

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CASE NO: 1:16 CR 77 MW/GRJ**

**HEINRICH "HENRY" SPRINGER**  
\_\_\_\_\_

**FACTUAL BASIS FOR PLEA**

This Statement of Facts is submitted on behalf of Defendant, Heinrich "Henry" Springer, his attorney, William H. Ingaldson, and the United States, by and through Assistant United States Attorney Gregory P. McMahon. Were this case to proceed to trial, the Government is prepared to present evidence as follows:

The United States Fish and Wildlife Service (USFWS) began an investigation of the unlawful import, export, sale, trade, barter and hunting of endangered or protected species of migratory birds. The initial focus included Tony Gilyard because of his prior known violations relating to these and similar offenses. To ensure the investigation's success, the USFWS determined that the use of an undercover agent (UC) would be effective.

Approximately October 2011, the UC began making contacts with Tony Gilyard, using an alias name and profession. Tony Gilyard is the owner of "Birds by Tony Gilyard," a taxidermy business he runs out of his residence in Williston,

**FILED IN OPEN COURT**

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Levy County, Florida. Gilyard has been in the taxidermy business for over 40 years, maintaining his FWS Taxidermy Permit since 1968. Over the years, Gilyard cultivated numerous contacts with sellers and traders of birds and bird parts worldwide.

The UC was wearing both audio and video recording equipment during these contacts. Over the course of time, the UC made over one hundred contacts, most of which were recorded and retained as evidence. During the contacts, the UC developed a relationship with Gilyard. Gilyard showed the UC his collection and spoke of the different methods he used to acquire his collection. The conversations included discussions of the Defendant and others who were involved in acquiring the birds. Such discussions enabled the UC to meet with the Defendant. This meeting was at the Defendant's house and while the UC wore video and audio recording equipment. During the conversations about the Defendant's collection, the Defendant admitted that he smuggled birds into the United States and assisted Gilyard in doing the same.

The agents developed probable cause to secure search warrants for Gilyard's residential property as well as the property of the Defendant. A warrant was served and executed on Gilyard's property in October 2014 and a number of mounted protected species and documentary exhibits were seized. The search warrant also authorized the forensic imaging of Gilyard's computers. From this

search, agents located emails exchanged with other co-conspirators, including the Defendant. Contemporaneous with the Gilyard warrant, another search warrant was served and executed on the Defendant's residential property. Similar evidence was seized from the Defendant. Subpoenas were served on internet providers and more evidence gathered that included evidence of the Defendant's participation in the violation of federal wildlife laws.

The Defendant is a renowned collector of birds, currently possessing over 5,000 specimens in his home in Anchorage, which he acquired over the years through hunting, purchase and trade. The Defendant has traveled all over the world to acquire specimens, including trips to Mongolia, Kazakhstan, Kyrgyzstan, Africa, Australia, Siberia and South America. As a skilled taxidermist, he prepared and mounted most of the specimens in his collection.

The Defendant also has been a long-time research associate for the Ornithology Department of the University of Alaska Museum of the North in Fairbanks (UAF Museum). As such, the Defendant was given authorization to use the UAF Museum's Migratory Bird Treaty Act (MBTA) Import / Export permit issued by the United States Fish and Wildlife Service (FWS), to bring migratory birds into the United States. This permit could only be used to import MBTA protected birds acquired from other institutions as educational or scientific specimens for the Museum. The permit could not be used to import birds that were

acquired from commercial sellers, nor could it be used to import birds on behalf of any private collectors.

Over his many years of collecting and research, the Defendant cultivated numerous contacts among buyers, sellers, and traders of birds worldwide. He also developed an in-depth knowledge of domestic and international laws pertaining to the acquisition, possession, importation and exportation of wildlife. Yet, despite this knowledge, the Defendant repeatedly acquired and assisted his friend, Tony Gilyard, to unlawfully acquire birds in violation of national and foreign law.

