

Testimony of
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President
Congressional Sportsmen's Foundation

Before the
Subcommittee on Fisheries, Water and Wildlife
Committee on Environment & Public Works
United States Senate

Regarding
S.659, the Bipartisan Sportsmen's Act of 2015

March 17, 2015

Good morning Chairman Sullivan, Senator Whitehouse and members of the Committee. My name is Jeff Crane, and for the past decade I have served as the President of the Congressional Sportsmen's Foundation (CSF). Established in 1989, CSF works with the bipartisan Congressional Sportsmen's Caucus (CSC), the largest, most active caucus on Capitol Hill. With nearly 300 Members of Congress from both the House and Senate, current Senate CSC Co-Chairs are Senator Jim Risch (R-ID) and Senator Joe Manchin (D-WV), and Vice-Chairs are Senator Deb Fischer (R-NE) and Senator Heidi Heitkamp (D-ND).

Ten years ago, CSF extended the legislative network from Washington, DC to states across the country, establishing the bipartisan National Assembly of Sportsmen's Caucuses, which today is made up of 45 state legislative caucuses, and includes over 2,000 legislators. Five years ago, CSF established a bipartisan Governors Sportsmen's Caucus, which today includes 28 Governors and one Lieutenant Governor. Together, this collective force of bipartisan elected officials work to protect and advance hunting, angling, recreational shooting and trapping for the 37 million sportsmen and women who spend \$90 billion annually on our outdoor pursuits.

As a lifelong conservationist and outdoorsman, who was taught to hunt and fish by my father and grandfather, I am passing this heritage along to my three daughters. From my early days of boy scouting, where I achieved the rank of Eagle Scout, to leading safaris in Southern Africa as a professional hunting guide, my love of nature and respect for the great outdoors defines who I am as a person. When I had the opportunity to join CSF in 2002, and thereby combine this passion with my professional background in the policy arena, I knew I found my life's calling.

In my professional life in the conservation policy arena, I am the only person to sit on both the sport fishing and hunting federal advisory committees (FACA); the Sport Fishing and Boating Partnership Council and the Wildlife and Hunting Heritage Conservation Council, respectively. Originally appointed to these FACA councils during the Bush Administration, I have been subsequently reappointed to each during the Obama Administration. I am a past Chairman of the American Wildlife Conservation Partners, a board member of the Council to Advance Hunting and the Shooting Sports, a panelist on the Blue Ribbon Panel on Sustaining America's Diverse Fish & Wildlife Resources, am involved in numerous national hunting and fishing conservation groups, and am a professional member of the Boone & Crockett Club, the oldest conservation club in America, founded by Theodore Roosevelt in 1887.

Taking a moment to put things into historical perspective, the idea of conservation in America began with members of the sportsmen's community, who introduced game laws and programs to protect natural resources - leading to the creation of state and federal fish and wildlife agencies. Nearly 80 years ago, the hunting community led the charge for the passage of the Federal Aid in Wildlife Restoration Act (Pittman-Robertson Act) which redirected excise taxes on firearms and ammunition to a dedicated fund to be used specifically for conservation purposes. Further, revenue from sportsmen's licenses was also permanently linked to conservation, laying the foundation for what is now the uniquely American System of Conservation Funding, a "user pays - public benefits" program that is the financial backbone of the most successful conservation model in the world. Through time, this System has expanded and now includes the fishing and boating communities - with the passage of the Federal Aid in Sportfish Restoration Act (also known as the Dingell-Johnson Act, and the subsequent Wallop-Breaux Amendment) as well as the archery

community. The funds collected through these programs, totaling over \$16 billion, plus millions of dollars annually in license and permit fees, are the lifeblood of state fish and wildlife agencies – the primary managers of our nation’s fish and wildlife resources. These critical conservation dollars fund a variety of efforts including: enhanced fish and wildlife habitat and populations, recreational access to public and private lands, shooting ranges and boat access facilities, wetlands protection and its associated water filtration and flood retention functions, and improved soil and water conservation - all which benefit the American public.

