

Committee on Resources

resources.committee@mail.house.gov

[Home](#) [Press Gallery](#) [Subcommittees](#) [Issues](#) [Legislation](#) [Hearing Archives](#)

TESTIMONY BEFORE THE HOUSE SUBCOMMITTEE ON FISHERIES

CONSERVATION, WILDLIFE AND OCEANS

ON HR 1472, "DON'T FEED THE BEARS ACT"

BY JOHN BAUGHMAN, EXECUTIVE VICE-PRESIDENT

INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

JUNE 10, 2003

Thank you Mr. Chairman for the opportunity to share the perspectives of the International Association Fish and Wildlife Agencies on HR 1472, the "Don't Feed the Bears Act". The Association strongly opposes HR 1472 as an unnecessary federal preemption of state wildlife management authority. The issue of baiting bears as a method of hunting is already subject to public discourse at the state level where determinations of means and methods of take are appropriately made. Also, black bear populations in the United States are robust and generally increasing in most states, a testament to the success of science-based wildlife management by State fish and wildlife agencies. Thus we conclude that HR 1472 is an unnecessary and inappropriate preemption of state wildlife authority and we urge that HR 1472 not be reported favorably by the subcommittee.

The International Association of Fish and Wildlife Agencies was founded in 1902 as a quasi-governmental organization of the public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's governmental members include the fish and wildlife agencies of the states, provinces, and federal governments of the U.S., Canada, and Mexico. All 50 states are members. The Association has been a key organization in promoting sound resource management and strengthening federal, state, and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest.

Mr. Chairman, as you know, the states have statutory, and often constitutional, authority for the conservation of resident fish and wildlife (including bears) within their borders for the sustainable use and enjoyment of their citizens. Where Congress has given federal agencies certain conservation responsibilities for migratory birds, listed threatened and endangered species, and anadromous fish, that authority remains concurrent with the states' jurisdiction, as Congress has affirmed. Further, state authority for resident fish and wildlife extends to most federal public lands, as affirmed by Congress in the National Forest Management Act, the Federal Land Policy and Management Act, the National Wildlife Refuge System Improvement Act, and the Sikes Act. Additionally, both the Departments of Interior and Agriculture have regulations (see, e.g., 43CFR Part 24) and policies that implement the relationship between the federal agencies which control the land and habitat, and the State fish and wildlife agencies which have conservation responsibility for ensuring the sustainability of fish and wildlife. This relationship obviously compels close coordination and cooperation.

The States conservation authority for fish and wildlife extends to the establishment of regulated take, where appropriate, and a determination of the allowable means and methods of hunting. Baiting for the purpose of hunting bears is a method of take that is allowed under certain conditions in 10 States, 9 of which also allow it on federal lands. The establishment of all regulations regarding hunting (seasons, bag limits, and allowable means of take) are based on scientific data collected by the State fish and wildlife agencies and are subject to extensive public review at the state level. In those States where baiting for bears is allowed, it is used as a regulated management tool that is necessary in order to harvest a sufficient number of bears to maintain bear numbers at society's tolerance level while ensuring a healthy, sustainable bear population. In states with large areas of dense forest habitat, or with a low bear density over a wide area, it is necessary

to employ baiting in order to harvest the appropriate number of bears. Using Wyoming as an example, even where baiting is permitted it is tightly regulated as to the size of bait, type of bait container, number and density of baits (no more than 2 per hunter) where and when baits can be placed, requirements for bait removal and clean-up, restrictions on the type of bait substances allowed and identification of the hunter must be attached to the bait container. Furthermore, the total bear harvest by area is controlled by a female mortality quota. Permitting baiting in these circumstances helps achieve the desired harvest, it facilitates identification of sows with cubs (which are not allowed to be legally harvested), and it allows agencies or landowners to focus hunters on problem bears. Research suggests that those bears which most often cause damage, depredation, or nuisance problems (i.e. wandering adolescent males) are the same bears that are most susceptible to baiting. All aspects of bear bating and other hunting regulations are reviewed annually by our agencies and are also subject to annual public review and comment through state administrative procedure processes.

Further, as you are likely aware Mr. Chairman, the U.S. Court of Appeals for the District of Columbia in 1997 upheld a district court ruling that baiting for bears was a means and method of hunting on National Forests and thus subject to state authority (127 F.3d 80).

Finally, Mr. Chairman, let me point out that, whatever one's opinion is regarding baiting as a method of take, the states are doing a commendable job in managing bears in the United States. Black bear populations are robust and have increased 21% in North America from the end of the 1980s to the year 2000. Black bears are a long-lived, prolific species and with the possible exception of some remote parts of Mexico, people in some fashion control all bear populations in North America. Since bears are at the top of the food chain, if left unchecked bear populations will continue to expand to the point of being a nuisance. The net outcome is dead bears at the hand of hunters, people protecting private property, or by government employees usually of the cost of thousands of dollar per bear.

Mr. Chairman, the States' successful record on black bear conservation speaks for itself, thus, HR 1472 is neither necessary nor appropriate from a biological resource management perspective. The Nation's state-based system of professional fish and wildlife conservation is justifiably the envy of the rest of the world. Congress has repeatedly affirmed the merits and utility of our system of wildlife conservation, while appropriately continuing to encourage cooperation between state and federal agencies. There is no need in the instance of bear management, to set aside our system of wildlife management and the Association strongly urges that you not favorably report the bill out of the subcommittee.

Thank you for opportunity to share our perspectives and I would be pleased to answer any questions.