

DOC HASTINGS, WA  
CHAIRMAN  
DON YOUNG, AK  
JOHN J. DUNCAN, JR., TN  
LOUIE GOHMERT, TX  
ROB BISHOP, UT  
DOUG LAMBORN, CO  
ROBERT J. WITTMAN, VA  
PAUL C. BROUN, GA  
JOHN FLEMING, LA  
MIKE COFFMAN, CO  
TOM McCLINTOCK, CA  
GLENN THOMPSON, PA  
JEFF DENHAM, CA  
DAN BENISHEK, MI  
DAVID RIVERA, FL  
JEFF DUNCAN, SC  
SCOTT R. TIPTON, CO  
PAUL A. GOSAR, AZ  
RAUL R. LABRADOR, ID  
KRISTI L. NOEM, SD  
STEVE SOUTHERLAND II, FL  
BILL FLORES, TX  
ANDY HARRIS, MD  
JEFFREY M. LANDRY, LA  
JON RUNYAN, NJ  
BILL JOHNSON, OH  
MARK AMODEI, NV

TODD YOUNG  
CHIEF OF STAFF

EDWARD J. MARKEY, MA  
RANKING DEMOCRATIC MEMBER  
DALE E. KILDEE, MI  
PETER A. DeFAZIO, OR  
ENI F.H. FALCOMAVAEGA, AS  
FRANK PALLONE, JR., NJ  
GRACE F. NAPOLITANO, CA  
RUSH D. HOLT, NJ  
RAUL M. GRIJALVA, AZ  
MADELEINE Z. BORDALLO, GU  
JIM COSTA, CA  
DAN BOREN, OK  
GREGORIO KILILI CAMACHO SABLAN, CNMI  
MARTIN HEINRICH, NM  
BEN RAY LUJAN, NM  
JOHN P. SARBANES, MD  
BETTY SUTTON, OH  
NIKI TSONGAS, MA  
PEDRO R. PIERLUISI, PR  
JOHN GARAMENDI, CA  
COLLEEN W. HANABUSA, HI  
PAUL TONKO, NY

JEFFREY DUNCAN  
DEMOCRATIC STAFF DIRECTOR

# U.S. House of Representatives

## Committee on Natural Resources

### Washington, DC 20515

#### Dissenting Views

#### H.R. 4089: The Recreational Fish and Hunting Heritage and Opportunities Act

H.R. 4089 is a solution in search of a problem. A majority of federal lands are available for hunting and fishing activities. There is broad agreement that hunting, fishing, trapping, and other wildlife-dependent activities have always taken place on our federal lands and should continue to take place on our federal lands. The number of visitors to public lands who engage in hunting, fishing, and other wildlife-dependent activities remain constant and quite high.

The Fish and Wildlife Service administers the National Wildlife Refuge System, consisting of 553 refuges and 38 wetland areas together comprising over 150 million acres of federal land. Approximately 375 refuges have hunting programs with slightly fewer having fishing programs. The National Park Service provides similar opportunities for hunting and fishing for the 84 million acres they manage. Roughly 70 percent of NPS lands are available for hunting. The Bureau of Land Management (BLM) is responsible for 245 million acres of land with over 95 percent open to hunting and 98 percent open for recreational shooting.

The legislation before us is a puzzling combination of stand-alone bills packaged to purportedly represent the interest of sportsmen and women. Instead of broadening support and building consensus, the combination of these bills is more controversial than the sum of the parts.

Title I of the legislation is focused on hunting and fishing access on federal lands. The stand-alone legislation, H.R. 2834, was opposed by the Administration and considered highly controversial when brought before the Committee. We fully support hunting, fishing, trapping and other wildlife-dependant recreational activities on public lands, including in designated wilderness. Instead of restating the value of recreational activities on public lands, Title I includes sweeping provision that would effectively rewrite the Wilderness Act, National Environmental Policy Act (NEPA), and the National Wildlife Refuge System Administration Act. Subcommittee Ranking Member Grijalva offered amendments to strike these provisions from the bill but was defeated on largely party-line votes.

Title II of the legislation creates a cumbersome and beltway driven process that ties the hands of local land managers to manage our national monuments and protect health and safety. Despite

having more than 98% of lands open for recreational shooting, Title II would only allow the Director of the BLM to make 6 month closures of monument lands to shooting for any reason.

Any long-term closure would require an Act of Congress. Again, the Administration testified in opposition to the stand alone legislation (H.R. 3440) and Democrats raised strong objections during subcommittee consideration.