Conservation is critically important to hunters, anglers, boaters, and shooters alike. The term ‘conservation,’ as understood by the sportsmen’s community, can be traced back to Gifford Pinchot of the U.S. Forest Service. Pinchot defined conservation as the “wise use of the Earth and its resources for the lasting good of [mankind].” The idea of “the lasting good,” is that with the use of a resource comes the responsibility of careful resource management. America’s sportsmen and women are the original conservationists, who exemplify the laudable definition of conservation advanced by Pinchot, and remain dedicated to the stewardship of our natural resources. As part of my statement, I would like to include a February 26, 2015 letter from virtually every national hunting and fishing conservation organization supporting S. 405, the expanded Bipartisan Sportsmen’s Act, containing provisions that fall under both the jurisdiction of the Energy and Natural Resources Committee and this Committee.

The title, “Bipartisan Sportsmen’s Act,” is in itself indicative of the fact that conservation, hunting, recreational fishing and shooting, and our outdoor traditions are not defined by or constrained to any partisan label. We are sportsmen and women because we love and care for America's great outdoors, regardless of political affiliation, race, religion, gender, or socio-economic standing. In a city all too often characterized by partisan rancor, S. 405 already has 18 cosponsors, equally divided between Republicans and Democrats. In the 113th Congress, a nearly identical Senate bill had 46 bipartisan cosponsors. In the House of Representatives, similar sportsmen's packages were passed with strong bipartisan support in both the 112th and 113th Congresses.

The Obama Administration in its Statement of Administration Policy regarding the aforementioned House sportsmen’s act (H.R. 3590), dated February 3, 2014, was also in favor of three of the provisions contained in S. 659. “The Administration supports [Title II – Sec. 3 of S. 659], which amends funding requirements under current law for target range construction and maintenance, thus reducing the financial burden on State and local governments for public target ranges. The Administration also supports [Title IV – Sec. 4 of S. 659], which allows the importation of certain polar bear trophies taken in sport hunts in Canada.....The Administration has no objection to [Title I – Sec. 2 of S. 659], which excludes certain sport fishing equipment from the classification of toxic substances.”

With all of this support, it is now time to pass the Bipartisan Sportsmen’s Act of 2015.

The overarching purpose behind S. 405 is quite simply to ensure access and opportunity for hunters, shooters and anglers. According to polling, the number one reason that we lose hunters and anglers is, ‘not enough access to quality places to hunt or fish.’ With an ever increasing population and urban/suburban sprawl, it is imperative that access and opportunity are protected and even enhanced for future generations. In an effort to get our younger generations off the couch

and out from behind the computer, recreational access to our national treasures of public lands and waters is imperative. Where this access does currently exist, let's guarantee it and provide certainty that it will always be there. Where it doesn't, let's ask why, and if reasonable and feasible, let's look at solutions to make it more accessible. After all, these are public assets owned by the American people that were established for multiple use, including low impact recreational uses like hunting and fishing.

It is also worth noting that unlike some other outdoor recreational activities, hunting and shooting, in particular, are under constant siege by well-funded, politically and legally active, extremists groups that are intent on using whatever means to put an end to the traditions we cherish. Through the use of frivolous lawsuits and judicial action, the anti-use and animal rights extremists are using the courts instead of relying on science-based wildlife management to achieve their intolerant anti-hunting/fishing agenda. Legal challenges to the application of the statutory and administrative policies that guide federal land management and conservation are effectively tying the hands of the public land managers and state wildlife officials, which in turn, degrade habitat quality and deny access and opportunity.

The provisions in this legislation attempt to address many of these issues and should provide certainty that our sportsmen's heritage will be protected into the future. CSF supports both the comprehensive Bipartisan Sportsmen's Act, S. 405 and the legislation before this Committee today, and would like to draw particular attention to the following provisions in S. 659:

Sec. 2 – Modification of Definition of Sport Fishing Equipment Under the Toxic Substance Control Act

Section 2 amounts to little more than two technical corrections to the U.S Code that are of vital importance to protect the firearms, ammunition and sport fishing tackle industries and the conservation programs they fund. Section 2 would amend the Toxic Substance Control Act (TSCA) to clarify that an existing exemption to TSCA's jurisdiction, for products subject to Pittman-Robertson excise taxes, applies not only to assembled cartridges but also to their component parts, while also creating a similar exemption for articles of fishing tackle subject to Wallop-Breaux excise taxes.

Anti-hunting and fishing interests are currently litigating against the Environmental Protection Agency (EPA) to force the Agency to expand its TSCA authority in order to regulate traditional ammunition and recreational fishing tackle. These organizations assert that this is necessary to address significant impacts to wildlife populations that are resulting nationwide from the use of traditional tackle and ammunition. These exaggerations are little more than misleading scare tactics with no credible supporting science.

