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Protecting the Commons

Part Two in a
Three Part Series
about Wildlife Law
Enforcement

Vigorous enforcement of natural resource laws by well-trained, equipped, and dedicated officers is vital to protecting the world's biological integrity.

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Less evident are the crimes where wildlife is unlawfully taken to supply the black market with meat, furs, exotic pets, traditional medicines (ie; bear gall bladders, tiger bones), caviar, apparel (watch bands, reptile boots, shahtoosh shawls), and decorative items.

After over 10 years in state wildlife law enforcement, I changed to federal wildlife enforcement, and my eyes were opened. Although theoretically I knew there was a diverse and thriving black market in wildlife, when I saw the scope of the problem, I was astounded. The black market in wildlife is very lucrative, the risk of being caught is lower, and the penalties are less severe than for crimes related to trafficking in arms or drugs.

Sadly, many view wildlife crimes as victimless and are reluctant to come forward with information about resource crimes. I'm not a criminologist, but 18 years in wildlife law enforcement has taught me the motivations for wildlife crime are varied. Ego and greed are the main motivations for most resource crime. High-profile crimes such as poaching for ivory, rhino horns, and trophy antlers are what most people are familiar with. Less evident are the crimes where wildlife is unlawfully taken to supply the black market with meat, furs, exotic pets, traditional medicines (ie; bear gall bladders, tiger bones), caviar, apparel (watch bands, reptile boots, shahtoosh shawls), and decorative items. It is widely accepted by enforcement personnel that only a small percentage of wildlife crime is detected, yet the Fish and Wildlife Service (FWS) seizes over \$10 million of unlawfully trafficked wildlife every year.



ABOVE: Fish and Wildlife Service law enforcement officer showing illegal wildlife trade items confiscated at ports. **LEFT:** U.S. Fish and Wildlife employee checking fishermen's licenses.

The World Wildlife Federation estimates the global wildlife trade (including live animals, dead animals, fish, plants, and invertebrates) is a multi-billion dollar industry. Some segments of the trade are illegal, unreported, and/or unmanaged. These are also unsustainable in many cases, and are driving species towards extinction or extirpation.

The first federal wildlife protection law, the Lacey Act, was passed in 1900. Enforcement responsibility for that law was assigned to the Division of Biological Survey of the U.S. Department of Agriculture. In 1934, a Division of Game Management was created in the Bureau of Biological Survey within the Department of Agriculture, replacing what was previously the Division of Biological Survey. During 1939 and 1940, the Bureau of Biological Survey and the Bureau of Fisheries (Department of Commerce) were transferred and combined within the Department of Interior to form the Fish and Wildlife Service. Several internal reorganizations resulted in the 1972 creation of the Division of Law Enforcement. The current structure was established between 1997 and 2000, when the Division of Law Enforcement was moved from the refuge system to report to the FWS director, and the name was changed from division to office. The Office of Law Enforcement is currently led by an assistant director-level position called the chief.

The FWS, an agency of the U.S. Department of Interior, is the primary wildlife enforcement agency of the federal government. Other agencies such as the Forest Service (USFS), Bureau of Land Management (BLM), National Park Service

(NPS), National Oceanic and Atmospheric Administration (NOAA), and Department of Defense have conservation enforcement responsibilities as well. In all these agencies, except for the FWS and the NOAA, the regulations they enforce are associated with lands and waters they administer. The FWS does have regulations associated with its administered lands and waters, but beyond that, the FWS focuses on international wildlife trafficking, unlawful commercial exploitation of native species, environmental contamination and habitat destruction.

In addition to enforcing laws, the

also worked extensively with petroleum producers to reduce impacts on wildlife from their operations. When outreach fails and voluntary compliance doesn't happen, investigations are initiated, often resulting in high fines.

Today, FWS officers are assigned to either the Office of Law Enforcement or the National Wildlife Refuge System. The Office of Law Enforcement is composed of special agents and wildlife inspectors. Special agents are stationed throughout the country and its territories and operate in plain clothes and undercover. The service's approximately 200 special agents focus on unraveling and dismantling networks that unlawfully commercialize wildlife around the globe. Special agents also work to protect trust species from industrial and commercial threats. The roughly 120 wildlife inspectors are uniformed import/export officers assigned to one of approximately 37 ports of entry, including airports, border ports, and shipping ports. Inspectors are tasked with preventing wildlife from entering or leaving the country illegally and facilitating the lawful trade in wildlife. In 2007, inspectors monitored 187,670

shipments worth approximately \$2.8 billion. There are approximately 400 uniformed refuge officers who are assigned to enforce resource and public safety laws on one or a complex of the nation's 548 refuges. Although it appears FWS law enforcement is fragmented, in reality, all three types of officers have overlapping responsibilities and frequently work together.

The Office of Law Enforcement also has specialized units including a forensics laboratory (see the next issue of *Fair Chase*),

One observation I've made about conservation officers from different agencies is their belief they are part of the "thin green line." They feel it is their duty to ensure the presence of healthy ecosystems, including thriving populations of game and non-game species for future generations.

