

RESPONSE FROM THE MANAGEMENT AUTHORITY OF THE UNITED STATES OF AMERICA
TO NOTIFICATION TO THE PARTIES NO. 2001/85 ON STURGEON CONSERVATION

IN REPLY REFER TO:
FWS/DMA/FISH 3-11

Mr. Willem Wijnstekers, Secretary General
CITES Secretariat
15, chemin des Anémones
CH-1219 Châtelaine-Geneva
Switzerland

VIA FACSMILIE: (4122) 797 3417

Dear Mr. Wijnstekers:

In Notification to the Parties No. 2001/085, the Secretariat provided any Party engaged in trade in Acipenseriformes the opportunity to provide additional information on progress made in implementing Resolution Conf. 10.12 (Rev.), "Conservation of sturgeons". We are pleased to submit an update on U.S. efforts toward sturgeon conservation. This response includes areas that were not addressed in our previous submissions regarding the Significant Trade Review and intergovernmental quotas, and focuses on law enforcement activities, ongoing research, and co-operative efforts. We have included a list of U.S. exporters and re-exporters (Enclosure 1), a summary of Acipenseriformes imports (Enclosure 2), and highlights of enforcement actions involving import/export of sturgeon specimens since the 1998 listing (Enclosure 3). In addition, as the major importer of Russian caviar, we felt it was important to respond to 4.v) by providing an overview of our continuing close collaboration with the Russian Federation.

Law Enforcement

The United States has an active inspection program that monitors imports and exports of wildlife, including sturgeon. Beginning in 1998, the U.S. Fish & Wildlife Service (Service), working cooperatively with our U.S. Customs partners, flagged the various harmonized tariff codes that cover sturgeon to facilitate detection of imports. The primary focus has been on imports of caviar, although live sturgeon and sturgeon meat have been found. Since the listing for all sturgeons took effect in 1998, the United States has seized 306 shipments containing sturgeon specimens (301 caviar, 9 meat, 1 body, 1 specimen, 1 live). Some shipments contained multiple commodities. For shipment details by species and country, see Enclosure 2. Shipments were seized for various violations, including additional species not authorized on permits, fraudulent documents, quantities exceeding those authorized on permits, and lack of permits. Since 1998, 465 cases have been referred to the Service's National Fish & Wildlife Forensics Laboratory, with over 4,500 samples analyzed for species identification.

All shipments into and out of Customs free zones and free ports are considered imports and exports for Service purposes, even if they are not considered so under U.S. Customs laws. Therefore, any shipment must be declared and have the appropriate CITES documents upon import into these facilities and also for export or re-export from these facilities. Any manipulation within the facilities must be reflected when the specimens are re-exported. Any shipments exported or re-exported from the United States for airline or cruise line catering require a declaration and CITES documents unless the caviar is exported or re-exported directly by an airplane or cruise ship as on-board stores. The United States does not require CITES documents or declarations for the export or re-export of on-board caviar stores, provided the export or re-export is made by an airplane or cruise ship itself, the quantity does not exceed 250 grams per passenger to be served, and the caviar is consumed before arrival in the next country. Each movement of on-board stores is reported and monitored by U.S. Customs and is available for review by the Service.

The United States recognizes the personal-effects exemption under CITES and allows an exemption of only 250 grams of caviar per person. Shipments exceeding 250 grams per person require CITES documents. We have disseminated this information to the general public through various brochures and public meetings and have incorporated this rule into updated CITES regulations currently pending.

Current Research

The need for continued research describing the status and demographic structure of native North American Acipenseriform populations is being addressed through many worthwhile and focused projects. Several of these programs are described here. The Mississippi Interstate Cooperative Resource Association (MICRA) recently completed the first five-year phase of a large-scale tagging program for North American paddlefish (*Polyodon spathula*), which included all paddlefish range states. This program, based on annual tagging of wild-caught and hatchery-reared fish and subsequent tabulation of tag returns, has yielded a large, extremely detailed database that is being processed and evaluated by the Service's Columbia and Cartersville Fishery Resources Offices (FROs). Encompassing more than 80 individual data fields, this study has already contributed vital information to State managers for use in the development of annual work plans and fishery management plans. Results will include information regarding paddlefish movements and migration, recruitment, population structure, and demographics.

