

United States Department of the Interior
Fish and Wildlife Service
Office of Law Enforcement
911 NE 11th Ave
Portland, OR 97232

Exhibit 1
450 FW 2

In Reply Refer To:
FWS/LE

Memorandum

To: (b) (6), (b) (7)(C) Assistant Director, Office of Law Enforcement (b) (6), (b) (7)(C)
From: (b) (6), (b) (7)(C) Special Agent in Charge, OLE Portland, OR, SAC Office (b) (6), (b) (7)(C)
Subject: Request for Payment of Reward

In accordance with 450 FW 2, I request approval for payment of a reward.

Name of recipient: (b) (6), (b) (7)(C)
Address: (b) (6), (b) (7)(C)
Occupation: (b) (6), (b) (7)(C)
Employer: (b) (6), (b) (7)(C)
INV Number and Title: 2019104099, (b) (6), (b) (7)(C)
Amount of Reward: \$250
Prior Compensation: None

Statute: AECA / AHA / ARPA / BGEPA / ESA / LAC / MMPA / MBTA / RTCA / WBCA / OTHER

Reward Account: Law Enforcement Reward Account or HQ Special Funds Account

Justification: (b) (6), (b) (7)(C) was arrested on weapons possession, reckless endangerment and criminal property damage charges. During a police search of his personal belongings, two wedge-tailed shearwater wings, one juvenile golden eagle talon and various barn owl parts were found. (b) (6), (b) (7)(C) was concerned about the bird parts so she brought them to the attention of the Kauai Police – who declined to detain or seize them, and to the U.S. Fish and Wildlife Service (FWS). The FWS would not have otherwise known about these violations. (b) (6), (b) (7)(C) later abandoned all of the wildlife. (b) (6), (b) (7)(C) for her safety as (b) (6), (b) (7)(C) had been deemed a dangerous individual, but she was determined to turn the wildlife over to the proper authorities. The amount of the reward was chosen based on the small quantity of bird parts seized. The parts were illegally possessed under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, and brought to Hawaii in violation of the Lacey Act.

Concurrence: (b) (6), (b) (7)(C) 02/25/2020
Date
Approved: (b) (6), (b) (7)(C) 2/25/2020
Date
Processed: (b) (6), (b) (7)(C) 2/25/2020
Date
Budget Officer

NOTES TO REVIEWER

Action: Request for Payment of Reward
Case Number: INV: 2019104099
Case Title: (b) (6), (b) (7)(C)
Case Agent: SA (b) (6), (b) (7)(C)

Investigation Synopsis:

In July of 2019, SA [REDACTED] received information that (b) (6), (b) (7)(C), a (b) (6), (b) (7)(C) from Kilauea, Hawaii, recovered an eagle talon, two wedge-tailed shearwater wings, two barn owl talons, one barn owl wing, and one barn owl tail from a [REDACTED] unit. Her (b) (6), (b) (7)(C) [REDACTED] had recently been arrested for discharging a firearm indoors while intoxicated, and during the course of evicting [REDACTED] [REDACTED] had found the migratory bird parts. Ms. [REDACTED] had originally reached out to the Kauai Police, who declined to detain or seize the parts. Despite [REDACTED] having been deemed a dangerous individual, Ms. [REDACTED] was determined to turn over the wildlife parts to the Service. [REDACTED] abandoned the property to the Service.

Special Funds:

This request is for the amount of \$250.00 to be paid to (b) (6), (b) (7)(C) for her assistance in the above-titled investigation.

Case Management:

Case has been closed.

Reviewer's Recommendation:

This request meets one or more criteria in 450 FW 2 and is recommended for approval.

Reviewer:	(b) (6), (b) (7)(C)	<u>2/21/2020</u>
	SSA (b) (6), (b) (7)(C)	Date
Concur:	(b) (6), (b) (7)(C)	<u>02/21/2020</u>
	SAC/INV (b) (6), (b) (7)(C)	Date
Concur:	(b) (6), (b) (7)(C)	<u>2/21/2020</u>
	DAD (b) (6), (b) (7)(C)	Date

REPORT OF INVESTIGATION

Title: (b) (6), (b) (7)(C)

INV #: 2019104099

Report #: 001

DETAILS OF INVESTIGATION

Complaint Made to USFWS Concerning Eagle Talon

This case was initiated when the Pacific NW Region Migratory Bird Permits Office forwarded an email from (b) (6), (b) (7)(C) to the USFWS Office of Law Enforcement (OLE) in Honolulu, Hawaii. (b) (6), (b) (7)(C) reported she was in possession of an eagle claw which belonged to (b) (6), (b) (7)(C) who had recently been arrested (see Attachment 1, (b) (6), (b) (7)(C) email).

