A Letter from the NASC Executive Council President

January 1, 2019

Valued Partners in Conservation,

On behalf of the Executive Council of the National Assembly of Sportmen’s Caucuses (NASC), I want to thank you for being a leader and a voice for your state’s, and our nation’s, sportsmen and women. Like you, members of the NASC Executive Council believe hunting, angling, recreational shooting, and trapping are American traditions worth protecting. Not only do these recreational pursuits provide significant economic value to local communities, they also add tremendous conservation benefits to our fish and wildlife resources. Our sportsmen’s heritage is a cornerstone of our nation’s foundation and a culturally significant way of life for millions of Americans.

Since the inception of the NASC program in 2004, this bipartisan network has grown to 48 state legislative sportmen’s caucuses with a collective membership of over 2,000 state legislators. The dedication of our sportmen’s caucus members is evident in the many and varied victories that have been achieved. Sunday hunting has been advanced in several states, apprentice hunting programs have been established, recruitment and retention programs have been instituted, and recreational angling access has been expanded, to name but a few. Although our victories are numerous, additional challenges remain throughout the nation. Anti-sportsmen’s interests are ever present in state capitols, aiming to eradicate our time-honored traditions.

Each year, the Congressional Sportsmen’s Foundation (CSF) produces a series of State Issue Briefs designed to help you better understand and address the needs and challenges of America’s sportsmen and women. These Briefs are developed through extensive collaboration between the CSF States Program Team, the NASC Executive Council, allied sportsmen’s organizations, and outdoor industry leaders. This compilation of Issue Briefs arms you with critical information on any number of hunting, angling, recreational shooting, trapping, and other conservation-related topics to assist you as you advocate on behalf of your sportsmen constituents. We simply ask that you please review the State Issue Briefs as you consider policy proposals during upcoming legislative sessions.

The members of the CSF States Program Team and the NASC Executive Council are always available to answer any questions or assist in any way with your efforts to promote, protect and enhance our outdoor traditions.

Sincerely,

[Signature]

Senator Bill Heath, GA
President
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2019 Issue Briefs: Programs
Voter Registration

Introduction
Encouraging sportsmen’s involvement in the political process is an important method for protecting our outdoor heritage. Increased public participation, particularly at the ballot box, ensures that hunters and anglers are represented, which strengthens the ability of the sportsmen’s community to collectively defeat anti-sportsmen policy objectives. Facilitating voter registration for sportsmen and women at the time they purchase hunting and fishing licenses is one way to increase the number of sportsmen that are registered to vote.

History
The issue was introduced at the inaugural NASC Annual Meeting in 2004 by a Georgia legislator and was presented as a NASC issue brief during the 2005 legislative sessions. Since that time, sportsmen’s caucuses in Florida and Virginia have passed similar legislation and attempts have been made in at least eight other states. Georgia, despite passing voter registration legislation in 2004, has yet to implement a voter/sportsmen registration system.

- In January 2013, voter registration bill S 2801 was introduced in New York. S 2801 passed the Senate on June 3, 2013 and was later introduced to the Assembly as A 49031, though it subsequently died in committee. In February of 2016 voter registration bill A 49822 was introduced but failed to make it out of committee.
- Kentucky voter registration bill S 220 was introduced and subsequently passed the Senate in March, 2014, but failed to pass the House.
- “Sportsmen/Voter” legislation is based on the “Motor/Voter” concept, which has gained traction throughout the nation to provide another pathway for citizens to register to participate in the democratic process.
- Some states allow for a hunting or fishing license to provide valid proof of eligibility to vote, therefore allowing for the opportunity to register to vote when applying for these licenses should be made available.
- In January 2017, New Jersey introduced A 1387, which requires voter registration forms to be made available at the time of purchase of a hunting, fishing or trapping license.3 Its current disposition is pending.

Language
The following states have successfully passed and enacted voter registration legislation using the language below:

- Georgia Title 21, chapter 2, article 6, § 21-2-221.1: “Each application to obtain a resident hunting, fishing, or trapping license issued by the Department of Natural Resources pursuant to Chapter 2 of Title 27 and made by an applicant who is within six months of such applicant's eighteenth birthday or older shall also serve as an application for voter registration unless the applicant declines to register to vote through specific declination or by failing to sign the voter registration application.”

- Florida Title 28, chapter 379, part 6, § 379.352: “At each location where hunting, fishing, or trapping licenses or permits are sold, voter registration applications shall be displayed and made available to the public. Subagents shall ask each person who applies for a hunting, fishing, or trapping license or permit if he or she would like a voter registration application and may provide such application to the license or permit applicant but shall not assist such persons with voter registration applications or collect complete or incomplete voter registration applications.”

- Virginia Title 24.2, chapter 4, § 24.2-416.3: “The State Board shall provide a reasonable number of mail voter registration application forms to each agent of the Department of Game and Inland Fisheries authorized to sell hunting or fishing licenses in Virginia. The Department of Game and Inland Fisheries shall assist the State Board by providing a list of its agents appointed to sell hunting and fishing licenses in Virginia and by instructing its agents to make the mail voter registration application forms available to persons purchasing hunting or fishing licenses.”

Moving Forward
To ensure the voice of sportsmen and women across the country is protected and well represented in policy making decisions, legislators and elected officials should explore and support opportunities to adopt similar legislation in their states.

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states. Each caucus leadership team should determine the best means of action in their respective state and become familiar with similar legislation considered elsewhere. Please reference the laws mentioned above for additional information about components of the legislation that give these voter registration instruments added flexibility.

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Game Meat Donation Programs

Introduction
As a result of the damage caused by the growing number of deer, geese, and other game animals to crops and property, depredation permits are being issued to farmers, airports, military installations, and agricultural facilities across America. These special permits, coupled with high bag limits and extended hunting seasons, are putting hunters in the position of being able to harvest more deer and other game than they can personally consume. Throughout the country, programs have been developed to distribute this surplus meat to put healthy meals onto the tables of needy citizens. Donating venison and other wild game is a great way to ensure harvested meat is not wasted.

Research has shown that most adult Americans (85%) will support hunting if they know the primary motivation of the hunter is to procure meat. Programs, such as Buckmasters Project Venison, Farmers and Hunters Feeding the Hungry (FHFH), Hunters Helping the Hungry (HHH), Hunters Sharing the Harvest (HSH), and Sportsmen Against Hunger (SAH) are established in many states to facilitate the processing of meat and the donations to food banks. An important component of these programs is their ability to build good will with the non-hunting public and frame the importance of hunting in a way non-hunters can understand and feel comfortable supporting.

Most states have a venison donation program to feed the hungry, but the greatest obstacle these organizations encounter is a lack of funds for processing costs. Buckmasters Project Venison, FHFH, HHH, HSH, and SAH, along with individual state-based programs, such as Wayside Food Programs in Maine⁴, are attempting to change this by inviting all hunters to showcase their hunting heritage as food providers through streamlining the process of donating venison to the hungry.

Points of Interest
- A number of states now allow hunters to donate money to similar programs when purchasing their licenses. This money helps to cover the cost of processing.
- On average, 50 pounds of meat can be taken off of a deer. If ground and used in spaghetti or chili, one deer can feed 200 people at $0.25/serving.
- In 2010, 2.8 million pounds of deer, elk, antelope, moose, pheasants and waterfowl meat was donated to game meat donation programs around the country allowing 11 million meals to be served.
- In 2018 the Maryland legislature passed a bill that allows individuals to claim income tax credit for donating deer meat to specified non-profit organizations that distribute the meat to those in need.

Language
Legislation that promotes Game Meat Donation Programs
- Alaska H. 179: “A person may donate fish, game, marine or aquatic plants, or any part of fish, game, or aquatic plants, or a nest or egg of fish or game lawfully taken for subsistence, sport, or personal use to a food service program.”⁵
- Kentucky S. 55: “An Act relating to the donation of game meat… Create a new section of KRS Chapter 217 to define ‘not-for-profit organization’ ‘take’ and ‘wildlife’; prohibit state and local government entities from restricting the donation of game meat to or from not-for-profit organizations for the purpose of free meal distribution; require that the game meat be from wildlife that was taken in the Commonwealth, properly field dressed and processed, and apparently disease-free and unspoiled.”⁶

Moving Forward
Elected officials have numerous and unique opportunities to enhance the historical role of hunters as food providers by supporting laws, legislation, and community programs which make providing game meat to the hungry a more streamlined process. To counter the administrative costs associated with these programs, legislators are urged to explore potential funding sources to cover processing costs which will further enhance the ability of these organizations to provide meals for their less fortunate constituents.

Contact

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Game Meat Donation Liability Exemption

Introduction
Throughout the country, hunters are working proactively within their communities to curb hunger through game meat donation programs (see issue brief). The vast majority of states in the nation now have some system in place (whether state-run or nonprofit) to provide hunters the option of donating game meat to people in need. However, processors’ ability to participate in donation programs may be limited by state contract or license agreements that require them to carry arduous liability insurance policies. Currently Delaware, Indiana, and Michigan require processors to carry liability insurance in order to participate in game meat donation programs. Some non-profit programs, such as Farmers and Hunters Feeding the Hungry (which currently has chapters in 26 states), also require participating processors to carry liability insurance. In some instances, these liability insurance requirements have now become a barrier for processors to participate in the program.

Points of Interest
- In Delaware, participating processors must contract with the state when joining the Sportsmen Against Hunger program, which involves a mandatory $1 million per occurrence and $3 million aggregate liability insurance policy (as opposed to the standard limits of $1/ $2 million that most insurance companies offer). The higher coverage requirements result in an additional $250 in costs for the processors and has, in part, contributed to over 20% of the previously participating processors withdrawing from the program. As a result, venison donations were 2,500 pounds lower in 2015 compared to the year prior. Legislation aimed at addressing this problem has failed to advance the past several years.
- In 1996, Pennsylvania became one of the first states to enact legislation protecting processors from liability, thereby negating the need to carry liability insurance. House Bill 664 amended the Donated Food Limited Liability Act to include wild game meat processors as being exempt from liability.
- In 2010, Tennessee passed Senate Bill 2726 establishing “good-faith donor” protection from liability for game meat processors wishing to donate to nonprofit organizations.
- Although several other states have some form of protection for food donors, many of those states do not specifically protect game meat donors or processors.

Language
- The Donated Food Limited Liability Act in Pennsylvania became law in 1981 and PA HB 664 amended the Act in 1996 to include wild game meat donations as authorized products to be included in protection from liability. “Any bona fide charitable or religious organization which receives, in good faith, donated food for ultimate distribution to needy individuals, either for free or for a nominal fee, shall not be subject to criminal or civil liability arising from the condition of such food, if the charitable or religious organization [reasonably] does all of the following: (1) reasonably inspects the food, at the time of donation and at the time of distribution, and finds the food fit for human consumption. (2) in the case of game animals or game birds, reasonably processes, prepares and distributes the food.”
- TN SB 2726 – “No good-faith donor of any apparently wholesome deer meat, fit for human consumption, to a charitable or nonprofit organization shall be subject to civil damages arising from the condition of the food, unless an injury is caused by the negligence, recklessness or intentional conduct of the donor.”

Moving Forward
In recognition of the valuable role hunters and game meat processors play in providing high-quality food to those less fortunate, state legislators are encouraged to consider implementing liability exemptions for game processors to facilitate...
the continuation and expansion of the programs available in their state. Legislators may also consider the implementation of release of liability waivers from recipients of donated game meat to help alleviate the requirements for additional or excessive liability insurance.

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Introduction
More than 2 million students in 47 states, and 11 countries participate in the National Archery in Schools Program® (NASP®) annually. NASP® is a non-profit 501(c)(3) for students in grades 4-12. School archery programs are safe, build student self-esteem, and introduce kids and families to shooting sports through target archery. These programs are popular with teachers because success in archery can be achieved by students of all genders, abilities, and backgrounds and, according to teachers, participation in NASP® improves student grades, behavior, and school attendance. An estimated 14 million kids have participated in archery through school programs and an estimated 50-81% of those students go on to buy personal archery equipment, 65% of them indicate that they intend on being a lifetime archer, and 27% of them report buying a hunting license.13 Despite over 13,000 schools participating in NASP®, there remains an opportunity for the program to continue expanding to more and more schools each year.

History
NASP® started when Kentucky Department of Fish and Wildlife Resources (KDFWR) Commissioner Tom Bennett wanted archery to become a “high school sport choice.” The KDFWR hosted a “Step Outside” event to introduce the Kentucky Department of Education to the sport of archery. The Department of Education agreed to help if the program was started as a PE class in middle school.14 The program began in 21 Kentucky Middle Schools and has grown to nearly 15,000 schools nationwide. In May of 2017, the 14th annual NASP® National Tournament was conducted indoors in Louisville, Kentucky. A total of 14,492 student archers participated in the single day event—the largest student archery tournament in North American history.15

Points of Interest
• Funding support should be protected within NASP® program budgets for coordinators, instructor training, and equipment purchases.
• Encourage fish and wildlife agency utilization of Pittman-Robertson funds for NASP® and community archery programs.
• State and local funding opportunities should be explored for both indoor and outdoor shooting facilities as a part of city and county parks.
• Archery parks and ranges need to be located within a reasonable distance of schools with programs and these facilities need to be child and family friendly.
• Current recreational facilities could be expanded or adapted in many cases to include archery.
• NASP® is available to homeschool children. Those who are enrolled in a homeschool educational environment can enroll in NASP® and benefit from the program just as much as those in public or private schools.

Moving Forward
Archery program start-ups have been successful, but continued funding, support, and the creation of community archery programs in each state is necessary to continue this success. Currently, the after-school and out-of-school needs of participants are being underserved. A majority of communities lack archery in local recreation programs and shooting locations are few and far between. Recruitment into archery and other shooting sports will not continue without providing additional locations and opportunities for participants to practice. The Archery Trade Association has entered into memorandums of understanding with many state natural resource agencies to effectively utilize funds to further develop archery in the school and community archery programs. Only through repeated exposure to archery will youth have a chance to make archery part of their recreational lives.

In the spirit of advancing our nation’s hunting heritage and improving hunter recruitment and retention, legislators should explore and support legislative options that make archery programs more readily available in our children’s schools.

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Fishing in Schools

Introduction
Recreational fishing is widely accepted as a wholesome and non-controversial lifetime outdoor activity with numerous positive benefits. These benefits include: physical activity, a better understanding and appreciation for the outdoors, an increased awareness of the environment and our natural resources, all while providing a life-long, affordable activity.

These benefits, coupled with an increased interest at the youth and educational level, has led some states to enact legislation implementing fishing into school curriculums. Five states (IL, 16 KY, 17 MO, 18 NH 19, VT 20), through their respective High School Athletic Associations, now recognize competitive bass fishing as a sanctioned high school activity. By sanctioning bass fishing, athletic associations and schools are hoping to draw in students and families who would otherwise never participate in angling. In Illinois, school participation is up from 199 schools in 2009 to 290 schools in 2018. 21 Students wishing to participate in fishing in these states are required to have a valid state fishing license, membership with the Student Angler Federation (SAF) for liability insurance purposes, and a coach on board the boat at all times.

Points of Interest
• Since its inception in 2009, work by the National Fishing in Schools Program (NFSP, modeled after the highly successful National Archery in the Schools Program) 22 has led to 283 schools from 41 states and D.C. implementing the “Fishing in Schools” program. With 701 educators certified to teach NFSP curriculum, nearly 100,000 students have been introduced to fishing through the NFSP program. 23
• The Future Fishing Foundation’s “Hooked on Fishing Not on Drugs” curriculum, now in its 22nd year, has been extremely successful in its implementation throughout numerous states and schools. 24
• Other programs such as the Student Angler Federation (SAF) 25 and C.A.S.T. (Catch a Special Thrill) For Kids 26 have worked to promote education and introduce kids to fishing.
• In Illinois, Kentucky, Missouri, and New Hampshire, bass fishing is classified as a sanctioned high school sports “activity.” This designation provides a structure for bass fishing teams that encourages participation from both parents and volunteer coaches.

Language
• In 2013, Louisiana passed legislation (SCR 22) urging the Louisiana High School Athletic Association to establish and sanction the sport of competitive bass fishing. 27

Moving Forward
Not only is angling a wholesome, lifelong outdoor activity, but the excise taxes from all the products associated with fishing are an integral part of the American System of Conservation Funding (Page 22). To promote angler recruitment and retention, which ensures both the future of our angling heritage as well as critical fisheries conservation, legislators should explore and support legislative options that make angling programs more readily available in our children’s schools.

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23 Dana Cole, email message, 2018.
National Hunting and Fishing Day

Introduction
National Hunting and Fishing Day celebrates the time-honored traditions of hunting and angling, as well as the immense conservation and economic contributions made over time by the original conservationists – sportsmen and women – who support sound, science-based wildlife management through license sales, excises taxes on outdoor gear, and sustainable-use models. The purchases of licenses, duck stamps, firearms, ammunition, archery equipment, fishing tackle, motorboat fuel, and other hunting and angling-related items drive conservation funding in the United States. Together, these funding sources create the American System of Conservation Funding, a unique “user pays—public benefits” structure that serves as the main funding mechanism for state fish and wildlife agencies, the primary managers of our fish and wildlife resources.28

There are over 53 million sportsmen and women in the United States who work tirelessly to protect and promote our sporting heritage and natural resources.29 The U.S. Congress and President Nixon established National Hunting and Fishing Day in 1972 to recognize generations of sportsmen and women for contributing to the conservation of our nation’s rich sporting heritage. Since its inception, governors from all 50 states and over 600 mayors have proclaimed state and local versions of National Hunting Fishing Day promoting over 3,000 hunting and fishing related events, hosting more than 4 million participants. National Hunting and Fishing Day is celebrated the 4th Saturday of every September to increase awareness about hunting, angling, and conservation, and to encourage participation in these pastimes, which results in even greater funding for science-based fish and wildlife management.30 In 2018, 42 proclamations were signed by governors across the country, including 31 Governors Sportsmen’s Caucus members. A Presidential Proclamation was also signed by Donald Trump.

Language
- **Alabama Proclamation:** “Whereas, to this day, the Alabama Department of Conservation and Natural Resources is funded primarily by sportsmen and women, through this American System of Conservation Funding – a ‘user pays-public benefits’ approach that is widely recognized as the most successful model of fish and wildlife management in the world.”31
- **Nebraska Proclamation:** “Whereas, to this day, the Nebraska Games and Parks Commission is funded primarily by sportsmen and women, through this American System of Conservation Funding – a ‘user pays-public benefits’ approach that is widely recognized as the most successful model of fish and wildlife management in the world and is celebrating its 80th anniversary this year.”32

Moving Forward
National Hunting and Fishing Day remains the most prominent occasion for promoting America’s hunting and angling traditions, as well as the economic and conservation benefits provided by sportsmen and women. National Hunting and Fishing Day proclamations, resolutions, and celebrations increase awareness and participation in these activities, which helps safeguard funding for conservation throughout the nation.

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31 Internal reference.
32 IBID.
Hunting, Angling & Nature Appreciation in Schools

Introduction
The health problems associated with poor dietary choices and absence of physical activity is a growing concern among both physicians and lawmakers. The upward trend of obesity rates in America, especially among youth, is an alarming issue. In recent years, children have elected to spend more of their free time in front of the television instead of in the outdoors enjoying the time-honored traditions of hunting and angling. According to a 2011 survey, 88% of youth 13-18 years old said that they use internet on a daily basis, with 69% saying that they watch TV or play video games every day. Less than 40% of those youth said that they hunt, fish, hike, etc., on a weekly basis. In some cases, this can contribute to a decline in the number of hunting and fishing licenses issued each year. In an effort to improve the quality of young people’s lives, several states have introduced legislation to require hunting, angling and nature appreciation in schools. This legislation can provide programs that institute hunting and angling education courses as part of the student’s elective academic curriculum. These programs are founded on the notion that instruction in hunting, angling, and/or nature appreciation can restore a desire for young boys and girls to spend more time being active in the outdoors and provide a boost in the physical health of our nation’s youth.

Point of Interest
- In 2014, Virginia Legislative Sportsmen’s Caucus Co-Chair, Delegate Scott Lingamfelter, introduced H 307, which was later signed into law. H 307 permits local school boards to allow Hunter Education courses as an after-school program for students in grades 7-12.
- In 2010, the Michigan Legislature approved House Resolution 200 to express support of public policies that promote outdoor activities for Michigan's children.
- A lack of routine contact with nature may result in stunted academic and developmental growth. This unwanted side-effect of the electronic age is called Nature Deficit Disorder (NDD). The term was coined by author Richard Louv in his book Last Child in the Woods.
- Additionally, some states have Departments that provide resources for teachers on how to incorporate outdoor educational programs into their curriculums.
- The Oklahoma Department of Wildlife Conservation has a webpage dedicated to these resources.