Recently, the Tennessee Technological University's Co-operative Research Unit received a federal grant totaling USD 165,000 for "A Proposal to Assess Paddlefish Stocks and the Commercial Fishery for Paddlefish Caviar in the Tennessee and Mississippi Rivers." This proposal, sponsored by the Service's Division of Scientific Authority (DSA), was submitted to the U. S. Geological Survey's Biological Research Division for the Service's Science Support Needs Program. The project spans two years and will include sampling and surveying in an area that produces the majority (85%-92%) of paddlefish harvested in Tennessee. Of the six states that allow commercial paddlefish harvest, Tennessee has been identified by DSA as the largest supplier of paddlefish roe for export. Information derived from this project will be invaluable for management purposes and identifying future research needs.

The State of Missouri has undertaken a far-reaching and ambitious ten-year research program to gather and analyze data regarding status, demographics, and fisheries impacts for Acipenseriform species. The study is expected to yield an enormous amount of data to be used by fisheries biologists and managers when developing short- and long-term goals for sturgeon and paddlefish conservation. We will continue to report on all new developments as information becomes available on this program and other research projects.

State Regulations Update

The development and revision of regulations to protect and conserve North American sturgeon and paddlefish is moving forward rapidly. The State of Arkansas is currently finalizing extensive revisions to their regulations that should be beneficial for law enforcement purposes, as well as limiting entry into the roe fishery and processing/sales activities. The State of Tennessee is also in the midst of revising paddlefish regulations. Copies of all new state regulations will be submitted to the Secretariat when available.

Co-operative Efforts Within the United States

Regional cooperation between sturgeon and paddlefish range states within the United States continues to grow rapidly. MICRA has led these efforts for many years, through their Sturgeon and Paddlefish Subcommittee. Biologists and managers from each range state, Service field offices, and the Service's Division of Management Authority (DMA) and DSA, have worked together in making decisions to improve the status of Acipenseriformes. Current projects include: the formation of a working group to formulate uniform reporting requirements for all commercial fishers, to be linked through a centralized database accessible to state biologists and managers, law enforcement personnel, and DSA and DMA; informational fact sheets and brochures targeting the commercial fishing industry, as well as individual fishers; and continued support for the development of regional fishery management plans.

In 2001, the Ohio River Working Group (ORWG) produced a study of commercial fisheries and fisheries-independent data and developed a draft fisheries management plan for sturgeon and paddlefish in the Ohio River basin. With the assistance of MICRA, it is hoped that the States within the Ohio River drainage basin will adopt the management measures proposed by the ORWG. Furthermore, as a result of the comprehensive

document produced for the Ohio River, MICRA is interested in promoting the development of additional river-basin-based management plans for other areas within the North American paddlefish and sturgeon ranges.

The Service's FRO in Columbia, Missouri is working with Southern Illinois University and the States of Nebraska, Iowa, and Missouri to conserve and restore pallid sturgeon (*Scaphirhynchus albus*) habitat on the Missouri River. Studies include, documenting habitat preferences of the endangered pallid sturgeon, long-term monitoring to assess the impacts of Missouri River operations that have modified the natural river hydrography, and sampling to generate pallid sturgeon population data. Information from these studies will be used to facilitate State and Federal decision-making regarding modifications to Missouri River operations, habitat restoration, and mitigation-site development. These efforts to restore, maintain, and protect migration routes and spawning grounds for pallid sturgeon will undoubtedly benefit other Acipenseriformes species in the Missouri and Mississippi Rivers as well.