On July 11, 2019, USFWS-OLE Special Agent (SA) (b) (6), (b) (7)(C) phoned (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) and had recently been arrested for discharging a firearm indoors while intoxicated. During the arrest, the Kauai Police Department (KPD) found and seized illegal weapons and ammunition. They also found an eagle talon but declined to detain it. [SA Note: (b) (6), (b) (7)(C) referred to the talon as a "claw," but it is in fact an entire foot consisting of four claws.] (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) it was from a bald eagle and that (b) (6), (b) (7)(C) is a Native American. [SA Note: SA (b) (6), (b) (7)(C) made several attempts to contact (b) (6), (b) (7)(C) but the calls were not returned.] (b) (6), (b) (7)(C) asked if SA (b) (6), (b) (7)(C) would please take the talon and provided contact information for KPD Detective (b) (6), (b) (7)(C) and Prosecuting Attorney (b) (6), (b) (7)(C). [SA Note: Calls to Detective (b) (6), (b) (7)(C) were not returned.]

On July 12, 2019, (b) (6), (b) (7)(C) emailed SA (b) (6), (b) (7)(C) to advise she had filed a Notice to Vacate. After 90 days, (b) (6), (b) (7)(C) SA (b) (6), (b) (7)(C) spoke with Attorney (b) (6), (b) (7)(C) who confirmed (b) (6), (b) (7)(C) had been in possession of three assault weapons and was considered an unsafe individual. (b) (6), (b) (7)(C) advised that although (b) (6), (b) (7)(C) personal belongings were housed on (b) (6), (b) (7)(C) property, they could not be accessed without a search warrant or consent until the eviction was official.

On August 26, 2019, (b) (6), (b) (7)(C) informed SA (b) (6), (b) (7)(C) that the judge awarded (b) (6), (b) (7)(C) her (b) (6), (b) (7)(C) back with the caveat (b) (6), (b) (7)(C) possessions could be stored in a tent on her property. (b) (6), (b) (7)(C) stated she knew the exact location of the eagle talon, as well as two unidentified bird wings. (b) (6), (b) (7)(C) provided contact information for (b) (6), (b) (7)(C) attorney (b) (6), (b) (7)(C).

Communication with (b) (6), (b) (7)(C) Attorney

On September 07, 2019, SA (b) (6), (b) (7)(C) called (b) (6), (b) (7)(C) and outlined the potential violations if (b) (6), (b) (7)(C) was found to have unlawfully possessed and transported bald eagle parts. (b) (6), (b) (7)(C) stated he mainly represented (b) (6), (b) (7)(C) in the eviction and criminal cases, but was willing to speak with him regarding the wildlife products. SA (b) (6), (b) (7)(C) emailed (b) (6), (b) (7)(C) a Consent to Search Form and an

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Abandonment Form, as well as a link to the USFWS webpage with the laws pertaining to eagles and a list of questions for (b) (6), (b) (7)(C) (see Attachment 2, email to (b) (6), (b) (7)(C))

On September 28, 2019, after several attempts to meet (b) (6), (b) (7)(C) at the detention facility, (b) (6), (b) (7)(C) provided SA (b) (6), (b) (7)(C) with a signed Consent to Search and signed Abandonment Form (see Attachment 3, Consent and Abandonment). SA (b) (6), (b) (7)(C) requested that (b) (6), (b) (7)(C) mail the originals with signatures. [SA Note: SA (b) (6), (b) (7)(C) forgot to add her name and (b) (6), (b) (7)(C) address to the Consent Form prior to (b) (6), (b) (7)(C) signature, but he did provide consent from within the Kauai Community Correctional Facility with (b) (6), (b) (7)(C) as witness.] Over the course of several emails and phone calls, (b) (6), (b) (7)(C) told SA (b) (6), (b) (7)(C) the eagle talon was found as roadkill in Colorado and had been (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) purchased the two bird wings at a local garage sale several years ago but does not know the species. (b) (6), (b) (7)(C) does not claim Native American status with a Federally Recognized Tribe. (b) (6), (b) (7)(C) agreed to fully cooperate with USFWS on this matter.

