

**Statement of
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Southern Region
Forest Service
U.S. Department of Agriculture
Before the
Committee on Oversight and Government Reform
Government Operations Subcommittee
United States House of Representatives
06/19/2015
Concerning
“Operation Something Bruin,” a joint law enforcement investigation focused on poaching
and other wildlife-related crimes in North Carolina and Georgia.**

Mr. Chairman and members of the Committee, my name is Tony Tooke and I am the Regional Forester for the Southern Region of the U.S. Department of Agriculture (USDA) Forest Service. Thank you for the opportunity to present the views of the Forest Service regarding the agency’s involvement in Operation Something Bruin.

Conservation Mission

The Forest Service manages national forests and national grasslands in 42 states and Puerto Rico with the mission *“to sustain the health, diversity and productivity of the Nation’s forests and grasslands to meet the needs of present and future generations”*. The lands that make up the National Forest System are some of the most beautiful lands in the world, which provide high quality wildlife habitat, diverse wildlife and fish populations, forest products and unsurpassed recreation opportunities. The conservation mission of the Forest Service is recognized world-wide.

The Forest Service manages 2,116,148 acres of public land in North Carolina and Georgia. The geographic locations and public accessibility of these lands require intensive management techniques to protect a variety of resources and provide for a variety of public uses.

In service to the agency’s multiple and sustainable use management practices, the Forest Service Law Enforcement and Investigations (LEI) unit provides support to the managers of these lands by enforcing and investigating violations of federal laws, rules and regulations impacting that management. In the expanse of North Carolina and Georgia forests, there are just two special agents and approximately 18 uniformed officers providing this support. Duties include investigating a wide variety of crimes including, but not limited to, damage to resources, wild land arson, illegal drug manufacturing, timber theft, property crimes, archeological resource protection crimes and illegal uses of lands without proper permits. Because of the size and scope of this responsibility, Forest Service LEI routinely works collaboratively with all Federal, State and local agencies to facilitate common objectives. This includes the protection of wildlife on national forest system lands, as well as, health and safety of the public. The Forest Service is committed to doing its part to ensure that we have sustainable populations of wildlife for

generations to come. Similarly, to maintain the health and safety of the forest visitors, these professionals also remove the threats presented by illegal outfitter and guiding operations.

History of Operation Something Bruin

Operation Something Bruin was a joint law enforcement operation, conducted primarily in North Carolina and Georgia, involving the U.S. Forest Service, the U.S. Fish and Wildlife Service, the North Carolina Wildlife Resources Commission, the Georgia Department of Natural Resources and the National Park Service.

During 2008 and 2009, the Forest Service began seeing a trend of illegal activities associated with the use of National Forest System lands. Reported violations from the public and other agencies indicated increased activities of illegal baiting, illegal taking of black bear, and illegal commercial outfitting of hunting services. The reported violations were occurring on Federal, State and private lands and crossed multiple jurisdictions. The complex jurisdictional issues in conjunction with limited investigative resources and officer safety concerns led the Forest Service to initially contact, and then further coordinate with the other impacted agencies. The purpose was to combine intelligence as well as plan a potential covert operation to surface the violations within the respective jurisdictions. These efforts led to the formulation of Operation Something Bruin.

U.S. Forest Service participation in this operation focused primarily on initial violations ranging from resource damage, sanitation violations, illegal motor vehicle use, and operating a commercial activity on National Forest System lands without permits. While investigating these initial violations, other wildlife crimes such as the baiting of black bear, unlawful possession of black bear, unlawful transportation of black bear, commercial sale of black bear parts, taking black bear during closed season, failure to register black bear harvests and various Federal Lacey Act violations were also uncovered.

From 2009 thru 2013, the operation was jointly managed by each respective agency, while each agency retained supervision and oversight of their assigned resources. Each agency respected the shared jurisdiction and respective roles among Federal and State partners. Interagency operational goals were established for Operation Something Bruin as follows: (1) deter illegal activities over a long period of time, (2) educate the public to reduce poaching, (3) garner the support of the hunting community, and (4) reinforce the value and protection of wildlife resources. Since no single agency had the financial resources or capacity to safely and independently manage a cross-jurisdictional operation, each agency agreed to be fiscally responsible for its involvement. It was also determined that in today's world of communication and technology, traditional uniformed "patrol" could not be successful in surfacing these types of targeted violations. As a result, a decision was made to use undercover agents.

One important aspect in the planning and preparation for this undercover operation was the joint decision by all agencies (including the Department of Justice) that if an agent was put in a position that would otherwise expose his cover, the taking of non-endangered game was authorized. This occurred twice during the course of the four-year operation.