Research and cooperation continues in, and between, the States of North Dakota and Montana in the northernmost limits of the paddlefish's range. Studies include monitoring of the Yellowstone and Missouri River populations, as well as of the effectiveness of innovative paddlefish roe donation programs in Montana and North Dakota. The roe donation programs allow sport fishers to take one to two paddlefish (creel limits are dependent on the area fished), and donate roe for an annual sale that benefits local paddlefish projects and research, as well as providing funding for a civic grant program that benefits the entire community. These programs, along with many other university- and State-based research projects, share one common goal: promoting conservation of sturgeon and paddlefish populations within the United States.

Collaboration With the Russian Federation

The Service endeavors to maintain close ties with the Russian Federation to help eliminate illegal trade and assist in achieving a sustainable harvest of Caspian Sea sturgeons. Since the 1998 sturgeon listing, the Service's Law Enforcement Division has participated in several exchanges with Russia regarding illegal caviar trade, forensic testing, and the necessity to exchange sturgeon standards. Unfortunately, the United States has been unable to obtain sturgeon samples after several visits to Russia. Most recently, a six-member Service delegation, which included high-level law enforcement staff and forensic specialists, visited Russia on a fact-finding tour to learn more about the Russian caviar industry. The visit included observation of sturgeon netting in the Volga River, tours of a caviar processing facility, caviar packaging plant, fish hatchery, and government-run research laboratory, and meetings with government and industry officials and scientists.

In July 2001, the Service's Law Enforcement Division sponsored a three-day U.S.-Russia Sturgeon Workshop in Shepherdstown, West Virginia. The workshop brought together scientists, fisheries managers, industry officials, and law enforcement officers from both nations to examine the complex issues involved in protecting sturgeon populations and achieving a sustainable caviar trade.

Collaboration is facilitated by the Service's Division of International Conservation (DIC). DIC serves as a vital link between Russian Federation Management Authorities and their U.S. counterparts by providing language translation for written correspondence, conference calls, and meetings. In addition, as part of their mandate to promote international conservation, DIC provides Russian agencies with source information on grants and possible funding mechanisms for sturgeon research and conservation programs in the Caspian Sea area.

Thank you for considering our comments. If you have questions regarding the above information, please feel free to contact me or Andrea Gaski, Chief of CITES Operations, Division of Management Authority. My telephone number is 703-358-2104 and Ms. Gaski's number is 703-358-2095.

Sincerely,

Peter O. Thomas, Ph.D., Chief
Division of Management Authority

Enclosures
cc: DSA, LE

Enclosure 1: U.S. Exporters/Re-exporters of Acipenseriformes products (Entities that have received export permits/re-export certificates)

Agromar
8 Greenfield Ct.
P.O. Box 2302
San Anselmo, CA 94960
U.S.A.

Connoisseur Brands
833 Washington Street
New York, NY 10014
U.S.A.

Aquaticus
6 Twining Lane
W. Trenton, NJ 08628
U.S.A.

Crystal Cruises
2049 Century Park East, Suite 1400
Los Angeles, CA 90067
U.S.A.

Capital Trading Corp.
181 EAB Plaza
Uniondale, NY 11556
U.S.A.

Cunard Cruise Line
c/o Caspian Star Caviar
Jamaica, NY 11430
U.S.A.

Carolyn Collins Caviar Co. Inc.
925 W. Jackson Blvd. 3rd Floor
Chicago, IL 60607
U.S.A.

Eluci International Incorporated
800C Central Blvd.
Carlstadt, NJ 07072
U.S.A.

Caspian Caviar Import Inc.
139 S. Beverly Dr. Suite 339
Beverly Hills, CA 90212
U.S.A.

Fancy Foods, Inc.
Caviar Express
P.O. Box 18811
Encino, CA 91416
U.S.A.

Caspian Star Caviar, Inc.
JFK Airport, Bldg. 141
Jamaica, NY 11430
U.S.A.

Franco Fish Products Inc.
2544 Fawcett Ave. S.
Tacoma, WA 98402
U.S.A.

Caviar Plus Ltd.
B.V. & T. International
10-59 Jackson Avenue
Long Island City, NY 11101
U.S.A.