FWS conducts outreach to industry and trade groups to promote conservation and obtain voluntary compliance with wildlife laws. For example, the FWS has engaged electric utility companies in an effort to reduce avian mortality (electrocution and wire strikes) associated with transmission lines. The result has been the industry taking ownership of the issue, recognizing problem locations and structures, retrofitting, and self reporting mortalities to the FWS. The Fish and Wildlife Service has

LEFT: USFWS inspection of Quaker Parakeet shipment from Uruguay ■ RIGHT: Rick Lemon speaking to African visitors during the Congo Basin Meeting held at the National Conservation Training Center in West Virginia.





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intelligence, technical, special operations, and training which contribute to the service's enforcement capabilities. All of the service's specialized units are relatively small, but the size of the units is offset by equipping experts in each discipline with cutting-edge equipment. These specialized units play a tremendous role in supporting investigations, except for the special operations unit which actually conducts long-term covert investigations. The service also employs special-agent and refuge-officer pilots who operate a variety of aircraft for investigations and resource protection projects. No longer is sophisticated wildlife law enforcement defined by a good pair of binoculars. Today's investigations increasingly include electronic surveillance, subpoenas, ballistics, genetics, morphology, link analysis, financial analysis, computer imaging, and many other forensic specialties. Although science and technology are critical to successful investigations, special agents still use field crafts and interviewing skills in most investigations. Service biologists often contribute to investigations by offering expert opinions and testimony on a variety of subjects.

I was first introduced to Fish and Wildlife agents while working as a state warden. Agents would appear for waterfowl and dove seasons, special projects or search warrants, then disappear. Occasionally, while checking duck hunters I would bump into FWS agents prowling the marshes. Even though I had some experience with federal wildlife agents, I never really knew what they did until I became one. I felt, as many other state officers did, that the "feds" didn't do much. I later learned they do a lot; the majority of the public just isn't privy to most of their responsibilities. Service agents and inspectors worked on over 12,000 cases during 2007.

The Lacey Act of 1900 originally focused on problems such as the introduction of harmful exotic avian species, the growing scarcity of many domestic birds, international trade in feathers, and interstate commerce in illegally taken wildlife. It has undergone several revisions over time, and has become the service's primary tool with which to combat the illegal wildlife business. The most widely used sections of the Lacey Act are those which prohibit interstate and international transportation, purchase, sale and acquisition of unlawfully taken wildlife. Also frequently enforced are sections of the Lacey Act prohibiting the creation of false records and false labeling of wildlife in interstate and international commerce.

Recognizing that most birds cross political boundaries, the U.S. entered into a series of treaties—beginning in 1916 with Canada, followed by Mexico, Japan, and Russia—which became the Migratory Bird Treaty Act. More than any other law, the Migratory Bird Treaty Act defined the mission of U.S. Fish and Wildlife Service special agents for much of the twentieth century. Although agents have a more expansive mission now, the agent force retains a strong historical association with waterfowl enforcement.

Following the Migratory Bird Treaty Act, new laws were passed to protect additional species. Bald eagles were afforded more protection in 1940. Golden eagles were given the same protection in 1962 in the Bald and Golden Eagle Protection Act. The 1973 passage of the Endangered Species Act (ESA) began a new era in federal wildlife enforcement. U.S. Fish and Wildlife officers known as "game agents" were renamed "special agents" and the agency pursued wildlife protection in new ways. The ESA officially recognized that "fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational, and scientific value to the nation and its people." Habitats of importance to listed species as threatened or endangered were afforded new levels of protection.

The ESA accounts for roughly half of all investigations the service is involved in during any year. In the 2007 annual report, the Office of Law Enforcement reported working on over 6,000 ESA cases. The ESA is a controversial law; urban myths have developed in which the "feds" swoop in and take away landowner rights. The reality is that when a threatened or endangered species does occur on private lands, the government is required to work with landowners to protect habitats important to the species, and prevent threatened and endangered species from being taken.

The Lacey Act and Migratory Bird Treaty Act are distant second and third for case volume. The balance of investigations are a combination of the Marine Mammal Protection Act, the Bald and Golden Eagle Protection Act, Wild Bird Conservation Act, Airborne Hunting Act, Rhinoceros and Tiger Protection Act, African Elephant Conservation Act, Subsistence Hunting and Fishing Regulations for Alaska Public Lands, the Archeological Resources Protection Act, the National Wildlife Refuge System Administration Act, and several other federal laws.

Wildlife criminals don't limit their crimes to just one jurisdiction, so officers from multiple agencies must work together

to interrupt and hopefully end their destructive behavior. Because there are relatively few FWS officers, they rely heavily on partner agencies to provide subject matter expertise and information. Federal, state, and tribal agencies share intelligence and cooperate on joint investigations. Nationwide, state and tribal officers are the most important partners of FWS officers because they are more familiar with the people, wildlife, and geography of their districts.

Service agents, in turn, provide assistance and training to those agencies. Frequently, service officers are able to assist the states by contacting suspects or witnesses who have left state jurisdiction. In fact, the cooperation between the service and its state counterparts goes as far as cross-deputization. Most service agents and refuge officers are commissioned by the states where they are stationed to enforce state wildlife laws. In some locations around the country, state officers are also deputized by the service to enforce federal wildlife laws.

