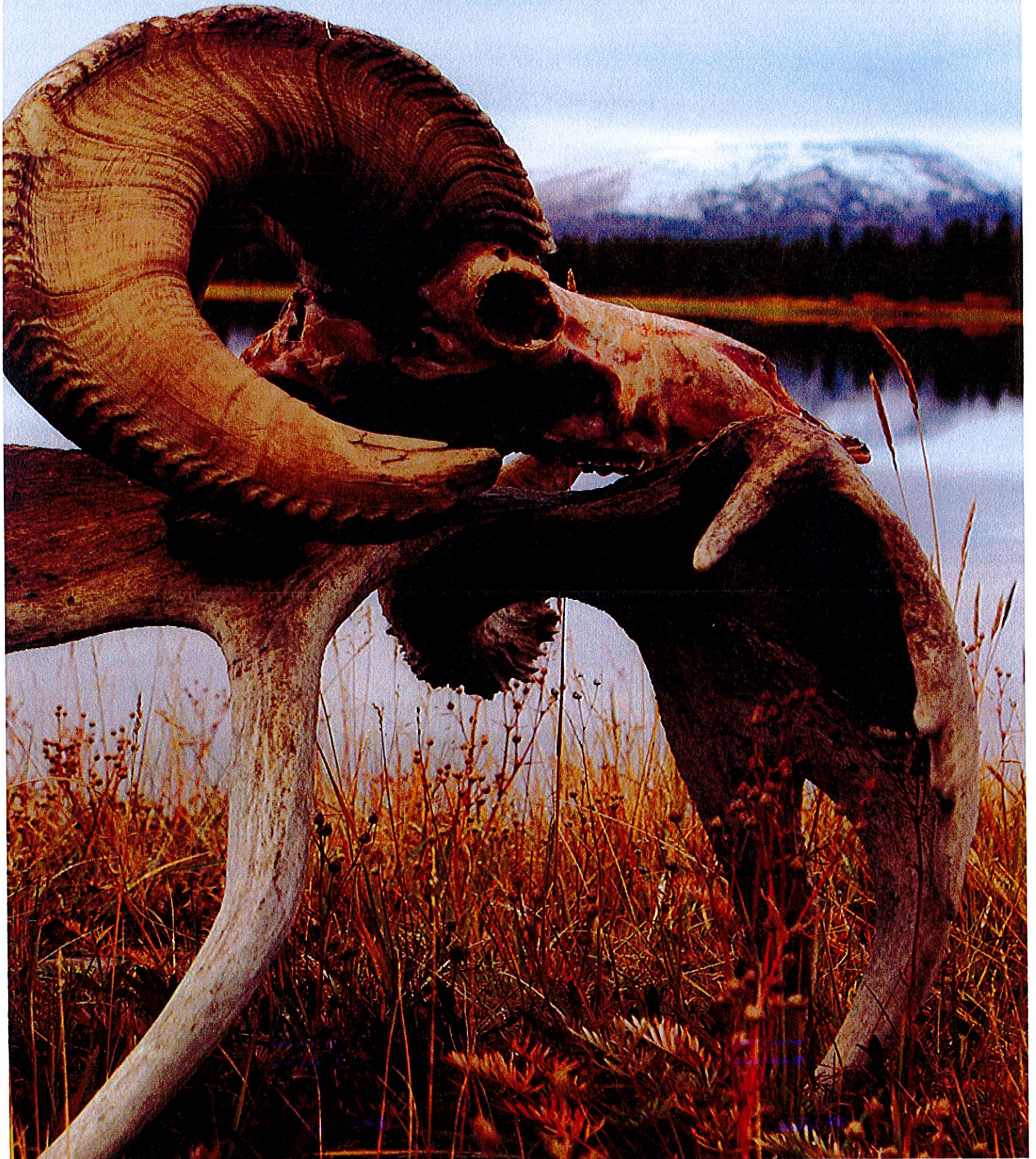


U.S. Fish & Wildlife Service

2019 Annual Report

Office of Law Enforcement



Marine Mammal Protection Act Investigations

OLE Anchorage, Alaska SAC Office

In May, 2019, Fairbanks special agents received a report that a polar bear had been dumped on the burn pile at the landfill in Kaktovik, Alaska. Kaktovik is a remote village in the far northeast corner of Alaska. It is located on a barrier island and is home to about 250 people. Travel to and from the village is difficult due to weather conditions and limited flights (the only way in and out of the village). The investigation showed a Kaktovik man shot the polar bear in December, 2018 outside his house and left it to waste. The man, an Alaska Native, was allowed under the Marine Mammal Protection Act (MMPA) to take polar bears, provided the take was not wasteful. Despite repeated opportunities to salvage the bear, the man did not do so. The bear became covered in snow over the winter. In May, 2019, after the snow thawed, the man had the bear carcass taken to the local landfill where it was partially burned. In December, 2019, the man pleaded guilty to violation of the MMPA. In February, 2020, the man was sentenced in federal court in Fairbanks, Alaska to 3 months in prison, a \$4500 fine, and one year supervised release during which he cannot hunt marine mammals, with the exception of bowhead whales.



Polar Bear Remains At Kaktovik Village Dump, Courtesy of USFWS

Cooperative Investigations

OLE Sacramento, California SAC Office

In April 2016, one of our Northern California field offices received a Mutual Legal Assistance Treaty (MLAT) request from Alberta Fish and Wildlife (AFW) seeking evidence of illegal hunting activity undertaken by a Canadian guide and his associates as well as potential illegal hunting activities by several U.S. citizens. Due to the investigative work of special agents, AFW was able to move their case forward against three Canadian citizens. In April 2019, those citizens received the following sentences: \$10,000 fine and 2 year suspension of recreational hunting privileges; \$9,000 fine and 3 year suspension of recreational hunting privileges; while the hunting guide received 6 months in prison, forfeiture of all items seized, \$8,970 fine, and 14 year suspension of commercial and recreational hunting privileges. The defendants were found guilty of both provincial and federal violations.