Future International
1600 St. Georges Ave.
Rahway, NJ 07065
U.S.A.

Caviar Royale, Inc.
2965 Industrial Rd.
Las Vegas, NV 89109
U.S.A.

Gavins Point National Fish Hatchery
Route 1, Box 293
Yankton, SD 57078
U.S.A.

Caviar Studio, Inc.
2899 Ocean Avenue
Suite 2R
Brooklyn, NY 11235
U.S.A.

Great Atlantic Trading, Inc.
563 Seaside Road
Ocean Isle Beach, NC 28469
U.S.A.

Hong Suen Chan
7822 Roesboro Circle
Sacramento, CA 95828
U.S.A.
Cleveland Metroparks Zoo
3900 Wildlife Way
Cleveland, OH 44109
U.S.A.

Hansen Caviar Company, Inc.
93D South Railroad Avenue
Bergenfield, NJ 07621
U.S.A.

Paul P. Jarvis
926 Hwy. 16
Glendive, MT 59330

U.S.A.

Kentucky State University
Aquaculture Research Center
103 Athletic Road
Frankfort, KY 40601
U.S.A.

Kootenai Tribe of Idaho
P.O. Box 1269
Bonners Ferry, ID 83805
U.S.A.

La Fayette International Trading, Inc.
#1 Northwood Drive, Suite 3
Orinda, CA 94563
U.S.A.

Charles Ching-Chuen Lee
1333 Arlington Blvd. #63
Davis, CA 95616
U.S.A.

Maison du Caviar, Ltd.
Seattle Caviar Company
c/o Petrossian, Inc.
2833 Eastlake Avenue East
Seattle, WA 98102-3007
U.S.A.

Marinelli Shellfish
2383 South 200th Street
Seattle, WA 98198
U.S.A.

Mayco Fish Company Ltd.
2535 Jefferson Avenue
Tacoma, WA 98402
U.S.A.

National Fish and Wildlife Forensics Laboratory
1490 East Main Street
Ashland, OR 97520
USA

Ocean Beauty Seafoods Inc.
1100 West Ewing Street
Seattle, WA 98119
U.S.A.

Ontario Ministry of Natural Resources
c/o New York State Dept.
50 Way Road
Albany, NY 12233
U.S.A.

Optimus, Inc.

687 NE 79th St.
Miami, FL 33138
U.S.A.

Osage Catfisheries, Inc.
1170 Nichols Road
Osage Beach, MO 65065
U.S.A.

Paramount Caviar
38-15 24th Street
Long Island City, NY 11101
U.S.A.

Petrossian, Inc.
419 West 13th Street
New York, NY 10014
U.S.A.

Pineland Plantation Fish Farm
Route 1, Box 115
Newton, GA 31770
U.S.A.

Princess Cruises
c/o Caspian Star Caviar
Jamaica, NY 11430
U.S.A.

River of Life Hatchery
3700 Oak Creek Drive West
Vadnais Heights, MN 55127
U.S.A.

Rosario's Epicure
29-24 40th Avenue
Long Island City, NY 11101
U.S.A.

Royal Baltic
9829 Ditmas Avenue
Brooklyn, NY 11236
U.S.A.
Royaloff Caviar Company
2501 Wayne Rd.
Savannah, TN 38372
U.S.A.

Silversea Cruises Ltd.
c/o Caspian Star Caviar
Jamaica, NY 11430
U.S.A.

Stolt Sea Farm California L.L.C.
9149 E. Levee Road
Elverta, CA 95626
U.S.A.

SWIG Group

2670 Stillwell Avenue
Brooklyn, NY 11224
U.S.A.

Tennessee Aquarium
1 Broad Street, P.O. Box 11048
Chattanooga, TN 37401
U.S.A.

Tsar Nicoulai Caviar, Inc.
144 King Street
San Francisco, CA 94107

U.S.A.

Unifood Inc.
8151 161st Ave. NE
Redmond, WA 98052
U.S.A.