Moreover, EPA's exercise of TSCA authority over ammunition and tackle would likely result in massive increases in the price of ammunition and tackle for sportsmen due to the exponentially higher raw materials and manufacturing costs of using alternative metals. Not only would this result in the loss of hunters, recreational shooters and anglers, it would also have untold detrimental impacts on countless manufacturing facilities resulting in the loss of thousands of jobs.

In addition, organizations involved in this anti-hunting and fishing campaign fail to acknowledge that these detrimental economic impacts to the ammunition and tackle industries would result in considerable reductions to the excise taxes the firearms, ammunition and sport fishing tackle industries pay on their products as a means of funding habitat conservation throughout the country. In fact, much of our country's wildlife and habitat exist solely as the result of these contributions.

Section 2 would amend TSCA in a manner that serves to protect and enhance our hunting, recreational shooting and fishing heritage while concurrently facilitating the important benefits that the hunting, shooting and recreational fishing industries contribute to the betterment of our nation's economy and treasured natural resources. Finally, it is important to note that the importance of enacting this legislation will remain regardless of the outcome of litigation recently decided, currently pending or upcoming absent a ruling by the U.S Supreme Court which clearly precludes the EPA from extending its TSCA jurisdiction over traditional ammunition and tackle.

Sec. 3 - Target Practice and Marksmanship

Section 3 would allow states to use the excise taxes already collected on sporting equipment and ammunition to develop and maintain much-needed public shooting ranges while also resulting in increased wildlife conservation funding. Hunters, recreational shooters and firearms, archery, and ammunition manufacturers are the largest financial supporters of wildlife conservation throughout the United States having contributed more than \$7 billion to habitat conservation, recreational shooting and wildlife management through Pittman-Robertson excise tax payments since the program's inception. A significant portion of this amount is directly attributable to recreational shooters who, per-capita, spend even more than hunters on firearms and ammunition subject to these important excise taxes.

Despite the unqualified success of this historic "user pays – public benefits" system, Pittman-Robertson funds have not always been administered in a manner that encourages the creation of recreational shooting opportunities. As a result, opportunities for both recreational and competitive shooting have declined significantly in recent years. Section 3 would help address this loss of access and opportunity by providing states with more flexibility in their use of Pittman-Robertson funds to develop and improve public shooting ranges.

Specifically, it would amend an existing requirement that Pittman-Robertson funding used for shooting ranges be obligated within two years by allowing the funds to accrue over five years. This extension would allow individual projects to be funded over multiple budget cycles and significantly enhance the ability of states to build and maintain shooting ranges. In addition, the legislation would limit the unnecessary exposure to liability that land management agencies may face when providing recreational shooting opportunities on public lands.

Finally, Section 3 would reduce existing local and state Pittman-Robertson matching requirements for shooting ranges from 25% to 10%. Pittman-Robertson funds are allocated to states on a formula basis. Therefore, while this change would provide additional flexibility and capability to states, the reimbursement rate would not result in increased federal spending.

Sec. 4 – Permits for the Importation of Polar Bear Trophies Taken in Sport Hunts in Canada

This section is about allowing a small number of hunters to import their legally harvested polar bears from Canada. Each harvested their polar bear before the U.S. Fish and Wildlife Service

(FWS) prohibited the importation of polar bear parts into the United States on May 15, 2008. Canada is home to over 50% of the world's polar bears, numbering more than 16,000. Based on scientifically-established and sustainable quotas, unrelated to international trade, only about 600 bears are harvested annually in Canada. Canada has extensive monitoring and conservation programs that protect the species, including through sustainable use by Inuit communities. Canada's First Nations coexist with polar bears, harvest the bears for subsistence purposes, and value the bear's conservation even more because of limited sport hunting by non-Inuits that brings much needed cash to the remote communities. This sustainable use has given them intimate knowledge of polar bear population dynamics and ecological needs. According to the scientific evidence, confirmed by local members of the communities, the polar bear has enjoyed a significant increase in its overall population over the past 40 years, not a decline as portrayed by some.