Indian Arts and Crafts Board Support

In addition to enforcing laws that protect fish, wildlife, and plants, the OLE investigates criminals who violate the IACA. The OLE has dedicated two special agents, in the Southwest Region, whose work ultimately leads to the arrest, prosecution, and conviction of those who fraudulently produce or sell counterfeit American Indian and Alaskan Native (Indian) art and craftwork.

In 1935, the U.S. Congress established the Indian Arts and Crafts Board (IACB), DOI, to promote Indian economic development through the expansion of the Indian art market. In 1990, the IACA was passed by Congress to counteract the growing sales of counterfeit Indian art. It is a truth-in-advertising law that prohibits the misrepresentation in the marketing of Indian art products, as Indian made, within the U.S. and protects authentic Indian artists from unfair competition caused by counterfeit Indian artwork. The law covers all Indian and Indian-style traditional and contemporary art produced after 1935 and expanded the powers of the IACB. In 2012, the OLE signed a Memorandum of Agreement with the IACB to conduct IACA criminal investigations.

Indians throughout the U.S. depend solely, or in large part, on their artwork as their source of income. Without the oversight of the IACB and the OLE's investigative efforts, the marketplace would be flooded with cheap counterfeit items and there would be little or no market for Indians to sell their authentic hand-made products. Counterfeit Indian art negatively affects legitimate Indian artists, businesses, tribes, and economies; impacts Indian cultural and historical practices; and swindles the consumer. If this illegal activity is not policed, Indian artists will not be able to afford to create their art, which will result in the decline of Indian tradition, culture, and authentic art.