Urbani USA
29-24 40th Ave.
New York, NY 11101
U.S.A.

Enclosure 2: Summary of Acipenseriformes Imports Since 1998 Listing

Species	No. of Shipments	Commodity	Declared Country of Origin	Country of Export/Re-export
<i>Acipenser baerii</i>	7	caviar	CA,FR,KZ,UY	AE,CA,FR,UY
<i>Acipenser fulvescens</i>	1	meat	CA	CA
<i>Acipenser gueldenstaedtii</i>	82	caviar	KZ,IR,RO,RU,TR	AE,CA,CH, CZ,DE,FR, IR,KZ,PL,RO,RU,TR,VE
	2	meat	RU	RU
<i>Acipenser persicus</i>	11	caviar	IR	BE,DE,FR,IT
<i>Acipenser nudiventris</i>	2	caviar	KZ,RU	AE
<i>Acipenser sturio</i>	1	caviar	IR	DE
<i>Acipenser schrenckii</i>	4	caviar	CN	DE,NL
<i>Acipenser stellatus</i>	74	caviar	AZ,IR,KZ,RO,RU	AE,CA,CH,DK,FR,HK,IR,JP, KZ,LT, PL,RO,RU,TR
	2	meat	IR,RU	RU,FR
	1	specimens	IR	FR
<i>Acipenser transmontanus</i>	1	caviar	US	RU
	1	live	HK	HK
	4	meat	US	GB
<i>Acipenser species</i>	108	caviar	AZ,BY,IR,LV,RU,UA	AM,AT,AZ,CA,DE,EE,FR,GB, IR,LI,LT,NL,NZ,PL,RO,RU, TM,TR, UA,UZ
<i>Huso dauricus</i>	4	caviar	CN,RU	CN,NL,RU
<i>Huso huso</i>	62	caviar	AZ,BG,IR,KZ,RO,RU,YU	AE,AZ,BE,BG,CH,DE,FR,IR, KZ,MX,PL,RO,RU,TR
	1	meat	RU	RU
<i>Acipenseriformes</i>	38	caviar	AZ,BY,IR,LV,RU,UA	
	1	meat	RU	
	1	body	RU	

Key to country codes in Enclosure 2:

AE=United Arab Emirates
 AM=Armenia
 AT=Austria
 AZ=Azerbaijan
 BE=Belgium
 BG=Bulgaria
 BY=Belarus
 CA=Canada
 CH=Switzerland
 CN=China
 CZ=Czech Republic
 DE=Germany
 DK=Denmark
 EE=Estonia
 FR=France
 GB=United Kingdom
 HK=Hong Kong
 IR=Iran
 IT=Italy
 JP=Japan
 KZ=Kazakhstan
 LI=Liechtenstein

LT=Lithuania
 LV=Latvia
 MX=Mexico
 NL=Netherlands
 NZ=New Zealand
 PL=Poland
 RO=Romania
 RU=Russia
 TM=Turkmenistan
 TR=Turkey
 UA=Ukraine
 US=United States
 UY=Uruguay
 UZ=Uzbekistan
 VE=Venezuela
 YU=Yugoslavia

Enclosure 3: Highlights of sturgeon import/export enforcement since the 1998 listing.

1998:

On October 28, 1998, U.S. Fish and Wildlife Service (Service) special agents apprehended a group of individuals attempting to smuggle a large quantity of caviar into the United States through John F. Kennedy (JFK) International Airport in New York. Investigators linked the smuggling attempt to an international caviar company based in Stamford, Connecticut, and successfully documented a caviar smuggling operation that extended back to the previous April, when the CITES protections first went into effect.

Six of the individuals apprehended at JFK in October had been paid \$500 each to smuggle two suitcases of caviar from Warsaw, Poland. A seventh individual was paid \$1,000 to bring in suitcases. Agents found 901 tins of caviar, each weighing 500 grams, in the suitcases. Three individuals were arrested: a Polish police official, the wife of the president of the Connecticut-based caviar company, and an employee of the company.