Language
The following states have enacted hunting, angling, and nature appreciation in schools legislation using the language below:
- **Colorado §24-33-109.5**: “There is hereby created in the office of the executive director the Colorado Kids Outdoors grant program to fund opportunities for Colorado youth to participate in outdoor activities in the state, including but not limited to programs that emphasize the environment and experiential, field-based learning.”
- **West Virginia §18-2-8a**: “The orientation program shall be offered over a two-week period during the school year and shall deal with the protection of lives and property against loss or damage as a result of improper use of firearms. The orientation program shall also include instruction about the proper use of firearms in hunting, sport competition and care and safety of firearms in the home and may utilize materials prepared by any national nonprofit membership organization which has as one of its purposes the training of people in marksmanship and the safe handling and use of firearms.”

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• **Virginia §22.1-204.2**: “Local school boards may provide after-school hunter safety education programs for students in the school division in grades seven through 12. Each student shall bear the cost of participating in such programs...”

• **New Mexico HJM 3**: “Be it resolved by the legislature of the state of New Mexico that the importance of environmental education that contributes to the education, health and responsible behavior of New Mexicans be affirmed by the legislature; and be it further resolved that the governor be requested to declare a week in April ‘Environmental Education Week’ and to encourage all kindergarten through twelfth grade teachers to teach their students outdoors for at least one hour that week and encourage state agencies to celebrate environmental education through existing programs...”

**Moving Forward**

State legislatures should consider introducing legislation that offers hunting, angling, and nature appreciation in schools, or to offer a hunter’s education elective course. These programs work to recruit new hunters and anglers – something that will ultimately benefit the individual student and state conservation efforts because of the license fees and tax-generated monies.

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Recreational Shooting Appreciation Programs in Schools

Introduction
Trap, skeet, sporting clays, and other shooting programs provide a number of benefits for youth when incorporated into school programs. These programs provide physical activity, teach discipline and responsibility, educate students on recreational shooting and hunting, encourage the safe handling of firearms while in the field, and serve as a primer for real-life hunting scenarios.

Research by the National Shooting Sports Foundation indicates that youth who are initiated into the sport of recreational shooting at a younger age are more likely to continue shooting in the years to come. As with hunting, a lack of access is cited as one of the primary barriers to participation in the sport. School-based programs offer youth an opportunity to participate in a safe and regulated environment which results in more active participation later in life.

Exposure to, and participation in, recreational shooting and hunting at a young age is essential in maintaining and further increasing the number of hunters and shooters in the United States. In the spring of 2016, approximately 16.61 million U.S. residents participated in hunting, representing over 5% of the total U.S. population. Additionally in 2014, a resounding 51.2 million people (roughly 15% of the total U.S. population) participated in target or sport shooting of some kind. Given that both hunters and shooters contribute to conservation funding through the purchase of firearms and ammunition, increasing the shooting population will serve to provide increased funding for fish and wildlife agencies throughout the nation.

Points of Interest
• Via the National Rifle Association Collegiate Shooting Programs, various shooting programs are offered in schools including: SB Rifle, Air Rifle, Pistol, Shotgun, Skeet, Trap, ROTC, NCAA, Varsity, Club Sport, Outdoor Range, and Indoor Range.
•Nearly every state (and Washington, DC) has shooting programs in at least one of their schools.
•Pennsylvania leads the nation with 12 of their colleges/universities having some form of a shooting program.
•The Scholastic Clay Target Program (SCTP) – sponsored by the Scholastic Shooting Sports Foundation (SSSF) – is the largest clay target program for youth in the United States. In 2014-2015 this program provided over 12,500 boys and girls in the elementary grades through high school in 42 states the opportunity to participate in trap, skeet, and sporting clays in a supportive environment taught by NRA-trained and supportive adult coaches focusing on the safe handling and use of firearms. Local state representatives of SSSF can be contacted for more information.

48 IBID
49 IBID
• According to Southwick Associates, nearly 80% of all firearms sales dollars are assigned to non-hunting purposes.\textsuperscript{52} Increases in recreational shooting participation will help to ensure that state fish and wildlife management agencies are adequately funded through the \textit{American System of Conservation Funding}.

Language
• In 2012, Missouri passed a concurrent resolution (\textit{HCR 43}), encouraging every school district in Missouri to promote and include trap shooting as a high school sport.\textsuperscript{53}

Moving Forward
In consideration of the individual, economic, and conservation benefits of supervised shooting sports programs, legislators should explore and pursue legislative opportunities to make these programs more available in schools.

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Internet Based Hunter’s Education Course

Introduction
Currently 43 of the 49 states that require hunter’s safety education as a prerequisite for obtaining a hunting license also offer an online hunter’s education program. Prospective hunters can complete a convenient and self-paced home study for free, and then for a modest fee, students can take an exam which qualifies them for a field test and/or written exam that may be scheduled online and/or completed at a location convenient to them. Many hunters who previously lacked certification can easily become certified through online education programs. By posting safety materials online, more hunters will have access to the materials necessary to gain valuable knowledge and receive hunter safety certification providing more people with an opportunity to not only begin hunting, but to begin hunting more responsibly. Recruiting more hunters that have completed education and safety courses helps minimize potential accidents in the field and will ultimately benefit state conservation efforts through revenue generated by the license fees and excise taxes that make up the American System of Conservation Funding.

In many states, students that successfully pass the online portion of the class are qualified, and often required, to attend a field day that includes hands on instructions on how to safely handle firearms while afield. These classes are typically administered by conservation officers, and upon successful completion of the field day students are certified and recognized as having fulfilled their states hunter’s safety education requirements. The use of online portions of these courses allow states to easily and accurately compile databases of all the registered and certified hunters in their state, thus expediting the licensing process and allowing statistics on hunter participation to be more easily compiled.

Points of Interest
- 45 states (AL, AK, AZ, AR, CA, CO, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MS, MO, MT, NE, NV, NM, NY, NC, ND, OH, OR, PA RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI and WY) currently offer the online hunter’s safety field day qualifier course.
- One of the online courses is offered by Today’s Hunter. Today’s Hunter is the official hunter education course of many state fish and wildlife agencies. Other online services are offered by huntercourse.com. Students who successfully complete an approved hunter education course will receive a safety certificate or card that is often recognized by other states.
- One of the identified barriers to hunter recruitment is, in some cases, the lengthy process of completing hunter education requirements. In particular, the field days that are often associated with the courses with live fire requirements can limit the opportunity for many prospective hunters as many areas do not have suitable ranges to host such courses.
- Further information can be found online at either: http://www.hunter-ed.com/mktg/national_1.htm or http://www.hunter-ed.com/#select-your-state

Moving Forward
While safety afield is of paramount importance to the hunting community, it is similarly important that hunting opportunities are available and accessible to all who are interested. In this spirit, legislators should explore their governing regulations and support new legislation (where necessary) that will ensure first-time hunters have the opportunity to complete their hunter education requirements on their own schedule.

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Terminally Ill Youth Hunting Opportunities

Introduction
There exists a special opportunity across the country to enrich the lives of terminally ill youth by facilitating no-cost hunting and fishing opportunities that will provide them with truly invaluable life experiences. The idea of offering these special opportunities to terminally ill youth is not new and has long been a goal of many well-known hunting and conservation organizations. State legislators are now also joining this charitable mission. In recent years, a number of states have introduced legislation that would allow for special hunting and fishing permits, in some cases out of season, for these individuals. Among the states that have proposed such legislation are South Carolina, Michigan, New Hampshire, and Wisconsin, among others.

History
- On October 17, 2008, terminally ill hunting legislation in New Hampshire allowed a nine-year old boy to go on a successful moose hunt. He suffers from a rare incurable autoimmune disease but could not have been happier on that day.
- On March 15, 2010, Mississippi Governor Haley Barbour approved House Bill 1070, establishing a hunting season specifically for terminally ill youth under 18 years of age by authorizing the Mississippi Commission on Wildlife, Fisheries, and Parks to establish a special permit for children with a life threatening illness.
- In 2013, legislation was enacted in Maine which will allow for the issuance of special hunting privileges to persons with a terminal illness who are under 21 years of age.
- In 2018, Wisconsin became the latest state to enact terminally ill youth hunting opportunities legislation, with the passage of Assembly Bill 461, which eliminated license fees for both in-state and out-of-state youth with terminal illnesses participating in hunting and fishing activities in Wisconsin.

Language
The following states have passed terminally ill youth hunting opportunity legislation using the language below:

- **Maine** Title 12, chapter 408, § 10105, subsection 16: “In addition to the permits issued by the commissioner pursuant to section 11154, subsection 13, in extenuating circumstances the commissioner may issue up to 2 additional permits or licenses for other hunting or fishing adventures to a nonprofit organization dedicated to providing hunting and fishing adventures to children under 21 years of age with life threatening, critical or terminal illnesses.”
- **Mississippi** Title 49, chapter 7, § 49-7-38.1: “The Mississippi Commission on Wildlife, Fisheries and Parks shall establish a special hunting permit for youth under the age of eighteen (18) who have a life threatening illness. This permit may be for any number of days in length but only for the class of persons deemed to have a life threatening illness by the commission. This special hunting permit for youth having a life threatening illness may occur anytime during the calendar year and for any game bird or game animal. However, the commission may not allow these...”

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permits during any time that conflicts with laws governing the taking of federally protected birds or species any other seasons.” 68

- **South Carolina HB 3517:** “Provides that the director of the Department of Natural Resources may issue special authorization for hunting and fishing to any person who is not more than a certain age who has been diagnosed with a terminal or life threatening illness or injury who is sponsored by certain nonprofit charitable organizations; provides that any license, tag and fee requirements for hunting and fishing are waived; allows the director to determine the period of time the special authorization is valid.” 69

- **Wisconsin A 461:** “The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: Section 1. 29.194 (1) (d) of the statutes is created to read:

  29.194 (d) 1. In this paragraph, “terminally ill” means that an individual has been certified by a physician as having an illness or physical condition that can reasonably be expected to result in death.

  2. The department shall treat an individual as a resident for purposes of determining the person’s eligibility for a hunting or fishing approval under this chapter, except for a conservation patron license issued under s. 29.235 (3m), if the individual presents proof that he or she is terminally ill and is participating in a hunting-related or fishing-related event sponsored by a charitable organization that is described in section 501 (c) (3) of the Internal Revenue Code and that is exempt from taxation under section 501 (a) of the Internal Revenue Code.

  3. An individual under subd. 2 or a resident who presents the same proof as required under subd. 2. is not required to pay any fee imposed for a hunting or fishing approval, including any issuing, handling, or processing fee or any wildlife damage surcharge.

**Moving Forward**

In order for fish and wildlife agency leaders to quickly and efficiently provide terminally ill individuals with these opportunities, continued legislation may be warranted. Legislators are encouraged to work with their respective state fish and wildlife agencies to ensure that any such legislation meets the needs of both terminally ill youth and state wildlife managers.

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Hunter Recruitment, Retention and Reactivation

Introduction

Participation in hunting has been generally declining since the 1980’s. Hunting license sales produce essential funding each year for wildlife conservation and habitat restoration, while hunter expenditures generate billions of dollars annually for the national economy and support hundreds of thousands of jobs. The decline in participation poses an ever increasing threat to wildlife conservation and management. Recent certified license data from the U.S. Fish and Wildlife Service suggest that there are approximately 15.4 million hunters (4.9% of the U.S. population). This represents a significant decline in participation from 1980, when there were 16.2 million license holders (6.87% of the U.S. population).

Hunters have a tremendous impact on the U.S. economy, spending over $38 billion each year to engage in their pursuits. This spending helps create and support more than 680,000 jobs and generates $5.4 billion in state and local taxes, a sum that could pay the wages of 113,000 firefighters (or 37 percent of all professional firefighters in the country). If you add in federal taxes paid by hunters, the number doubles to $11.8 billion. More importantly, hunters generate a critical amount of conservation dollars through the American System of Conservation Funding by purchasing hunting licenses, tags, and permits, and by paying excise taxes on a wide array of sporting equipment, including firearms, ammunition, archery equipment, and other hunting-related expenditures. In total, monies paid by sportsmen and women provide 80% of the funding for state fish and wildlife agencies, the primary managers of our nation’s fish and wildlife resources.

In response to the declining number of sportsmen and women, state fish and wildlife agencies, conservation and shooting sports organizations, and the hunting/shooting sports industry, have invested heavily in recruitment, retention, and reactivation initiatives to reverse the decline in participation. The success of these efforts thus far has been limited, however, with the general consensus being that more strategic approach is needed to sustain hunter numbers. As such, the Council to Advance Hunting and the Shooting Sports (CAHSS) was formed by the leaders in the conservation community to take a fresh look at the business of recruiting and retaining hunters and shooters and to develop new and sustainable strategies and tactics to solicit, engage, and support these groups so vital to conservation and America’s heritage. Led by CAHSS efforts, there is a growing realization that recruitment, retention, and reactivation efforts must expand beyond hands-on learning experiences. Just as the American System of Conservation Funding model has evolved over time, the model for recruitment, retention, and reactivation must not remain static. In order to increase the number of participants from new and existing audiences, multi-pronged marketing and outreach efforts will be needed. Increasing participation from non-traditional user groups will require business practices that provide customer resources, straightforward rules and regulations, convenient licensing structures and sales processing, and better access to places to hunt and shoot.

CSF works closely with caucus members, state fish and wildlife agencies, and partner organizations to identify legislative and regulatory opportunities to advance R3 efforts and to explore potential solutions to any barriers to hunting participation.

71 Ibid
73 Ibid
that statutes may create. Working through the three caucus structures on both the state and federal level, CSF strives to educate decision makers about the importance of R3 efforts and how they can use their role in office to help advance policies that promote hunting participation.

Points of Interest

- The percentage of the U.S. population that hunts has been steadily declining since 1980. In 2016 there were 15.4 million certified paid hunting license holders, resulting in an effective participation rate of 4.9% (down from 16.26 million hunters with a participation rate of 6.87% in 1980)².⁸

- From 2006 to 2011, hunting participation either stayed the same or decreased in twenty-two states, with the highest negative percent change being seen in Maryland at 48%.³

- If the downward participation trend continues, it will result in diminished capacity of our state fish and wildlife agencies to conserve species cherished by hunters and all outdoor enthusiasts. The best way to combat this downward participation trend is by establishing clear and achievable goals backed by the newest and most accurate scientific data.⁴

- Over 450 individual R3 (Recruitment, Retention and Reactivation) programs nation-wide have had limited regional success but haven’t sufficiently addressed the overall decline in hunter numbers. Examples of programs include National Archery in the Schools (NASP), Scholastic Clay Target Program, and Becoming an Outdoors-Woman (BOW).⁵

- Between 2000 and 2010, the number of hunters in Wisconsin had dropped by approximately 6.5%.⁶ Further models projected a 25% decrease in the next two decades.⁷ Evaluations of the state’s “Learn to Hunt” program found that 80% of the participants had fathers who hunted, and 70% had hunted before attending.⁸ Essentially, the program was only reaching hunters and their children and left little room for growth.⁹

- Partnerships among stakeholders with a framework to identify strategies and effectiveness are key to stabilizing the hunting constituency.

- The Council to Advance Hunting and the Shooting Sports has developed a National Hunting and Shooting Sports Action Plan to provide guidance and structure for partnerships that can effectively meet the needs of new audiences, and can help clarify what initiatives and resources are the most needed to bolster participation in hunting and the shooting sports.

Moving Forward

Development and use of partnerships and strategic models must continue to be utilized to halt and reverse the declining trend in hunting participation. State legislators are encouraged to work with their state fish and wildlife agencies – and by extension the Council to Advance Hunting and the Shooting Sports (CAHSS) – to ensure that state-level programs are designed and implemented to reach new audiences and mentor potential recruits to join the hunting community. To that end, such programs should seek to utilize data and resources provided by the CAHSS on hunter recruitment, retention, and reactivation efforts and trends in order to ensure that such programs will effectively reach and move various target audiences, rather than reinforcing an existing and/or stagnant status quo that may exist in a given state. CSF will continue to work to complement all partner organizations in their R3 efforts while simultaneously informing lawmakers about the importance.

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of promoting hunting participation through reducing legal and regulatory barriers where appropriate.

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Angler Recruitment, Retention and Reactivation

Introduction
Participation in recreational fishing has plateaued since its peak in the late 1980’s. While the number of anglers in the United States has stagnated, the proportion of Americans age 16 and older who regularly fish, has steadily declined from 18.7% of the total U.S. population in 1991 to 14.2% of the total U.S. population in 2016.90 Recent certified license data from the U.S. Fish and Wildlife Service suggest that there were approximately 35.8 million anglers in the United States in 2016.91 While fishing participation has increased since 2006, it has generally declined overall since 1991, prompting the need for a more targeted effort of recruiting and retaining new anglers.92 Conservation of our fisheries resources is directly related to the number of anglers purchasing fishing licenses and equipment, and angler expenditures generate billions of dollars annually for the national economy and support hundreds of thousands of jobs.93 The decline in the proportion of Americans who fish poses an ever growing threat to fisheries conservation and many local economies that depend on angler-related trip expenditures.

Through the purchase of fishing licenses, coupled with excise taxes on fishing-related items like rods, reels, lures, electric trolling motors and motorboat fuel, anglers are a critical component of the American System of Conservation Funding (ASCF). Through the ASCF, anglers have contributed $28 billion to sport fish restoration programs since 1952. Most of those funds go back to state fish and wildlife agencies who are the primary managers of our nation’s fish and wildlife resources. Monies generated by anglers and hunters through the ASCF account for nearly 2/3 of all state agency funding, with some state agencies relying entirely on sportsmen and women for their yearly operating budgets. In addition, anglers are responsible for generating $49.8 billion in retail sales and an estimated $125 billion impact on the nation’s economy,94 resulting in 802,000 jobs nationwide.95

In an effort to preserve the angling tradition in the United States, state fish and wildlife agencies, sport fishing and boating conservation organizations, and the fishing industry have invested in recruitment, retention and reactivation (R3) initiatives. Examples of initiatives include the “Fishing Buddy” program in New Jersey, which allows anglers to purchase licenses at a reduced price for those who have either never bought a fishing license or have not bought one for several years. The Future Fishermen Foundation’s, “Hooked on Fishing, Not on Drugs” program is in its 21st year of introducing kids to fishing as a gateway to a healthier lifestyle. However, it has become clear that while many of these programs are effective at introducing someone to angling, there needs to be a coordinated, integrated plan among these various programs to take an angler from “introduction to fishing” to becoming a lifetime angler. Wildlife agencies are now working with industry and NGO partners to develop long-term R3 plans that aim to turn the tide on declining angler numbers.

Points of Interest
- It is imperative that an effort be made to protect our angling traditions and the vital conservation funding that they generate.
- Fishing appreciation programs in schools, fishing tackle loaner programs and programs to facilitate recruitment, retention and reactivation are key to maintaining and increasing the number of American anglers.96
- Out of the pool of roughly 33 million people who fished annually in 2011, only 4% purchased a fishing license every year.97

Moving Forward
Development and use of partnerships and strategic models that integrate various programs must continue to be utilized to reverse stagnating participation in angling. Numerous tools exist that may be able to reverse this trend, including

91 Ibid.
implementation of mentee fishing licenses, social media outreach, and fishing appreciation programs in schools, among many others. However, the key is making sure these programs are strategically integrated to take someone from an introduction to fishing to a lifelong pastime. Additionally, protecting and expanding access to public waters should remain a priority as lack of access is often one of the biggest inhibitors to angling participation. State legislators are encouraged to work with their state fish and wildlife agencies to ensure that state-level programs are coordinated with national R3 efforts.

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Conservation Funding

American System of Conservation Funding
State Agency Authority to Set License, Permit and Tag Fees
Wildlife Councils for Public Education
Hunting and Fishing License E-Commerce
Conservation Sales Tax
Conservation Tax Incentives
Dedicated Sales Tax on Outdoor Gear
Outdoor Sporting Goods Tax Holiday
Dedicated Lottery Funds for Conservation
American System of Conservation Funding

Introduction
For over 80 years, sportsmen and women have played a crucial role in funding conservation efforts in the United States through the American System of Conservation Funding (ASCF). The American System is a “user-pays, public-benefits” structure, unique to the rest of the world, in which those that consumptively use public resources pay for the privilege, and in some cases the right, to do so.98 This funding System has allowed the North American Model of Wildlife Conservation to become recognized as the most successful conservation framework in history.