The key points in support of Section 4 are:

- 1) Polar bears harvested in Canada are taken under a legal and scientific framework established by governments in Canada. Based on scientific knowledge, including Inuit's traditional ecological knowledge, Canada sets quotas for polar bear harvests that are sustainable.
- 2) Prior to May 15, 2008, the date the FWS listed the polar bear as threatened worldwide and imposed an import ban, US hunters could import polar bear trophies from six populations in Canada approved by the FWS as having a sustainable and well-managed conservation and hunting program. All imports would be from these approved populations.
- 3) By bringing much needed cash to these remote communities (U.S. hunters generally spent between \$30,000-50,000 per hunt), U.S. hunters help encourage the local indigenous communities to support science-based polar bear management efforts in Canada.
- 4) The U.S. sport hunters did not increase polar bear mortality from hunting. These hunters used one of the "tags" assigned to local indigenous communities based on the scientifically-determined quotas (about 15% of the total allotted per year are assigned to sport hunters). If the U.S. hunters did not use these tags, the local community would have used them for subsistence hunting.
- 5) Under U.S. law, import permits provide important conservation program funding of \$1000 per permit, paid by the importer. In the 12 years prior to the 2008 import ban, the U.S. Fish and Wildlife Service collected almost \$1 million dollars under this program for polar bear research in Alaska and Russia. The permits authorized by Section 4 would add over \$40,000 to these research efforts.

This section is not about whether the United States should allow the importation of polar bears hunted in the future. Instead, the bill will move polar bear trophies out of cold storage in Canada into the homes of U.S. citizens who undertook this once-in-a-lifetime hunt.

In addition, passage of this bill will generate over \$40,000 for polar bear research, further supporting the extensive efforts to conserve and manage the polar bear. Multinational agencies and committed governments are already dedicating significant resources to manage the polar bear and to ensure its long-term sustainability. These efforts have resulted in positive impacts to the polar

bear, including rebounding from possible population numbers as low as 5,000 bears 30-40 years ago to today's population of 20,000-25,000.

Sec. 6 - Protecting the Right of Individuals to Bear Arms at Water Resources Development Projects

Section 6 would remove unnecessary federal regulations that prohibit U.S. citizens from possessing or transporting firearms on or across lands administered by the U.S Army Corp of Engineers ("USACE"). The USACE administers 404 lakes and river projects in 43 states, with approximately 12 million acres under its control. Allowing law abiding citizens to possess and transport firearms for self-defense or sporting purposes on and across these lands is common sense and sound policy.

Section 327.13 of title 36, Code of Federal Regulations, provides that possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited at water resources development projects administered by the USACE. The regulations provide exceptions for law enforcement officers, unloaded firearms being transported for sporting purposes and firearms possessed with the written permission of the District Commander.

Section 6 would remove these unnecessary restrictions by preventing the promulgation of regulations that prohibit the possession of firearms in areas open to the public at water resources development projects provided that the possession complies with the law of the State in which the water resources development project is located and that the individuals in possession are not otherwise prohibited by law from possessing or transporting the firearms.

In 2009, Congress enacted legislation which allowed for individuals meeting the criteria set forth in Section 6 to possess and transport firearms in and across National Park Service lands. To my knowledge, in the more than half a decade since enactment of that legislation, there have not been increases in firearm related crimes, poaching, or any other detrimental impacts to land management agency employees or Park visitors. If there has been any impact, I would venture that it has likely been a reduction of confusion and inconvenience for law abiding citizens and an extension of common sense state laws which promote self-defense and the lawful transportation of firearms.

Sec. 8 – Multinational Species Conservation Funds Reauthorization

The Multinational Species Conservation Funds (MSCF) are modest federal programs administered by the FWS that make targeted investments in conservation of several global priority species. The first Fund, for African elephants, was authorized by Congress in 1989 to address rampant ivory poaching. Since that time, four more Funds have been authorized to help protect Asian elephants, great apes, marine turtles, tigers and rhinos. Since 1989, these programs have awarded over 2,300 grants, targeting key regions to ensure the protection of some of the world's most endangered and treasured animals.

The five MSCF programs have played a critical role in saving wild populations of these species by controlling poaching, reducing human-wildlife conflict, and protecting essential habitat. They have

consistently enjoyed strong bipartisan support in Congress, which has funded the MSCF through the Interior, Environment and Related Agencies Appropriations since 1990. Section 8 merely reauthorizes the MSCF through 2020.

Summary

In summary, this is common sense legislation with strong bipartisan support that is good for conservation and preserves our outdoor heritage. It is also good for the American economy, especially for rural communities that surround our treasure of public lands and waters. With an ever increasing population, perhaps most importantly, it provides clarity and certainty that access to our federal lands and waters will remain available for hunting, recreational shooting and fishing, and other outdoor recreational pursuits for generations to come.