A federal search warrant was obtained and executed by Service special agents along with U.S. Customs and Connecticut Department of Environmental Protection officers. Numerous business records and approximately 1,000 pounds of caviar were seized at the company president's Stamford home, which also doubled as the company's office.

As a result of this investigation, a seven-count indictment was filed against the company's president, the Polish police official, and the company employee arrested at the airport on charges that they smuggled large quantities of caviar into the United States in violation of the CITES treaty, the Endangered Species Act, and the Lacey Act. The indictment charged that between April 1, 1998 and November 3, 1998, the company sold approximately 19,000 pounds of imported caviar to American caviar retailers. During that same period, however, the firm received permits from the Service authorizing it to import only one shipment of 88 pounds of caviar. Each defendant faced up to five years imprisonment and a fine of \$250,000 per count if convicted. The indictment also sought forfeiture of the 2,000 pounds of caviar seized by Service agents as well as \$2 million in proceeds earned from the sale of other caviar illegally imported by the defendants.

During the week of December 28, 1998, special agents in New York targeted flights arriving from Russia at JFK International Airport based on an anonymous tip warning that a passenger aboard one of these flights would be smuggling beluga caviar in personal baggage. The enforcement blitz resulted in three unrelated seizures yielding a total of 75 pounds of caviar valued at approximately \$75,000. The three passengers apprehended did not possess the required CITES permits for the shipments. A passenger who brought in 60 pounds of caviar was issued a \$500 violation notice.

On October 30, 1998, a special agent and two wildlife inspectors were called to the International Arrivals Building at JFK International Airport to deal with a Russian national who was bringing two suitcases of caviar into the United States. A total of 21 kilograms with a commercial value of \$31,500 was seized.

1999:

In August 1999, special agents apprehended a Russian national who tried to smuggle in 202 jars (approximately 23 kilograms) of sturgeon caviar. He was sentenced in November 1999 to two months in jail followed by deportation. He had already served four months of detention in a halfway house, so he was actually in custody for six months.

In June 1999, two special agents and a wildlife inspector at JFK apprehended a passenger illegally importing 33 pounds of caviar. The subject, who had ties to the Ukraine, was issued a \$500 violation notice. The seized caviar was valued at over \$15,000.

On May 29, 1999, a special agent and a wildlife inspector in New York caught a passenger at the Delta Airlines Terminal importing 18 pounds of caviar into the United States from Russia in violation of CITES. From the passenger's name, the officers recognized this person as the same individual who had previously tried to receive smuggled caviar from three Aeroflot Airline crew members. The passenger abandoned the caviar, worth approximately \$18,000, and was issued a \$1,000 violation notice.

On May 14, 1999, a special agent and two wildlife inspectors at JFK apprehended a passenger importing 44 pounds of caviar into the United States from the country of Georgia without a CITES permit. The passenger told

Service officers that he was going to sell the caviar to a company in New York City. The individual abandoned the caviar, which was worth approximately \$44,000, and was issued a \$500 violation notice.

On May 5, 1999, a Russian citizen smuggled 46.33 pounds of Russian sturgeon caviar in 252 glass jars, 798 audio cassettes, 25 compact disks, and over 10,000 tablets of Russian medicinals into the United States in personal baggage at Los Angeles International Airport. The caviar was seized, and the man was arrested. He was indicted by a federal grand jury on charges of smuggling and making false statements. Subsequent investigation revealed that the man also smuggled 500 large tins of Russian sturgeon caviar into the United States in personal baggage on November 16, 1998. He was indicted on these additional charges on October 27, 1999.

On March 27, 1999, a Russian citizen smuggled 45 pounds of beluga caviar into the United States in his personal baggage at Los Angeles International Airport. This caviar was in a fresh (raw) state, and was packaged in 24 Tupperware® containers. The caviar was seized, and the subject was issued a Notice of Violation for importing a CITES Appendix II species without CITES permits from the country of origin. He forfeited \$1,000 in collateral for this violation.

