accused of conspiring to defraud the United States and commit specific offenses against the United States, by, among other things, hydro-axing and clear-cutting the site to facilitate future development, filling wetlands on the site in violation of the Clean Water Act, conducting ditching and land-clearing activities, performing agricultural activity on the site in an attempt to exempt the earthmoving and discharge activities occurring on the site from the provisions of the Clean Water Act, and withholding material information and lying to the EPA regarding the nature of the activities that were occurring on the site.

Count 2 charges Huntress and Acquest with obstruction of justice by repeatedly concealing and failing to turnover the earlier wetland delineation they had conducted for the site when the EPA requested it. Counts 3 and 4 relate to the concealment of material facts and false statements made by Huntress and Acquest to the EPA, which involve the defendants stating that all activity occurring on the site was related to agricultural activity, when in fact, the 3.2 acre area containing the hundreds of truck loads of fill had no relation to agricultural activity.

The Indictment also highlights that in a civil lawsuit involving the same defendants, the United States District Court for the Western District of New York had enjoined the defendants from performing any further earthmoving activity. However, in May 2010, Huntress and Acquest hired a local farmer to conduct agricultural and earthmoving activity on the site, and therefore, Count 5 of the Indictment charges the defendants with criminal contempt of a court order.

Finally, Counts 6 and 7 relate to the violations of the Clean Water Act by the defendants discharge of pollutants into Federal jurisdictional wetlands, through the creation of the gravel road and the 3.2 acre fill pad.

“In essence, the Indictment in this case accuses the three defendants of disregarding the laws created to protect the environment and obstructing the investigation into this conduct,” said U.S. Attorney Hochul. “Our Office will not hesitate to prosecute any who would harm our protected lands or interfere with official federal investigations.”

“Wetlands play a critical role in maintaining a healthy environment,” said William V. Lometti, Special Agent in Charge of EPA’s Criminal Investigation Division in New

York. “Wetlands provide habitat for fish and wildlife, improve water quality, and reduce flood damage. Today’s indictment shows that those who allegedly fill in or destroy these essential natural resources illegally will be prosecuted.”

The Indictment is the culmination of an investigation on the part of Special Agents of the U.S. Environmental Protection Agency - Criminal Investigation Division, under the direction of Special Agent-In-Charge, William V. Lometti. The evidence was presented to the Grand Jury by Assistant U.S. Attorney Mango and Trial Attorney Gleason, who will handle the trial of the case.

The fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

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