The Defendant's principle role in the conspiracy, as charged, was to smuggle birds into the United States that Gilyard unlawfully acquired from foreign sellers and traders, including other co-conspirators. The Defendant did so by several different means. One method was to conceal the import of the bird by failing to provide notification or a declaration to the FWS as required by federal law. Another method was to make a false certification that he "gifted" the imported bird to Gilyard, thus misrepresenting that he was the owner of the specimen in the first place. A third method was to misuse the UAF Museum permit as the lawful basis to import the MBTA protected bird into the United States and then ship it to Gilyard in Florida.

The Defendant also conspired to smuggle birds into the United States for his own collection. As charged in the indictment, on two separate occasions, the

Defendant, Gilyard and co-Defendants Paredes and Chavez executed a plan to bring to the United States indigenous birds they illegally took from Peru in violation of the laws of that sovereign nation. The scheme they employed was basically the same for each offense. Gilyard and the Defendant provided a list of indigenous species for Paredes to kill and collect for a fee that the co-conspirators knew were not authorized to be hunted. The conspirators would then arrange travel to Peru to retrieve the requested birds they paid for and export them without a permit and upon return to the United States, import them using false documents.

The facts supporting each of the offenses charged in the Indictment to which the Defendant is pleading are as follows:

**COUNT ONE (Conspiracy)**

**Import of Faroe eider duck (MBTA)**

While on a hunting trip in Italy in 2009, Gilyard negotiated a trade with a friend of co-conspirator G.S. for a Faroe eider duck - a species protected by the MBTA. In exchange, Gilyard was to provide some North American game birds he would collect when he returned to the United States. As Gilyard well knew, the MBTA prohibited the acquisition of protected birds through this type of barter transaction.

Nevertheless, on May 23, 2010, Gilyard returned to Italy with the promised North American game birds in his luggage to be exchanged for the Faroe eider.

Gilyard did not declare this wildlife to the FWS before leaving the United States, as required by federal regulation. After arriving in Italy, Gilyard delivered the smuggled North American game birds to G.S., but left without the Faroe eider.

In July 2010, Gilyard contacted the Defendant to arrange to bring the Faroe eider he bartered for, along with some other birds, to the United States. The Defendant, knowing the Faroe eider was protected by the MBTA, offered to use the UAF Museum's permit to import Gilyard's bird. The Defendant advised that he would send G.S. a completed Declaration and a copy of the UAF Museum's Permit to be placed in the box before it was to be shipped. The Defendant then instructed Gilyard to have G.S. send the Faroe eider to the Defendant's sister who resided in Germany. After the bird was received by his sister, she was to forward the package to the Defendant in Alaska.

On November 28, 2010, the Defendant received the package labeled "scientific bird mount" containing the Faroe eider duck and other birds sent by his sister. To avoid detection of the illegal transaction by authorities, the Defendant did not notify or provide a declaration form to the FWS for the importation of the Faroe eider duck. In addition, should the FWS or UAF Museum make inquiries later, the Defendant created a Declaration Form 3-177, which he kept at his residence that falsely represented the bird he imported as a common "Eider duck," that it was a scientific specimen, and that the import was authorized under the UAF Museum's

permit. A few days later, the Defendant mailed the smuggled Faroe eider duck to Gilyard in Florida for his private collection.

**Import of passenger pigeon**

During a second trip to Italy in 2010, co-conspirator G.B. offered to pay \$3,000 for a passenger pigeon for Gilyard in exchange for some North American species of waterfowl of equal value to be provided at a later date. Gilyard accepted the offer, and upon returning to the United States, arranged with the Defendant to import the passenger pigeon and collect the requested North American waterfowl.

In March 2011, G.B. sent the passenger pigeon he purchased in Italy to the Defendant's sister in Germany per Gilyard's instruction. On March 28, 2011, after visiting his sister, the Defendant left Germany and returned to Alaska with Gilyard's passenger pigeon. Approximately one month later, the Defendant shipped the passenger pigeon to Gilyard in Florida, along with a false document certifying that he had given an adult male passenger pigeon to Gilyard, a statement he knew to be false in that the Defendant never owned the passenger pigeon.

