

Testimony of Jorge P. Gutierrez Jr.  
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Before the Subcommittees on Federal Lands and Water, Power and Oceans  
U.S. House of Representatives

Joint Hearing on a Discussion Draft,  
*“To protect and enhance opportunities for recreational hunting, fishing,  
and shooting, and for other purposes.”*  
1324 Longworth House Office Building  
May 20, 2015

Chairmen McClintock and Fleming and members of the Subcommittees on Federal Lands and Water, Power and Oceans, I sincerely thank you for the opportunity to present written as well as live testimony at your joint hearing.

I am testifying today as a Past President of the Everglades Coordinating Council ("ECC"), a consortium of South Florida sportsmen & conservation organizations involved in a plethora of issues related to the Everglades ecosystem, from its headwaters in the Northern Kissimmee Valley of Florida all the way south to the reefs off the Florida Keys.

ECC is a non-profit NGO whose sportsmen delegates have for over four decades worked with state, federal, and county governments and other NGOs, to address crucial issues, including: ecosystem restoration (or lack thereof), natural resource policy, commonsense land and water bodies management, non-motorized & motorized access to and enjoyment of federal and state public lands, off-road vehicle access and use, hunting and game management, protected & imperiled species management, transportation planning, exotic species eradication, land acquisition as well as sovereign land issues. We were working on Everglades issues before it was popular and a growth industry for Florida.

I am a native of South Florida where I have lived over the past 40 years. As a civil trial attorney with the law firm of Freedland Harwin Valori, P.L., I currently reside and work within a short drive of numerous public hunting and fishing opportunities in South Florida.

***Access to Public Lands***

This will be my third time testifying before a Committee on Natural Resources. Each and every time, a large portion of my testimony has related to access to federal public lands. Regardless of the subject matter or the location within the United States, access (or lack thereof) remains a large part of the equation.

## ***Sportsmen's Act of 2015***

This legislation, even though it encompasses such a broad area of interests, locations and subject matter, provides extensive opportunities for better access and recreation for individuals nationally. I will address several portions specifically below:

### **-Hunting, Fishing and Recreational Shooting Protection Act**

While it's important to continue monitoring lands for the effects of lead shot, the suggested changes make good sense from a policy and business sense. The prohibition of lead in waterfowl hunting has worked effectively. Subjecting sportsmen to additional restrictions without good science is never a good idea.

### **-Target Practice and Marksmanship Training Support Act**

Without question in Florida we have a limited number of shooting ranges. Lines are long at peak times and drives of an hour or more are common for many sportsmen. Shooting ranges on federal lands would help ease these issues and go a long way to increase access to outdoor activities on these federal lands. Additionally, since many states already need additional venues for youth hunter education and firearms training, increasing the number of shooting ranges on federal lands would help fill that void.

### **-Recreational Lands Self-Defense Act**

Sportsmen recreate at all hours of the day and night and in places where law enforcement is scarce and/or takes long periods of time to arrive. Access to lawful firearms on lands managed by U.S. Army Corps of Engineers is just good common sense. The right to self-defense does not stop at a gate and dangers have no boundaries.

### **-Wildlife & Hunting Heritage Conservation Council Advisory Committee**

As a longtime member of the Big Cypress National Preserve Off-Road Vehicle Advisory Committee, I can attest to the benefits these types of committees provide to state and federal agencies. Sportsmen in the field are the best individuals to ask for input, suggestions and revisions to existing laws etc. This proposed committee is yet another powerful tool to help the Secretaries of the Interior and of Agriculture obtain the best information on issues involving wildlife and habitat conservation, hunting and recreational shooting. At times, only those in the field with the boots on the ground can really paint the best cost-effective and commonsense solutions to correct problems. I would welcome the opportunity to serve on such a committee if ever presented as I firmly believe in their importance and how much of a difference they make.

### **-Recreational Fishing and Hunting Heritage Opportunities Act**

This portion of legislation is very dear to my heart. Without open and reasonable access, there just is no recreation of federal lands. BLM and USFS lands are lands owned by all Americans and they should be open unless there is a valid

reason. Restrictions “when needed” can create issues when a land manager or superintendent has too much control and makes that decision unilaterally. In South Florida we have seen too often how one individual can restrict access all together or makes access virtually impossible by claiming its because of some pretextual issue. This should not happen. Without good evidence or reason, they should remain open for all to enjoy.