Migratory Bird Parts Seized and Identified

On October 01, 2019, SA (b) (6), (b) (7)(C) met (b) (6), (b) (7)(C) at her property, (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) showed SA (b) (6), (b) (7)(C) to the bird parts inside the tent. SA (b) (6), (b) (7)(C) seized one (1) eagle talon, two (2) wedge-tailed shearwater (*Puffinus pacificus*) wings, two (2) barn owl (*Tyto alba*) talons, one (1) barn owl (*Tyto alba*) wing, and one (1) barn owl (*Tyto alba*) tail, and provided a Property Receipt to (b) (6), (b) (7)(C) (see Attachment 4, photos of bird parts). SA (b) (6), (b) (7)(C) identified the eagle talon as a golden eagle (*Aquila chrysaetos*), and a National Fish and Wildlife Forensics Laboratory morphologist made a provisional identification of sub-adult golden. Golden eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA), and all three species are listed under the Migratory Bird Treaty Act (MBTA), which requires a permit for the take, possession and transport of parts and products. (b) (6), (b) (7)(C) did not hold a permit and was, therefore, in violation of BGEPA, MBTA, and the Lacey Act for bringing the unlawfully possessed talon to Hawaii. Additionally, shearwaters are an indigenous species in Hawaii and their possession requires a permit under state law. SA (b) (6), (b) (7)(C) contacted District of Hawaii AUSA Marc Wallenstein about the logistics of issuing a Violation Notice to a currently incarcerated subject who would be unable to access a method of payment. AUSA Wallenstein advised that SA (b) (6), (b) (7)(C) could offer to waive a ticket if (b) (6), (b) (7)(C) was able to provide more information on the purchase of the shearwater wings.

On October 07, 2019, SA (b) (6), (b) (7)(C) emailed (b) (6), (b) (7)(C) to inform him of the results of the search, the species and violations of the items seized, and to ask for more details from (b) (6), (b) (7)(C) regarding from whom/where he acquired the shearwater wings and how he acquired or killed the barn owl. SA (b) (6), (b) (7)(C) provided an amended Abandonment Form to include the species not listed on the first one. (b) (6), (b) (7)(C) responded that he would try to speak with (b) (6), (b) (7)(C) by October 15th.

This document contains neither recommendations nor conclusions of the Office of Law Enforcement, U.S. Fish and Wildlife Service. It is the property of this office and is loaned to your agency. It, and its contents, are not to be distributed outside of your agency.

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DESCRIPTION OF SUBJECTS

(b) (6), (b) (7)(C)

DOB: (b) (6), (b) (7)(C)

SS#: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

PRIOR VIOLATIONS

LEMIS query and EPIC/NCIC background check returned negative results on 07/12/2019.

(b) (6), (b) (7)(C)

WITNESSES

Special Agent (b) (6), (b) (7)(C)
U.S. Fish and Wildlife Service
Office of Law Enforcement
3375 Koapaka St. Ste B-296
Honolulu, HI 96819

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@gmail.com

(b) (6), (b) (7)(C)

Attorney (b) (6), (b) (7)(C)

4357 Rice St Suite 101
Lihue, HI 96766

@richardsandzenger.com

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Title: (b) (6), (b) (7)(C)

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LAWS VIOLATED

On or about October 01, 2019, in the District of Hawaii, [REDACTED] violated the Bald and Golden Eagle Protection Act, Title 16 U.S.C. 668(a) by unlawfully possessing one (1) golden eagle talon (*Aquila chrysaetos*). To wit: [REDACTED] possessed a golden eagle talon without a permit. (Class A Misdemeanor; first conviction criminal penalty for individuals: \$100,000 fine, or imprisonment for not more than one year, or both.)

On or about October 01, 2019, in the District of Hawaii, [REDACTED] violated the Lacey Act, 16 U.S.C. 3372(a)(1) and 3373(d)(1)(2) by unlawfully possessing and transporting one (1) golden eagle talon (*Aquila chrysaetos*). To wit: [REDACTED] possessed a golden eagle talon in Colorado without an MBTA or BGEPA possession permit and subsequently transported it to Hawaii without a permit. (Class A Misdemeanor; criminal penalty for individuals: \$100,000 fine, or imprisonment for not more than one year, or both.)

On or about October 01, 2019, in the District of Hawaii, [REDACTED] violated the Migratory Bird Treaty Act, Title 16 U.S.C. 703(a) and 707(a), by unlawfully possessing (1) golden eagle talon (*Aquila chrysaetos*), two (2) wedge-tailed shearwater (*Puffinus pacificus*) wings, two (2) barn owl (*Tyto alba*) talons, one (1) barn owl wing, and one (1) barn owl tail. To wit: [REDACTED] possessed the eagle, shearwater and owl parts without an MBTA permit. (Class B Misdemeanor; criminal penalty for individuals: \$15,000 fine, or imprisonment for not more than six months, or both.)