On February 12, 1999, a Russian national smuggled 44.11 pounds of Russian sturgeon caviar (mostly beluga) into the country in personal baggage at Los Angeles International Airport. The caviar was purchased in Russia and entered the United States via New Zealand. The caviar was packaged in 249 glass jars and was seized by Service wildlife inspectors.

In February 1999, a summary judgment was entered against 94.5 kilograms of beluga caviar (estimated value \$24,000), which had arrived in San Francisco in August 1998. Entry was refused because the caviar lacked proper CITES documents. Airway bills indicated that the caviar shipment originated in Yugoslavia and was processed in Switzerland before proceeding to San Francisco.

A commercial shipment of sturgeon meat (a CITES Appendix II species), which was destined for a Las Vegas hotel, was detected during a routine review of airline cargo manifests at Chicago's O'Hare International Airport. The meat was manifested as "smoked salmon," a product that would not be subject to Service regulation under the exemption for seafood intended for human consumption. Service inspectors, however, discovered invoices attached to the air waybill identifying some of the meat as sturgeon. They later learned that the meat was part of a larger shipment that had originated in the United States and had been exported illegally.

2000:

An Iranian man who smuggled 2,000 grams of fresh caviar in plastic containers out of Iran in April 2000 was fined \$1,000.

In July 2000, U.S. Customs Service inspectors at the Tom Bradley International Terminal referred a woman to secondary because she looked nervous and had traveled numerous times between Moscow and Los Angeles. When they inspected her luggage, which contained no clothing, they discovered approximately 26 containers of caviar, weighing over two pounds each. Customs detained the individual and contacted Service officers, who interviewed the woman and seized the caviar. The subject abandoned the caviar, but insisted it was for a party and not for commercial use. The caviar was identified as stellate sturgeon, and the woman was indicted for smuggling and making false statements.

One investigation began when Agriculture Department inspectors at the airport detained 18 pounds of Russian caviar, which came into the country in the luggage of two U.S. citizens who failed to declare it. Both subjects received violation notices for illegally importing CITES Appendix II wildlife products. They paid fines totaling \$3,400 and voluntarily abandoned the caviar to the Service.

In April, 2000, agents in Miami arrested four individuals from the Czech Republic bringing in loads of illegal sturgeon roe. The first two tried to smuggle 165 pounds of illegal Russian caviar; the second pair were caught with 183.7 pounds. Each was charged with two felony Lacey Act counts, one felony count of smuggling, and one count of providing false information to the government. All were held without bond.

Two days later, agents caught a fifth smuggler attempting to illegally enter the country with 100 pounds of Russian caviar. Since this individual was a U.S. citizen, he was not arrested. The caviar, however, was seized,

and the subject was interviewed and released pending further investigation and indictment. He subsequently fled the area.

In May, agents arrested a Polish woman who had over 88 pounds of Russian caviar in her suitcases falsely labeled as "lumpfish." This woman and the four other foreign nationals apprehended for caviar trafficking in Miami in April all served time in prison for their smuggling activities and were deported upon release.

On June 6, 2000, the owner of a Connecticut company specializing in the importation of caviar was sentenced by a federal judge in Brooklyn in a landmark case supporting sturgeon conservation. The defendant had been found guilty in November 1999 after a three-week trial that produced the first federal conviction for caviar smuggling in the United States since new global protections for sturgeon went into effect in April 1998. The judge, wanting to send a clear message to anyone dealing in black market caviar, handed down a sentence requiring the man to spend 20 months in federal prison, pay a \$25,000 fine, forfeit \$70,000 in illegally obtained monetary assets from smuggled caviar, and abandon 2,000 pounds of caviar worth more than \$2 million. The prison sentence, which was appealed by the government, was later increased to 48 months.