There are three pillars to the ASCF: revenue from sporting licenses, and excise tax revenue from both the Wildlife and Sport Fish Restoration (WSFR) Programs. Hunting licenses were the first example of this “user-pays, public-benefits” structure. In some cases, license sales made the entire funding source for the creation of state wildlife agencies such as the Department of Natural Resources or Fish & Game.99 Today, State fish and wildlife agencies receive approximately 60%100 of their funding through this distinct conservation system, though some states still rely nearly 100% on the funding from sportsmen and women. Later, the passage of the Federal Aid in Wildlife Restoration Act (Pittman-Robertson Act)101 and the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson Act)102 set up a system in which excise taxes collected from sporting goods purchases are funneled back into conservation. These excise taxes are used to fund a wide variety of activities including: fish and wildlife research, private and public habitat management, hunter education, shooting range development, land acquisition and easements, and angler access area construction.103 Since 1939, state fish and wildlife agencies have received over $56.9 billion from sportsmen and women through this funding structure.104

Points of Interest

• State fish and wildlife agencies are funded primarily (in some cases nearly 100%) by the ASCF.105
• In 2018 alone, state fish and wildlife agencies received over $637 million from Pittman-Robertson Funds106, while Dingell-Johnson/Wallop-Breaux generated $624 million.107
• Through 2017, resolutions celebrating WSFR and the ASCF have been passed in 17 states (AL, AK, CA, CO, IL, IN, KS, KY, LA, MO, NE, NM, NV, NY, NC, PA, SC, VT, VA) and proclamations have been signed by governors in eight states (AR, CO, ID, IA, MD, SD, VT).108
• In 2018, CSF and several other sportsmen’s groups were invited by the Department of the Interior to participate in check presentation ceremonies across the country to highlight funds directed to state fish and wildlife agencies through the American System of Conservation Funding.

Language
In recognition of this vital funding mechanism, 25 states have either passed resolutions or signed proclamations commemorating the 75th Anniversary (2012) and 80th Anniversary (2017) of the Wildlife and Sport Fish Restoration programs and the important role that America’s sportsmen and women play in providing critical funding for state fish and wildlife agencies. A few of the many examples are found below:

- **Kansas S 1745**: “Be it resolved by the Senate of the State of Kansas: That we recognize America's hunters, anglers, trappers, boaters, recreational shooters, equipment manufacturers, state fish and wildlife agencies and the United States Fish and Wildlife Service for their role in restoring healthy populations of fish, wildlife, and other natural resources, both game and non-game, to the abundance we see today through the American System of Conservation Funding, on this, the 80th anniversary year of America's greatest conservation story…”

- **Louisiana S 67**: “…that the Senate of the Legislature of Louisiana does hereby commend America's hunters, anglers, trappers, boaters, recreational shooters, industry, state fish and wildlife agencies, and the U.S. Fish and Wildlife Service for their leading role in restoring healthy populations of fish and wildlife and other natural resources, both game and nongame, to the abundance we see today, and does hereby commemorate the eightieth anniversary of the American System of Conservation Funding.”

Moving Forward
Sportsmen and women are the backbone of the ASCF. Their funds and cooperative partnerships should continue to be unaffected and permanently exempted from federal budget sequestration as they are the funds spent by and are fully integrated into the budget and operations of the state fish and wildlife agency. Together with license dollars, these funds are critical to meeting the agency missions and conserving our nation’s vast array of fish and wildlife resources.

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State Agency Authority to Set License, Permit, and Tag Fees

Introduction
The first clear system of residential hunting licenses did not appear in the United States until 1895, with the state of Michigan issuing a 50-cent license for hunting deer.\(^{111}\) The success of this program prompted many states to follow suit, and by the early 20th century, newly created state fish and wildlife agencies were issuing licenses across the country.\(^{112}\) These licenses, sold and enforced by state game agencies, were designed to generate funding for the agencies to sustainably manage wildlife populations. Since their inception, there have been debates on how to price these licenses and who should set their price.\(^{113}\) Despite having jurisdiction over the fish and wildlife within the state, the overwhelming majority of state game agencies have little control over setting the price of licenses, permits, and tag fees. Rather, the authority often rests with the state legislature, requiring new legislation each time the state needs to change the fees in order to keep up with inflation. This process makes it difficult to increase license fees to effectively manage fish and wildlife on behalf of the public, often resulting in sudden, large price jumps when fees are finally increased after many years.\(^{114}\)

Points of Interest
- Four states (AL, CA, CO, NC) have legislative language linking license fees to consumer price indexes.\(^{115}\)
- The Pittman-Robertson and Dingell-Johnson/Wallops Breaux acts limit state license revenue to only be used for management and restoration of wildlife,\(^{116}\) funding aquatic education, wetlands restoration, boat safety, clean vessel sanitation devices, and angling and boating access, in addition to fisheries and habitat management.\(^{117}\)
- State fish and wildlife agencies are funded primarily (in some cases nearly 100%) by the American System of Conservation Funding.\(^{118}\)
- By granting price setting authority to state agencies, with legislative overview, or by allowing small, incremental license fee increases concurrent with cost of living indexes, states can avoid large, sudden jumps in license fees which can be a deterrent to participation.

Language
The following legislation gives the respective state more flexibility in adjusting license fees. Please contact CSF for the specific language of these bills or for more information.

Alabama Section 9-11-68: The state’s Director of the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources may, with the permission of the Commissioner of the department, submit a recommendation to the Advisory Board of Conservation and Natural Resources to increase both license fees and issuance fees for the license, based on the percentage increase of the consumer price index for All Urban Consumers (CPI-U).\(^{119}\) This increase, if approved by the board, is then submitted to the Chair of the Legislative Council for the Legislative Council’s review and approval.\(^{120}\)

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Colorado 33-4-102: Nonresident big game fees will be adjusted annually in accordance with the consumer price index for the Denver-Boulder-Greeley consolidated metropolitan statistical area. The adjustment is only brought into effect after the commission notifies the joint budget committee of the adjustment.\textsuperscript{121}

North Carolina Section 113-270.1B: “No rule to increase fees above January 1, 2015, levels may increase a fee in excess of the total increase in the Consumer Price Index for All Urban Consumers over the period of time since the last fee change.”\textsuperscript{122}

\textbf{Moving forward}

Elected officials should examine who has the authority to set license fees in their state, and consider opportunities to improve the process of changing those fees when necessary.

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\textsuperscript{122} N.C.G.S. § 11.-270.1B. License required to hunt, fish, or trap; fees set by Commission. Accessed November 6, 2018. https://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_113/GS_113-270.1B.pdf
Wildlife Councils for Public Education

Introduction
Evaluating the non-hunting and angling public about the numerous benefits that sportsmen and women provide for conservation is one of the best ways to ensure hunting, angling, and trapping opportunities for future generations. These activities keep public fish and wildlife populations healthy, facilitate habitat management and conservation, generate revenue for both public agencies and private businesses, and, as shown by the CSF Economic Impact Report, support jobs.

State wildlife councils offer sportsmen and women the opportunity to pool their resources and educate the public about these benefits through media-based information and outreach programs. These programs are developed with the input of hunters, anglers, livestock and agriculture organizations, marketing and advertising experts, and other conservationists in order to convey the most effective message when communicating with the non-hunting or angling public. The importance of educating these constituencies is further highlighted by the fact that surveys conducted by the U.S. Fish and Wildlife Service indicate there are only 11.5 million people who hunt in America, and only 35.8 million Americans fish.123 According to another survey conducted by the Colorado Wildlife Council, 72% of respondents would vote no to restrict the practice of fishing/fishing opportunities; 63% of respondents would vote no to restrict the practice of hunting/hunting opportunities.124 These numbers show that sportsmen and women have a responsibility to educate those who have not been in the woods or out on the water about the critically important role that hunters, anglers, and trappers play in supporting conservation efforts across the nation.

History
First created in 1998 as the Colorado Wildlife Management Public Education Advisory Council (WMPEAC), Colorado’s efforts to educate the non-hunting and angling public have led to the development of the popular “Hug a Hunter” and “Hug an Angler” campaigns that have proven very successful.125 In 2001, Louisiana passed legislation establishing the “Hunting and Fishing Advisory Education Council” to help educate the state’s citizens on the many benefits sportsmen and women provide for Louisiana. At the 2013 NASC Sportsman-Legislator Summit in Illinois, the Michigan Department of Natural Resources gave a presentation on the effort to replicate Colorado’s model and establish a Wildlife Council in Michigan. In 2014, the NASC Executive Council requested the development of a state issue brief on the topic with the hope that other states would follow suit.

Points of Interest
- The Colorado Wildlife Council was established by the state legislature in 1998 to educate the general public about the benefits of wildlife, wildlife management, and wildlife-related recreational opportunities in Colorado, specifically hunting and fishing.
- In 2013, Michigan passed H 4993, creating the Michigan Wildlife Council within the Department of Natural Resources (DNR), financed by a new Michigan Wildlife Management Public Education Fund.126
- In both Colorado ($.75)127 and Michigan ($1)128, all hunters and anglers pay a small surcharge on top of all hunting and fishing license purchases to develop a media-based public information program to educate the public on the important role of sportsmen and women in professional fish and wildlife management.
- In Fiscal Year 2015/16, hunter and angler surcharges generated $1.1 million for the Colorado Wildlife Council.129

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127 About the Wildlife Council, Colorado Parks & Wildlife, October 11, 2018, https://cpw.state.co.us/aboutus/Pages/WildlifeCouncil-About.aspx
As of March 2015, the Michigan Department of Natural Resources reported the newly-created surcharge had generated $1.6 million for the Michigan Wildlife Management Public Education Fund.

These programs would ultimately showcase hunting and angling to ensure participation in future generations.

Language
The following states have successfully passed and enacted wildlife council legislation using the language below:

- **Colorado:** § 4-120, 33 C.R.S. - “(1) (a) The director of the division shall appoint nine individuals, at least three of which are from the western slope, to act as the wildlife management public education advisory council, referred to in this section as the council. The council shall have statewide responsibility and authority.”

- **Michigan:** MCL 324.43532b - “(18) The Michigan wildlife council shall do all of the following: (a) Develop and implement, in conjunction with a third-party marketing or advertising agency, a comprehensive media-based public information program to promote the essential role that sportsmen and sportswomen play in furthering wildlife conservation and to educate the general public about hunting, fishing, and the taking of game.”

- **Louisiana:** 56 Section 699.21 – “(A) The Hunting and Fishing Advisory Education Council shall be established within the Department of Wildlife and Fisheries to promote the many benefits of hunting and fishing among Louisiana citizens and to educate the citizens of the state on those benefits.”

Moving Forward
Sportsmen-legislators should consider working with state fish and wildlife agencies, sportsmen’s groups, and other stakeholders to create programs similar to models found in Colorado, Michigan, and Louisiana. These councils utilize dedicated resources and educate the public about the positive role sportsmen and women play in conserving fish, wildlife, habitat, and outdoor recreation resources that are available to be enjoyed by all.

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Hunting & Fishing License E-Commerce

Background
Each year, more and more consumers are using the Internet to purchase a broader range of goods and services. In 2016 alone, 210 million people in the United States shopped online, a number that’s expected to increase to 231 million in the next 3 years.130

The latest revolution in the field is mobile e-commerce, with a skyrocketing number of consumers using smartphones and tablet computers to surf the Web and shop on the go, instead of being tied to a desktop or even a laptop. There are 125 million U.S. consumers that own smartphones and 62% of them have made a purchase online using their mobile devices over the last 6 months.131 By the 2019 it is predicted that the number of people that use a mobile device to shop will increase to 162 million—more than half the current population of the United States. In 2017 already, e-commerce sales have gone up more than 2 percent since 2016 e-commerce sales, with an expected continued increase.132

These trends indicate a significant, permanent shift in consumer purchasing behavior, and those who fish and hunt are no exception: Approximately 8 million people, or 29 percent of recreational anglers, reported that they purchased a fishing license online in 2012—a 13 percent jump from 2009. Such developments continue to change how businesses and organizations of all sorts operate—right along with how people live and shop. The stakes are high, even in the world of hunting and recreational fishing.

Responding to these trends, fish and wildlife agencies in all 50 states offer the opportunity to purchase a hunting or fishing license online, simplifying and adding convenience to the purchasing process for customers. Despite this, a 2012 study conducted by the Recreational Boating & Fishing Foundation (RBFF)133 found that the majority of state fish and wildlife agencies sites were less than user friendly and lacked in basic customer service, potentially causing a national loss of millions of dollars in potential revenue each year. Shortly thereafter, state agencies began addressing the issues and making technological advances with their license purchasing platforms.

Points of Interest

• The last official numbers in March 2013 showed that the country’s 50 state natural resource agencies collectively stood to lose more than 48 million prospective mobile commerce customers in a single year from not upgrading their online experience. Today, all 50 states provide the opportunity for people to purchase hunting and fishing licenses online through a mobile device, but some platforms are more user friendly than others and, as noted above, states with poor mobile interfaces could be costing themselves license sales.
• Only 34 states have a mobile-friendly site in place for the license purchase process.
• Just 27 state agencies have developed their own mobile apps that facilitate the purchase of hunting and fishing licenses and provide information on hunting and fishing regulations.
• The number of states that offers a paperless mobile license option is increasing rapidly as more and more agencies adapt to modern technology.
• Only half of all states require a customer provide an email address, and not all states retain this information. This information can be valuable for the tracking of anglers to collect data and/or alert them to changes in legislation pertaining to fish licenses and encourage them to vote.

Moving Forward
While the RBFF study made a number of important suggestions, an update of state websites to include mobile friendly formatting and customer information retention stand out as the most critical. Additionally, mobile-friendly, web-based purchasing options are equally as important to help make the purchasing process even more convenient for anglers and hunters. Agencies that upgrade to websites optimized for mobile use and offer a paperless mobile license will have the

opportunity to capitalize on the already booming demand for quick and convenient hunting and fishing licenses among anglers and hunters. State fish and wildlife agencies need the ability to collect email addresses on a mandatory basis, to create a complete list of all license buyers in a state. A current list of license buyers’ names and email addresses can serve as an efficient, inexpensive way to connect, communicate and nurture relationships both immediately after a purchase and on a regular basis following purchase. Similar to any business, effective marketing is essential to increasing sales.

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Conservation Sales Tax

Introduction
State fish and wildlife agencies are funded primarily by sportsmen, both through the collection of license fees and from excise taxes (through the American System of Conservation Funding) on sporting goods such as firearms and ammunition, as well as archery equipment, fishing tackle, and motor boat fuel. The American System of Conservation Funding is built on the concept that those who consumptively use natural resources should pay for the privilege, and in some cases the right, to do so. However, due to the increasing costs associated with natural resource management over the past several decades, some states, such as Wisconsin, have begun to seek alternative methods of funding the agencies responsible for managing those resources.134

One such alternative funding mechanism is a conservation sales tax (usually 1/8th of 1%) on all taxable goods.135 Through this mechanism, the monies collected are deposited into an account to be used expressly for conservation purposes. Presently, a conservation sales tax is touted to be the most effective of all the alternative funding mechanisms that have been implemented for both its permanence and reliability.136

Points of Interest

- Typically, the tax equates to 1/8th of 1% of the price of all taxable goods.137
- According to the Missouri Department of Conservation, at least $100 million has been generated by the conservation sales tax every year since 2012.138 In 2015, a proposal to repeal that tax was introduced in the Missouri House of Representatives, but later defeated.
- Arkansas collected an additional $64 million from their conservation sales tax in 2013,139 and through the first 10 years of the program over $475 million has been raised.140
- Although the potential benefits for conservation are large, these taxes can be difficult to implement, as an amendment to the state’s constitution and a ballot referendum are often required.
- In 2008, voters in Minnesota approved a ballot measure (Clean Water, Wildlife, Cultural Heritage and Natural Areas Constitutional Amendment) which raised the sales tax by 3/8th of 1%, and to date the tax has generated an additional $215 million for outdoor recreation and conservation.141
- In 2010, Iowa voters passed a constitutional amendment that established the Natural Resources and Outdoor Recreation Trust Fund.142 Unlike prior conservation sales tax amendments in other states, it did not automatically go into effect. It will require a general increase in the state sales tax, which was attempted in both the Senate and the House in 2015 and 2016. However, both bills failed to make it to the Governor’s desk.
- In this structure, both the consumptive and non-consumptive users of the natural resources bear a portion of the responsibility for paying for natural resource management.
- In 2018, Georgia established the Georgia Outdoor Stewardship Fund (HB 332), providing a funding mechanism for the conservation of priority lands, the stewardship of state parks and wildlife management areas, and the support of restoration and preservation of natural areas.

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137 IBID.
141 IBID.
local parks and preserves. The Trust Fund is supported by 0.75% of all sales and use tax in the prior year and is dedicated to the protection and preservation of conservation land.\(^{143}\)

- In 2018, Oregon proposed the Oregon Conservation and Recreation Fund (HB 4015), which creates a fund whose proceeds would provide supplementary funding to the Oregon Department of Fish and Wildlife. Discussions regarding providing a regular stream of income to this fund centered on potentially increasing the state’s bottle tax.\(^{144}\)

### Moving Forward

If carefully implemented, this form of conservation funding, can complement the highly successful American System of Conservation Funding. Once implemented, the taxes are extremely difficult to divert and result in potentially large and reliable funding increases for state fish and wildlife management agencies.\(^{145}\) However, for those states considering implementing a conservation sales tax, it is important to note that funding generated this way is strongly impacted by economic conditions, unlike the funding generated from sportsmen, which through time has proven relatively recession proof.\(^{146}\) It is recommended that language concerning a conservation sales tax include provisions that focus the revenue on natural resource management and on providing access to the resource for sportsmen and women.

### Contact

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\(^{146}\) “Apportionments/Funding Index”. *U.S. Fish and Wildlife Services*, Accessed October 10, 2018, [https://wsfprprograms.fws.gov/Subpages/GrantPrograms/FundingIndex.htm](https://wsfprprograms.fws.gov/Subpages/GrantPrograms/FundingIndex.htm).
Conservation Tax Incentives

Introduction

One of the important tools that states use to protect fish and wildlife habitat is a state-level tax credit for conservation easements, reduced fee title, and/or donated land for conservation. Such tax credits complement the available federal conservation tax deductions to make conservation options more attractive to landowners. Because state tax rates are low, most state tax incentives are structured as tax credits to provide dollar-for-dollar write-offs against the landowner’s state income tax liability. Landowners with relatively little taxable income, including many agricultural producers, can benefit from carry-forward provisions that allow them to apply their credit to their state income taxes over several years, or from transferability – the ability to sell their tax credit to another taxpayer.

History

- Arkansas,147 Iowa,148 Massachusetts,149 California, Colorado, Connecticut, Delaware, Georgia, Maryland, New Mexico, South Carolina, and Virginia provide a tax credit equal to a percentage of the value of the conservation easement or land donated to be applied to state income taxes (subject to various limitations; easements only in AR, CO & MD).150
- Colorado, New Mexico, South Carolina, and Virginia allow landowners to transfer their credits in order to allow realization of the full potential of their tax credits. Transferring credits can often result in an immediate cash benefit for a landowner.151
- New York allows 25% of the property taxes paid on land protected by a conservation easement to be used as a credit against state income tax liability each year.152
- Mississippi allows a landowner’s expenses in a conservation transaction (recording, document preparation, transfer taxes, etc.) to be used as a credit against state income taxes.153
- Florida has no state income tax; however, state law allows for a 50-100% property tax exemption for land protected by a conservation easement.154
- Arkansas,155 Idaho,156 and Oregon157 allow expenses of managing land for conservation to be used as a credit against state income tax liability.
- Comparing the six years before Virginia began its conservation credit program to the six years after enactment, both the average number of conservation easements donated and the average acreage donated nearly quadrupled.158

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151 Ibid
• Colorado has invested nearly $1.1 billion in conservation easements since 1995. According to a Colorado State University analysis, the related benefits of that investment to Colorado residents total around $13.7 billion and 2.1 million acres of protected land.\textsuperscript{159}

Points of Interest
Effective legislation passed by the states mentioned above:
• Often includes that the interests donated meet legitimate conservation purposes (by a process of review and approval of proposed transactions).
• Describes the eligible interests (e.g. easements, fee title) or activities (e.g. habitat restoration, ownership costs, and conservation sales) that would qualify for the credit.
• Describes the entities to which such gifts may be made to qualify for the credit (e.g. qualified land trusts, government agencies).
• Identifies the financial aspects and benefits that could arise from the gift:
  • Appraisal substantiation requirements to assure that valuation abuses are avoided.
  • Percentage of the fair market value of the gift eligible to qualify for the credit.
  • Carry-over period (if the value of the credit exceeds the taxpayer's tax liability in any one year).
  • Coordination with other conservation transactions (e.g. how would the credit work in coordination with a conservation sale).