Information was obtained over the course of the operation on a wide variety of crimes both on and off National Forest System lands. The Forest Service ultimately gained documentation to present for federal prosecution violations that directly impacted the National Forest System. The Forest Service presented information and evidence on twenty-four (24) individuals to the local U.S. Attorney's Office(s) for prosecutorial review. The 24 individuals were collectively responsible for 240 violations impacting the management of National Forest System lands. Many of the violations were repeat offenses that took place over the investigative time period on various dates.

Judicial Outcome

Eighteen (18) of the 24 individuals that the Forest Service special agent presented to U.S. Attorney's Office(s) for prosecutorial review were convicted on a variety of Federal charges. Sixteen (16) of those individuals have been sentenced and two (2) have pending sentencing dates. The individuals were convicted of a variety of Federal crimes including:

- Operating a commercial activity on National Forest lands without permits (9 individuals were involved and charged in this activity).
- Illegal placement of bait on National Forest with intent to hunt bear.
- Illegally hunting bear, including at night, on National Forest System land.
- Illegally hunting deer on National Forest System lands.
- Gaining illegal motorized access to National Forest System lands by use and possession of a government key.

Of the other six individuals presented for review, two (2) were initially charged and the cases were dismissed as part of plea agreements associated with other Federal cases. Four (4) of the individuals were ultimately not charged after DOJ review.

Following the operation, several defendants began filing motions claiming that the Forest Service did not have legal jurisdiction over some of the charges on national forest lands. The federal court ruled in favor of the government and denied these motions. Several defendants also requested dismissal based on claims of "outrageous government conduct" and entrapment. The court rejected the defendant's outrageous conduct motions, and allowed the jury to consider the entrapment defense. The jury acquitted on one count but convicted on another.

The Forest Service spent a total of \$70,352.23 related to Operation Something Bruin over a five-year period and all funds utilized were within normal allocations for Forest Service law enforcement. This total amount included \$43,930.44 for vehicle-related expenses, equipment, supplies and purchase of information. An additional \$26,421.79 was spent for officer travel and associated expenditures to safely execute search warrants and support the cooperating agencies.

To conclude, I would emphasize again that the protection of wildlife on national forest system lands is a shared responsibility. The Forest Service is committed to doing its part to ensure that we have sustainable populations of wildlife for the public to enjoy for generations to come. Only by enforcing the rule of law can we protect these treasured resources and public lands. Mr. Chairman and members of the Committee, this concludes my testimony. I am happy to answer any questions that you may have.



Tony Tooke

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Tony Tooke is the Regional Forester for the Southern Region of the USDA Forest Service, based in Atlanta, GA. Tooke has worked for the Forest Service since age 18, including many assignments in Region 8 and the Washington Office (WO).

He is responsible for more than 2000 employees, an annual budget exceeding \$400 million, 14 national forests, and two managed areas, which encompass more than 13.3 million acres in 13 states and Puerto Rico.

His previous position in Washington, DC was Associate Deputy Chief for the National Forest System; with oversight of Lands and Realty, Minerals and Geology, Ecosystem Management Coordination, Wilderness and Wild and Scenic Rivers, the National Partnership Office, and Business Administration and Support Services. Since June of 2014 he served as Acting Chief of Staff.

As Associate Deputy Chief, Tooke was the Forest Service Executive Lead for Environmental Justice; Farm Bill implementation; and implementation of the Inventory, Monitoring, and Assessment Improvement Strategy. Other priorities included implementation of a new planning rule for the National Forest System as well as improving NEPA implementation to accomplish increased ecological restoration work across the NFS.

Also in the WO, Tooke served as Director for Ecosystem Management Coordination, Deputy Director for Economic Recovery, and Assistant Director for Forest Management. He helped oversee implementation of the American Recovery and Reinvestment Act (ARRA) and direct national efforts on reforestation, program integration, ecosystem services, forest restoration, and climate change.

Prior to 2006, Tooke served as Deputy Forest Supervisor for the National Forests in Florida as well as District Ranger assignments at the Talladega NF in Alabama, the Oconee NF in Georgia, and the DeSoto NF in Mississippi. His other field assignments were Timber Management Assistant, Other Resource Assistant, Silviculturist, and Forester on six Ranger Districts in Mississippi and Kentucky.

Tooke grew up on a small farm in Detroit, AL. He earned a bachelor's degree in Forestry from Mississippi State University. He was in the Forest Service's inaugural class of the Senior Leadership Program, and he has completed the Senior Executive Service Candidate Development Program.