

## **Environmental Crime Busters**

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San Francisco – After years of ignoring people caught damaging the environment in Northern California, federal prosecutors are cracking down on tree poachers, salmon snatchers, illegal trail cutters, oil dumpers and other polluters.

The U.S. attorney's office in San Francisco, responsible for enforcing federal law from the once-pristine redwood forests at the Oregon border to the protected waters of Monterey Bay, has gone from being the worst in the country for prosecuting environmental crimes to one of the best.

“There were some people who assumed that paying fines was part of the cost of doing business,” said Mike Gonzales, special agent in charge of the National Marine Fisheries Service law enforcement office in Long Beach. “But those same people don't want to go to jail.” The region is renowned for its ancient redwoods, glacier-carved lakes, fern-lined trails, granite mountains and rugged coastline. Those resources coexist with logging, fishing, recreation and shipping industries.

At times the two clash, but for more than a decade, there was minimal federal action taken against violators. That changed three years ago.

Since 1998, the office has steadily increased its environmental criminal caseload, filling more than three dozen last year, according to records obtained by Syracuse University's Transactional Records Access Clearinghouse.

From 1986 through 1997, only four cases were filed.

“The prosecution of environmental criminal cases has been a priority for this office since 1998 and will continue as long as I am the U.S. attorney, said U.S. Attorney David Shapiro in San Francisco.

### **New Commitment**

The result, say federal pollution police, is a cleaner, safer environment.

Cases brought by the Coast Guard against shipping companies last year are a case in point. One company was caught illegally transporting hazardous materials, another convicted of operating its ship with oil leaking into the ballast tanks, causing a serious risk of explosion, and a third firm pleaded guilty to six felonies and paid \$3 million in fines after it was caught leaking oil and lying about it.

The new commitment also has resulted in tough punishments for some Northern California residents.

Fishermen and hunters have been sent to federal prison for trying to fool authorities about their catch. Manufacturers have been forced to restore wetlands after trying to build over them.

And in September, Robert Bonner of Livermore was sentenced to three years' probation and a \$100,000 fine for allowing his metal-finishing company to violate the Clean Water Act by discharging contaminated wastewater into the sewer. By November, the company had filed for bankruptcy.

#### Bikers Busted

In August, three mountain bikers—Michael More, 47, of San Rafael, William McBride, 50, of Ross, and Neal Daskal, 46, of Oakland—were sentenced to three years' probation, a \$34,000 fine and hundreds of hours of community service for cutting an illegal trail through the Golden Gate National Recreation Area in Marin County. "I thought the charges were extremely trumped-up," said Marty Beckins, board member of the Marin Bicycle Trails Council. "Nobody has ever been tried for this before, and they were facing federal felony charges. I think the prosecutors must have been pressured by zealots."

#### Mueller Priority

The impetus to change in Northern California came in 1998, when Robert Mueller, who now heads the FBI, replaced the then-U.S. Attorney Michael Yamaguchi. At the time, the Associated Press published a story describing the lack of environmental prosecutions in Northern California. Mueller didn't dispute the data, but promised to improve.

Mueller told the AP then that one of his top priorities was to begin enforcing federal environmental crime laws. He brought in an environmental prosecutor and hired several other prosecutors with EPA and environmental law experience for his white collar crime team. He also told law enforcement agencies that his office would be more receptive.

Two years later, Mueller had doubled the number of criminal cases filed. The civil division, went from collecting just under \$7 million in damages in 1998 to \$208 million in 2000, a spokeswoman said.

Shapiro, Mueller's criminal chief before taking his place in September, said he's committed to continuing to take on environmental cases, despite pressures from all directions.

"While I am the U.S. attorney, environmental criminal cases will remain an important priority," he said. "Obviously, the office now has a very significant responsibility to devote resources to terrorism investigations and to continue our active prosecution of violent criminals and firearms violators.

"The white collar part of our portfolio—including environmental cases—will also continue unabated."

