

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Witness Statement

**TESTIMONY BEFORE THE HOUSE RESOURCES COMMITTEE,
SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS,
ON HR4790, THE HUNTING HERITAGE PROTECTION ACT**

**By David Waller, President
International Association of Fish and Wildlife Agencies
July 20, 2000**

Thank you, Mr. Chairman. I am David Waller, Director of the Georgia Division of Wildlife Resources, and President of the International Association of Fish and Wildlife Agencies, and I appreciate the opportunity to share with you the Association's support of HR4790, the Hunting Heritage Protection Act. As you are aware, all 50 State fish and wildlife agencies are members of the Association. The Association strongly and firmly believes that, under appropriate management by the State fish and wildlife agency using principles of sound wildlife science, hunting, trapping and fishing are legitimate, meritorious, wholesome and sustainable uses of our Nation's fish and wildlife resources. Under appropriate land-use protocol, and consistent with federal and state law, the Association believes that most federal public lands can and should provide opportunities for these types of activities, which are environmentally-friendly, require little if any capital investment and development, and under most federal lands acts, are administered by the federal land managing agency in cooperation with the State fish and wildlife agency in which the land is located. HR4790 will help facilitate the continued appropriate enjoyment of these activities by the millions of our citizens who engage in them. We will offer a couple of suggested changes to HR4790 which we believe will improve its application once enacted.

The Association, founded in 1902, is a quasi-governmental organization of 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 well know, hunters, trappers and anglers are at the foundation of America's fish and wildlife conservation movement. Their very sincere and vested interest in the sustainability of these resources for their appropriate use and that of future generations led hunters and anglers decades ago willingly to embrace the enactment of the Pittman-Robertson Act for wildlife restoration in 1937 and the Dingell-Johnson Act for sportfish restoration in 1950, along with the support of the shooting arms and fishing tackle industries, the State fish and wildlife agencies and the federal government. These federal excise taxes on shooting arms and ammunition (Pittman-Robertson) and fishing tackle (Dingell-Johnson) in combination with state hunting and fishing license fees, have for decades provided in many states the sole source of financial support for state-based fish and wildlife conservation programs, hunter education and safety programs and shooting sports opportunities. While the State fish and wildlife agencies have principle

statutory responsibility for all fish and wildlife conservation within their borders (including on most federal lands) for all of their citizens, it has historically been, until recently, only the hunters, trappers, anglers, shooters and boaters who have provided the financial income for these programs. As we look optimistically to the passage of the Conservation and Reinvestment Act through the leadership of Chairman Young, Cong. Miller, Cong. Tauzin and Cong. Dingell, that will finally change, but the role of hunters and anglers in the evolution of fish and wildlife conservation programs in this country is significant, remarkable, and undeniable.

The success of the State fish and wildlife agencies in restoring many game and sportfish species to robust levels, such as wild turkey, river otter, white-tailed deer, woodchuck and striped bass, and some of the so-called nongame species as osprey and bluebirds, is a result of the investments hunters and anglers have made, and continue to make, through their financial and personal contributions to these programs, and to the countless conservation organizations to which they belong. Since their enactment, for example, the Pittman-Robertson and Dingell-Johnson/Wallop-Breaux Acts have resulted in over \$7 billion being apportioned to the States for fish and wildlife conservation, hunter safety and education programs, and safe boating programs. The hunter safety and education programs, which are mandatory prerequisites of hunting license purchase in 49 of the 50 states, have since 1949, and largely through the use of volunteer instructors (nationally numbering 55,000 now), graduated over 25 million students from these courses.

Hunters and anglers, through volunteer labor and their contributions to conservation as Ducks Unlimited, National Wild Turkey Federation, Rocky Mountain Elk Foundation, Bass Anglers Sportsman's Society, Trout Unlimited, Quail Unlimited and the Izaak Walton League and many others, have helped federal and state public land managers conduct fish and wildlife surveys, improve habitat, enhance appropriate access, monitor public use, and other functions that limited public natural resource dollars cannot provide for. Any observer of the history of US fish and wildlife conservation has to acknowledge the tremendous contribution of this Nation's millions of hunters and anglers to the restoration and sustainability of our fish and wildlife resources.

Mr. Chairman, let me share with you a few observations from a report the Association published using the most recent (1996) data from the National Survey of Fishing, Hunting and Wildlife Associated Recreation:

- Annual spending by America's 14 million hunters amounts to \$22.1 billion! If ranked as a "corporation", hunting would be in 35th place on the Fortune 500 list of America's largest businesses.