We thank the sponsors of this important bill for their leadership, and pledge to work with them to get the Bipartisan Sportsmen's Act of 2015 passed by the US Senate and enacted into public law. Thank you.

American Fly Fishing Trade Association * American Sportfishing Association * Archery Trade Association * Association of Fish and Wildlife Agencies * B.A.S.S. * Bear Trust International Berkley Conservation Institute * Boone and Crockett Club * Bowhunting Preservation Alliance Camp Fire Club of America * Catch-A-Dream Foundation * Coastal Conservation Association Congressional Sportsmen's Foundation * Council to Advance Hunting and the Shooting Sports Dallas Safari Club * Delta Waterfowl Foundation * Ducks Unlimited * Houston Safari Club International Game Fish Association * Izaak Walton League of America * Masters of Foxhounds Association * Mule Deer Foundation * National Marine Manufacturers Association * National Shooting Sports Foundation * National Trappers Association * National Wild Turkey Federation North American Bear Foundation * North American Grouse Partnership * Orion – The Hunter's Institute * Pheasants Forever * Pope and Young Club * Quail Forever * Quality Deer Management Association * Rocky Mountain Elk Foundation * Ruffed Grouse Society * Safari Club International * Texas Wildlife Association * Theodore Roosevelt Conservation Partnership Tread Lightly! * Trout Unlimited * U.S. Sportsmen's Alliance * Wild Sheep Foundation Wildlife Forever * Wildlife Management Institute Wildlife Mississippi

February 26, 2015

Dear Senator:

On behalf of our organizations, which represent millions of hunters, anglers and wildlife enthusiasts, we are writing to express our strong support for the *Bipartisan Sportsmen's Act of 2015* (S.405) and to seek your formal support for this historic legislation.

Recently introduced by Congressional Sportsmen's Caucus (CSC) members Senators Lisa Murkowski and Martin Heinrich along with CSC Co-Chairs Senators Jim Risch and Joe Manchin III and Vice Chairs Deb Fischer and Heidi Heitkamp, S.405 is a bipartisan package of pro-sportsmen's legislation that will expand, enhance and protect America's hunting, fishing and conservation heritage.

In order to avoid the timing challenges that stalled passage of the widely supported *Bipartisan Sportsmen's Act* last year, we are urging the Senate to pass S.405 in the first half of the 114th Congress. A strong demonstration of the far-reaching, bipartisan support for this legislation will be helpful to expeditiously securing committee and floor consideration of S.405 in a manner consistent with this timeline.

To that end, we respectfully request that you join the growing coalition of Senators, already bound by a shared commitment to enacting this historic legislation, by cosponsoring the *Bipartisan Sportsmen's Act of 2015*. To be added as a cosponsor of S. 405, please contact Chris Kearney in Senator Murkowski's Office at: christopher_kearney@energy.senate.gov or Maya Hermann in Senator Heinrich's office at: Maya_Hermann@heinrich.senate.gov.

Thank you for your consideration of this request and for your service on behalf of America's hunting, angling, shooting and conservation community.

Sincerely:

American Fly Fishing Trade Association
American Sportfishing Association
Archery Trade Association
Association of Fish and Wildlife Agencies
B.A.S.S.
Bear Trust International Berkley
Conservation Institute Boone and
Crockett Club Bowhunting
Preservation Alliance Camp Fire
Club of America
Catch-A-Dream Foundation Coastal
Conservation Association
Congressional Sportsmen's Foundation
Council to Advance Hunting and the
Shooting Sports
Dallas Safari Club
Delta Waterfowl Foundation
Ducks Unlimited
Houston Safari Club
International Game Fish Association
Izaak Walton League of America
Masters of Foxhounds Association
Mule Deer Foundation

National Marine Manufacturers Association
National Shooting Sports Foundation
National Trappers Association
National Wild Turkey Federation
North American Bear Foundation
North American Grouse Partnership
Orion – The Hunter's Institute
Pheasants Forever
Pope and Young Club
Quail Forever
Quality Deer Management Association
Rocky Mountain Elk Foundation
Ruffed Grouse Society
Safari Club International Texas
Wildlife Association Theodore
Roosevelt Conservation
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Tread Lightly!
Trout Unlimited
U.S. Sportsmen's Alliance
Wild Sheep Foundation
Wildlife Forever
Wildlife Management Institute
Wildlife Mississippi