Between March 25 and May 18, 2011, Gilyard collected North American duck species protected by the MBTA and transported them in his luggage from his residence in Florida to Scotland without filing a declaration or clearing the wildlife with the FWS. After arriving in Scotland, Gilyard completed the unlawful

commercial transaction with G.B. by mailing the MBTA protected North American ducks from Scotland to Italy.

**Import of Peruvian birds (2011)**

In early 2010, Gilyard and the Defendant began planning a hunting trip to Peru to be outfitted by co-Defendants Gonzalo Palacios Paredes (Paredes) and Kathia “Kathy” Chavez (Chavez), who owned and operated Andes Safari Peru, a hunting outfitter service based in the province of Arequipa. Gilyard had previously hunted with Paredes on three separate occasions, once in 2009 and twice in 2010. Paredes girlfriend Chavez, who was fluent in English, translated and drafted emails, and facilitated face-to-face conversations with U.S. hunters who engaged Andes Safari Peru.

Prior to the hunting trip, the Defendant researched the applicable laws for sport hunting in Peru to include what species could be killed. He shared his results with Gilyard. Between late February and mid-March 2011, Gilyard and the Defendant exchanged several emails with Paredes and Chavez identifying birds they wanted to collect and negotiated the cost in U.S. dollars for those birds. None of the birds listed by the Defendant or Gilyard was authorized to be taken by Peruvian law, Supreme Decree No. 014-2001-AG.

In June 2011, the Defendant and Gilyard traveled to Peru and hunted birds with Paredes as their guide. At the conclusion of the trip, the Defendant and Gilyard



departed Peru on June 11, 2011, transporting in their luggage the birds they had hunted and those they had paid Paredes to kill and collect for them. Neither the Defendant nor Gilyard obtained the necessary permit from Peruvian authorities to export those birds.

The Defendant and Gilyard returned to the United States from Peru through the Miami International Airport, having planned their arrival for a date and time when FWS inspectors would be absent. Neither provided notice to authorities prior to their arrival, as required by law. The Defendant and Gilyard departed the airport together and transported the Peruvian birds to Gilyard's residence.

After arriving in Williston, the Defendant and Gilyard agreed to conceal birds they unlawfully took from Peru. Their means for doing so was to prepare a Declaration Form 3-177 for only some of the birds they brought back from Peru while omitting many others. After the Defendant left Williston, Gilyard mailed the false declaration to the FWS office in Miami, along with a Peruvian form provided by Paredes and completed by Chavez, entitled; "Guia De Transporte De fauna Silvestre" (Guia) as proof of legal authorization to export the birds from Peru. However, the Guia was not a Peruvian export permit. Rather, as Gilyard admitted to knowing at the time, it was merely an authorization to transport wildlife within the borders of Peru itself. Approximately, two months later, after returning to Alaska, the Defendant prepared another Declaration Form 3-177 for the remaining birds that

were not reported and listed on the Declaration Form 3-177 Gilyard sent to USFWS in Miami, stating he had imported his birds through Anchorage, Alaska, when in fact they had been brought in through Miami in June 2011.

**Import of Alpine swift (MBTA)**

In 2012, Gilyard purchased multiple species of birds from several international private sellers on eBay and arranged for them to be sent to Nicolaas “Nick” Peters (Peters) in the United Kingdom to be consolidated and then shipped with other specimens to the Defendant in Alaska. One of these birds was an Alpine swift that Gilyard purchased on June 4, 2012. The Alpine swift is a protected species under the MBTA.

On July 14, 2012, Gilyard set the plan in motion by sending an email with a list of birds Peters was holding, including the Alpine swift, to be shipped to the Defendant. Gilyard also advised the Defendant would send a declaration form for Peters to place in the package before it was to be exported from the United Kingdom. Approximately four days later, the Defendant completed a Declaration Form 3-177 and sent it to co-Defendant Peters in the United Kingdom as planned. In this declaration, the Defendant identified himself as the importer, co-Defendant Peters as the exporter, and listed fourteen birds, including the Alpine swift, as the wildlife being brought into the United States. Gilyard purchased all the birds listed by the Defendant on the declaration. Peters placed this declaration in the package and

shipped the birds to the Defendant in Alaska on July 31, 2012, in accordance with Gilyard's instructions.

