



Date: June 24, 2020

To: United States House of Representatives Committee on Natural Resources
Subcommittee on Water, Oceans and Wildlife

RE: Water, Oceans, and Wildlife Legislative Hearing

From: The Congressional Sportsmen's Foundation
Jeffrey S. Crane
President

Dear Chairman Huffman, Ranking Member McClintock, and Members of the Subcommittee:

I write today to express the opposition of the Congressional Sportsmen's Foundation (CSF) to H.R. 2264, the Bear Protection Act of 2019, and H.R. 1776, the Captive Primate Safety Act.

Established in 1989, CSF works with the Congressional Sportsmen's Caucus (CSC), the largest, most active bipartisan caucus on Capitol Hill with nearly 250 Members of Congress from both the House and Senate. Fifteen 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 49 state legislative caucuses, and includes over 2,500 legislators. Ten years ago, CSF established a bipartisan Governors Sportsmen's Caucus, which includes more than half the governors from throughout the country. Together, this collective force of bipartisan elected officials works to protect and advance hunting, angling, recreational shooting and trapping for the nearly 40 million sportsmen and women who spend \$90 billion annually on our outdoor pursuits.

H.R. 2264, the Bear Protection Act of 2019, is an emotionally driven, redundant, and unnecessary piece of legislation. While conserving bear populations both domestically and internationally is a laudable goal, we believe H.R. 2264 takes unnecessary and duplicative steps that will overcomplicate and will undermine highly successful programs and laws already in place. The Lacey Act, enacted in 1900 through the efforts of hunters and their allies, bans the import, export, sale, or acquisition of illegally harvested plants, fish, and wildlife, including bears and bear viscera, which are also protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Endangered Species Act (ESA). Combined, these existing statutes and treaties provide wildlife law enforcement officers, regulators and prosecutors with the legal authorities necessary to address wildlife crimes related to the illegal trade in bear and bear viscera. For example, in the United States, the Lacey Act prohibits the sale of black bear viscera virtually across the entire range of the population and authorizes civil penalties up to \$10,000 for each violation if it is illegally harvested or involved in interstate commerce. Criminal penalties authorized under the Lacey Act subject wildlife

criminals to fines of up to \$20,000 for each violation and up to five years in prison (or both).

Throughout H.R. 2264 there are numerous references to “import into, or export from, the United States bear viscera or any product, item, or substance containing or labeled or advertised as containing, bear viscera; or,” however a ‘bait and switch’ occurs in Section 6 - Penalties and Enforcement. Section 6(d) poses significant threats to the highly successful programs that are already in place. Section 6(d) states “Any bear viscera or any product, item, or substance exported, imported, sold, bartered, attempted to be exported, imported, sold, bartered, offered for sale or barter, purchased, possessed, transported, delivered, or received in violation of this section (including any regulation issued under this section) shall be seized and forfeited to the United States.” Removing labeling and advertising criteria represents a different standard than the one prescribed throughout the rest of the bill. Furthermore, Section 6(d) would remove any distinction between bears that are harvested legally and sustainably under the Lacey Act, CITES, or the ESA and those taken via wildlife crime. As such, the Congressional Sportsmen’s Foundation is concerned this contradiction could unjustly punish any person who imports or exports any type of bear part acquired legally under the existing requirements of the Lacey Act, CITES, or the ESA.

Additionally, unless a bear species is listed under the Endangered Species Act, our nation’s state wildlife agencies, who are best positioned to manage wildlife, have the primary authority to manage resident bear populations, and these agencies are doing an exceptional job at maintaining and growing healthy bear populations. Even when select bear populations are listed under the ESA, state wildlife agencies have a strong track record of working to recover bear populations such as the Greater Yellow Ecosystem (GYE) grizzly bear and the Louisiana black bear that was de-listed by the U.S. Fish and Wildlife Service in 2016.

States have and continue to invest significant time and capital into the recovery of the GYE grizzly bear. For example, between Fiscal Years 2009 and 2018, the State of Wyoming spent more than \$16 million on grizzly bear recovery. During this time, the Wyoming Game and Fish Department expended an average of only \$101,181 annually from funds made available through Section 6 of the Endangered Species Act and for development of the GYE conservation strategy demonstrating that states have shown a commitment to recovery and deserve recognition for doing so. As a result of the efforts by the Wyoming Game and Fish Department and other state wildlife agencies, the GYE grizzly bear is thriving far above target population levels contained in the grizzly recovery plan. Unfortunately, H.R. 2264 does not recognize the expertise and investments made by state wildlife agencies to conserve grizzlies and other bear populations in the United States. We believe this legislation is an unwarranted and unnecessary intrusion into the management authority of state wildlife agencies.

Another remarkable example that highlights the success of bear recovery through the collaborative conservation work of state wildlife agencies working with federal partners to achieve recovery goals developed under the ESA is the recovery of the Louisiana black bear. Following a 24-year listing period, the Louisiana black bear was de-listed from the ESA in 2016. The most significant threat the Louisiana black bear faces is habitat loss and destruction as opposed to poaching for viscera or other bear parts. By 1980, the U.S. Fish and Wildlife estimates that more than 80% of Louisiana black bear habitat had been altered or destroyed.

Since the time of ESA listing, more than 148,000 acres of Louisiana black bear habitat has been restored or permanently protected. As a clear indicator of the importance of habitat for bear populations both internationally and domestically, there are now 500-700 Louisiana black bears roaming in the United States, which is roughly double the population size that triggered listing under the ESA. Similar to the recovery of the GYE grizzly, the recovery of the Louisiana black bear is a success story and should be celebrated as such, and should not be undermined by the duplicative goals of H.R. 2264.

H.R. 1776, the Captive Primate Safety Act, is another emotionally-driven piece of legislation that would also undermine some of the highly successful conservation programs already in place. This legislation would amend the Lacey Act to add non-human primates to the definition of prohibited wildlife species in the Captive Wildlife Safety Act.

The enactment of H.R. 1776 would create an unattainable wildlife enforcement standard that would be mandated by this legislation. Not only would this create unnecessary enforcement standards for state wildlife agencies, but it would also establish unrealistic enforcement standards for the U.S. Fish and Wildlife Service (Service). The Service is tasked with enforcing laws and regulations pertaining to endangered species, migratory birds, and marine mammals, and this legislation would limit the ability of the Service to focus their efforts on the species that are currently within the scope of their objectives. As such, the diversion of law enforcement resources to meet the objectives of H.R. 1776 would jeopardize the current objectives of the Service to curb illegal wildlife trade activities. It is important to note that the ESA and Lacey Act already prohibit the interstate sale as well as international trade of many non-human primate species. H.R. 1776 would establish protections to currently unregulated species, but it does not address the private ownership to intrastate sale of these species.

Being mindful of the concerns raised above, the Congressional Sportsmen's Foundation urges the Committee to reject these legislative proposals, which will produce no results other than undermining highly successful conservation programs that have been around decades, or even a century.

Sincerely,

A handwritten signature in black ink that reads "Jeff Crane". The signature is written in a cursive, flowing style.

Jeffrey S. Crane
President