Moving Forward
As a valuable tool to ensure that critical land is conserved for future generations and for providing financial benefits for constituents, legislators should consider exploring and supporting legislation that provides for conservation tax incentives.

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\textsuperscript{159} Mary Guiden, “Investments in conservation easements reap benefits for Colorado.” \textit{Colorado State University}, last modified July 17, 2017, \url{http://source.colostate.edu/investments-conservation-easements-reap-benefits-colorado/}.
Dedicated Sales Tax on Outdoor Gear

Introduction
Conservation funding in the United States is largely a “user-pays, public benefits” structure in which those that consumptively use the resource pay for the privilege and/or the right to do so. State agencies are the primary managers of game and non-game species, as well as their habitats. Thus, ensuring adequate funding for state agencies is vitally important to the continued responsible management of fish and wildlife. Sporting license sales, as well as excise tax revenue collected through the Pittman-Robertson and Dingell-Johnson/Wallop-Breaux Acts provide important revenue streams for these agencies and in some cases nearly 100% of the overall budget of state wildlife management agencies.

In keeping with the present framework of the American System of Conservation Funding, a state-level sales tax on outdoor gear will provide additional revenue for these agencies. Presently, both Texas and Virginia have dedicated a portion of their state sales tax specifically for conservation purposes. In both instances, a portion of the taxes that are already in place on outdoor sporting gear are re-directed to a state conservation fund.

Points of Interest
- A sales tax on outdoor gear maintains the “user-pays, public-benefits” principle that is already in place through the American System of Conservation Funding and does not levy any additional tax burden on the consumer.
- A dedicated tax on outdoor gear can generally be passed with simple legislation and can have low overall administrative costs.
- The Texas Sporting Goods Sales Tax generates up to $32 million per year.
- In 2018 Georgia passed the Outdoor Stewardship Act (HB 332) the legislation would provide a dedicated funding mechanism for the conservation for priority lands, the stewardship of state parks and wildlife management areas, and the support of local parks and preserves by establishing the Georgia Outdoor Stewardship Fund. The Trust Fund would be supported by 0.75 percent of all sales and use tax in the prior year and would be dedicated for the purpose of the protection and preservation of conservation land. The effort has long been a conservation issue in the state and would only become law if passed as a constitutional amendment when it’s on the ballot in November 2018.
- In 2018 voters in Georgia approved Amendment 1. The approved language amended the state constitution to authorize up to 80 percent of revenue from the sales and use tax on outdoor recreation equipment to be dedicated to the Georgia Outdoor Stewardship Trust Fund to fund land conservation the revenue derived from the state sales of outdoor recreation equipment. The money is put into a trust fund to be used for conservation purposes.

Moving Forward
If properly constructed, a sales tax on outdoor gear can provide a substantial source of revenue for state fish and wildlife agencies, particularly if safeguards are put in place that prevent the funds from being diverted to other accounts. Legislators should explore and support options similar to a dedicated sales tax on outdoor goods to expand conservation funding in their states.

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Outdoor Sporting Goods Tax Holiday

Introduction
State-implemented sales tax holidays are implemented throughout the nation for a variety of consumer goods to encourage retail spending. Recently, such holidays have been implemented to benefit distributors and purchasers of firearms, ammunition, and other outdoor sporting goods. Not only have these tax holidays proven to be financially beneficial to the firearms and sporting goods industries and to conservation programs, they have made it easier for sportsmen to purchase the hunting and fishing equipment they need.

Points of Interest
- In 2013, legislation to create an outdoor sporting goods tax holiday was introduced and passed in Mississippi. This holiday, known as “Second Amendment Weekend,” provides tax breaks on firearms, ammunition, archery equipment and certain types of outdoor gear. In 2016, HB 1687 moved the holiday to the last weekend of August, creating more of an incentive to purchase equipment to better prepare hunters for the upcoming season.
- In 2014, Alabama also introduced legislation that ultimately stalled in committee.
- In 2015, Texas, Tennessee, and Maryland all introduced bills to create outdoor sporting goods tax holidays, however, all failed to pass during the 2015 session.

Several states unsuccessfully proposed legislation in 2017 and 2018 similar to that of Mississippi in regard to sale’s tax holidays, including Texas and Tennessee again.

Language
The following states have enacted outdoor sporting goods tax holiday legislation using the language below:

- **South Carolina** Revenue Ruling #08-13: “Code Section 12-36-2120 has been amended to exempt from the sales and use tax: sales of handguns as defined pursuant to Section 16-23-10(1), rifles, and shotguns during the forty-eight hours of the Second Amendment Weekend. For purposes of this item, the 'Second Amendment Weekend' begins at 12:01 a.m. on the Friday after Thanksgiving and ends at twelve midnight the following Saturday.”

- **Louisiana** Public Act 453: “The Annual Second Amendment Weekend Holiday; to provide that the state and local sales and use tax shall not apply to consumer purchases of firearms, ammunition, and hunting supplies each year for a certain period; to provide for an effective date; and to provide for related matters.”

- **Mississippi** S 2425: “Retail sales of firearms, ammunition and hunting supplies if sold during the annual Mississippi Second Amendment Weekend holiday beginning at 12:01 a.m. on the first Friday in September and ending at 12:00 midnight the following Sunday. For the purposes of this paragraph, "hunting supplies" means tangible personal property used for hunting, including, and limited to, archery equipment, firearm and archery cases, firearm and archery accessories, hearing protection, holsters, belts and slings. Hunting supplies does not include animals used for hunting.”

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Moving Forward
Tax holidays offer a unique opportunity for pro-sportsmen legislators; they remove a financial barrier for sportsmen and women which generate critical conservation dollars. Legislators should explore opportunities in their governing tax code and support legislation that spurs economic growth in the outdoor sporting goods and firearm industries.

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Dedicated Lottery Funds for Conservation

Introduction

For over 80 years, sportsmen and women have provided the vast majority of state-based conservation funding in the United States though a “user-pays, public-benefits” structure (via the successful American System of Conservation Funding). Over the last few decades, rising costs for natural resource management and increased public utilization of these resources has led to some states to seek additional methods of funding for conservation. One such funding source involves dedicating lottery proceeds to assist with efforts such as increasing access to public lands, habitat and endangered species conservation, wildlife education, watershed restoration, and expanding outdoor recreation opportunities for the public.

Points of Interest

- In 1990, Arizona became the first state to dedicate a portion of their lottery funds to conservation through a ballot initiative. The Arizona Legislature annually allocates up to $10 million from the state’s lottery proceeds to the Arizona Game and Fish Commission Heritage Fund. The fund is used for environmental education, protecting endangered species, and expanding public access to natural resources. Since 1992, the Arizona Heritage Fund has been able to acquire and provide public access to over 18,000 acres for hunting and angling.
- In 1990, Minnesota also passed a ballot initiative dedicating not less than 40 percent of the net proceeds from its state lottery to the environmental and natural resources trust fund. Since 1991 the fund has spent more than $500 million on approximately 1,000 projects in Minnesota.
- In 1992 and 1998 voters in Colorado and Oregon, respectively, approved constitutional amendments via ballot initiatives to dedicate a portion of their state lottery proceeds to go towards conservation. These initiatives were approved by a vast majority of voters in each state.
- In FY 2016, the Great Outdoor Colorado Trust Fund received close to $64 million from lottery funds to conserve wildlife habitat, acquire and manage public lands, and otherwise expand outdoor recreation opportunities in the state. Since the fund’s first year of operations in FY 1994, over $1.1 billion has been granted to various qualifying recipients.
- 15% of the proceeds from Oregon’s state lottery are annually granted to the Parks and Natural Resources Fund. These funds assist with projects such as watershed restoration and salmon conservation and management.

Language

- **Arizona: Summary of Proposition 200 (1990):** “To provide for annual funding from state lottery revenues for the Arizona State Parks Board Heritage Fund and the Arizona Game and Fish Commission Heritage Fund for the purposes of preserving, protecting, and enhancing Arizona's natural and scenic environment, historical and cultural heritage, biological diversity, state, regional and local parks for outdoor recreation and open space, wildlife and wildlife habitat, endangered and threatened species, urban wildlife, trails, and for environmental education; to establish definitions and guidelines for determining how such monies and interest earned from such monies shall be expended annually and for the administration of such programs by the Arizona State Parks Board and the Arizona Game and Fish Commission.”

- **Colorado:** “Shall there be an amendment to the Colorado Constitution to create the Great Outdoors Colorado Program; to provide for the permanent dedication of net proceeds from every state-supervised lottery game for the program after payment of certain existing obligations; to specify that the program provide for the preservation, protection, enhancement, and management of the state's wildlife, park, river, trail, and open space heritage; to

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establish a board as an independent political subdivision of the state to oversee the program; and to create a trust fund for the program?”

- **Minnesota:** Summary of Amendment 1 (1990): "Shall the Minnesota Constitution be amended to dedicate not less than 40 percent of the net proceeds from the state lottery to the Minnesota environment and natural resources trust fund for environment, natural resources, and wildlife purposes until the year 2001?” The measure was extended to 2025 in 1998. Summary of Amendment 1 (1998) "Shall the Minnesota Constitution be amended to extend to the year 2025 the dedication of lottery proceeds to the environment and natural resources trust fund and to maximize the long-term total return to the fund?"

- **Oregon:** Summary of the Oregon Lottery Revenues for Parks and Conservation Act, or 1998 Ballot Measure 66: “Amends Constitution: Dedicates Some Lottery Funding to Parks, Beaches; Habitat, Watershed Protection.”

**Moving Forward**

If properly implemented, dedicated funds from state lottery proceeds can complement the highly successful American System of Conservation Funding in helping conserve our natural resources and expand hunter and angler access to these natural resources. As budgetary pressures increase for state fish and wildlife agencies, lottery proceeds can provide a considerable source of revenue, especially if safeguards are put into place to prevent these funds from being diverted into other accounts or uses. It is recommended that ballot language concerning establishing such lottery conservation funds include provisions that focus the revenue on natural resource management and on providing access for sportsmen and women.

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Shooting Sports and Firearm Issues

National Instant Criminal Background Check System (NICS)
Firearms Preemption
Microstamping
Range Protection
Recreational Shooting
Modern Sporting Rifle
Standard Capacity Magazines
Handgun Carry While Archery Hunting
Firearm Suppressors
Firearms Industry Nondiscrimination Act (FIND Act)

2019 Issue Briefs: Shooting Sports and Firearm Issues
National Instant Criminal Background Check System (NICS)

Introduction
Federal law requires every licensed firearms dealer to run a background check through the FBI’s National Instant Criminal Background Check System (NICS) prior to the transfer of a firearm to a non-licensee, to determine if the prospective transferee has been disqualified from receiving a firearm. The databases used for these checks contain a combination of federal and state records on prohibited persons. While checking one’s status is required, the 10th Amendment of the United States Constitution (pertaining to rights reserved by the states), allows each state to decide how they implement and participate in this system. For example, 13 states have established or designated state agencies responsible for NICS checks, 30 states have decided to defer to the FBI’s Criminal Justice Information Service to process NICS checks, and the remaining seven states use a combination of the two models. Additionally, a number of states have opted to not fully participate in the System. By the end of 2012, 12 states submitted less than ten records and 19 states have submitted fewer than 100 records of people prohibited from purchasing firearms due to active adjudicated mental health records.

History
- The holes in NICS drew national attention following the Virginia Tech shooting in 2007. NICS would have prevented the perpetrator from legally obtaining the firearms used if the files had been kept up-to-date. At that time, about half the states provided no records for people adjudicated as mentally defective for NICS; many states also lagged in providing records of other classes of prohibited persons.
- Following this tragedy, several states including Virginia, moved (either by legislation or executive action) to make more records available to NICS.
- In 2007, Congress passed the “NICS Improvement Amendments Act” (H.R. 2640 – Public Law 110-180), which created grant programs to update state court records on prohibited persons. The bill also allowed for withholding a small portion of funds under other grant programs from states that, after several years, fall significantly behind federal benchmarks in making those records available to NICS.
- In 2018, President Trump signed the Fiscal Year 2018 Omnibus Appropriations bill, which included the Fix NICS Act. The Fix NICS Act provides for improved systems performance and sets the stage for NICS to better meet background check demand.

Points of Interest
- More than 280 million NICS background checks have been conducted from November 30, 1998 through January 31, 2018.
- Over 25 million NICS background checks were conducted solely in 2017.
- Since 1998, over 1.5 million people have been denied the purchase of a firearm.
- In the 20 years that NICS has been in place, over 183,000 fugitives, 203,000 domestic abusers, and 144,000 unlawful drug users have been denied the purchase of a firearm. Likewise, approximately 37,000 people have been denied because a judge decreed them to be mentally unfit to own a firearm.
- Increasing the number of records available in background checks is the most efficient way to keep prohibited or persons from purchasing or possessing firearms.
- In March, CSF and partners worked closely with Congressional leadership to ensure that a fix to NICS for the purchase of firearms was included in the FY2018 Omnibus bill.

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• **H.R. 2640** also requires participating states to have programs for “relief from disabilities,” which would allow formerly restrained individuals to have their firearms rights restored when appropriate.

• **H.R. 2640** has not created any new class of prohibited persons or interfered with privacy laws.\(^{200}\)

• The Department of Justice’s FY2018 requested budget funding for 85 new positions to help address the high volumes of NICS checks being conducted daily is still pending.\(^{201}\)

**Moving Forward**
Elected officials should educate their constituents on the shortcomings of NICS and support an act of Congress that would condition federal grants to states on submission of prohibitive records to NICS. Similar to the way in which federal highway funds are conditional on states meeting a minimum threshold for drunk-driving penalties, this approach may be one such method for encouraging full participation in NICS.

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Firearms Preemption

Introduction
Preemption is the process where a higher level of government revokes the regulatory ability of a lower level of government. Such action may seem prohibitive for local lawmakers, but with topics such as firearms and ammunition, policy preemption is beneficial, keeping responsible gun owners from having to account for a confusing miscellany of local regulations.

Historically, firearms preemption has faced opposition in large metropolitan areas. Local officials cite the differences between rural and urban areas as the reason for needing to repeal firearms preemption, but this “repeal and replace” process only serves to limit the powers of the Second Amendment. Perhaps the most important principle of preemption is its equal distribution of the law. Keeping firearm and ammunition regulations at the state level prevents discrepancies from locality to locality. This ensures that all gun owners in a particular state have equal rights, regardless of location.

Points of Interest
- There are currently 43 states with firearm preemption laws.
- New York, New Jersey, Massachusetts, Connecticut, and Hawaii have absolutely no laws related to firearms preemption.

Language
The following language is found in successful firearm preemption legislation.
- **State of Washington RCW § 9.41.290**: “The state of Washington hereby fully occupies and preempts the entire field of firearms regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, including ammunition and reloader components. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law, as in RCW 9.41.300, and are consistent with this chapter. Such local ordinances shall have the same penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.”

- **State of Florida Statutes Chapter 790.33**: “Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.”

Moving Forward
It is recommended that legislators explore and support firearm preemption legislation in their state to ensure the ability of responsible gun owners to carry and use these important sporting tools, so this ability is not infringed upon by burdensome local legislation. If states are able to pass legislation that clearly defines a firearm and firearm preemption, responsible gun owners will not be threatened by outdated or restrictive laws.

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Microstamping

Introduction

Microstamping, ballistic imprinting and ballistic engraving are all names given to a controversial concept that has been developed with the goal of aiding ballistics identification. Gun control advocacy groups are attempting to use microstamping as a way to severely restrict the sale of firearms. Microstamping involves the use of laser technology to engrave a microscopic marking onto the tip of the firing pin and onto the breech face of a firearm. In theory, by using the pressure created when the firearm is fired, these etchings are transferred to the primer by the firing pin and to the cartridge case by the breech face.

History

On October 13, 2007, Governor Arnold Schwarzenegger of California signed AB 1471 into law, which was to define any newly designed semi-automatic pistol as an “unsafe handgun” unless the pistol was equipped with microstamping.209 The law took effect on May 17, 2013 when Attorney General Kamala Harris announced that all technological and patent related issues had been rectified. In 2014, a lawsuit was brought against the state of California by the National Shooting Sporting Foundation, arguing that the tenets of the legislation could never be met. The legislation was eventually upheld in 2018 when the California Supreme Court dismissed the case, saying that regardless of whether the law was difficult to enforce, it would remain on the books. Similar legislation, has been repeatedly introduced in New Jersey and New York in, but has thus far failed to be signed into law.

Points of Interest

• Recently in Washington DC, DC R 574, was adopted and amends the Firearms Control Regulations Act of 1975 to extend to a specified date for the implementation of the microstamping requirement for semi-automatic pistols from January 1, 2016 to January 1, 2018.210
• An independent peer-reviewed study published in the Journal of the Association of Firearms and Toolmarks Examiners (AFTE) concluded that “implementing this technology will be much more complicated than burning a serial number on a few parts and dropping them into firearms being manufactured.”
• Law enforcement groups that are in opposition and in support of further study include: The National Fraternal Order of Police, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and the New York State Police, among others.
• Criminals could pollute a crime scene by taking microstamped casings from a shooting range and scattering them at the scene of a crime, thus implicating innocent gun owners in crimes they did not commit.
• Additionally, criminals would be able to simply remove the microstamped parts and replace them with spare parts, or use a revolver from which the cartridges are not ejected.
• Where microstamping to be mandated, it is estimated that the price of firearms for all consumers, including law enforcement agencies, would dramatically increase by an additional $200.00 per firearm.

Moving Forward

Two separate research studies have concluded that this technology is “unreliable.” Research experts from the University of California, Davis, at the behest of the California State Legislature, found microstamping to be “flawed” and concluded that “at the current time it is not recommended that a mandate for implementation of this technology in all semi-automatic handguns in the state of California be made.” Also, according to the UC Davis study, the codes on the face of the pin can easily be removed with household tools. Legislators need to be aware that further testing, analysis, and evaluation are required, and microstamping should not be legislatively mandated.211 Legislators should educate their constituents on the problems with microstamping technology and oppose legislation that attempts to mandate its use.

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Range Protection

Introduction
Although firearms shooting ranges have a long tradition of service to a wide array of recreational citizen groups, they are coming under fire as population growth and suburban sprawl expand closer to existing ranges. In recent years, this has resulted in hundreds of lawsuits and complaints filed by newcomers against range owners, as well as the passage of local ordinances aimed at closing ranges. These ordinances take many forms but can include: prohibitions against excessive noise, controlling times of operation, and limiting facility expansion. Reasonable operation time and expansion is necessary to accommodate a growing interest in the shooting sports and rising shooting club membership numbers. Without adequate range protection laws, safe shooting ranges that offer valuable public services (such as concealed carry and firearms safety training) and recreational opportunities will be vulnerable to arbitrary sanctions, creative lawsuits, and closure.

In recent years, anti-gun groups have seized on news stories that detail instances of human health issues and increased environmental lead exposure resulting from poor management at individual gun ranges, primarily as a means of shutting down these ranges. Such advocates have called for lead exposure standards that far exceed the already strict federal safety standards by which range operators must abide, to the point of where it would be prohibitively expensive to operate these ranges. While individual shooting ranges may be managed below existing, legally-required standards (as can happen in every field), the overwhelming majority of shooting ranges adhere very strictly to state and federal workplace health and safety requirements relating to lead exposure, ensuring that employees, customers, and the surrounding environment are adequately protected.

The Occupational Safety and Health Administration (OSHA), which is charged with protecting employee health and safety in the workplace, has a comprehensive lead regulation that defines an employer’s legal responsibilities to limit employee exposure to airborne lead, provide protective equipment and hygiene facilities, maintain a clean workplace, and provide employees with safety training and medical care. Failure to comply with the requirements of the Lead Standard can result in fines to range operators. Additionally, 26 states and two territories currently administer their own occupational safety and health program under a provision of the Williams-Steiger Occupational Safety and Health Act of 1970. Given the extensive regulations in place that govern lead exposure levels, monitoring, ventilation, etc., there is simply no reason to categorize shooting ranges as unsafe environments. Individual bad actor ranges should be, and are, held accountable according to these legal guidelines and made to come into compliance with these standards.