I would also agree that Congress should know when lands are closed and access is denied. Requiring this makes good sense so that lawmakers know the facts and their constituents can work with them to resolve conflicts quickly and effectively. These changes also enhance the ability of Congress to monitor whether or not their mandates are being adhered to by federal agencies and the staff on the ground.

On another note, the use of volunteers from the hunting community to cull excess animals on BLM, USFS, FWS and National Park Service (NPS) lands is a good idea for several reasons. First, it’s yet another recreational opportunity for sportsmen including most importantly our youth. In South Florida, youth hunting programs have flourished both through our state’s wildlife agency as well as local organizations like the Florida Sportsmen’s Conservation Association and Future of Hunting in Florida. Getting young people off the couch and into the woods and water should be the highest priority and every opportunity should be used to make this happen. Second, from a financial standpoint it makes good sense. For example, why pay someone to harvest feral hogs on federal lands when sportsmen will do the work more effectively without cost to the taxpayer. One caveat however remains proper access so that this job can be done effectively. You cannot allow sportsmen to do it yet at the same time limit where they can go or the reasonable methods they need to use. In sum, if you can’t reach the exotic or invasive species, there will be questions as to how effective it really is.

#### -Farmer and Hunter Protection Act

Any legislation that clarifies vague language or cleans up issues as what is legal under the law should be encouraged. Leaving the decisions to the local agencies as to what constitutes “normal agricultural practices” takes the guesswork out of interpreting the law. Local sportsmen working with local agencies always work best. Migratory bird hunting on a rolled rice field should not be considered illegal baiting. It’s important to make sportsmen’s lives easier by having simple, easy to understand regulations that are fair to everyone and cause as little conflict as possible. This act does exactly that.

#### -Transporting Bows across National Park Service Lands

There is no danger whatsoever in allowing the transporting of bows across National Park Lands. This is yet another opportunity to clarify an area of the law which creates issues in the field.

#### -FLTFA

The enhancement of hunting, fishing and recreational access is always encouraged so long as access is part of the enhancement. If these properties are open to public access, selling them off is never a good idea as the new owners may totally ban access once in private hands. While the monies from the sale can be used to improve other lands, keeping the lands we have is the best way to preserve access for future generations of Americans. Public input should be part of the decision making process when deciding whether to sell lands.

#### -Report of Economic Impact

Requiring the Secretary of the Interior to report to Congress the economic impacts from the sportsman's act makes sense. Anytime we can get real world information on the positive economic impact of sportsmen activities it's a good idea. For individuals who are not sportsmen, it's sometimes difficult to fully understand the positive economic impact and this reporting requirement helps create goodwill and gives valid real information to those who make important decisions.

#### ***The Importance of Local Stakeholders***

ECC has always been disheartened when local decisions are left to folks thousands of miles away with little to no real knowledge of traditional uses and recreation. You would never take advice on Alaskan winter recreation from a native Floridian who has never been in the snow, so the same logic should apply nationally. The local sportsmen and state agencies are in a much better position to evaluate uses, access, recreation and protection of the resource. As an example, a few days long fact-finding trip into the Everglades does not give someone the necessary and adequate experience to dictate policy and use for decades down the road.

#### ***Sportsmen Should Always Be Part of the Solution***

First and foremost, sportsmen are conservationists and stewards of the land. You cannot lock a gate and prevent access in the name of conservation or preservation. Without access, exotics flourish and problems go unnoticed for decades such as melaleuca did in South Florida before millions of dollars were spent to control/eradicate it and why exotic snakes like Burmese and African Rock Pythons are all over the Everglades.

Without a doubt, sportsmen as well as other recreational users know and love these lands and are the best individuals to tackle conservation issues head on, but in a responsible way that allows for conservation, access and use by all stakeholders to be symbiotic.

## ***Conclusion***

I thank you again for the invitation to travel to Washington once again to address this committee. The sportsmen of South Florida are the original conservationists who worked to establish Big Cypress National Preserve decades ago. Years later we continue fighting for reasonable access to this national treasure and other areas on land and sea. ECC is encouraged by the work of this committee and looks forward to continue assisting it in the years to come.