

Testimony of Chris J. Schoppmeyer, Federal Law Enforcement Officers Vice President for Agency Affairs before the 114th Congress, Committee on Natural Resources, Subcommittee on Oversight and Investigations, Tuesday, July 28, 2015 at 10:30 am in Room 1324 of the Longworth House Office Building.

Chairman Gohmert, Ranking Member Dingell and Members of the subcommittee on Oversight and Investigations, good morning and thank you for the opportunity to provide you testimony relative to this hearing.

My name is Chris Schoppmeyer and I am the Federal Law Enforcement Officers Association, Vice President for Agency Affairs. I have served in this position as a National Officer for seven and a half years. During my tenure I created the FLEOA Environmental & Natural Resources Working Group composed of all the Land Management agencies in the Department of Interior, as well as the Environmental Protection Agency and NOAA Fisheries Service, and the U.S. Forest Service within the Department of Agriculture. This Working Group was created to address agency and legislative issues specific to non-traditional law enforcement.

I mandatorily retired at age 57 in February of 2014, after having served for 33 ½ years in federal fisheries & wildlife law enforcement with both the US Fish & Wildlife Service and NOAA Fisheries Service. I also served in local government of 25 years as Conservation Commissioner and then Chairman of the Forensic Oversight Committee for the town of Newmarket, New Hampshire, which provides me with decades of experience in local government conservation issues. I understand and can talk about federal land use and law enforcement issues from both the federal and local government perspectives.

Concerning my testimony, I am going to address several points that directly and adversely effect our members from the US Forest Service, Bureau of Land Management, US Fish & Wildlife Service, National Park Service and the Environmental Protection Agency.

The first issue I will address is the use of Off High Recreational Vehicles (OHRV) on our National Forests and other public lands. The use of OHRV's has sky rocketed in recent years to include

the seasonal use of snowmobiles. This increase has been documented on both state, county and local lands as well as private lands. In many states you must attend and successfully pass a mandatory OHRV course before you can legally operate an OHRV on any lands. OHRV's provide access to environmentally sensitive areas and designated wilderness tracts that are set aside to protect species of flora and fauna that are in decline or at risk of becoming imperiled or extinct.

As a regular method employed to ensure the safety of all public land participants, the use of checkpoints applies to all OHRV users, regardless of their being permitted or not. The fact is that the use of a checkpoint is not limited to just the permit, it involves checking for the proper safety equipment, awareness of regulations specific to the area and safe operation of the OHRV for the protection of the rider and the public in the area. This could include detecting individuals who maybe operating an OHRV or snowmobile under the influence of alcohol or narcotics.

Expansion of OHRVs on National Forests and other public lands presents other problems for the scarce number of Forest Service Officers, whose uniformed officer numbers have been decreased from 750 FTE's to less than 450 officers, according to senior managers at the Forest Service LE & I.

The cultivation of marijuana groves in remote locations by Drug Trafficking Organizations (DTO) namely the Mexican Cartel and other elements of organized crime has increased significantly over the past decade, with evidence of marijuana groves being discovered as far north as the Upper Peninsula in Michigan. OHRVs provide easier access to these remote locations and present detection problems for the Forest Service as well as the Border Patrol and Customs & Border Protection agents. Many times these DTO's are heavily armed and can present not only a danger to law enforcement but also the unsuspecting public who could be recreating in the area.

The expanded use of OHRVs is already negatively affecting both public and private lands. I will cite my home state of New Hampshire where OHRV regulations are principally enforced by the Conservation Officers of the New Hampshire Fish & Game Department. Despite the requirement for successful completion of the mandatory OHRV course, the number of OHRV

fatalities has steadily increased. In some areas of the state, Conservation Officers spend over 50% of their time enforcing OHRV regulations at the detriment of fish and wildlife protection.

There is no reason to believe that these problems would not be the same on Forest Service and other national lands.

With the scarce funds available for the Forest & National Park Service's legislatively mandated law enforcement programs, both agencies struggle to accommodate the public's needs while protecting the natural resources they are entrusted with. Congress needs to look at better funding the land management agencies so they can effectively manage their programs while protecting the visiting public and the natural resources for everyone to enjoy.

On another issue entirely, there are some who question the Forest Service and other land management agencies exceeding their authority, and question the need for appropriate arms and equipment. This same argument was fought in the Congress before through the Fear of Over-Criminalization and Unjust Seizures legislation, also known as the FOCUS Act. Embedded in the legislation was an attempt to disarm the two agencies that principally enforce the Lacey Act, that being the US Fish & Wildlife & NOAA Fisheries Service's Offices of Law Enforcement. On behalf of FLEOA's FWS and NOAA members, we introduced documents in the Congressional Record justifying the need for these agents being armed. This critical truth remains. Removing criminal law from public land regulation enforcement will cripple the good guys in the fight to keep visitors safe, and our greatest national treasures accessible to all.

In 1984, the US Fish & Wildlife Service, Law Enforcement Division sanctioned and published a study on the Assault Rate on Conservation Law Enforcement Officers in the United States. The study was supported by the Federal Bureau of Investigation as part of their Uniformed Crimes Statistics Program and completed under the direction of then Fish & Wildlife Chief of Law Enforcement Clark Bavin. Since then the study has been updated several times with the National Park Service annually publishing assault rates on their Law Enforcement Park Rangers.

Non- traditional law enforcement officers in the state and federal government were nine times more likely to be assaulted with a dangerous weapon than traditional police officers, who focus

primarily is on the enforcement of laws and regulations involving the protection of life and property.