Points of Interest
States have taken a number of unique approaches to solidify their respective range protection laws, including:

- Protecting ranges against lawsuits being brought by both private and public entities.
- Minimizing the ability for ranges to be zoned out, to have use permits rescinded, or to be put into financial distress due to licensing fees and/or other requirements.
- Grandfathering ranges into municipalities that ban shooting inside city limits.
- Disallowing a locality from regulating firearm discharge in any way.
- Protecting ranges against “safety lawsuits” unless there is actual damage to property or people.
- In 2016 Maine enacted ME H 1023, a bill aimed to protect ranges from unwarranted lawsuits and initiate seniority rights for established ranges.
- In 2015, West Virginia and Mississippi both passed bills (MS H 1300 & WV H 4174 respectively) giving guidelines to ranges regarding their fixed line of fire. In addition, these bills provided a baseline for relations with surrounding properties.

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Shooting range operators are required by federal law to adhere to strict standards relating to lead exposure, and these standards are enforced by OSHA. Additionally, 24 states and two territories currently administer their own occupational safety and health programs.

Language
The following states have proposed range protection legislation using the language below:

- **Indiana **Enrolled Act No. 1563:** “A person who owns, operates, or uses a shooting range is not liable in any civil or criminal matter relating to noise or noise pollution that results from the operation or use of the shooting range if the construction and operation of the shooting range.”

- **South Dakota § 21-10-28:** “The use or operation of a sport shooting range may not be enjoined as a nuisance if the range is in compliance with those statutes, regulations, and ordinances that applied to the range and its operation at the time when the initial operation of the range commenced. The use or operation of a sport shooting range may not be enjoined as a nuisance due to any subsequent change in any local regulation or ordinance pertaining to the normal operation and use of sport shooting ranges. However, if the usage or design of the range results in a significant threat to human life or private habitations, a nuisance is constituted and an injunction may prescribe appropriate relief.”

- **Utah SB 107:** “A state agency or political subdivision shall ensure that any of its rules or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition any shooting range or public shooting range that was established, constructed, or operated prior to the implementation of the rule or ordinance regarding public nuisance unless that activity or operation substantially and adversely affects public health or safety.”

- **West Virginia SB 575:** “No local ordinance regulating any noise may subject a shooting range to noise control standards more stringent than those standards in effect when the ordinance was first enacted. The operation or use of sport shooting range may not be enjoined based on noise, nor may any person be subject to action for nuisance or criminal prosecution in any matter relating to noise resulting from the operation of the range, if the range is in compliance with all ordinances relating to noise in effect at the time construction or operation of the range was approved, or at the time any application was submitted for the construction or operation of the range.”

Moving Forward
As shooting ranges in urban jurisdictions have increasingly been disenfranchised by burdensome regulations, the need has arisen for elected officials to advance and support legislation which protects shooting ranges from constricting regulations and frivolous lawsuits. Legislators are urged to consider legislation and/or regulations that promote range protections while simultaneously supporting public safety and good neighbor relations.

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Recreational Shooting

Introduction
Recreational shooting in the United States is a longstanding and time-honored tradition. Whether it’s practicing at a range each week or participating in an occasional weekend activity with friends, millions of Americans shoot recreationally each year. Research shows that nearly half of all active target shooters introduce a newcomer to the range or field each year. Additionally, another recent study shows that when surveyed, 45% of respondents said an “invitation from friend or family” would most motivate them to participate in recreational shooting. This increased participation results in a higher population of regular recreational shooters, which in turn leads to greater amounts of excise taxes from shooting-related expenditures like firearms and ammunition. This increased excise tax revenue leads to greater funding for state fish and wildlife conservation efforts through the Pittman-Robertson Act, a critically important component of the Wildlife and Sport Fish Restoration Programs and the American System of Conservation Funding (Page 34).

Recreational shooting and hunting are both multi-billion dollar industries. When these two are combined, the economic impact they have on the economy cannot be ignored. Collectively, they generate $138 billion in economic output and support over 1,656,000 jobs annually. Any shock to the recreational shooting industry poses a great danger to the nation’s economy as well as its ability to provide consistent sources of revenue for conservation.

Points of Interest

- In the United States, there are over 20 million people who spend nearly $17 billion annually on recreational shooting.
- Recreational shooting supports more than 329,000 jobs throughout the country.
- In 2016, recreational shooting provided over $2.26 billion in state and local taxes and $2.8 billion in federal taxes, totaling over $3.4 billion in taxes generated nationally.
- Recreational shooting can include using firearms (handguns, muzzleloaders, rifles, and shotguns) for such purposes as sighting-in, competition shooting, sporting clays, and practical training, among other activities.
- One particularly successful policy that has been shown to increase opportunities for recreational shooters is holding tax-free holidays for firearm and ammunition purchases (Page 29).

Moving Forward
Recreational shooting has a major impact on the nation’s economy and affects millions of people throughout the United States. A significant percentage of the billions of dollars Americans spend on recreational shooting activities each year supports state wildlife agencies and their mission of public trust resource management. Legislators should keep these considerations in mind their minds when making decisions that may impact recreational shooting opportunities.

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225 Ibid
226 Ibid
Modern Sporting Rifle

Introduction
The modern sporting rifle, based on the AR-15 platform, is widely mischaracterized. Confusion exists because while these rifles have a similar appearance to military rifles, they do not function in the same way. Groups wanting to ban modern sporting rifles have, for many years, spread misleading information about the AR-15 to support their cause.

The AR platform is a semi-automatic rifle, most often chambered in 5.56 NATO/.223 Remington, .308 Winchester, and other varieties of calibers. This platform is designed for versatility and made to accommodate a vast array of modifications and accessories including: scopes, sights, slings, lights, and many other practical hunting tools. Folding and telescoping stocks, as well as pistol grips, can customize cosmetic appearance, but the core function of the firearm remains identical to traditional semi-automatic rifles.

Modern sporting rifles and their accessories are a booming trend within the firearms industry. Sales figures are difficult to report accurately because many manufacturers are privately held companies, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) statistics do not distinguish between rifle types. However, anecdotal evidence is plentiful. Firearms manufacturers across the nation are working to meet growing customer demand, with modern sporting rifles at times outselling traditional rifles.

Points of Interest

- The AR in “AR-15” stands for ArmaLite Rifle. ArmaLite was the firearms engineering company that first developed the modern sporting rifle in the 1950s. AR does not stand for “assault rifle” or “automatic rifle.”
- AR-style rifles are not “assault weapons” or “assault rifles.” An assault rifle, as defined by the United States Army, is a short, compact, firearm that fires a cartridge intermediate in power between submachine gun and rifle cartridges, which has fully automatic capabilities. The AR-15 platform is not fully automatic. Automatic firearms have been heavily regulated by the National Firearms Act since 1934 and are difficult to obtain for civilian ownership.
- Although modern sporting rifles may look like military rifles, such as the M-16, they function like other semi-automatic firearms, firing only one round with each trigger pull.
- Versions of modern sporting rifles are legal to own in all 50 states, with varying degrees of regulation, provided that the purchaser passes the mandatory FBI background check required for all retail firearm purchases. Additionally, some jurisdictions place arbitrary bans on the standard capacity magazines commonly sold with and designed to operate in modern sporting rifles. More information can be found in the National Instant Criminal Background Checks System (NICS) and Standard Capacity Magazines issue briefs.
- AR-style rifles can be chambered in a wide variety of calibers including .22, 5.56 NATO/.223 Remington, 6.8 SPC, .308 Winchester, and .300 BLK. Pistol calibers, such as 9mm, .40, .45, and others are also available, as well as AR-style shotguns.
- Modern sporting rifles are commonly used by participants in a popular new shooting discipline, “3-Gun,” the fastest growing shooting sport.

Moving Forward
Elected officials should ensure that legislation is based on evidence, rather than emotions, cosmetics, or appearance. Semi-automatic firearms like the modern sporting rifle are now one of the most popular types of firearms in America and are used

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for a wide variety of legitimate purposes, including hunting, varmint control, shooting sports, and personal defense. The sportsmen’s community must continue to find ways to educate the populace on the modern sporting rifle and its role in recreational shooting and hunting to avoid the negative and misguided stereotypes and images commonly associated with these firearms.

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Standard Capacity Magazines

Introduction
A standard capacity magazine generally means any detachable ammunition feeding device that is sold with and designed to operate in firearms as sold from the manufacturer. Many popular semiautomatic handguns and rifles are sold with magazines that have capacities of 15-30 rounds. Therefore, restrictions on magazine capacity create unnecessary burdens on responsible firearms owners who would then have to purchase additional equipment in order for their firearms to be operational.

Issue
In 1993, President Clinton signed the Federal Assault Weapons Ban, which made it illegal to either manufacture or sell ammunition magazines holding more than 10 rounds. The Federal Ban expired in 2004; and a 2003 Centers for Disease Control (CDC) study of the Federal Assault Weapons Ban was unable to show that this ban and its magazine capacity limitation had reduced crime. Furthermore, a peer reviewed study by Koper and Roth in 2004 from the Jerry Lee Center of Criminology, University of Pennsylvania, found “no evidence of reductions in multiple-victim gun homicides or multiple-gunshot wound victimizations” as a result of the federal ban on standard capacity magazines. Despite this, several states and jurisdictions have put similar magazine capacity bans into place in recent years. These bans place limits on the possession, sale, and/or transfer of standard capacity magazines, and vary from state to state.

Points of Interest
• In 2016, California Governor Jerry Brown signed S.1446, which severely restricts standard capacity magazines. Under this law, anyone possessing a magazine with a carrying capacity larger than 10 rounds, no matter the caliber, was required to dispose of the magazine by July 1, 2017.
• Standard capacity magazines are very popular in the recreational shooting community. Each year, firearms sales within the recreational shooting community account for a majority of all firearms sales across the country. In fact, 79.8% of firearms sales dollars are assigned to non-hunting purposes each year, whereas only about 20% are assigned to hunting. Firearms sales are very important, as they actively contribute to the American System of Conservation Funding through taxes. These taxes are used to fund state fish and wildlife management agencies, making the recreational shooting community a driving force for conservation efforts nationwide.
• In 2013, New York State adopted a seven-round limit, and although 10 round magazines were allowed to be bought, sold and possessed, magazines could not be loaded with more than seven rounds. A federal judge subsequently ruled that New York’s seven round limit was unconstitutional.
• The following states have implemented capacity-based magazine bans: California – 10 rounds; Colorado – 15 rounds; Connecticut – 10 rounds; Hawaii – 10 rounds; Maryland – 10 rounds; Massachusetts – 10 rounds; New York – 10 rounds; and most recently (2018) New Jersey – 10 rounds (previously restricted to 15 rounds), and Vermont – 10 rounds for rifles and 15 rounds for handguns (previously no restrictions).
• The following cities, among others, also have capacity-based bans in place: San Francisco, CA – 10 rounds; Los Angeles, CA – 10 rounds; Oakland, CA - 10 rounds; Denver, CO – 15 rounds; Washington, DC – 10 rounds; Aurora, IL – 15 rounds; Chicago, IL – 12 rounds; Franklin Park, IL – 16 rounds; Oak Park, IL – 10 rounds; Riverdale, IL – 35 rounds.
• In 2012, legislation was passed in Arizona which prevents the Arizona Game and Fish Commission from being able to limit or restrict magazine capacity limits for authorized firearms.

Moving Forward
With no proven benefits, legislation arbitrarily limiting the capacity of magazines places an undue burden on law-abiding citizens by requiring responsible firearms owners to purchase additional equipment to comply with legislation and for their firearms to be operational. Elected officials should insist this matter be a decision left to the discretion of individual firearm owners, rather than a government mandate.

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Handgun Carry While Archery Hunting

Introduction
The right to personal protection should not be relinquished once a bowhunter enters the field. Archery hunters are at a great disadvantage in self-defense-related situations due to the limitations of archery equipment. Therefore, it is especially important that bowhunters be permitted to carry a handgun while afield. Many regions of the United States are inhabited by large predators such as bears, wolves, and mountain lions, which pose a threat to bowhunters who are underequipped to properly defend themselves should an attack occur. Additionally, the rise in backcountry drug operations on public lands has dramatically increased the possibility for dangerous encounters while afield. This has been particularly prevalent in Western states where marijuana grows on public lands have become common.

Points of Interest
- In June 2015, a group of bow hunters travelling down a river in Alaska in a small raft came across a group of Alaskan brown bear cubs. The mother charged the raft and, with only 8 feet between her and the bowhunters, one hunter quickly fired a round from his revolver into the water in front of the bear. The hunter’s ability to legally carry a handgun stopped the attack and potentially saved the bow hunters’ lives.  
- In September 2012, an Idaho bowhunter was attacked by a grizzly bear while tracking a wounded elk. The man suffered severe bite injuries to the shoulder, but luckily made it out of the woods to safety.
- Millions of marijuana plants are illegally grown every year on public lands across the United States, with 12 million plants seized in California alone from 2008-2012. Many of the arrests made relating to these grows include members of large organized crime groups who are often armed and dangerous.
- According to Interagency Grizzly Bear Study Team biologist Chuck Schwartz, hunters killed an average of 3.7 grizzlies per year between 1992 and 2000. In the past decade or so, an average of 10.2 bears were killed a year, demonstrating a dramatic increase in bear encounters and the need for self-defense by hunters.
- In 2016, two archery hunters on public lands in Utah found themselves in the line of fire of a man who was drinking and under the influence of drugs. The men were forced to retreat and call the authorities.
- In October 2010, a Michigan bowhunter was attacked in his tree stand by a family of bears, sustaining injuries to his legs, shoulder, and back.
- In 2016, two bowhunters in Montana were hospitalized after being attacked by grizzly bears. The attacks occurred on the same weekend and in the same area. Both hunters were tracking elk. Neither could defend himself, but injuries sustained were not life-threatening. Bowhunters in this particular area are extremely vulnerable to attacks because the grizzly population is so dense.

242 Ibid.
245 Ibid.
Language
37 states have successfully enacted legislation or regulations permitting the carry of a handgun while archery hunting, including:

- **Louisiana R.S. 56:116.1 (E):** “Bow hunters may carry any caliber of firearm on their person, while hunting with a bow. The provisions of this Subsection shall in no way be interpreted to limit the ability of the department to regulate hunting activities in a wildlife management area in accordance with R.S. 56:109.”

- **Vermont Title 10, chapter, 105, §4252:** “[T]he holder of an archery license or a super sport license may possess a handgun while archery hunting, provided that the license holder shall not take game by firearm while archery hunting. As used in this section, “handgun” means a pistol or revolver which will expel a projectile by the action of an explosive.”

- **Missouri Title 3, chapter 7, §10-7.432:** “Any person who has been issued a concealed carry endorsement on a driver license or non-driver license and such endorsement or license has not been suspended, revoked, canceled, or denied may carry concealed firearms on or about his/her person while hunting.”

Moving Forward
The prohibition of handguns while archery hunting puts the personal safety and physical well-being of sportsmen and women at risk. Legislators should support legislation that ensures the right of bowhunters to carry a handgun while afield.

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Firearm Suppressors

Introduction
Suppressors, also known as silencers, are the hearing protection of the 21st century sportsman. Despite common myths and misconceptions, suppressors do not silence host firearms.\(^\text{252}\) Engineered to reduce the sound signature of a gunshot, minimize felt recoil, and increase accuracy, suppressors are quickly becoming the favored accessory of shooters nationwide. They work by trapping the expanding gasses at the muzzle of a firearm, allowing them to slowly cool, in a similar fashion to car mufflers.\(^\text{253}\) By decreasing the overall sound signature, suppressors help to preserve the hearing of recreational shooters, hunters, and hunting dogs around the world.\(^\text{254}\)

Issue
Even the most effective suppressors on the smallest calibers, like .22 LR, reduce the peak sound level of a gunshot to around 108-120 decibels (dB).\(^\text{255}\) To put that in perspective, according to the National Institute for Occupational Safety and Health (NIOSH), that is as loud as a jackhammer (110 dB) or an ambulance siren (120 dB).\(^\text{256}\) The best suppressors reduce the peak sound level to around 130-150 dB.\(^\text{257}\) While this is a tremendous reduction in noise level, it is still as loud as a jet engine at takeoff (140 dB).\(^\text{258}\) Although there is variation, well-engineered suppressors generally reduce noise levels by about 20-35 dB, roughly the same amount as a high-quality pair of earplugs or earmuffs.\(^\text{259}\) Since most hunters do not wear hearing protection in the field because they want to hear their surroundings, suppressors offer a practical and effective alternative type of hearing protection.\(^\text{260}\)

Opponents of suppressor use for hunting often posit that their legalization will result in an increase in poaching incidents.\(^\text{261}\) This position is largely based on the misconception that suppressors completely silence firearms. States that have recently legalized their use have seen no increase in poaching. In part, this is due to the fact that suppressors are highly regulated devices.

Suppressors are regulated under the National Firearms Act (NFA) of 1934, the same act which regulates machine guns and short barreled rifles.\(^\text{262}\) These items, which fall under the purview of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), carry severe penalties for criminal use.\(^\text{263}\) In order to purchase a suppressor an individual must find a licensed dealer, send the appropriate paperwork to the ATF along with a one-time $200 tax per suppressor, undergo an extensive FBI background check, and undergo a NICS check at the point of purchase.\(^\text{264}\) As of June, 2017, wait times for this process average 10 months or more.\(^\text{265}\)

While there remains a large amount of misinformation concerning suppressors, realistically they are a useful tool with multiple positive applications. Allowing suppressors to be used for hunting has numerous benefits including hearing protection, reduced recoil and muzzle rise resulting in increased shooter confidence, allowing for more consistent and

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accurate shots, improved relations for hunters and recreational shooters with the general public, and the potential recruitment and retention of new hunters and shooting sports participants due to the favorable attributes of suppressors.

**Points of Interest**

- Consistent use of suppressors can help reduce noise complaints from local residents.\(^{266}\)
- Suppressors reduce recoil and muzzle rise, allowing hunters to make quicker and more effective corrections in the field.\(^{267}\)
- Hiram Percy Maxim invented the first suppressor in an attempt to solve the noise complaints of his neighbors. He also invented the car muffler.\(^{268}\)
- Referred to as “moderators,” suppressors use is actively encouraged in many European countries.\(^{269}\)
- In the U.S., suppressors are considered “firearms”, and are regulated pursuant to the National Firearms Act.\(^{270}\)
- According to a 2017 report conducted by the National Hearing Conservation Association’s Task Force on Prevention of Noise-Induced Hearing Loss from Firearm Noise, “using firearms equipped with suppressors” is one of “…several strategies [that] can be employed to reduce the risk of acquiring NIHL and associated tinnitus from firearm noise exposure.”\(^{271}\)
- NIOSH also recommended in a similar noise study that, “if feasible and legally permissible, attach noise suppressors to firearms to reduce peak sound pressure levels.”\(^{272}\)
- The Centers for Disease Control and Prevention (CDC) has found through studies that, “the only potentially effective noise control method to reduce students’ or instructors’ noise exposure from gunfire is through the use of noise suppressors that can be attached to the end of the gun barrel. However, some states do not permit civilians to use suppressors on firearms.”\(^{273}\)
- A 2018 ATF statistical update reported that there are roughly 1.5 million registered suppressors in circulation in the U.S.\(^{274}\)

**Moving Forward**

There are currently 42 states that allow civilians to possess suppressors, following their legalization in Iowa in 2016.\(^{275}\)

Also in 2016, Iowa, Michigan, and New Hampshire legalized or expanded the use of suppressors in the field. As a result, 40 states now permit their use for hunting.\(^{276}\) Depending on their respective state’s laws, legislators should explore and support legislative opportunities to remove restrictions on suppressors, making them more available for general use.

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\(^{269}\)”The Hearing Protection Act (H.R. 367, S. 59),”*American Supressors Association*, last modified June 2017.


\(^{276}\)IBID
Firearms Industry Nondiscrimination Act (FIND Act)

Introduction

Discrimination against the firearms and ammunition industry has become increasingly common due to the anti-gun rhetoric continuously employed by the media, some politicians, and gun-control groups. The Obama Administration initiative known as “Operation Choke Point” was an effort by the Federal Deposit Insurance Corporation (FDIC) and Department of Justice (DOJ) to stop financial institutions from offering banking services to some regulated industries. The goal of the operation was to coerce banks, third-party payment processors, and other financial institutions into closing or denying business accounts of clients that the FDIC has classified as “high risk” or as a “reputational risk” for the financial institution.