Upon receiving the package from Peters, the Defendant submitted a Declaration Form 3-177 for the fourteen birds to the local FWS Office in Anchorage. On August 27, 2012, a Wildlife Inspector notified the Defendant that the Alpine swift listed on the declaration he submitted was protected under the MBTA and could only be imported under the authority of a Migratory Bird Import / Export Permit. As mentioned above, the Defendant was authorized to use the UAF's Museum permit, but only for the benefit of the educational institution. This permit could not be used for importing MBTA protected birds for Gilyard.

The Defendant redacted the Declaration Form 3-177 he previously filed with FWS by "lining-through" the entry for the Alpine swift with a pen and created a second Declaration Form 3-177 solely for the Alpine swift that falsely identified the "University of Alaska" as the importer and the UAF Museum's permit as the authority to import the protected bird. Both the redacted and new declaration forms were accepted and cleared by the FWS.

On August 30, 2012, the Defendant shipped a package containing the Alpine swift to Gilyard in Florida. Two days later, the Defendant edited the cleared copy of the Declaration Form 3-177 that he submitted to FWS but later redacted. On each page, the Defendant drew an arrow from the second bird listed to the last and wrote

at the bottom of each page, “Gifted to Tony Gilyard ...Williston, FL...9/1/12,” a statement that he knew to be false, in that, Gilyard purchased these birds from private sellers and they were never owned by the Defendant.

**Import of little owl (CITES II)**

On August 10, 2012, Gilyard sent an email to the Defendant asking if he knew how to get a little owl into the United States from Germany. The little owl is listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) Appendix II and an export permit from the country of origin is required for lawful importation. In the Defendant’s reply, he stated that there was no legal way to bring a little owl into the United States because the Wild Bird Conservation Act (WCBA) prevented it. Regardless, the two planned to import the little owl for Gilyard’s collection.

Late in August 2012, Gilyard exchanged several emails with co-conspirator G.B., to arrange for the little owl in G.B.’s possession to be sent from Italy to the Defendant’s sister in Germany. On September 10, 2012, G.B. sent the little owl and a Storm petrel to Germany. Four days later, G.B. emailed Gilyard the names of twelve birds – including eight listed under the MBTA and one CITES Appendix II listed bird – to be provided as compensation for the little owl. The same day, Gilyard replied by promising to bring the birds G.B. requested when he returned to Italy.

In October 2012, in accordance with the arrangements made by Gilyard, the Defendant smuggled the little owl into the United States when he returned from his trip to Germany in that he failed to provide notice or a declaration form for wildlife to the FWS, and failed to obtain a CITES export permit from the country of export or origin. After arriving in Alaska, the Defendant shipped the little owl to Gilyard.

To fulfill his end of the bargain, on November 1, 2012, Gilyard exported eight birds requested by G.B. out of the United States in his luggage without providing a declaration to FWS and delivered them to his friend and co-conspirator in Italy.

#### **Import of Peruvian Birds (2013)**

After returning from Peru in June 2011, the Defendant, Gilyard, Paredes and Chavez, conspired to kill, collect and export Peruvian birds in violation of Peruvian law and smuggle them into the United States.

Between September 2011 and May 2013, Gilyard and the Defendant again solicited Paredes to kill and collect Peruvian birds that they wanted for their personal collection. Both Gilyard and the Defendant provided Paredes with another list of the desired species and negotiated the prices for each bird. None of the species listed by Gilyard or the Defendant was authorized under Peruvian wildlife law. Regardless, the Defendant, Gilyard and Paredes arranged for Gilyard to travel to Peru to collect the requested birds.

To help fund the scheme, the Defendant paid half of Gilyard's airfare to Peru. The Defendant also sent Gilyard a check for \$3,000 and enclosed another copy of the list of birds he wanted Paredes to kill and collect.

In early May 2013, in accordance with the plan, Gilyard flew to Peru with two other individuals to hunt with Paredes as their guide. At the conclusion of the trip, Gilyard collected the birds he and the Defendant previously requested from Paredes, along with those killed during the hunt, and packed them in his luggage and the luggage of his two companions. Paredes provided another Guia form to serve as an export permit. Between them, Gilyard and his two companions left Peru with 70 bird specimens.

