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July 9, 2014

Re: Please oppose S. 2363, the so-called “Bipartisan Sportsmen’s Act of 2014” in the Senate

Dear Senator:

On behalf of our 110 national, regional and local organizations, and our millions of members and supporters, we write to express our strong opposition to S. 2363, the so-called “Bipartisan Sportsmen’s Act of 2014” and the related Senate bills (S. 1996, S. 170, S. 847, S. 1335, S. 1634, S. 1660 and S. 1212). Our collective opposition to this legislation is not based on underlying questions of whether recreational fishing, hunting, or shooting are compatible with conservation of public lands and wildlife. Rather, **we oppose this legislation because it threatens the conservation of fish, wildlife, and habitats that benefit all Americans.** While there are many adverse special interest provisions contained in the legislation, the following aspects of the bill clearly demonstrate why it must be opposed.

Rollback of Public Lands Protection

First, S. 2363 contains several alarming rollbacks of long-standing federal environmental and public land laws including the National Environmental Policy Act (NEPA), the Wilderness Act, and the National Forest Management Act. In the process, it would reduce or eliminate important protections for America's public lands that have been in place for decades.

In regards to **NEPA**, for example, the bill could exempt all decisions on and Bureau of Land Management (BLM) and Forest Service lands regarding trapping and recreational hunting, fishing, and shooting from compliance with NEPA by mandating that such lands be open to these activities. NEPA ensures that agencies assess and consider the impacts of their land-use decisions before those decisions are made. It also serves as an effective platform for the public to assess the environmental consequences of proposed agency actions and to weigh in on governmental decisions before they are finalized.

In addition, underlying changes to the **Wilderness Act** embedded in S. 2363 seek to overturn decades of Congressional protection for wilderness areas. For example, the bill would require lands managed by the Forest Service and Bureau of Land Management, including wilderness areas, to be managed as "open unless closed" to recreational shooting which includes "sport, training, competition, or pastime whether formal or informal" in Wilderness. Wilderness has always been closed to competitive events and commercial enterprises by statute and regulation.

Moreover, the bill prioritizes hunting, trapping, recreational fishing, and recreational shooting in most Wildernesses by requiring that all federal land managers (except for lands managed by the National Park Service or the U.S. Fish & Wildlife Service) facilitate the use of and access to lands under their control for these activities. The agencies could interpret that enhancing hunting, fishing and recreational shooting in Wilderness could allow management measures such as motorized use to artificially increase game or fish numbers. Such measures would be inconsistent with Wilderness and the Wilderness Act.

Further, section 108 of S. 2363 would significantly change current practices and open up all Wildernesses across the country to commercial filming activities and their attendant problems, thereby preventing federal land managers from protecting designated Wildernesses from commercial filming production. The language in this section that exempts "cameras or related equipment used for the purpose of commercial filming or similar projects" from the prohibitions on motorized and mechanized equipment in Wilderness could lead to calls to allow motorized access in Wilderness for commercial filming. Congress recognized that Wilderness can easily be damaged by commercialization. The Wilderness Act's section 4(c) provides that except as specifically provided otherwise, "there shall be no commercial enterprise . . . within any wilderness area." We are deeply concerned that making exceptions for commercial filming would lead to opening Wilderness to even more commercial enterprises.

Such changes are in direct conflict with the stated purpose of the Wilderness Act to establish areas "where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain," and the Act's fundamental mandate with respect to the management of wilderness areas that federal agencies preserve the wilderness character of these lands so that they are left "unimpaired for future use and enjoyment as wilderness."

The legislation promotes the priorities of various special interests by making substantive policy changes to public land law. It prioritizes recreational shooting activities such as those found on target ranges. As defined, recreational shooting activities are unrelated to, and potentially at odds with, the unique natural resource values of the various federal land management systems on which they would occur.

Under the **National Forest Management Act**, forest managers manage for the resilience of our national forests so that both current and future generations can benefit from multiple uses of the land. In some cases, managers need the flexibility to stop certain actions to promote long-term use of the forest resources. Requiring that all

Forest Service lands be “open unless closed” to hunting, trapping, fishing and shooting is one example of many where this legislation undercuts their ability to do that.

Appropriate management of our public lands plays a critical role in stewardship for biodiversity as well as for recreational opportunities. The natural resource management laws affected by this legislation help ensure well-managed public lands that provide habitat for biodiversity, and maintain healthy populations to help prevent the need for new listings of species under the Endangered Species Act. They work to ensure that our wildlife and public land resources thrive and that hunters, birders and anglers alike can enjoy them for generations to come. By weakening these important laws, the proposed legislation would significantly undermine these important public land values.

Lead ammunition pollution

Second, S. 2363 would remove the Environmental Protection Agency’s authority to regulate toxic lead or any other toxic substance used in ammunition or fishing equipment under the Toxic Substances Control Act. A nationwide ban on lead shot in migratory waterfowl hunting was adopted in 1991 after biologists estimated roughly two million ducks died each year from ingesting spent lead pellets. The hunting industry groups that want to prevent the EPA from regulating lead ammunition and fishing tackle are the same groups that protested the ban on lead shot for waterfowl hunting in 1991. Despite the doom-and-gloom rhetoric, hunters know two decades later that this was a good decision for waterfowl, and didn’t lead to the end of duck or goose hunting. A federal agency should be able to carry out its duties without uncalled for and unscientific laws impeding this process. Such decisions should be left to the discretion of federal agencies based solely on the best available science on the impacts of toxic substances such as lead. Congress should not tie the hands of professional scientists and prevent them from even evaluating or considering future policies to protect the public and the environment.

Polar bears in peril

Third, S. 2363 would allow the import of 41 sport-hunted polar bear trophies. This would be the latest in a series of import allowances that Congress has approved, and the cumulative effect is devastating to our most imperiled species. Despite having notice of the impending prohibition on import of polar bear trophies for sixteen months (between January 2007 and May 2008), a number of trophy hunters went forward with hunts anyway. In fact, the 41 individuals all hunted polar bears AFTER the Bush Administration proposed the species for listing as threatened under the Endangered Species Act, and all but one hunted more than a year after the listing was proposed. They were given repeated warnings from hunting organizations and government agencies that trophy imports would likely not be allowed as of the listing date, and that they were hunting at their own risk. If this behavior were rewarded through a congressional waiver, it could accelerate the pace of killing any species proposed for listing in the future, since hunters would believe they could get the trophies in even after the listing becomes final. Each new allowance may involve only a few animals, but the cumulative impacts of these waivers time and time again lead to more reckless trophy killing.

Conclusion

This bill is extreme and reckless. It would undermine decades of land management and planning and would topple the delicate balance between allowing for public use and the need to protect public resources. In regards to public land access for recreational hunting and fishing, it is also unnecessary. Hunting and fishing are already permitted on 85% of public lands. This bill’s proponents seek to solve a problem that does not exist, and the legislation they propose could in fact cause serious damage to America’s natural heritage.

Please oppose S. 2363, as well as any of the Senate bills that are companions to individual titles of this legislation – S. 1996, S. 170, S. 847, S. 1335, S. 1634, S. 1660 and S. 1212 – and oppose any effort to attach this legislation to another bill. This legislation is bad for public lands and water resources, bad for fish and wildlife, and bad for the American people.

Sincerely,

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