The FDIC included federally licensed firearms retailers and other companies in the firearms and ammunition industry – some of the most heavily regulated businesses in the country – on this list of risky businesses without any evidence or justification. Due to this deliberate action on the part of the Obama Administration, some banks have ended relationships with legal and legitimate companies solely based on their industry. The FDIC has indicated it will take incremental steps to end this indiscriminate targeting of the firearms industry. Example, the FDIC claims they now require bank examiners to disclose all recommendations to cease banking relationships with a written explanation of what law or regulation they believe is or was being violated. However, there is no evidence that this discrimination has ended. It is clear that legal, legitimate businesses licensed by the federal government are being choked off from the financial system without cause.

According to a survey of firearms retailers, individuals engaged in the business of manufacturing and dealing in firearms and ammunition products have experienced being refused services by financial institutions simply because they were engaged in the lawful commerce of firearms and ammunition. Additionally, firearms retailers have reported facing discrimination from internet search engines, social media platforms, payment processors, insurance companies and other service providers not covered by the FDIC. This discrimination and refusal to provide goods and services results in higher costs of doing business and increased prices for consumers exercising their Second Amendment rights.

Points of Interest

- In 2015, Kansas became the first state to introduce the Firearms Industry Nondiscrimination (FIND) Act with HB 2311. This legislation states that “It shall be an unlawful discriminatory practice for any person to refuse to provide any goods or services of any kind, or to refrain from continuing an existing business relationship, or to terminate an existing business relationship with, or otherwise discriminate against an individual or trade association, solely because the business or individual is engaged in the lawful commerce of firearms or ammunition products.”
- Alabama, also in 2015, introduced the FIND Act in HB 327. Tennessee introduced the legislation in 2017 with HB 561.

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Moving Forward
While the firearms industry respects the right of financial institutions and other service providers to make business decisions based on objective criteria, it is unacceptable to discriminate against businesses simply because they are engaged in the lawful commerce of firearms and ammunition. To that end, the firearms industry supports the FIND Act. State legislatures are urged to pass measures similar to the FIND Act that would protect the lawful commerce of firearms and ammunition businesses.

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Federal Land Hunting & Angling Access

Introduction

The federal government owns approximately 640 million acres of land, which equates to roughly 28% of the 2.3 billion acres that make up the land area of the United States. Although 260 million of these federally owned acres exist in Alaska alone, many of the states west of the 100th Meridian feature high percentages of federal land ownership when compared to their counterparts in other areas of the country. Of this publicly-owned land, four federal agencies - the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), the U.S. Fish and Wildlife Service (USFWS), and the National Park Service (NPS) - manage approximately 609 million acres, or approximately 95% of federal lands. In many parts of the country, hunters, anglers, and recreational shooters are highly dependent on access to these lands in order to enjoy a variety of outdoor activities. As the nation’s population continues to grow, our federal lands, and the sportsmen and women who depend on them, face increased pressure from competing recreational uses, development, industrial activity, and differing public opinions regarding the appropriate volume of motorized and mechanized travel access to public areas.

History

Many of the modern federal land management practices that impact sportsmen’s access are largely guided by federal laws passed by the U.S. Congress such as the Multiple Use-Sustained Yield Act of 1960 (USFS) and the Federal Land Policy and Management Act of 1976 (BLM). Although these laws include provisions that require federal agencies to consider general impacts to recreation during planning processes, planners are not required to consider how management plans specifically affect the public’s ability to engage in hunting, angling and recreational shooting. During the 112th, 113th, 114th and 115th sessions of Congress, members of the Congressional Sportsmen’s Caucus have introduced legislation that would require federal agencies to consider planning activities’ impacts to sportsmen’s traditions and facilitate the use of BLM and USFS lands for hunting, angling and recreational shooting as they develop land use plans that guide the management of federal public land.

Points of Interest

- BLM manages 247 million acres of the federal estate and has a multiple-use, sustained-yield mandate intended to support a wide range of uses including energy development, recreation, grazing, wild horses and burros, and conservation.
- The USFS manages 193 million acres for multiple-use and sustained-yield activities including timber harvest, recreation, grazing, watershed protection, and fish and wildlife habitats.
- The USFWS manages 89 million acres of federal land that includes the National Wildlife Refuge System for which hunting and angling are considered priority uses.
- The National Park Service administers 80 million acres of federal land in all 50 states, the District of Columbia, and U.S. territories. Roughly two-thirds of the system’s lands are in Alaska.
- According to surveys conducted by Responsive Management, 46% of hunters cited a lack of access as taking away from their enjoyment of hunting and influencing their decision not to hunt. 44% of hunters surveyed also indicated there are not enough places to hunt.

- Physical aspects of access include:
  - **Availability** – the actual land available to hunt or fish.
  - **Accessibility** – the ability to get to hunting land or fishable waters. Problems may include public lands blocked by intervening private lands, public lands far removed from roads and trails that are restricted.
  - **Accommodation** – the ease of mobility and how it relates to the experience that sportsmen and women have once they are on the land. Examples include the ability to avoid crowds for sportsmen

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290 ibid
292 ibid
293 ibid
294 ibid
295 ibid

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seeking an isolated outdoor experience, trail quality or ATV restrictions for sportsmen wishing to access public lands via mechanized travel.

- Social / psychological aspects include:
  - **Awareness** – the information and knowledge necessary for sportsmen to understand the access options available to them
  - **Assumptions** – sportsmen’s perceptions about the hunting, fishing or recreational shooting opportunities available to them. These include the sense (existing or perceived) that access to outdoor recreation opportunities are being threatened or that other barriers exist

- Recently introduced to Congress, legislation such as the “SHARE Act” and “Sportsmen’s Act” would expand access to public lands and preserve recreational activities on Federal Lands.²⁹⁷

**Moving Forward**

Legislators should consider working with sportsmen’s organizations and other stakeholders to monitor and engage federal agencies as they conduct planning activities that will impact hunters, anglers, trappers, recreational shooters and state wildlife agencies.

Policymakers also can utilize resources made available by federal agencies to track planning activities and become engaged in the public processes which help guide public land management in their states. Available on the web, these resources provide an overview of ongoing and future planning efforts that will include opportunities to provide input on behalf of sportsmen and women.

- **BLM Land Use Planning:** [https://www.blm.gov/programs/planning-and-nepa/eplanning](https://www.blm.gov/programs/planning-and-nepa/eplanning)
- **USFS National Forest Management Planning Act /Planning:** [http://www.fs.fed.us/emc/nfma/index.htm](http://www.fs.fed.us/emc/nfma/index.htm)

In January 2018, the Secretary of the Interior announced the creation of a new Federal Advisory Committee called the Hunting and Shooting Sports Conservation Council (HSSCC) to provide recommendations to the Secretaries of Agriculture and Interior on issues of importance to hunters, anglers and recreational shooters with the goal of promoting federal policy decisions that take into account the needs of the nation’s sportsmen and women. Similarly, the Sport Fish and Boating Partnership exists to advise the Secretary of the Interior, through the Director of the Fish and Wildlife Service, on aquatic conservation endeavors that benefit recreational fishery resources and recreational boating and that encourage partnerships among industry, the public, and government. State legislators wishing to make the SFBPC or HSSCC aware of emerging issues on lands or waters managed by the BLM, FWS or USFS are encouraged to contact CSF staff to discuss engaging these advisory committees.

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Fresh Water Angling Access

Introduction
Recent developments in freshwater angling access are cause for concern. Marina owners on public Army Corp of Engineers-managed lakes and rivers have attempted to deny anglers access to public waters under and surrounding their facilities. Recently, a court ruling in Louisiana denied that angling and hunting from a boat are legitimate uses of public navigable waters, potentially setting a national precedent for denying angler access.298 In addition, several western states have proposed stream access legislation with implications for the public’s ability to fish and float.299, 300 These growing concerns extend throughout the country.

Another alarming trend concerns access limitations as a result of aquatic invasive species. In many areas of the country, the growing concern around invasive species (such as Quagga Mussels) has prompted local municipalities and state agencies to restrict access to certain lakes and rivers except during certain hours when an inspector is present. While some efforts to curtail the spread of aquatic invasive species are needed, it is important to remember that they should be constructed in a way that is scientifically based and measurable with limited impacts to angling access.

Points of Interest
• In 2016, Alaska enacted AK H 216, changing the definition “navigable water” to include hunting, trapping, and fishing as a “useful public purposes”, ensuring sportsmen’s access and navigation on Alaska’s waterways.301
• Closures of public access for fisheries management purposes should be based upon a specific problem and scientific criteria.
• Public comment should be mandatory for public water closures and water plans.
• Closures should be used only as a last resort after all other resource management tools are utilized.
• Provisions should be provided to reopen access to public aquatic resources when management objectives are achieved.
• The economic and social impacts should be measured and weighed against the benefits of the closure.
• Anglers should have reasonable access to public waters and facilities, especially if license or Sport Fish Restoration Funds and Boating Trust Fund monies were used to provide resource management or facility construction or maintenance.
• Stakeholders and experts, such as those from the recreational angling community, should be consulted by agency staff during the evaluation process.
• New “Right to Fish” legislation should include the public’s right to fish on any state or federal waters up to the ordinary high-water mark.302
• In states with No-Net-Loss legislation amendments to existing statutes should include a clause that provides access to public waters.303
• Due to Louisiana’s lack of clarity in defining public access to the state’s navigable waterways, the Bass Anglers Sportsman Society (B.A.S.S.), the largest professional fishing organization in the world, will no longer hold fishing 298 Kevin Colburn, “Court Ruling Limits Recreational Rights on Rivers”. American Whitewater, last modified September 19, 2006, https://www.americanwhitewater.org/content/Article/view/articleid/10182/display/full/.
tournaments in South Louisiana.\textsuperscript{304} A single B.A.S.S. event can contribute more than $2 million to local economies, whereas the Bassmaster Classic can contribute up to $24 million.\textsuperscript{305}

**Moving Forward**
Legislators should support sportsmen’s access in state and federal land management plans in your state. Additionally, they should encourage their state fish and wildlife agencies to purchase access easements, land adjacent to important public fisheries and improve/expand angler facilities (such as launch ramps, cleaning stations, etc.). Legislators should reach out to the public to inquire if there are cases of access being denied. Furthermore, in an effort to maintain public access to natural resources in their state, legislators should consider legislation that establishes or amends the definition of public use of navigable waters to include the ability to fish from a boat.

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\textsuperscript{305} IBID
Considering Recreational Angling Access in Transportation Projects

Introduction
Lack of angling access is one of the primary reasons why lapsed anglers no longer participate in their sport. Opportunities to expand angling access throughout the country have become increasingly limited in recent years due to increases in private ownership along waterways and attendant riparian rights limiting new access construction. Although state natural resource agencies have funds available to create angler access through the Sport Fish Restoration and Boating Trust Fund (paid for by anglers and boaters), many states have already “built-out” the available and affordable angling access opportunities on limited riparian lands. With outright land acquisition opportunities limited, states must look for new avenues of providing access to our nation’s waterways. One often overlooked opportunity is to prioritize the establishment of new access points when state highway transportation departments are planning, designing, and building bridges and roads along and across waterways.

History
In 2013, Maryland passed HB 797, the Waterways Access Bill, which provided an opportunity to increase angling access throughout the state’s 10,000 miles of waterways and 4,000 miles of shoreline by requiring transportation projects to consider the feasibility of waterway access along the state’s roads and bridges. Maryland’s HB 797 was an innovative step forward and a great example of how to improve recreational angling access throughout the country by way of road and bridge construction projects.

Points of Interest
- NC, TN, and CA have made similar efforts to pass legislation or enter into agreements with their transportation departments to consider waterway access in transportation projects.
- HB 797 is closely modeled from Maryland’s Pedestrian and Bicycling Safety Accommodations.
- HB 797 enjoyed widespread bipartisan support and was lauded by both in-state and national conservation organizations for its innovative approach promoting recreational access to the state’s waterways.
- By partnering with state natural resource agencies, highway and transportation departments can leverage available Sport Fish Restoration and Boating Trust Fund monies earmarked for access construction to help fund the project.
- Opportunities may also exist for governors to formalize this prioritization of waterway access by way of executive order.

Moving Forward
To increase angler access to public waters, it is strongly recommended that elected officials – legislators and governors – support plans and/or legislation similar to HB 797, which capitalizes on existing transportation development projects at the state and federal levels.

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No-Net-Loss

Introduction
“No-Net-Loss” of public hunting lands has become increasingly more important to ensure access to hunting lands for current and future generations of hunters. Also referred to as “Hunting Heritage Protection Acts,” these bills create a baseline number of publicly owned lands open to hunting, ensuring that future generations have the same opportunities tomorrow that currently exist today.

History
President George H.W. Bush first addressed the subject of “No-Net-Loss” as a wetland conservation goal for his administration in 1989. After President Bush left office, all of his successors have used their position to bring awareness to the need for legislation. In 2004, at the inaugural NASC Annual Meeting, Illinois Representative Dan Reitz continued the conversation on “No-Net-Loss,” leading it to become a NASC issue brief during the 2005 legislative session. Sportsmen’s caucuses in Missouri, Tennessee, and Virginia passed related legislation in 2007. Sportsmen’s caucuses in Arkansas, Florida, Georgia, Illinois, Louisiana, Maryland, and Mississippi had already previously addressed the issue. Additionally, in early 2010, the Alabama Legislature passed House Bill 330 (Section 9-11 2.1), which required the Department of Conservation and Natural Resources to “find replacement acreage for hunting lands when existing hunting lands owned or managed by the department are closed to ensure there is no-net-loss of land acreage available for hunting.” In 2016, New Jersey introduced two bills: A 122 and S 485, which call for a new land protection system in New Jersey.

Points of Interest
- In Florida, many environmental and land conservation groups were concerned that “No-Net-Loss” legislation was trying to open state parks to hunting. Sponsors addressed these concerns by clarifying that State Park lands would not be used as replacement lands.
- This legislation in no way infringes on private property rights or on local governments to manage their own lands.
- Language could include a provision that requires state agencies to provide written justification for any closure of public hunting lands and provide annual reports to the legislature detailing the public lands closed to hunting in the preceding year and the lands opened to hunting to compensate for the closure.
- The language should also include the “No-Net-Loss” of public fishing and fishing access points.
- Any replacement lands or waters should be of equal or greater quality wildlife habitat than those it replaces and should be in as close geographical proximity to the closed lands as possible.
- Governor Booth Gardner of Washington issued Executive Order 90-04 in 1990, which commits state agencies to the "No-Net-Loss” wetland policy of avoiding or minimizing damage to wetlands.

Language
The following states have passed “No-Net-Loss” legislation using the language below:
- **Connecticut Public Act No. 09-173**: “The Commissioner of Environmental Protection shall not reduce the amount of state land where hunting is permitted without providing for an equal amount of such land elsewhere in the state. The amount of state land where hunting is permitted shall not be less than the percentage of state land where hunting was permitted as of July 1, 2008.”
- **Maine Public Law, Chapter 564**: “The bureau may not reduce the total number of acres of non-reserved public lands open to hunting to less than the total number of acres available for hunting on those lands as of January 1, 2008. If non-reserved public lands are closed to hunting for any reason, the bureau must open another comparable parcel of land within the jurisdiction of the bureau for hunting.”

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• Alabama Public Act 210-213: “Department land management decisions and actions shall not result in any net loss of habitat land acreage available for hunting opportunities on department-owned lands that exist on March 22, 2010. The department shall expeditiously find replacement acreage for hunting to compensate for closures of any existing hunting land. Replacement land, to the greatest extent possible, shall be located within the same administrative region of the department and shall be consistent with the hunting discipline that the department allowed on the closed land.”

Moving Forward
Ensuring access to our natural resources is of paramount importance to our sporting heritage, and so it is strongly recommended that states adopt no-net-loss provisions. It is the duty of each caucus leadership team to determine the best course of action in your state and modify the above language as necessary.

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Public Access to Private Lands

Introduction
Access is one of the biggest issues facing sportsmen today and is said to be the number one reason, within state agencies control, that lapsed hunters and anglers cite when asked why they no longer participate in hunting or fishing. In an attempt to address this issue, a number of states have created public access programs to provide incentives to private landowners who open up their land for public hunting or fishing. The purpose of these programs is to increase the acreage available to hunters and anglers, which helps with recruiting and retaining sportsmen. Additional benefits include providing an economic boost to rural communities, strengthening ties between rural and urban communities, and increasing opportunities for technical assistance for fish and wildlife management on private lands.

History
Following the success of the “Walk-In Hunter Access” program in Kansas, the issue was first presented to the National Assembly of Sportsmen’s Caucuses (NASC) at the 2006 NASC Annual Sportsman-Legislator Summit by the Kansas Department of Wildlife and Parks. Established in 1995, the “Walk-In Hunter Access” program has opened more than a million acres of private land to public hunting. Over 1 million acres of private lands were enrolled in the program by 2004. The fish access program, which was added in 1999, increased access to streams, rivers, and lakes across the state. Kansas’s public access to private lands program has received remarkable feedback, and Kansas is not alone. Other programs have received positive feedback as well, including North Dakota’s Private Land Open to Sportsmen program, also known as PLOTS.

Points of Interest
- Many programs are administratively created by state fish and wildlife agencies and may be supported by Federal Aid in Wildlife Restoration Act funds; additional stamps or permits have also been created to generate funds.
- Landowners generally maintain control of their property and hunting is typically regulated to foot traffic only.
- Several states have adopted walk in hunter access programs, including Pennsylvania. Currently, 13,000 land owners and tenants are participating in the state’s hunter access program. The properties span across most of the 67 counties in Pennsylvania, opening up 2.3 million acres for public access.
- The 2014 Farm Bill re-authorized the Voluntary Public Access and Habitat Incentive Program (VPA-HIP), formerly called Open Fields. VPA-HIP incentivizes owners and operators of privately held farm, ranch, and forest land to voluntarily give hunters, fishermen, hikers, bird watchers, and other recreational outdoor

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enthusiasts access to land for their enjoyment.327 Funding for VPA-HIP increased from $40 million annually under the 2014 Farm Bill to $50 million annually under the 2018 Farm Bill.328

- The Farm Bill (VPA-HIP/Open Fields) has increased opportunities for hunting, fishing, and wildlife-dependent recreation on private land and has created a nearly one hundred percent economic return on the initial investment by taxpayers to rural communities.329
- The Access and Habitat program in Oregon has provided hunting access to nearly 8 million acres of land.330 90% of this territory is comprised of private land reserved for public hunting access.331

**Language**

Legislation and regulations should be reviewed to ensure liability standards for landowners do not discourage participation in public access to private lands programs:

- **Arkansas** - A.C.A. § 18-11-304: “An act to encourage a landowner to make land and water areas available to the public for recreational purposes; to limit the liability of a landowner who allows the public to use the landowner’s property for recreational purposes; and for other purposes.”332

Conservation tax incentives and real property taxation valuation programs can be used to encourage public access:

- **Alaska** Statute 29.45.050 (e): “A municipality may by ordinance exempt from taxation privately owned land, wetland and water areas for which a scenic, conservation, or public recreation use easement is granted to a governmental body.”333

**Moving Forward**

With the extraordinary success of public access to private lands programs and legislation in a number of states, it is advisable that legislators and citizens support and advance options that would open more land to the public for sportsmen and women. The demand for places to hunt will increase as the U.S. population grows and more lands are developed, and thus public access to private land programs will be increasingly important for providing access for sportsmen. The availability of land for recreational use is critical to supporting our sporting heritage.

**Contact**

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330 “Access and Habitat Program (A&H),” Oregon Department of Fish and Wildlife, accessed October 11, 2018, [http://www.dfw.state.or.us/lands/AH/](http://www.dfw.state.or.us/lands/AH/).
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Sunday Hunting Restrictions

Introduction
Sunday hunting bans are one of the last remaining examples of the puritanical blue laws that were initially designed to encourage church attendance. At the time when these restrictions were first put in place, other activities that were illegal on a Sunday included opening a store for business, drinking alcoholic beverages, and tilling your fields. Today, most of the blue laws have been repealed; however, Sunday hunting restrictions remain in 11 states. Three states (ME, MA, and PA) either severely restrict or completely ban Sunday hunting. Maryland, for example, allows Sunday hunting in select counties, but restrictions remain for much of the state.