On or about October 01, 2019, in the District of Hawaii, [REDACTED] violated Hawaii Administrative Rules Title 13 Chapter 124 Section 3(a)(1) and Section 8(a)(1), by unlawfully possessing an indigenous species. To wit: [REDACTED] possessed two (2) wedge-tailed shearwater (*Puffinus pacificus*) wings without a state permit. (Misdemeanor; first conviction criminal penalty for individuals: mandatory fine of not less than \$100, or imprisonment for not more than 30 days, or both.)

EVIDENCE

The following new evidence has been identified:

1. One (1) golden eagle talon - ST# 093152, Item #1.
2. One (1) barn owl wing, one (1) owl tail, two (2) owl talons - ST# 093152, Item #2.
3. Two (2) wedge-tailed shearwater wings - ST# 093152, Item #3.

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Photographs Created by Law Enforcement:

1. Eleven (11) digital images taken by SA [REDACTED] on 10/01/2019, are stored at the Honolulu OLE.

ATTACHMENTS

1. Copy of email from [REDACTED] dated 07/10/2019 (1 page).
2. Copy of Email from SA [REDACTED] to [REDACTED] dated 09/07/2019 (1 page).
3. Copy of Consent to Search Form 3-342 and copy of Abandonment Form 3-2096, signed 09/26/2019 (2 pages).
4. Copy of photographs of detained bird parts taken 10/01/2019 (4 pages).



(b) (6), (b) (7)(C) @fws.gov>

Re: [EXTERNAL] Eagle claw

(b) (6), (b) (7)(C) @fws.gov>
To: (b) (6), (b) (7)(C) @fws.gov>
Cc: (b) (6), (b) (7)(C) @fws.gov>

Thu, Jul 11, 2019 at 11:26 AM

Hi [REDACTED]

Yes. SA [REDACTED] will contact Ms.(?) [REDACTED] Thanks,

[REDACTED]

On Thu, Jul 11, 2019 at 11:19 AM PermitsR1MB, FW1 <permitsr1mb@fws.gov> wrote:

Hey [REDACTED]

Is this something that you guys might be able to help out with?

Thanks!

[REDACTED]

====

Migratory Bird Permit Office
Pacific Region - HI, ID, OR, & WA
503-872-2715
PermitsR1MB@fws.gov
<http://www.fws.gov/pacific/migratorybirds/permits/>

----- Forwarded message -----

(b) (6), (b) (7)(C) @gmail.com>
Date: Wed, Jul 10, 2019 at 6:48 AM
Subject: [EXTERNAL] Eagle claw
To: <PermitsR1MB@fws.gov>

I have in my possession a claw from an eagle, which belongs to [REDACTED] (b) (6), among other things. I want the right thing to happen and the police came this past Monday (7-8-19) but would not take it, saying it was not their jurisdiction. I am in touch with the prosecuting attorney and the detective on the case and am not sure how to proceed.

Plus I noticed a reward for aiding in surrender of this type of thing.
[REDACTED] (b) (6), (b) (7)(C) and [REDACTED] is my landline.

(b) (6), (b) (7)(C)

Resident Agent in Charge
U.S. Fish and Wildlife Service
Office of Law Enforcement
3375 Koapaka St, Suite B-296
Honolulu, HI 96819

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C) @fws.gov

Possession of eagle parts

(b) (6), (b) (7)(C) @fws.gov
To: (b) (6), (b) (7)(C) @richardsandzenger.com

Sat, Sep 7, 2019 at 5:45 PM

Mr. [REDACTED]

Thank you for speaking with me yesterday. This is in regards to wildlife products witnessed by several individuals in the barn, and to my understanding [REDACTED]. I've been told there are at least two unidentified wings and an eagle talon. Rather than copy all the statutes, regulations, permit requirements and penalties into this email, this webpage lists everything associated with bald eagles: <https://www.fws.gov/midwest/eagle/history/protections.html>

As you can see, the lawful acquisition, possession and transport require permits under the Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act and the Lacey Act. I'm wondering if Mr. [REDACTED] can show documentation that the parts were lawfully taken, received or purchased, transported from another state, and if he has a Native American Certificate from the Bureau of Indian Affairs, otherwise the parts are most likely in violation and will be seized. It is certainly a unique situation right now as I do not have the ability to speak with him directly and he may not have access to his possessions for quite some time. Thank you for taking on this additional issue. I understand you only represent him in the [REDACTED]? If there is another attorney I should reach out to as well please provide that contact info.