Native American Regalia, courtesy USFWS

The Service's role in Indian art counterfeiting schemes is to investigate violations of "the misrepresentation of Indian produced goods and products." Other federal statutes are also investigated such as identity theft, mail fraud, wire fraud, smuggling, and money laundering. The OLE was selected to investigate these crimes because both entities have similar objectives such as enforcing commerce laws and regulations, and protecting consumers from purchasing illegal products.

Since the OLE began enforcing the IACA, investigations have been extensive and crimes have been documented in states such as Alabama, Alaska, Arizona, California, New Jersey, New Mexico, and Texas; and in countries such as China, Indonesia, Mexico, Pakistan, the Philippines, and Thailand. The OLE investigates retailers, wholesalers, manufacturers, counterfeiters, and smugglers who fraudulently produce and sell counterfeit Indian arts and crafts and investigation results are impressive.

OLE investigations have revealed that counterfeit Indian art networks use specialized hubs, across the nation, to distribute and market fraudulent Indian artwork. These illegal trade routes have evolved parallel to the hubs of production and distribution of legitimate Indian goods. Operating through complex webs of middlemen, perpetrators use the sales of counterfeit Indian art to undercut reputable competitors and investigations have shown that the illegal profit may be more than 200% over the cost it takes to create the counterfeit items. With these profits, the perpetrators take over reputable businesses and distribution channels to embed their operations, and their counterfeit products, in the Indian art industry. The millions of dollars that counterfeit Indian art networks generate each year support organized crime networks in the U.S. and are funneled to overseas operations.

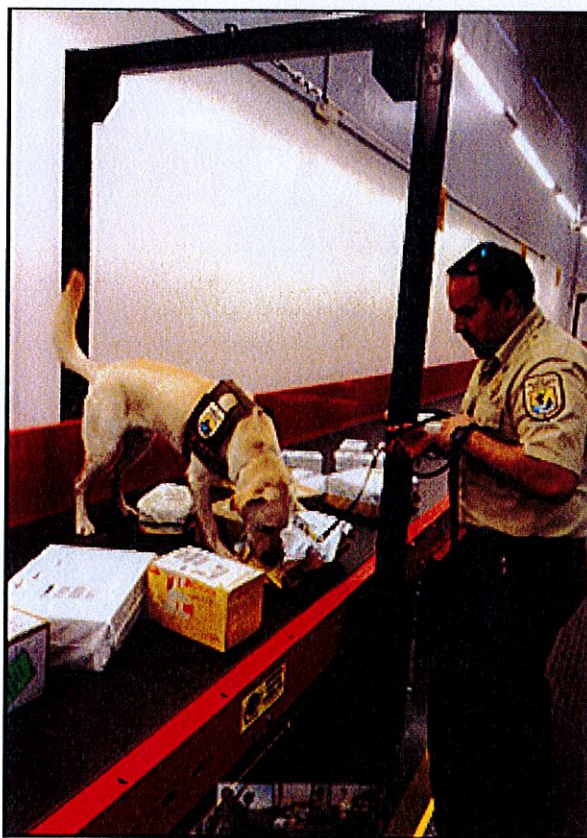


Examples of jewelry seized by iacb special agents, courtesy USFWS

IV. Wildlife Inspector Program

The Service relies on the ESA and the Lacey Act as the primary domestic legislation to regulate U.S. wildlife imports and exports. These acts direct responsibility to the Service, through the DOI, for the regulation of imported and exported fish and wildlife. CITES is the major international agreement for the regulation of trade in wildlife and plants and in the U.S., CITES is implemented through the ESA.

The Service has a broad range of programs to enforce the provisions of the ESA, the Lacey Act, and CITES. These include the designation of specific ports of entry for wildlife, the staffing of these ports with wildlife inspectors to monitor wildlife shipments, the licensing of commercial wildlife importers and exporters, the development of a national computer system to analyze importation and exportation data, and the use of international intelligence to monitor wildlife trade.



Wildlife inspectors work side by side with their K9 partners, courtesy of USFWS