With respect to the economic multiplier effects, hunters spending:

- Created a nationwide economic impact of about \$61 billion!
- Supported over 700 million jobs, or nearly 1% of America's entire civilian labor force, in all sectors of the economy.
- Created household income (salaries and wages) totaling \$16.1 billion.
- Added \$1.4 billion to state tax revenues, or nearly 1% of all annual state tax revenues combined.
- Contributed \$1.7 billion in federal income taxes.

Mr. Chairman, much of the economic impact of hunting and hunter's spending contributes significantly to

the economic vitality of our Nation's rural communities. Nature-based "tourism" is one of the fastest growing industries in the Nation, and hunting, trapping and fishing will continue to help stabilize the economy of our rural communities.

Mr. Chairman, you also asked for our observations on ways to improve non-traditional user involvement in wildlife associated recreation. Let me simply remark that once CARA is enacted, the State fish and wildlife agencies will be in a position to greatly enhance programs and program availability for the non-traditional users through both wildlife associated recreation and wildlife conservation education activities. CARA will join its place along with Pittman-Robertson and Dingell-Johnson/Wallop-Breaux as the three pillars of the financial undergirding of fish and wildlife conservation in the U.S.

Turning now to HR4790, let me offer a few observations and suggestions. First, the Association would strongly recommend that trapping be explicitly added to the legislative provisions covered by HR4790. To those of us in the wildlife professional community, trapping is considered a means or method of hunting. However, neither Congress nor the federal courts in recent years have come to the same conclusion. In fact, as we understand it, it is probably fair to say that, unless it is so explicitly stated, trapping is not assumed to be included as part of the term "hunting" in federal statute. The Association believes that HR4790 is an appropriate and timely opportunity for Congress to acknowledge the legitimacy and merits of trapping, as administered under appropriate regulation by the State fish and wildlife agency, to wildlife conservation. The Association staff would be pleased to work with Committee staff to accomplish this recommendation.

Second, the Association strongly urges that you adopt the attached strengthened savings provision in Section (3)(f) with respect to the authority of the States. This language is necessary particularly in light of the argument made by the US Department of Justice before Judge Brimmer (US District Court for the district of Wyoming) in the Wyoming Brucellosis case that the State does not have standing to complain in federal court of a violation of the savings provision of the National Wildlife Refuge System Improvement Act of 1997. The Association's attorney, Mr. Paul Lenzini, would be pleased to work with Committee staff with respect to this language, which is appended hereto.

Finally, the Association suggests that the Committee consider the difficulty of application of such a rigid standard as "no net loss" of hunting opportunity on public lands (Sec. 3 (c)). Perhaps a more practical and workable solution would be to require the federal agencies, prior to land acquisition or exchange, to provide notice of and opportunity for comment on its intentions to allow (or not) hunting (and trapping) on the lands to be acquired. In that way, before Congress approves the funding for the acquisition, there would be a public record of the agency's intent and plans. The NWRSIA of 1997 has such a provision that the Committee might find helpful to consider.

Mr. Chairman, in conclusion, the Association supports HR4790 as both an appropriate and reasonable way to ensure that hunting is given due consideration with respect to allowable activities on federal public lands to the extent authorized under state law and regulation and in accordance with applicable Federal law. HR4790 will appropriately recognize and acknowledge the tremendous and significant contributions that hunters have made to fish and wildlife conservation in the United States. We owe it to our Nation's premier conservationists to provide for them these opportunities where appropriate on federal public lands.

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

IAFWA RECOMMENDED SAVINGS CLAUSE TO HR4790 FOR AUTHORITY OF THE STATES

Sec. (3)(f). Authority of the States. - Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations on land or water within a State, including federal public land or water, or a impliedly preempting such State authority, nor shall any provision of this Act be construed as authorizing the head of a federal agency covered by this Act, or any official of such an agency, to require licenses or permits to hunt, fish or trap on such lands or waters within a State, including federal public land or water. Any State aggrieved by the failure of the head of a federal agency or an official thereof to observe this provision may file a civil action in the United States District Court for the district in which the alleged act or acts in excess of authority occurred or are occurring to enjoin permanently such act or acts. The court may grant preliminary injunctive relief in any such action if the granting of such relief is appropriate under the facts on which such action is based. A State which is a prevailing party in an action pursuant to this section shall be awarded its costs and attorneys' fees.

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