The smoothest way to move forward is for Mr. [REDACTED] to consent to a search of his items. The [REDACTED] Ms. (b) (6), (b) (7)(C) knows right where the wildlife is. Once we have identified the birds to species they will either be returned, or Mr. (b) (6), (b) (7)(C) can abandon or petition for them. I do not have a lawful way to search without a warrant if he does not provide consent, but as soon as he is released State or Federal Fish and Game Officers will have to again pursue this.

I've attached a Consent to Search Form if you are able to print and bring it along. There is little urgency in this matter but it will be easier to address now than if the goods are put in storage, auctioned or given to a family member. I am guessing they cannot stay where they are long-term.

Thank you again for your time and apologies for this lengthy email. I hope to hear from you soon.

(b) (6), (b) (7)(C)
Special Agent
U.S. Fish and Wildlife Service
Office of Law Enforcement
3375 Koapaka St, Suite B-296
Honolulu, HI 96819
[REDACTED]

Consent to Search.pdf
16K

Attachment: 2

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NAME

(b) (6), (b) (7)(C)

LOCATION

Kawa: Community Correctional Center

DATE

9/26/19

CONSENT

(b) (6), (b) (7)(C)

, the undersigned, having been informed of my constitutional right not to have a search made of the property, premises, or my person hereinafter mentioned without a search warrant and of my right to refuse to consent to such a search, hereby authorize _____, and _____, Special Agent(s) of the United States Fish and Wildlife Service, Department of the Interior, to conduct a complete search of _____ located at _____.

This written consent is being given by me to the above named Special Agent(s) voluntarily and without threats or promises of any kind.

(b) (6), (b) (7)(C)

(Signature)

(b) (6), (b) (7)(C)

WITNESSES



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
OFFICE OF LAW ENFORCEMENT

Fish and Wildlife
Abandonment Form

1. Date of Seizure 10/01/19	2. Region Pacific NW - R1	3. Place of Seizure Isle of Kauai, Hawaii	4. File No. INV- 2019104099
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5. Description of Fish or Wildlife Seized.

One (1) bald eagle (*Haliaeetus leucocephalus*) talon, assigned ST# 093152

Two (2) unidentified bird wings, assigned ST# 093152

_____ nothing follows _____

(b) (6), (b) (7)(C)

my company, have sole interest in this property and I have full authority to abandon that interest to the government.

There is another commercial entity which holds an interest in this property (examples of interests might include: liens or the purchase not consummated yet). I hereby abandon my interest in the property to the government, but _____ (name of individual or company) should be contacted about their interest. They can be contacted at: address: _____, by email at: _____ and by telephone at: _____.

6. The above-described property was seized based upon a violation of:

<input type="checkbox"/> Endangered Species Act, 16 USC 1538	<input checked="" type="checkbox"/> Bald and Golden Eagle Protection Act, 16 USC 668
<input checked="" type="checkbox"/> Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 16 USC 1538	<input checked="" type="checkbox"/> Migratory Bird Treaty Act, 16 USC 703
<input checked="" type="checkbox"/> Lacey Act Amendments of 1981, 16 USC 3372	<input type="checkbox"/> Wild Bird Conservation Act, 16 USC 4910
<input type="checkbox"/> Marine Mammal Protection Act, 16 USC 1371, 1372	<input type="checkbox"/> Rhinoceros and Tiger Conservation Act, 18 USC 5305a
<input type="checkbox"/> Airborne Hunting Act, 16 USC 742	<input type="checkbox"/> African Elephant Conservation Act, 16 USC 4223
	<input type="checkbox"/> Other - _____

7. Name of Owner(s) (b) (6), (b) (7)(C)	8. Address (b) (6), (b) (7)(C)
--	-----------------------------------

I (we) hereby abandon and quitclaim all of my(our) right, title and interest in and to the above-described property to the United States and waive any further rights or proceedings relative to this property other than my(our) right to file a petition for remission of this property as authorized at 50 CFR 12. I (we) understand that any such petition for remission must be filed prior to the disposal of the property by the Fish and Wildlife Service and not later than 60 days from date of seizure.

(b) (6), (b) (7)(C)	10. Date 9/26/19	11. Witness (FWS Officer)	12. Date
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SERVICE USE ONLY-CERTIFICATE OF DISPOSAL

13. Location	14. Date	15. Method of Disposal	16. Date
17. Signature and Badge Number of FWS Officer		18. Witness	



Attachment: 4

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Attachment: 4

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