

Written Testimony

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My name is Skip Wissinger. I recently retired from the National Park Service after 33 years as a National Park Ranger and a Criminal Investigator/Special Agent in Shenandoah National Park. Throughout my career much of my law enforcement efforts were specifically focused on the protection of the natural resources within our National Parks including the investigating of widespread poaching of wildlife and the commercialization of threatened species, such as the American Black bear and certain plant species. I have investigated or supervised the investigation of hundreds of cases involving the illegal taking or selling of wildlife, particularly from our NPS jurisdictions.

During the last 10 years of my career, I planned and supervised the federal side of several long-term interagency covert operations that specifically targeted the poaching of black bears and the commercialization of black bear parts in widespread domestic and international black markets.

These covert investigations extended for up to 3 years in length, involved operating a storefront as a platform to gather evidence, and, at times, utilized as many as 5 officers functioning covertly at the same time. All of the investigations, particularly the last, known as Operation VIPER (Virginia Interagency Effort to Protect Environmental Resources) provided a very clear picture of the nature and structure of the illegal black market trade in American Black bear and bear parts within the United States.

Operation VIPER utilized a storefront operation adjacent to SNP in a small community of Elkton, Va. While the store sold sporting goods on the surface, it quickly became well-known as a source to illegally purchase black bear, bear gall bladders and American ginseng roots. Over a three year period this investigation netted over 100 individuals with approximately 700+ violations of wildlife buying and/or selling type of crimes. Once this store front was accepted as a trusted source for these illegal products, we found business in the bear gall trade to be almost insatiable. There were many, many customers who would have purchased two or three times the quantity of bear parts that we offered, who wanted to come back for additional purchases more frequently than we permitted, and who often wanted discounted prices so they could make more profit themselves when reselling to others. So demanding was this market, that we frequently found ourselves limiting the volume of each sale in order to have enough products to sell to other interested buyers.

After 33 years of protecting wildlife, investigating wildlife crimes and experiencing first hand the size and breadth of the black market trade in black bears in the US, I can share the following observations which would also be echoed by many of my comrades from other agencies in the wildlife protection business.

-The cultural, ecological and economic value of a healthy black bear population demonstrates the true national treasure that bears represent to all of us. The experience of a hunter legally bagging a black bear or the sheer excitement of a family visiting one of our National Parks and witnessing bears in their natural habitat are just two examples of the importance of careful stewardship of this wildlife treasure for today as well as future generations.

- The black market trade in bears has substantially grown in the U.S. in the past two decades. What was once believed to be mainly an international market is now primarily a domestic market here in the U.S. This newly expanded illegal bear market clearly creates challenges for those entrusted with protecting the wild bear population throughout the country. With this in mind, relatively simple but comprehensive legislation (targeted specifically toward the illegal trade of bear parts) would provide effective and consistent enforcement by agencies throughout the U.S.

-The illegality of the trafficking in protected species is well-known by both domestic and international buyers. Traffickers have little fear of getting caught. There is a common belief that the American judicial system will not be very hard on you, particularly for first time offenders, and that any fines imposed are simply a cost of doing business. The largest fear these buyers have is actually a concern about the authenticity of the product, not of getting caught. Again buyers perceive that most defendants prosecuted in state and federal courts will not be incarcerated for even short periods and will only be required to pay a fine.

-The black market buyers are not concerned about the impact they have on our domestic wildlife populations, however, they are very aware of the scarcity of the same products in their native country. They see our bears in the U.S. as vastly less expensive and more readily available than their own seriously depleted populations. About 1/3 of our buyers were not just consumers themselves - but were also acting as middlemen to resell bear products for profit purposes.

-The majority of time spent by our dedicated conservation officers throughout the country is devoted toward policing hunter behavior and protecting land-owner rights and property. Unfortunately little time, manpower or money is invested in investigating wildlife trafficking crimes.

- I feel very privileged for the NPS to have been able to partner with other agencies such as the Va. Dept. of Game and Inland Fisheries in numerous interagency investigations. From an operational standpoint, it is critical that LE agencies be free to conduct investigations, either together or at times independently, without jurisdictional, authority or regulatory limitations and be nimble, timely and flexible enough to react to situations as they arise. Any legislation that limits conservation officers' ability to quickly pursue an investigation will hinder the success of that operation.

- I would also point out that federal prosecution of eligible trafficking cases can be severely limited due to the small number of laboratories available, capable and willing to perform "species specific" forensic analysis. This **scarcity** of forensic support weakens prosecutorial evidence and often allows felonious conduct to result in lesser misdemeanor convictions and reduced sentences.

- I understand that in previous versions of the bill, HR3029, there was a prohibition not only in the trafficking in bear viscera, but also in the trafficking of products labeled, advertised, or said to contain bear viscera. The intent of illegal traffickers should be prosecutable as well as the actual act. If an illegal sale is represented as a black bear gall bladder by the seller, then the seller should be prosecuted of selling the same, and the buyer of purchasing the same, whether or not the gall bladder in question is forensically proven to be black bear. This small legislative point is essential and could also eliminate the requirement for exhaustive field sampling and subsequent forensic testing, as similar statutory measures have assisted prosecutions within the illegal drug trade.