They arrived at the Miami International Airport with the 70 Peruvian bird specimens in their luggage. Neither Gilyard nor his two companions provided notice to FWS prior to their arrival in the United States. Once in the United States, they attempted to clear the 70 birds through Customs. However, Customs and Border Patrol officials rejected the attempt and instructed each of them to make a formal entry through the FWS.

To facilitate the formal entry, Gilyard hired a local customs broker. He provided the broker with the false Guia forms obtained from Paredes as authority to export the birds from Peru. The customs broker electronically filed a separate copy of this Guia along with a completed Declaration Form 3-177 (E-Dec) for Gilyard

and each of his two travel companions. Relying on these documents, the 70 birds were subsequently cleared by a FWS inspector in Miami. Gilyard then transported the smuggled birds to his residence in Williston and shipped Defendant's portion of the contraband to Alaska.

**Import of Red siskin (Endangered Species / CITES I)**

In January 2013, Gilyard purchased a Red siskin on eBay from a private seller, K.Z., located in Malta. The Red siskin is an endangered species and listed under CITES Appendix I.

In June 2013, Gilyard instructed K.Z. to ship the Red siskin, along with three other birds he purchased to the Defendant's sister in Germany. On July 13, 2013, K.Z. sent an email to Gilyard confirming delivery. Nine months later, Defendant's sister shipped a package containing the Red siskin to Alaska. To conceal Gilyard's unlawful acquisition, the package was falsely labeled "Scient [sic] Specimen 54" and the Declaration Form 3-177 prepared by the Defendant listed the Red siskin as a "Domestic Canary." The Defendant later shipped the Red siskin to Gilyard to be added to his private collection.

**COUNT TWO (Lacey Act -Importation of Wildlife taken in violation of Peruvian Law)**

See statement of facts in Count One (Conspiracy) - Import of Peruvian birds (2011).

## **COUNT SIX (Smuggling of Hummingbirds)**

In 2011, Gilyard purchased two hummingbirds, a Fiery topaz and Green-tailed trainbearer, from co-Defendant Peters. The Fiery topaz and Green-tailed trainbearer are both listed in CITES Appendix II and therefore required a permit or certificate from the Management Authority of the country from which the wildlife was exported. In September 2012, Peters shipped the two hummingbirds from the United Kingdom to the Defendant's sister in Germany in accordance with Gilyard's instruction.

In early to mid-September 2012, the Defendant traveled to Germany to visit his sister. In early October 2012, the Defendant returned to Alaska with hundreds of birds, including the two CITES II hummingbirds purchased by the Gilyard from Peters. However, Defendant neither obtained nor possessed a CITES II permit for the two hummingbirds as required by federal and international law to export or import this protected wildlife. Soon after arriving home, the Defendant shipped the two hummingbirds to Gilyard in Florida.

### **Elements**

#### **Count One – Conspiracy**

- (1) Two or more persons in some way agreed to try to accomplish a shared and unlawful plan;
- (2) Defendant knew the unlawful purpose of the plan and willfully joined it;



- (3) During the conspiracy, one of the conspirators knowingly engaged in at least one overt act as described in the information; and
- (4) The overt act was committed at or about the time alleged and with the purpose of carrying out or accomplishing some object of the conspiracy.


Count Two - Lacey Act (Importation of wildlife taken in violation of underlying foreign law)

- (1) Defendant knowingly imported wildlife in foreign commerce;
- (2) Defendant knew that the imported wildlife had been taken in violation of foreign law.

Count Six - Smuggling (Importation of Hummingbirds)

- (1) Defendant knowingly received, concealed and facilitated the transportation of merchandise after importation;
- (2) Knowing the merchandise to have been imported or brought into the United States contrary to law.

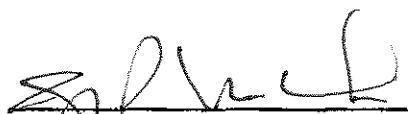
**Signatures and Acknowledgements**

  
CLARK FOR  
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5/15/17  
Date

  
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