On July 21, 2000, the president of a U.S. caviar company, his corporate officer and sales manager, and the president of a food company based in the United Arab Emirates each pleaded guilty in federal court in Maryland to a multi-year caviar smuggling scheme. The plea agreements called for the defendants to serve prison terms of 41, 21, and 15 months respectively. The U.S. business involved, which advertised itself as one of the largest caviar importers in the country, also pleaded guilty to 22 federal charges and agreed to pay a \$10.4 million criminal fine, the largest ever in a wildlife trafficking prosecution.

The plea culminated a 22-month multi-agency probe into the black market trade in Russian and domestic caviar. The investigation, which involved the Service, the Federal Bureau of Investigation, the U.S. Customs Service, and the Food and Drug Administration, began after Service wildlife inspectors at Baltimore-Washington International Airport observed adhesive type caviar labels on tins of imported caviar.

Investigators uncovered numerous wildlife and customs violations, including the smuggling of black market caviar into the United States with the use of forged Russian caviar labels. The company also forged Russian health certificates to accompany fraudulent international shipments of caviar and used false documents to sell roe from paddlefish, a protected species native to the United States, as sevruga caviar from Russia. Those involved in the smuggling scheme committed mail fraud; prepared double invoices for caviar imports to avoid government scrutiny, understating the value and lowering the amount of duty owed to U.S. Customs; and smuggled caviar through Miami to avoid Service scrutiny in Maryland.

2001

Federal officers working Miami International Airport nabbed a group of Russian caviar smugglers on August 23, 2001. A Service special agent arrested three Russian nationals after an Agriculture Department detection dog "hit" on their luggage. The trio were trying to smuggle 98.2 pounds of illegal Russian caviar worth an estimated \$78,500. All were indicted for smuggling and felony Lacey Act violations; the "ringleader" has also been charged with making false statements. The three were jailed at the time of their arrest, and plea negotiations are proceeding.

An ongoing Service investigation of the caviar trade continued to look at the activities of individuals and businesses believed to be involved in smuggling Russian roe from Europe to Miami. The execution of a search warrant resulted in the seizure of nearly 265 pounds of caviar imported from Lithuania using false permits. A Russian subject who was smuggling 100 tins, each containing about a pound of caviar, was arrested at the airport. The man is out of jail on bond and awaits sentencing.

A Russian woman living in the United States who illegally imported some 50 pounds of caviar from CITES Appendix II sturgeon species by concealing the tins in her suitcase was indicted and charged with smuggling wildlife in violation of the Endangered Species Act. The caviar was abandoned to the Service and the subject was sentenced in U.S. District Court in Los Angeles to four months home detention.

At the port of Seattle, inspectors focused some of their efforts on preventing the unlawful importation of sturgeon caviar. Over the course of the fiscal year, they confiscated over 22 pounds of sturgeon caviar worth more than \$16,000.

In July 2001, the president of a caviar exporting firm with offices in St. Petersburg and Moscow in Russia and New York City was sentenced to serve 27 months in Federal prison for attempting to smuggle \$2.5 million worth of caviar into the United States. The man, a Russian citizen, pleaded guilty to violating the Lacey Act after Service special agents and wildlife inspectors in Newark, New Jersey, discovered that his company had shipped 1,700 pounds of osetra and sevruga caviar to the United States hidden in a container shipment of dried fish that arrived by ocean vessel from Finland. The caviar was labeled to match the rest of the shipment.

In a related investigation, the Service intercepted a shipment of 380 pounds of caviar at John F. Kennedy (JFK) International Airport that had been sent by this defendant's company to an American firm. Although the caviar was labeled as osetra and sevruga, DNA testing revealed that most of the roe was from beluga sturgeon.

In November 2001, the first defendant arrested and convicted as a result of Operation Black Gold, an investigation targeting illegal caviar trade moving from Russia through the Republic of Georgia, was sentenced in Federal court in New York. The man, who was caught at JFK International Airport trying to smuggle 11 suitcases containing 660 pounds of caviar worth more than \$200,000, must serve 10 months in prison and pay a \$10,000 fine. The judge described the sentence as sending a message to would-be caviar couriers that their role in this illegal trade would not be taken lightly in the United States.