



Date: July 28, 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 Bentz, and Members of the Subcommittee:

In advance of your Subcommittee's legislative hearing on Thursday, July 29, I write today to express the support of the Congressional Sportsmen's Foundation (CSF) for Recovering America's Wildlife Act of 2021 (H.R. 2773) and the American Fisheries Advisory Committee Act of 2021 (H.R. 3128). I also write to express our opposition to the Bear Protection Act of 2021 (H.R. 2325).

Support for H.R. 2773 – the Recovering America's Wildlife Act

For over 80 years, America's hunters, anglers, target shooters, and boaters have been the primary funders of fish and wildlife conservation in the United States through a "user pays – public benefits" structure known as the American System of Conservation Funding. Through the funds generated from the Federal Aid in Wildlife Restoration Act of 1937, or more commonly known as the Pittman-Robertson Act and the subsequent Federal Aid in Sport Fish Restoration Act of 1950, known as the Dingell-Johnson Act and Wallop-Breaux amendment, and associated sporting license purchases, sportsmen and women have contributed over \$71 billion to state fish and wildlife agencies for on-the-ground conservation efforts. In recent years, this number exceeds \$3 billion annually. As a result of this "user pays – public benefits" system, iconic species such as wood ducks, elk, pronghorn antelope, striped bass, and other species that once faced grave uncertainty are now thriving today.

Despite the unparalleled success of the "user pays – public benefits" system, America continues to experience challenges for biodiversity conservation that go beyond the financial contributions of sportsmen and women. As such, it is critical that we take steps to invest in 21st century funding mechanisms to meet the challenges before us today. Doing so will not only benefit the natural resources on which we all rely but will further cement the United States' position as a model for the rest of the world when it comes to conservation.

In 2000, Congress created a new subaccount within the Pittman-Robertson Act known as the “Wildlife Conservation and Restoration Program (WCRP).” The WCRP is an unfunded subaccount that was created to support targeted and strategic state-based conservation programs. The creation of the WCRP requires states to develop a federally approved “comprehensive wildlife conservation strategy”, which subsequently became known as State Wildlife Action Plans (SWAPs). Now in their second iteration, SWAPs serve as a road map to address each state’s unique conservation needs and have collectively identified more than 12,000 species of fish, wildlife, and plants that are in desperate need of attention and conservation funding.

Today, Congress only provides approximately 5% of the funding that is needed to address the conservation actions identified by SWAPs, despite the significant financial and human resources states invest in the creation of these plans. A survey of all fish and wildlife agencies that are required to submit SWAPs estimated that \$1.3 billion annually would be needed to implement these plans, far beyond what Congress currently provides for the conservation strategies identified in these mandated plans.

Fortunately, there is a solution to funding SWAPs known as the Recovering America’s Wildlife Act, which will provide state fish and wildlife agencies the ability to fully implement their unfunded SWAPs. Recovering America’s Wildlife would provide \$1.3 billion annually to the authorized, but currently unfunded, Wildlife Conservation and Restoration subaccount included in the Pittman-Robertson Act, which would then be directed to state fish and wildlife agencies to carry out the conservation measures identified in their respective SWAPs. This legislation would also provide \$97.5 million annually to tribal nations to conserve the fish and wildlife that reside on their lands and waters. This legislation requires that state fish and wildlife agencies contribute a 25 % non-federal match, a sign that state fish and wildlife agencies are willing to having skin in the game.

Providing much-needed funding to state fish and wildlife agencies through Recovering America’s Wildlife Act would mark a historic step toward addressing biodiversity loss and ultimately reducing uncertainty for a variety of stakeholders before more costly legal and regulatory measures are necessary. Simply put, this bill is good for sportsmen and women, good for fish and wildlife, good for business, and good for the American public.

CSF extends our sincere appreciation to Congressional Sportsmen’s Caucus (CSC) Co-Chair Representative Debbie Dingell and CSC Member Representative Jeff Fortenberry for their continued leadership on this historic legislation. This legislation is strongly supported by the Congressional Sportsmen’s Foundation, and we urge the Committee to support it as well.

Support for H.R. 3128 – the American Fisheries Advisory Committee Act

The Saltonstall-Kennedy Program administers a yearly grant competition which annually funds approximately 40 projects for \$10M that lead to the promotion, development, and marketing of U.S. fisheries. The American Fisheries Advisory Committee Act recognizes the importance of recreational angling by clarifying that research and development projects that benefit recreational fishing are eligible to receive grant funding.

While the program and grant application selection process is currently administered by NOAA Fisheries, H.R. 3128 would establish an advisory committee to assist the Secretary of Commerce in selecting successful grant proposals annually. This committee would consist of representatives from six specific regions who are experienced in recreational fishing, commercial fishing, seafood processing, and aquaculture production, among others. The bill directs the Secretary to ensure there is balanced representation from a broad range of stakeholders, which will in turn facilitate the identification of project needs and the best use of the limited funding available.

CSF sincerely appreciates CSC Member Representative Don Young and Representative Amata Coleman Radewagen for ensuring that recreational anglers have a seat at the table when determining the best projects to advance fisheries research and the development and promotion of United States fisheries, including recreational fishing.

Opposition to H.R. 2325 – the Bear Protection Act

H.R. 2325, the Bear Protection Act of 2021, is a redundant and unnecessary piece of legislation. While conserving bear populations both domestically and internationally is a laudable goal, which sportsmen and women have been leading on for the last 100 years, we believe H.R. 2325 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 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. 2325 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, which 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.” Section 6 appears to remove labeling and advertising criteria, which represents a different standard than what is prescribed throughout the rest of the bill. Furthermore, Section 6 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 Yellowstone 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. 2325 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. 2325.

Summary

In closing, we thank the Committee for holding a hearing on the Recovering America's Wildlife Act and the American Fisheries Advisory Committee Act, which are fully supported by the Congressional Sportsmen's Foundation. We urge the Committee to move these pieces of legislation to a markup, and we urge the Committee to reject the Bear Protection Act.

Sincerely,

A handwritten signature in black ink that reads "Jeff Crane". The signature is fluid and cursive, with the first name "Jeff" and last name "Crane" clearly legible.

Jeffrey S. Crane
President and CEO