Sunday hunting restrictions are considered a primary barrier to hunting participation where they exist, especially for children and families. Children attend school throughout the week and many of them play sports or have other extracurricular activities on Saturdays. Additionally, many adults work 5 or 6 days a week, so for many families Sunday’s are the only day open on their schedules to enjoy the great outdoors with one another. Expanded opportunities for Sunday hunting also benefit rural economies as an additional day of weekend hunting generates increased revenue for local hotels, gas stations, outfitters and stores in areas where potential economic growth has been stifled by these restrictions. Some states also restrict Sunday hunting on private property which is a direct infringement on the property rights of innumerable landowners that own their property specifically for hunting.

Immense progress was made in West Virginia and North Carolina in 2017, lifting many of the prior bans and restrictions on Sunday hunting. West Virginia passed SB 345 which allows for Sunday hunting on private land statewide. Prior to this legislation, hunting was only permitted on Sundays in select counties. In North Carolina, H 640 (The Outdoor Heritage Act) was passed in 2015 and allowed hunters to use firearms throughout most of the day in most counties. In 2017 HB 559 in North Carolina expanded the initial allowances granted in 2015 and will, “expand the use of firearms for hunting.” These are steps in the right direction for lifting the unnecessary and antiquated bans on Sunday hunting throughout the country.

Points of Interest
- In March 2014, Governor Terry McAuliffe signed Virginia House Bill 1237 which amends the Code of Virginia relating to hunting wild animals and wild birds on private property and state waters on Sundays. The amendment broadly allows for hunting on Sundays with some exceptions, most relating to the proximity of a place of worship. Prior to the passage of this legislation an economic analysis conducted by the National Shooting Sports Foundation, found that providing a Sunday hunting option in Virginia would contribute an additional $296 million to the state’s economy and 3,927 new jobs would be created.
- In New York, Sunday hunting was opened in 1996 for three Sundays during the gun season. Five years later however, the entire state allowed Sunday hunting throughout the year, with few exceptions.

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In Ohio, a three-year trial period for Sunday hunting was initiated in 1998, and then became permanent in 2002.\textsuperscript{347} Prior to 2003, Sunday hunting in Michigan was banned on private land in certain counties, but in 2003, all Sunday hunting closures were repealed.\textsuperscript{348} Those opposed to Sunday hunting have claimed that allowing Sunday hunting would harm game populations and pose safety issues; however, none of the states that recently allowed Sunday hunting have seen these claims substantiated.

Sunday hunting is seen as a key component of providing the citizenry, particularly the youth, with more opportunities to engage in the sport, which will ultimately lead to more hunters in the years to come.

A 2011 empirical study conducted by CSF staff found that if Sunday hunting restrictions were lessened in the six states that had the most severe restrictions at that time (CT, DE, ME, MA, PA, VA), an additional 117,500 hunters would likely be recruited or retained by 2016.\textsuperscript{349} This would have resulted in substantial increases in funding for the fish and wildlife agencies within these states.

In 2015, Connecticut passed H 6034 which allows for archery hunting for deer, with some restrictions.\textsuperscript{350} In 2016, the Delaware Legislative Sportsmen’s Caucus spearheaded the passage of H 289 which permits deer hunting on both private and public lands (subject to approval of the appropriate regulatory body) on five Sundays during firearms seasons.\textsuperscript{351} In 2018 the state of Delaware took things further by passing S 198 which opened up hunting on every Sunday throughout the state’s archery and deer season.

In South Carolina hunting is prohibited on Sundays on all wildlife management area lands but is legal on private lands statewide.\textsuperscript{352} Over the last three years, several bills, including many in 2017, were signed into law in Maryland which expanded opportunities to hunt both deer and turkey in specific counties.\textsuperscript{353}

### Moving Forward
Educational campaigns that highlight the economic, social, and ecological benefits of Sunday hunting are a useful outreach tool and are likely to be successful in garnering further support for Sunday hunting. States should decide for themselves which approach will be most successful for their particular constituencies and localized political climates. Repealing blue laws prohibiting hunting on Sundays will increase license sales, have a positive impact on the state’s economy, and will increase the private property rights of landowners.

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\textsuperscript{347} IBID
\textsuperscript{348} IBID
\textsuperscript{349} Miller, Brent, “An evaluation of the potential for Sunday hunting repeals to generate increased funding for state wildlife management agencies,” May 2011.
Discharge Distance Restrictions

Introduction:
The distance from an occupied dwelling, public road, or city limits that is required to legally discharge a bow or firearm, varies tremendously from state to state. Originally enacted as a result of unfounded safety concerns, many states have implemented state-wide rules, while others leave such decisions to local or municipal governments. For the states and municipalities that do have such restrictions, the firearm discharge distances range from 100 feet to 1,320 feet (1/4 mile), with the most common distance being 500 feet. The discharge restrictions applicable to archery tend to be shorter, ranging from 100 feet to 660 feet. Throughout recent years there have been numerous legislative and regulatory attempts made to both shorten and lengthen these restrictions for both firearms and archery equipment.

Issue:
Arbitrary and unnecessarily large discharge distances, particularly for archery hunting, pose a serious barrier to hunter access in suburban and exurban areas where localized issues with overabundant wildlife populations are most apt to occur. These restrictions negatively impact the ability of state fish and wildlife agencies to rely on hunting (widely considered the most efficient and effective wildlife management tool)\(^\text{354}\) to deal with these localized issues and curb the high costs of damage to automobiles, crops, and private property that they create. Damage estimates from overpopulated deer alone have been reported to exceed $4.4 billion annually, with most of these costs being driven by deer-vehicle collisions.\(^\text{355}\)

Not only do these restrictions impact the ability of hunters to help resolve localized issues stemming from overabundant wildlife, but they potentially may negatively impact hunter recruitment, retention, and reactivation (see issue brief) efforts. Other than lack of interest and time, which aren’t influenced by policy decisions, lack of access is the most prevalent reason for which sportsmen and women stop participating in hunting.\(^\text{356}\) Therefore, reducing or eliminating these discharge distance restrictions, where feasible, will help encourage participation in hunting, and will also provide increased state-level conservation funding through the American System of Conservation Funding (see issue brief).\(^\text{357}\)

Points of Interest:
- The discharge distance for both firearms and archery equipment in New York was set at 500 feet in 1957. Provisions to the state’s budget in 2014 lowered the discharge distance for bows to 150 feet, and crossbows to 250 feet, significantly expanding access for archery hunters.\(^\text{358}\)
- “Safe zones” extending 500 feet from an occupied dwelling encompass 18.02 acres of land in which hunting then becomes prohibited without landowner permission. However, a circle with a 150-foot radius only closes off access to 1.62 acres of land.\(^\text{359}\)
- Arizona has opened up 1.86 million acres to hunt with firearms after passing Senate Bill 1334,\(^\text{360}\) which transferred the authority to regulate the take of wildlife from municipalities and counties to the Commission, thereby eliminating previous discharge restrictions that were in place.\(^\text{361}\)
- According to a recent report by the National Shooting Sports Foundation, hunting with firearms is one of the safest activities in America, with billiards being the only sport holding a lower rate of injury.\(^\text{362}\)

Moving Forward:


\(^{357}\) “The Hunt for Balance” The Benjamin Center for Public Policy Initiatives, October 29, 2018, [http://www.newpaltz.edu/benjamincenter/discussion_briefs.html](http://www.newpaltz.edu/benjamincenter/discussion_briefs.html).

\(^{358}\) IBID


\(^{360}\) Fernandez, David. “Re: SB 1334.” Received by Andy Treharne, 20 July 2016.

\(^{361}\) “HCM Municipal and County Outreach” Arizona Game and Fish Department, accessed October 29, 2018.


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Increased access as a result of reduced discharge distance restrictions will not only provide state fish and wildlife agencies with more management flexibility for localized wildlife overpopulation concerns, but will also potentially increase hunting participation thereby providing more money to state-level conservation efforts through the American System of Conservation Funding. State policymakers are encouraged to carefully evaluate present restrictions on discharge distances and to work to reduce or eliminate unnecessarily large or arbitrary restrictions where they exist.

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Hunting
Right to Hunt, Fish and Harvest Wildlife
Use of Tracking Dogs to Recover Game
Apprentice Hunting License
College Student Hunting/Angling Licenses
Technology and the Fair Chase Ethic
Airguns/Airbows
Crossbows
Seniors, Veterans, and Active Duty Military Hunting and Angling Privileges
Knife Ban Repeal
Knife Preemption

2019 Issue Briefs: Hunting
Right to Hunt, Fish, and Harvest Wildlife

Introduction
Though hunting, fishing and harvesting wildlife have long been an American heritage since before the first Europeans arrived in North America, only recently has the “right” to hunt, fish, and harvest wildlife come into question. Anti-hunting organizations would lead the public to believe that hunting, fishing, and harvesting wildlife are only a privilege subject to social pressures and prevailing public sentiments, rather than an inherent right. In order to establish in perpetuity what has been assumed for centuries, several states have sought amendments to their state constitutions that give their citizens a right to hunt, fish, and harvest wildlife and to continue a consumptive, yet responsible, use of natural resources.

Currently, 22 states have enacted legislation or amended their constitution to protect the right to hunt and fish. Though there has been little resistance in several of the states that have recently passed ballot initiatives, others have met considerable resistance and, in one instance, defeat.

History
- Vermont was the first state to adopt a constitutional provision protecting the rights of its citizens to hunt, trap and fish. The right has been protected in Vermont since 1777.
- Both amendments on the November 2016 ballots in Kansas and Indiana were approved.
- California and Rhode Island have language in their constitutions protecting the rights of their residents to fish.
- New Mexico and Washington introduced bills in the 2017 legislature that would protect the right to hunt and fish.
- North Carolina voters approved a constitutional amendment affirming the right to hunt, fish and harvest wildlife in November 2018.

Points of Interest
Simply passing an amendment guaranteeing a “right to hunt and fish pursuant to all laws and regulations” doesn’t necessarily guarantee any long-term benefits of such an amendment. The language should consider the following:
- Recognition of an individual right to hunt, fish and harvest wildlife.
- Preservation of the state’s power to regulate these activities.
- Codification of the Public Trust Doctrine.
- Preemption of local regulation that frustrates comprehensive, statewide wildlife management.
- Protection of traditional hunting methods such as the use of archery equipment and hunting with dogs.
- Recognition of hunting and fishing as preferred means of managing wildlife, rather than unproven contraception schemes and unwarranted use of government “sharpshooters”.
- Clarification that private property rights are not affected or diminished.
- It should be noted that the state agency should be named only if it is already a constitutionally-recognized entity. If this is not the case, a generic term such as “designated state agency” should be used.

Language
- For specific language examples please contact CSF staff.

Moving Forward

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While the rights of citizens to hunt, fish, and harvest wildlife can be established through a number of different legislative options, it is up to local elected officials, working with the state natural resource agency, to identify the most comprehensive option and advance it in their state. Such legislation is important in securing the heritage and future of sportsmen and women.

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Use of Tracking Dogs to Recover Game

Introduction
Beyond their reputation for being man’s best friend, dogs play many critical roles in the hunting world. One important role, blood tracking, is the practice of using dogs to assist in the recovery of wounded game.\textsuperscript{368} Contrary to the name, blood tracking dogs are employed when there is very little blood to track, and instead find wounded game following other scents. The use of blood tracking dogs greatly increases the chances that a hunter will recover wounded game that otherwise may be lost.\textsuperscript{369}

History
The use of blood tracking dogs has always been legal in the majority of the Southern states, whereas many Northern states outlawed the use of blood tracking dogs in the late 1800s.\textsuperscript{370} Over the past 25 years, however, this ban has been lifted in 15 Northern states\textsuperscript{371}.

Points of Interest
- Blood Tracking is allowed in 28 states.\textsuperscript{372}
- Blood Tracking is allowed under certain circumstances in six states.\textsuperscript{373}
- Blood Tracking is not allowed or has unclear regulations in 16 states.\textsuperscript{374}
- A study conducted in South Carolina found that of the 493 deer that were harvested, almost 20 percent were located thanks to the use of Blood Tracking dogs.\textsuperscript{375}
- Tennessee is the most recent state to remove the prohibition against the use of dogs for tracking deer.\textsuperscript{376}

Language
The following legislation was successfully passed through their respective legislatures. To increase the chance of pro-tracking dog legislation to pass, the below language may be used as a model when drafting legislation:

- **Virginia** Title 29, § 29.1-1516.1: “Tracking dogs maintained and controlled on a lead may be used to find a wounded or dead bear or deer statewide during any archery, muzzleloader, or firearm bear or deer hunting season, or within 24 hours of the end of such season, provided that those who are involved in the retrieval effort have permission to hunt on or to access the land being searched and do not have any weapons in their possession.”\textsuperscript{377}

- **Colorado** Chapter W-0 Article IV #004: “A leashed dog may be used as an aid in locating and recovering wounded big game wildlife, except for black bears, with the purchase of an annual tracking permit…A dog may only be used to pursue or locate wounded big game during legal big game hunting hours. Provided however, that such pursuit may continue after legal big game hunting hours if the handler contacts and obtains the permission of a Wildlife Officer prior to continuing such pursuit…The dog must be leashed at all times and cannot be used to kill, chase, or harass wildlife.”\textsuperscript{378}


\textsuperscript{369} IBID


\textsuperscript{371} IBID


\textsuperscript{373} IBID

\textsuperscript{374} IBID


\textsuperscript{376} https://legiscan.com/TN/bill/SB2667/2017; Public Chapter No. 641 authorized the commission to promulgate rules to allow the use of dogs in tracking and recovering an injured or deceased deer.

\textsuperscript{377} “Using tracking dogs to retrieve bears or deer”. Virginia Decoded, Accessed October 11, 2018, https://vacode.org/2016/29.1/5/2/29.1-516.1/

Moving Forward
Exhausting all available resources when tracking and recovering game is one of the cornerstones of hunting that all ethical sportsmen and women share. It is recommended that legislators in states with bans or limitations on the use of blood tracking dogs consider lifting these restrictions, as the use of blood tracking dogs increases the chances that hunters recover their game.

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Apprentice Hunting Licenses

Introduction
To increase hunter participation, many states now offer some form of youth hunting season for various species in hopes of encouraging young potential hunters to go afield. The apprentice hunting license is a tool that provides both youth and adult novice hunters the opportunity to hunt under the supervision of a licensed hunter before they have completed their hunter education course. In essence, the apprentice license allows potential hunters to “try it before they buy it,” making entry into the sport less challenging or intimidating for new recruits. These programs allow apprentice hunters to receive hands-on experience and provide additional incentive to complete a formal hunter education course. In some states, the apprentice hunting license is also called the mentored hunter program.

History
The idea of apprentice hunting licenses was introduced to the National Assembly of Sportsmen’s Caucuses (NASC) at the 2005 NASC Annual Meeting, and CSF began tracking the issue during the 2006 legislative session. Colorado, Iowa, New Jersey, and Montana, among others, passed apprentice hunting legislation in 2015. In 2016, Maine and Tennessee also passed apprentice hunting legislation.

Points of Interest
It is the duty of each caucus leadership team to determine the best means of action in your respective state and modify the below language as necessary. If the language must be modified, please keep in mind the following:

- Laws such as minimum age requirements can be relaxed without compromising safety.
- Apprentice opportunities should be available to each person for a minimum of three years because the process of recruiting a new hunter may take several years due to limited opportunity. For this reason, many states allow multiple year extensions.
- Wisconsin implemented its apprentice hunting license system during the 2009 hunting season after a long and difficult legislative battle that was blocked for years because of safety concerns. In the 2009 season, more than 10,000 apprentice licenses were sold and there were no firearms-related incidents involving apprentice license holders.379
- As of 2018, 43 states have now passed some type of apprentice license and more than 1.5 million such licenses have been sold nationwide.380
- Comparing the number of hunting-related incidents between apprentice and general hunting licensees, apprentice hunters are four times safer than the average hunter.381
- In the 2017 legislature, Maryland Governor signed HB 1427, establishing an Apprentice Hunting License.382
- In 2018 the California Legislature passed a law reducing the cost of big game hunting tags for junior hunters. Legislation designed to set up an apprentice license program was introduced in Hawaii in 2018 but failed to advance.

Language
An example of apprentice hunting license legislation can be found below. For further examples of specific language, please contact CSF staff.

- **North Carolina Ch. SL 2013-63:** “Hunting Heritage Apprentice Permit. – Authorizes a person who does not meet the hunter education course requirements to purchase a hunting license and hunt if accompanied by an adult at least 18 years of age who is licensed to hunt in this State or if accompanied by an adult landholder or spouse exempted from the hunting license requirement, provided the licensee is hunting on the landholder's land. For purposes of this section, "accompanied" means that the licensed adult maintains a proximity that enables the adult to monitor the activities of the apprentice by remaining within sight and hearing distance at all times without use of electronic devices. This permit is valid only for the term of the hunting license purchased under the authority of the permit.”383

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**South Carolina HB 4828 (2018):** A person who is less than eighteen years of age may be a youth hunter. Youth hunters who have not completed the hunter education program pursuant to Section 50-9-310, who hunt on a statewide youth hunting day, must be accompanied by an adult who is at least twenty-one years of age. The adult may not harvest or attempt to harvest game during this special hunting event. A license or tag requirement pursuant to this chapter is waived for a youth hunter on a youth hunting day. A daily harvest limit remains the same as allowed during regular seasons for each species of game."

**South Dakota SB 137 (2018):** 41-6-81. Notwithstanding any provisions of Title 41 to the contrary, a resident of this state who is less than sixteen years of age is not required to possess a hunting license in order to hunt if accompanied by a hunting mentor. A hunting mentor is the child's parent or guardian or any other competent adult who has the written consent of the child's parent or guardian. The hunting mentor shall be a resident of this state, shall be unarmed except as provided in this section, shall have successfully completed a hunter safety or hunter education course that meets the requirements and shall possess a valid hunting license for the game being hunted. A child who hunts pursuant to this section shall be under the immediate physical control, direct supervision, and responsibility of a hunting mentor at the time the child discharges a firearm or operates a bow and arrow in the act of hunting. A hunting mentor may accompany no more than one mentored child at any one time. No hunting party that includes a mentored child may include more than six persons, regardless of whether or not members of the hunting party are hunting or possess or operate firearms. A child who hunts pursuant to this section is subject to all requirements, restrictions, and penalties specified in this title and in the rules promulgated pursuant to this title with respect to the species being hunted, except that the combined number of animals taken or possessed by the child and the hunting mentor may not exceed the number of animals authorized under licenses held by the hunting mentor. A mentored child may not take big game under the provisions of this section except antlerless deer, turkey, and doe-fawn antelope. No big game may be taken by a mentored child unless the child's parent or legal guardian has been issued a license that designates the child as a mentored child who is authorized to exercise the privileges granted by the license. The license is valid only for the mentored child and is not transferable to another person. Application for or issuance of such licenses does not affect the eligibility of the parent or legal guardian for any other big game license. The requirement in this section that the hunting mentor be unarmed does not prohibit the hunting mentor from possessing a permitted concealed pistol or other legally possessed handgun.

**Moving Forward**

Recruiting new hunters is essential to maintaining our sportsmen’s heritage. As such, it is important to explore and advance programs like apprentice hunting licenses in order to reduce the barriers to participation currently inhibiting the growth of the sportsmen’s community.

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College Student Hunting/Angling Licenses

Introduction
Several states have adopted legislation that allows non-resident, full time college students to obtain hunting and/or fishing licenses at the same price as an in-state resident. These measures are intended to maintain access to, and encourage participation in, hunting and angling for student-sportsmen and women who, due to the financial constraints faced by many students, may otherwise not be able to afford it.

These bills may also include provisions enabling students attending school out-of-state to obtain a resident license, which is often more affordable, when they return to their home state, including brief school vacations. 384

Points of Interest
• College hunting licenses are particularly beneficial in western states where the price of an out-of-state big game tag is costly, and the chance of being drawn for a license as an out-of-state resident is low.
• Unlike other non-resident hunters, college students spend most of their time (and money) in their college or university’s state, thus the rationale for charging significantly more for a non-resident tag does not apply to the same degree as it does for more traditional non-resident hunters.
• 25 states have implemented legislation allowing non-resident college students to purchase hunting and/or angling licenses at resident prices.
• In 2014, New Hampshire approved a college student license through the passage of HB 1290 385, sponsored by New Hampshire Legislative Sportsmen’s Caucus Member, Representative Benjamin LeFebvre.
• In 2015, Maine adopted a college student hunting, angling, trapping license, when LD 256 386, sponsored by Maine Legislative Sportsmen’s Caucus Member Senator Paul Davis, became law.
• In 2017, Alabama passed House Bill 3 that allowed nonresident college students, that met certain requirements, in Alabama to purchase a hunting or fishing license at the same cost as an in-state resident 387
• The list of states that currently allow a form of the license are: AL, AR, CO, GA, KS, KY, LA, ME, MI, MS, MO, MT, NH, NY, NC, ND, SC, SD, TN, UT, VT, VA, WV, WI, and WY.