Title III of the bill overrides important laws related to importation of endangered wildlife by allowing a select group of hunters to import polar bears that were hunted just prior to be listed as endangered species. The stand-alone bill, H.R. 991 has been before the Committee a number of times and has always been considered controversial. There are 41 hunters who had killed a polar bear and had pending importation permit applications when the polar bear became listed. These hunters were warned by extensive outreach by the Fish and Wildlife Service that a prohibition would be placed on polar bear trophy imports if a listing occurred. Hunters also gave warnings to each other. The Hunting Report, with over 5000 subscribers, told its readers in 2007, 'The bottom line is, no American hunter should be putting hard, non-returnable money down on a polar bear hunt at this point.' These provisions would change the laws of the nation to provide special treatment to forty-one individuals. It creates an incentive for other trophy hunters to ask Congress for exemptions for their own hunts on marine mammals, which are listed or proposed for listing. Congressman Young has introduced this bill three times since the polar bear was placed on the Endangered Species list in May of 2008.

Title IV of the bill amends the Toxic Substances Control Act (TSCA), a law enacted in 1976 to provide the Environmental Protection Agency (EPA) with the authority to require reporting, testing, and restrictions related to the use of chemical substances or mixtures of chemical substances. In recognition of the regulatory authority that existed under other statutes and/or Federal agencies, Congress exempted some potentially toxic substances from TSCA. Examples of such exemptions include special nuclear material (used to construct nuclear weapons and regulated by the Department of Energy and the Nuclear Regulatory Commission) food and drugs (related by the Food and Drug Administration and the Department of Agriculture) and pesticides (regulated by EPA under a different statute).

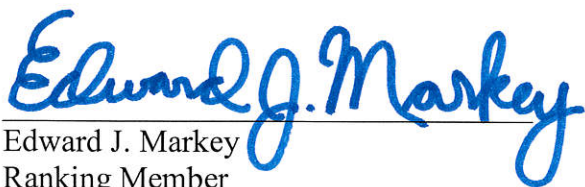
H.R. 4089 adds "shot, bullets and other projectiles, propellants, and primers" and "any sport fishing equipment ... and sport fishing equipment components" to the list of items that are exempted from TSCA. The exemptions in existing law were predicated on the fact that these substances were already being regulated under different statutory authority or by a different Federal agency. The exemptions contemplated in H.R. 4089 appear to be predicated on the Majority's belief that these items should not be regulated by anyone at all, no matter how toxic the substances from which they are made may be. No official from the EPA was invited to testify on Title IV of H.R. 4089.

True threats to access for hunters and anglers are the privatization of these public resources, degraded habitat due to lack of funding, and development that disrupts wildlife habitat and water quality. The Majority frequently laments that federal lands dominate the West, “robbing” local communities of a tax base. They have proposed turning some lands over to the states, liquidating others, and intensively developing what is left. Even widely supported programs embraced by hunters, trappers, and anglers, like the Land and Water Conservation Fund, are targets of their anti-federal efforts.

Hunting and fishing are enormously popular activities on federal lands and support a multi-million dollar industry, employing tens of thousands of people in outfitting, guiding, and equipment manufacturing. Instead of embracing this engine of economic prosperity, the Majority is legislating on anecdotes and rumors, rewriting existing laws based on one story from here or one allegation from there. Legislation based on anecdotes rather than facts can have disastrous, unintended consequences.

Promoting more hunting and fishing activities on federal land involves ensuring that habitat is protected, acquiring new lands to expand existing habitat, funding wildlife and habitat management, and continuing to ensure that our parks, forests, monuments, and wildlife areas remain public.

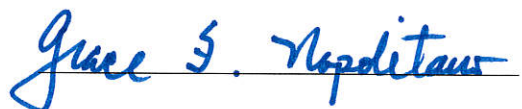
Instead of pursuing an agenda that would advance those objectives, this Majority has approved this his legislation, which consists of a series of confusing management mandates that collectively undermine federal land manager’s ability to ensure access for today’s sportsmen and habitat for tomorrow. It uses an issue on which there is broad agreement – the importance of hunting and fishing on public lands – as a cover to make harmful, backdoor changes to conservation laws. As a result, enactment of H.R. 4089 would destroy wildlife habitat, limit opportunities for the recreational pursuits the bill claims to protect, and creates a dangerous precedent allowing for the importation of trophies of endangered wildlife.



Edward J. Markey  
Ranking Member  
Committee on Natural Resources







Clark E. Gildea

W. H. C.

Madeline Z. Bardella

Paul D. Lombard

Russ Holt