The study suggested that the assault rate could be tied to state and federal non-traditional law enforcement officers having contact with recreational hunters and commercial and recreational fishers who possess firearms and edged tools and knives. This is complicated by other factors including felons in possession of a firearm while hunting, people homesteading in remote locations on national lands and DTO on public lands and the high seas.

In federal law enforcement, the National Park Service Law Enforcement Rangers continue to have one of the highest assault rates amongst the 65 federal law enforcement agencies represented by FLEOA.

These statistics in part lead to increased specialized training for non-traditional law enforcement agencies who have to play a dual role when interacting with the recreating public. They must be ambassadors who are expected to always be friendly and courteous while maintaining a professional image and demeanor.

Many times news account paint non-traditional law enforcement officers as being over dressed and armed with heavy weaponry while executing arrests or search warrants. It is a reality in today's society that ALL law enforcement officers receive standardized training in areas such as the use of firearms and defensive training. Standardized training is also cost effective as many federal law enforcement agencies don't have the manpower or material resources to carry out their missions.

There are instances in high-risk situations where non-traditional law enforcement officers may carry automatic weapons and employ other specialized tools that they normally would not carry in the performance of their duties. This also includes the wearing of agency issued raid jackets and clothing for identification purposes and officer safety concerns. This is not only done for liability reasons but for when agencies create task forces or conduct inter-agency operations. Sharing of assets is essential to the efficiency and effectiveness of many smaller federal law enforcement agencies.

Two examples of how dangerous non-traditional law enforcement can be are:

On March 12, 2014, Forest Service Officer Jason Crisp and his K-9 Maros were ambushed and killed by a double murder suspect hiding in the Pisgah National Forest in Burke County, North Carolina. Officer Crisp had served with the United States Forest Service for 16 years. He is survived by his wife and two children, his parents, sister, and two brothers.

Read more about Officer Crisp and Maros at: <http://www.odmp.org/officer/22038-officer-jason-m-crisp#ixzz3gr1pKDSy>

On January 1, 2012, National Park Service Park Law Enforcement Ranger Margaret Anderson was shot and killed while attempting to stop a fleeing suspect near the Longmire Ranger Station in Mount Rainier National Park, in Pierce County, Washington.

Another park ranger had attempted to stop the suspect at a snow-chain checkpoint near the Paradise Ranger Station, but the suspect fled before being intercepted by Ranger Anderson, who had set up a roadblock. Unbeknownst to Ranger Anderson, the suspect was wanted in connection to a shooting the previous day where four people were wounded. When the suspect reached Ranger Anderson's roadblock, he made a U-turn, exited his vehicle, and opened fire. Ranger Anderson was shot before she was able to exit her patrol car.

After being shot, Ranger Anderson radioed for help as the suspect fled on foot. Responding units attempting to reach Ranger Anderson were held at bay for approximately 90 minutes as the suspect continued to fire on them. The suspect's vehicle was recovered with additional weapons and body armor inside. The suspect's body was found the following day about six miles from the initial shooting scene.

Ranger Anderson had served with the National Park Service for 12 years. She is survived by her husband and two young children. Her husband also serves as a park ranger in the park and was on duty at the time. Read more about Ranger Anderson at:

<http://www.odmp.org/officer/21076-park-ranger-margaret-a-anderson#ixzz3gr35BZqE>

In conclusion, the federal agencies called into question are not here and cannot discuss their perspectives on our conversations today. Before passing judgement on this and the myriad of other issues related to their protocols and perceived conduct, I encourage anyone to consider spending more time with the thousands of state and local authorities that have a productive and effective working relationship with federal conservation law enforcement. What I strongly discourage is the furtherance of unfounded emotions or baseless theories that only serve to embroider and amplify those who only seek to diminish federal authority.

There are people out there that refuse to believe that the Earth revolves around the Sun, and because of this simplistic belief, they are willing to exchange an authority controlled by the American people for one of their own, or none at all. This kind of personal conviction is a contagion that does not serve the American people well, and it does even less to preserve public places that are accessible and enjoyable to the average visitor and family.

Federal authority is ultimately an expression of the will of the people and in the case of conservation law enforcement, it is intended to preserve and keep public lands accessible to everyone, not just a few for personal gain. This is not to say that the federal government is insensitive to the hardships of local economies. There are plenty of assistance programs to prove it is very helpful in this regard. The federal agencies work diligently to formulate and respect relationships with state and local entities, and they rely on them heavily for back up and joint rescue and law enforcement operations. This is a time-honored tradition that will never change.

Last, earlier in this testimony I cited only two of many law enforcement officers who were killed in the line of duty protecting our nation's lands and its visitors. While it may be politically popular or advantageous to show law enforcement in a negative light, every time this occurs it adds fuel to an unjustified fire that leads society's weakest minds down a dangerous path. These weak minds identify with messages of false-tyranny and other hateful rhetoric and it provokes them to assault or kill officers for nothing more reason than what they chose to do as a profession -- helping their community and their country. Ambushes against law enforcement officers are growing in this country, as are assaults and other deadly encounters because of the

uniform they wear or their lawful duties. In this country, we have a history of shameful treatment against our military women and men during the 1960's and 1970's. Eventually we learned our lesson and now would not think of treating them that way again. We are embarking on the same journey with law enforcement. Must we always learn the hard way? Why do the women and men who serve their communities and their country have to pay for it with their lives? I think there is a better way.

Mr. Chairman, this concludes my testimony at this time and I would be happy to take questions from the Subcommittee on Oversight and Investigations. Thank you for your time and consideration.