

TESTIMONY OF  
GORDON S. MYERS  
EXECUTIVE DIRECTOR  
NORTH CAROLINA WILDLIFE RESOURCES COMMISSION  
BEFORE THE  
SUBCOMMITTEE ON GOVERNMENT OPERATIONS  
OF THE  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
U.S. HOUSE OF REPRESENTATIVES  
FOR A FIELD HEARING ON  
OPERATION SOMETHING BRUIN  
PRESENTED ON JUNE 19, 2015

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Before the  
Subcommittee on Government Operations of the Committee on Oversight and  
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Chairman Meadows, Ranking Member Connolly, and Members of the Subcommittee, thank you for bringing the important work of this Subcommittee directly to the people of western North Carolina and for the opportunity to appear today to discuss the role of the North Carolina Wildlife Resources Commission (Wildlife Resources Commission) in Operation Something Bruin.

The Wildlife Resources Commission's primary mission is to conserve North Carolina's wildlife resources and their habitats and provide programs and opportunities that allow hunters, anglers, boaters, and other outdoor enthusiasts to enjoy wildlife-associated recreation. That mission is derived from our agency's statutory purpose, which includes protection of North Carolina's wildlife resources and administering the laws relating to game, game and freshwater fishes, and other wildlife resources. Wildlife resources are held in trust by the State for the benefit of the public. Individuals may only take wild animals within the constraints of laws and regulations. To accomplish the law enforcement elements of our mission, the Wildlife Resources Commission relies on a multi-faceted approach, including focused delivery of education, public awareness campaigns, and proactive law enforcement. Together, these elements of conservation law enforcement encourage ethical conduct by sportsmen, assure conditions for scientific management of wildlife resources, and secure significant public benefits from wildlife resources. The achievements resulting from scientific wildlife management and allocation of wildlife resources by law have been astounding across North America over the past century. In North Carolina, restored populations of black bears, wild turkeys, and white-tailed deer are a few examples of those long-term achievements. Conservation law enforcement is fundamental to that success.

Information provided to me indicates the U.S. Forest Service initiated Operation Something Bruin in late 2009. Based on my records, I was first informed of the operation in early 2011 when our Law Enforcement Division Chief, Colonel Dale Caveny, requested approval to actively assist in this undercover investigation, funded and led by the U.S. Forest Service. The operational focus of the investigation was primarily unlawful take and commercialization of black bears in southwestern North Carolina, northwestern Georgia, and southeastern Tennessee. The Wildlife Resources Commission values our partnerships and strong working relationships with local, state, and federal agencies, including law enforcement and public safety agencies. We strive to work effectively and efficiently by working with partners to reduce duplication of effort and

leverage resources for mission accomplishment. To that end, the Wildlife Resources Commission provided one undercover officer whose work was overseen by the U.S. Forest Service. Wildlife Resources Commission officers also assisted with the execution of search warrants.

In a letter to me dated May 21, 2015 from the Committee on Oversight and Government Reform, references were made to media reports citing questionable tactics used in Operation Something Bruin, including allegations of entrapment. Entrapment is a complete defense to a crime and to the extent that any defendant believed he or she was entrapped, the defendant could bring that forward in court. Based on my understanding, at least one defendant did raise that defense and that issue was determined by the jury.

That letter also referenced concerns associated with the circumstances under which wildlife was taken by an undercover officer. There is no dispute that wildlife was taken during this operation in an undercover capacity. It is my understanding that, on at least one occasion, Wildlife Resources Commission officer, Chad Arnold, testified as to those circumstances. When officers work in an undercover capacity, there are times when they may need to take specific actions, including the taking of wildlife resources, in order to maintain their cover and safety. In addition, the potential long-term resource benefits that accrue from enforcing our wildlife laws can protect far more wildlife resources than those taken in an undercover capacity.

That letter also included requests for information referring to any charges or convictions as well as costs associated with the operation. We are fulfilling this Subcommittee's request for information as quickly as possible.

It is my understanding that the respective prosecuting attorneys reviewed all violations prior to charges being filed. It is also my understanding that after charges were filed, some charges were dismissed, many of which referenced the Petite Doctrine, which limits and prioritizes prosecutions if overlapping jurisdiction exists. In some cases, plea deals were agreed upon in which a defendant pled guilty to some charges in exchange for the dismissal of others. The decisions regarding pre-trial disposition of charges rests with the prosecuting attorney's office.

There have been wide-ranging media reports on the costs of Operation Something Bruin including reports that the operation cost several million dollars. Based on review by my office, my understanding is that the direct state costs were less than \$12,000. This figure does not include salary costs which are paid regardless of the work performed while on duty.

I have worked for the Wildlife Resources Commission for the past 24 years. It is an honor and privilege every day to work with staff who exhibit the highest level of professionalism and dedication to resource conservation. We value and respect the important work of this Subcommittee and appreciate this opportunity to speak today. Mr. Chairman, that concludes my prepared testimony. I welcome any questions you or other Members of the Subcommittee may have.

## **Bio for Gordon Myers**

Gordon Myers has served as the Executive Director of the North Carolina Wildlife Resources Commission since 2008. The NCWRC and its 650 employees are responsible for the management and conservation of North Carolina's wildlife resources and habitats, management of two million acres of game lands, design and maintenance of boating and fishing access areas, and enforcement of the State's wildlife management, inland fishing and water safety laws. Prior to his appointment as Executive Director, Mr. Myers spent 17 years in Engineering with the Wildlife Resources Commission, where he was involved with design and construction of boating access facilities, fishing piers, and other agency infrastructure. He also oversaw development of the agency headquarters, which is the first sustainably designed state government office building in North Carolina and that has been recognized with a LEED certification.

Recently Mr. Myers has led the implementation of agency strategies for legislative relations and financial sustainability; and development of organizational effectiveness through review and realignment to match the agency's Strategic Plan.

Mr. Myers currently serves as vice-President of the Southeastern Association of Fish and Wildlife Agencies (SEAFWA), an organization whose members are the state agencies with primary responsibility for management and protection of the fish and wildlife resources in 15 states, Puerto Rico and the United States Virgin Islands

Gordon Myers is a 1990 graduate of N.C. State University with a Bachelor of Science degree in Civil Engineering. He has a son and a daughter and lives in Raleigh, NC.