Service officers also work with many other federal agencies as members of terrorism task forces, marijuana eradication teams, SWAT teams, U.S. Marshal's Service fugitive task forces, and border protection teams. Inspectors and agents frequently work with U.S. Customs officers at borders, airports and shipping ports. Refuge officers work extensively with the local police and sheriff's departments. Post 9/11, many service officers served as air marshals for extended periods of time. Fish and Wildlife Service officers concentrate on resource enforcement, but are always mindful they are first and foremost officers of the United States and readily accept tasks beyond their normal bailiwick.

In an effort to disrupt international wildlife trafficking, the FWS provides training to foreign law enforcement officers. Agents, inspectors, and refuge officers have participated in training missions in Africa, South America, the Caribbean, Russia, Mongolia, and Southeast Asia. The training, usually a two-week course, is often the first training the foreign officers have ever had in resource investigations. The service has recently stationed a special agent in Thailand to support training missions and develop working relationships with resource enforcement agencies throughout Southeast Asia. Southeast Asia is a source, transshipping location, and destination for a significant volume of the world's unlawful wildlife trade.

Several years ago, I was fortunate to be selected to participate in a training mission in Indonesia. A fellow agent, employees

of a non-government organization, and myself presented training on investigating wildlife crimes to members of Indonesian customs, police, and forestry agencies. Countries such as Indonesia have booming wildlife trades and are just beginning to place emphasis on resource enforcement. When not teaching, we were able to visit several wildlife markets. The range of species for sale was astonishing. A large number of species, which were illegal to trade, were being openly sold in the markets. There were leopard cat kittens, monkeys, palm civets, cobras, and hundreds of Asiatic bird species for sale. The most surprising thing I saw was a fish tank containing piranhas from South America and baby green sea turtles. Species from all the continents except Antarctica were easily observed in the vendor's stalls.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, called CITES, was agreed upon and entered into in 1975 by 80 countries. Today, 175 countries have joined the convention and have agreed to follow certain procedures with regard to the importation and exportation of species listed in CITES. The countries voluntarily join CITES, obligating them to enact domestic legislation to implement the conventions procedures. CITES species are segregated into Appendix I, II, and III. Appendix I has the most restrictive trade regulations while III has the least restrictive trade regulations. Many commonly hunted species, such as black bear and mountain lion are CITES-listed species. To date, approximately 30,000 different species of wildlife and plants are afforded some level of protection from over-exploitation by CITES.

International hunters and travelers often inadvertently violate provisions of CITES when returning home with trophies and curios. International travelers and hunters should review information regarding the import and export of wildlife (purchased items, trophies, etc...) prior to embarking on their trip. Failure to be aware of the regulations can result in the loss of expensive items and fines. CITES and the Fish and Wildlife Service have good Web sites with information for international travelers and hunters.

When I was a young game ranger, the senior officers I admired were cast in the mold of the "old school" game wardens. They focused on enforcement of hunting and fishing regulations. Traditionally, wardens concentrated on game species because their agencies were funded by license revenue. During my career, I have seen the work and the officers evolving. The Endangered

Species Act spawned a relatively new focus on non-game species, greatly influencing game and habitat management. One observation I've made about conservation officers from different agencies is their belief they are part of the "thin green line." They feel it is their duty to ensure the presence of healthy ecosystems, including thriving populations of game and non-game species for future generations. Cliché, perhaps, but it's how wardens think. They have to believe in the mission; otherwise, the generally low pay, time away from family, early mornings, late nights, and personal risk might not be tolerable. Most wildlife officers I know will tell you they have the best job in the world. I can't even count the times I've heard co-workers (myself included) say, "I can't believe we get paid for this."

During a recent conference, I was lucky enough to hear Walter Hickel, two-time governor of Alaska and former secretary of the Interior, speak about the evolution of resource management and land ownership patterns in Alaska. Governor Hickel spoke about "protecting the commons" and asked the question, "How do we protect the commons while harvesting the richness?" I don't know the whole answer, but I can tell you vigorous enforcement of natural resource laws by well-trained, equipped, and dedicated officers is vital to "protecting the commons." U.S. Fish and Wildlife special agents, wildlife inspectors, refuge officers, forensic scientists, intelligence analysts, and support staff are acknowledged as world leaders in wildlife enforcement. They take their profession very seriously and are proud of their contribution to protect the world's biological integrity. ■

ABOUT THE AUTHOR

David Rippeto has a B.S. in Wildlife Management from the University of Vermont. He was formerly employed by the Arizona Game and Fish Department and the Alaska State Troopers as a wildlife enforcement officer. He is currently a Special Agent/Pilot for the U.S. Fish and Wildlife Service in Alaska.



Photos from David's trip to Indonesia. Species that are illegal to trade are being openly sold in the markets. TOP: Jewelry made from rare birds feathers. MIDDLE: An illegally obtained leopard kitten. BOTTOM: A fish tank with piranhas and baby green sea turtles.