Language
The following states have passed college student hunting/fishing license legislation using the language below:
• Louisiana Public Act 324: “Any person who is not a resident of the state of Louisiana but who is a full-time student enrolled in an accredited college or university that has a physical campus in the state of Louisiana may purchase a nonresident basic hunting license for the cost of a resident hunting license. Any licenses or permits that may be required in addition to the basic hunting license, such as a big game license or a duck license or a turkey license, may also be purchased for the cost of the equivalent resident license or permit.”388
• Montana Code 87-2-525: “A student who is not a resident, as defined in 87-2-102, may purchase a Class B-14 nonresident college student big game combination license for the same price as a Class AAA combination sports license if that student: (a) is currently enrolled as a full-time student at a postsecondary educational institution in Montana, with 12 credits or more being considered full-time; or (b) (i) has a natural or adoptive parent who currently is a Montana resident, as defined in 87-2-102; (ii) has a high school diploma from a Montana public, private, or home school or can provide certified verification that the applicant has passed the general educational development test in Montana; and (iii) is currently enrolled as a full-time student at a postsecondary educational institution in

another state. The holder of a Class B-14 license is entitled to all the privileges of a Class B license, a Class B-1 license, a Class B-7 license, an elk tag, and a nonresident wildlife conservation license.”389

Moving Forward
The sportsmen’s community has a vested interest in ensuring that student-sportsmen remain engaged in our outdoor traditions while in school. Without college student licenses and other related programs, we risk disengaging future generations of hunters and anglers. For this reason, legislators should consider exploring supporting legislation that facilitates the continued participation of college students in our time-honored sportsmen’s activities.

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Technology and the Fair Chase Ethic

Introduction
North America’s hunters have long adhered to a strong tradition of ethics, referred to as the Fair Chase Ethic. This ethical code of Fair Chase outlines the normative means and methods for the harvest of wildlife and dates back to the late 19th century. The Boone and Crockett Club, a big game scoring and record keeping organization, defines Fair Chase as “the ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wild, native North American big game animal in a manner that does not give the hunter an improper advantage over such animals.”390 The Fair Chase Ethic initially served to rebrand hunting in the eyes of Americans by distinguishing the ethical sportsman and woman from the previous era of market hunting and the devastating ecological consequences with which it was associated. Today’s sportsmen and women are the primary funders of state fish and wildlife agencies and are passionate conservationists that – with few exceptions – have a profound respect for their quarry and adhere to ethical means of harvest.

Through time, technological advancements that simplify the tracking and taking of game have posed an ethical debate within the hunting community. At the close of the 19th century, much of the debate centered on the technique of “jack-lighting”, where Adirondack guides would mount tin boxes on the bow of their guide boats with a lit torch inside. By opening one side of the box they could direct the light towards their quarry, momentarily captivating them and allowing their hunter to take a shot. Following the advent of the Fair Chase Ethic, “jack-lighting” was made illegal in New York in 1982.391 Today, nighttime big game hunting (with or without the use of artificial lights) has been banned throughout most of the United States, with exceptions made for specific species in certain states, and nuisance species. Today’s Fair Chase debate centers on much more advanced technology, such as Unmanned Aerial Vehicles (UAVs or “drones”), that may be used for the remote spotting and tracking of game.

Points of Interest
- In 2017, Minnesota (MN H 366/MN S 124),392 Massachusetts (MA S 437)/NY S 612393 introduced legislation to adapt their respective Fish and Game Codes to include measures for the use of “unmanned aircraft systems” in the pursuit of wildlife.
- The Federal Airborne Hunting Act regulates the use of aircraft for hunting, specifically persons shooting from an aircraft. However, it does not address the use of UAVs.397
- To date, twelve states have banned the use of UAVs while hunting (WV, WA, OR, NC, NM, NH, MT, MI, ID, IL, CO, and AK).398
  - Alaska did so in House Bill 255.399
  - Colorado Department of Parks and Wildlife used their regulatory authority to ban the practice in the state.400

Montana Fish, Wildlife and Parks now considers the use of UAV’s in the same category as general airplane spotting, which is banned.⁴⁰¹

New Hampshire extended the prohibition on harassment of persons hunting, fishing or trapping to include the use of unmanned aerial vehicles through Senate Bill 222.⁴⁰²

New Mexico’s Game Commission used their regulatory authority to ban the use of drones in scouting for or aiding in the harvest of wildlife.⁴⁰³

The Oregon Legislature authorized Oregon’s Fish and Wildlife Commission to adopt rules prohibiting the use of drones for angling, hunting and trapping through the passage of House Bill 2534.⁴⁰⁴

Michigan Legislative Sportsmen’s Caucus members carried Senate Bills 54⁴⁰⁵ and 55⁴⁰⁶ through to enactment in 2015, making it illegal to harvest wildlife with a drone and harass hunters with drones, respectively.

Moving Forward
As advances in technology continue, legislators should be mindful of Fair Chase issues and on a state-by-state basis decide if legislation is warranted to ensure hunting is practiced ethically in their state. It is critical that any such legislation that is considered be thoroughly vetted with both the state’s sportsmen’s community and fish and wildlife agency.

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Crossbows

Introduction

In recent years, many states have begun to lift their previous restrictions on crossbow hunting. While one state (Oregon) still bans crossbows entirely, many others now allow unrestricted crossbow use throughout all seasons.\(^{407}\) Still other states choose to allow crossbows only in certain seasons. For example, some states ban the use of crossbows in archery-only seasons, while allowing them to be used during gun seasons. Incorporating crossbows may increase hunter recruitment and retention by potentially offering another facet of bow hunting; a recently released report by the Michigan Department of Natural Resources titled “Crossbow Deer Hunter Survey (January 2013)” supports this claim. The study found that “about 19% (18,731) of the hunters using a crossbow in 2011 in Michigan had never hunted with anything other than a firearm prior to the expanded use of crossbows.”\(^{408}\) Crossbows, like compound bows, are also a useful tool for the management of deer populations in suburban and urban areas where the concerns of human-wildlife conflict, damage to property and the environment are particularly high.

The increasing trend towards the relaxing of crossbow restrictions has been a source of controversy among some traditional bowhunters. These traditional hunters contend that crossbows provide some hunters with an unfair advantage and make their own pursuit of game more difficult, because they are now competing with other hunters during previously “traditional bow”—only seasons. However, this is not the case when observing the impact of the crossbow on deer hunting in Wisconsin. Crossbows accounted for 11% of the deer taken in 2015, whereas regular bows accounted for 17% of deer taken. Also, the observed success rates for crossbows in the state in 2014 and 2015 were 25% and 26%, respectively. Standard bows had a success rate of 25% each of those years.\(^{409}\) Additional debate on this topic has surfaced regarding wounding rates of various bow types. Some members of the conservation community feel that crossbows may wound more deer than traditional archery implements such as the compound, long, and recurve bows. To date, there has been no statistically rigorous study conducted that adequately answers the question of which type of archery equipment results in the lowest wounding rates. However, many suggest that the debate of wounding rates poses a danger to the future of all archery hunting.

Points of Interest

- Crossbows may be a useful tool for certain sectors of the population, who for physical reasons (such as age, disabilities, etc.), may be incapable of using a traditional bow.
- Crossbows are a useful implement to consider when evaluating suburban/urban deer management scenarios.
- A peer-reviewed study found that both hunters and homeowners support the use of crossbows for suburban/urban deer management.\(^{410}\)
- A dramatic decrease in the archery hunting population has been shown to occur as people grow older. According to license data in Wisconsin, between the ages of 40 and 50, the total number of archery hunters will have been reduced by half: Once that same age group of hunters turns 60, their numbers will only be 40% of what they were at age 50.\(^{411}\) In areas where the crossbow debate is particularly contentious, allowing hunters under the age of 15, or over the age of 55, may prove to be an acceptable compromise.
- 25 states, most recently Connecticut, Kansas, and Mississippi, now allow for the full-inclusion of crossbows.\(^{412}\)
- Many arguments used by crossbow opponents today are the same arguments used to oppose the inclusion of compound bows during archery seasons in the 1970’s, despite changing demographics of hunters and advances in technology since that time.

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\(^{407}\) [https://www.dfw.state.or.us/resources/hunting/big_game/regulations/weapons.asp](https://www.dfw.state.or.us/resources/hunting/big_game/regulations/weapons.asp).


• In 2016 through the bill, NH H 1388, New Hampshire expanded crossbow hunting into muzzleloading season.\footnote{NH HB1388 | 2016 | Regular Session." April 27, 2016 LegiScan, accessed October 11, 2018, \url{https://legiscan.com/NH/bill/HB1388/2016}.}
• In 2016 Vermont enacted, VT H 570, making it illegal to transport a cocked crossbow in any motorized vehicle.\footnote{"VT H0570 | 2015-2016 | Regular Session." May 28, 2016 LegiScan, accessed October 11, 2018, \url{https://legiscan.com/VT/bill/H0570/2015}.}
• As noted above, a 2013 study from the Michigan Dept. of Natural Resources suggested that allowing the use of crossbows for hunting may increase overall participation in archery hunting.

Moving Forward
There is a high level of variability in the way states have chosen to regulate crossbows. Some states choose to allow for liberal usage in most of their seasons, while others restrict them to gun seasons only (with exceptions for seniors or disabled persons). Only one state has banned the use of crossbows altogether. Ultimately, whether to allow crossbows for hunting continues to be a state issue, one that should be decided on a case-by-case basis in response to the needs and desires of the hunting constituency and the expert guidance of state fish and wildlife authorities in each state.

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Seniors, Veterans, and Active Duty Military Hunting and Angling Privileges

Introduction
In many state legislatures across the country, legislation has been enacted to create opportunities for our nation’s senior citizens, as well as for veterans and active duty military members, to hunt and/or fish at a discounted cost. The purpose of creating senior privileges is to maintain senior hunter and angler numbers and reward senior sportsmen and women for their years of commitment to conservation. In addition, many states allow those who are currently serving on active military duty or on leave from active duty to obtain hunting and fishing licenses for free. Other states give active duty military members stationed in that state the ability to purchase licenses as residents of the state in which they are either stationed or traveling to, even though they claim residency elsewhere. This regulation can also spare them the necessity of obtaining a hunter’s education certification in that state, allowing them to participate in the time-honored traditions of hunting and fishing despite the time constraints associated with employment in our nation’s armed forces. Nearly every state with an active hunting and fishing community entitles disabled veterans to heavily discounted licenses for both fishing and hunting.

Points of Interest
- 27 states currently offer discounted hunting or fishing license fees for senior citizens.415
- States that do not require or provide free licenses for senior citizens: AL, AK, CT, FL, GA, IA, MS, OH, RI.416
- States that share reciprocal hunting for senior citizens: AK, AR, SC.417
- States that provide access to special lands, trails, or waters for senior citizens: AR, CT, FL, OK, LA, PA, SC, WA.418
- Additionally, 34 states offer discounted hunting or fishing licenses fees to active duty military and/or veteran residents, while 23 states offer free licenses to at least one of these populations.419
- When a state offers a free license, it affects their eligibility to receive matching funds through the American System of Conservation funding (Page 22).420 In order to report a hunter/angler as a certified license holder, the state must receive a net revenue of at least $1.00 for said license. For each certified license holder the state reports, they receive approximately $41.00 in federal aid through the American System of Conservation Funding.421 Kansas took a unique approach to this issue in 2012 by passing SB 314, which eliminated free hunting and fishing privileges for seniors under 75 years of age, while simultaneously creating senior hunting and fishing licenses priced significantly below those offered to non-seniors.422

Language
The following states have introduced/enacted bills related to seniors, veterans, and active duty military hunting and angling privileges using the language below:
- Arizona HB 2468: “The commission may issue a general fishing license or a general hunting license for a reduced fee to an honorably discharged veteran who has served active duty in the armed forces of the United States, including any national guard or reserve component, and who has been a resident of this state for one year or more immediately preceding application for the license. The Commission may reduce the license fee by ten percent for every four years of the veteran’s service.”423
- Kentucky Title 7, chapter 50, § 150.175: Authorizes, “A senior lifetime combination hunting and fishing license, which remains valid until the death of the holder and authorizes the holder to perform all acts valid under a sport fishing license, a sport hunting license, and a state permit to take deer, turkey, trout, waterfowl, and migratory shore

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and upland game birds, and which shall be available to a Kentucky resident who is sixty-five (65) years of age or older.\footnote{424}

- **Maine** Title 12, chapter 139, § 11105: “A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from hunter safety course requirements under subsection 1 if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine.”\footnote{425}

**Moving Forward**

It is in the best interest and spirit of the sporting community to ensure the use of our nation’s natural resources comes at a reduced cost to our veterans, senior citizens, and active duty military personnel. The sportsmen’s community has a long tradition of finding ways to honor those who have served our nation through the great outdoors. Legislators are encouraged to explore their state’s regulations and support legislation that makes participation in sporting activities more accessible. However, any changes should be vetted through the fish and wildlife management agencies, as license revenue is a key component of agencies’ yearly operating budget. Caucus leaders should encourage collaboration between these entities in order to find solutions that are mutually beneficial for all members of the sportsmen’s community.

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Knife Ban Repeal

Introduction
Over the years, many states have enacted laws banning the sale, possession, use, and manufacture of certain types of knives. This includes knives that the average person would consider to be common pocket knives. In some instances, states have kept laws on the books referring to the possession of knives that are, at best, vaguely defined as "bowie knife", "dirk", "dagger", and "stileto".426 Over time, some types of knives that are not specifically banned have been banned by judicial decisions that, by convoluted reasoning, have used existing knife bans to include various other knives.

In recent years, there has also been an effort to restrict the type of knives people carry in their everyday lives. In many instances, this has been done by attempting to re-define common pocketknives as switchblades, gravity knives, or other knives which in some jurisdictions are currently illegal. This deception has most frequently been applied to knives that are capable of being opened with one hand. One hand opening knives are simply that – a knife which may be opened by just using one hand. Most one hand opening knives also possess a "bias toward closure" which simply means it has a spring, detent, or other mechanism that maintains the knife in a closed position until the bias is overcome with applied pressure.427 None of these knives in any of their configurations meet the common definition of a switchblade, which the federal government and most states have defined as: "...any knife having a blade which opens automatically (1) by hand pressure applied to a button or other device in the handle of the knife, or (2) by operation of inertia, gravity, or both."428 By way of explanation, a switchblade has a bias toward opening429 in that the spring, that opens the blade, is under constant tension or compression and is held from opening by a release mechanism in the handle. As soon as the blade is released by a button or other device in the handle, the blade opens automatically. Common folding knives, including one-hand-opening and assisted-opening folding knives, have a bias toward closure in that the blade is not under tension to open, rather, via some mechanical means, it is retained in the closed position until the blade is physically moved by the operator.430

History
While initial state legislative efforts to effect change in knife laws were aimed at providing a defined exception to state switchblade and gravity knife bans for knives with a "bias toward closure," efforts now are primarily aimed at simply outright repealing archaic and irrational knife bans with considerable success.

Points of Interest
- Court cases in California, Illinois, Michigan and Texas have all ruled that assisted-opening and one-hand-opening knives are not switchblades.431 These knives were not considered switchblades because they do not possess the activating button or device on the handle of the knife.432
- In 2009 U.S. Customs and Border Protection attempted to claim that one-hand-opening and assisted-opening knives were in fact switchblades.433 Beyond prohibiting the importation of these knives into the U.S., this interpretation would have established a federal precedent for this broad new definition of a switchblade that would have affected 80% of the sporting knives sold in the United States.434 Knife industry and knife owner advocacy groups worked with the U.S. Congress to amend the Federal Switchblade Act with a specific exception covering one-hand-opening and assisted-opening knives from restriction as switchblades using "bias toward closure" language.435 This was signed into law by the President in October, 2009 (U.S.C. Ch. 29, §1244, Exceptions, (5)).436
- In 2010, New Hampshire repealed bans on switchblades, dirks, daggers and stilettos.437

429 Ibid.
432 Ibid.
• In 2012, Missouri repealed a ban on switchblades.438
• In 2013, Alaska, Indiana, Kansas and Texas repealed bans on switchblades and other banned knives.439
• In 2014, Tennessee repealed bans on switchblades and carry ban on knives over 4-inches.440
• In 2015, Maine repealed a ban on switchblades and Oklahoma repealed a carry ban on switchblades.441
• In 2016, Oklahoma removed dagger, bowie knife, dirk knife, and sword cane from the list of unlawful items to carry on or about a person, in a purse or other container belonging to the person, whether concealed or unconcealed442.

Language
• In 2013, Alaska passed legislation, SCR 4443 and HB 33444, specifically defining switchblades and gravity knives for criminal law while reserving the authority to regulate knives to the state with limited exceptions for municipalities to regulate knives (See Knife Preemption brief).
• In 2014, Tennessee enacted a S.1771 eliminating the last remaining restrictions on knives by repealing the state's antiquated ban on automatic knives and possession of knives over four inches in length (which by enactment of Knife Preemption legislation the previous year, meant the new freedom applied throughout the state).445
• In 2015, Maine enacted a State law repealing its ban on switchblades.446
• In 2016, Wisconsin passed A 142 which removes the use of the term switchblade in provisions of existing law that define the word “weapon” while also revising provisions regarding the carrying of a concealed knife.447
• In 2017, Colorado passed SB 17-008, repealing a ban on switchblades.448
• In 2017, New York passed legislation that removed reference to the application of centrifugal force from the definition of a gravity knife. The legislation, though, was ultimately vetoed by the New York Governor.449
• In 2017, Montana HB 251 removed knives with a blade of 4 or more inches from list of illegal concealed weapons.
• In 2018, Louisiana HB 892 removed the prohibition on the manufacture, ownership and possession of automatic knives.

Moving Forward
Knife ban repeal legislation ensures that sportsmen and women are not unduly barred from carrying and using knives that have become an essential part of responsible hunting and angling, as well as everyday life. For this reason, legislators should craft and support legislation that repeals archaic and irrational knife bans. The simple possession of a particular knife because of an arbitrary definition should not be criminalized.

In the case where it is politically impossible to repeal all knife definitions completely, an alternative may be to add “bias toward closure” language to statutes which would at least exclude modern one hand opening knives from being defined as a switchblade, mirroring federal law.

For additional information on state knife laws, please visit the American Knife and Tool Institute or the Knife Rights websites.

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438 Ibid.
439 Ibid.
440 Ibid.
441 Ibid.
Knife Law Preemption

Introduction

Over the years, many local jurisdictions have enacted laws banning the sale, possession, use, and manufacture of certain types of knives. These ordinances include knives that the average person would consider to be common pocket knives. In some instances, cities, towns, counties and other political subdivisions have kept laws on the books referring to the possession of knives that are, at best, vaguely defined as “dirk, dagger and stiletto.” These ordinances and restrictions have typically been adopted by the political subdivision when it was originally chartered, sometimes over 100 years ago, and were “cut and pasted” from standard bill drafting manuals of the day. It is not uncommon for many dated, unnecessary ordinances to remain on the books for many years and become largely ignored; however, the written ordinance or regulation can still cause legal issues if not clarified by higher law or overriding legislation.

Knife law preemption repeals and prevents local ordinances more restrictive than state law which only serve to confuse or entrap law-abiding citizens traveling within or through the state. Preemption ensures citizens can expect consistent enforcement of state knife laws everywhere in a state.

Vague jurisdictional knife definitions can lead to highly subjective law enforcement scenarios. If an arrest is made, it is then up to the presiding judge to interpret these antiquated laws, causing the defendant to deal with costly legal problems and contributing to the backlog in our court system. In far too many instances, misguided or unclear court decisions can cause serious problems for both defendants and the knife community at large. A number of years ago, firearm advocates began a campaign to enact what they termed “firearms preemption” legislation. This legislation preempted the laws of local jurisdictions, making the state the sole authority on gun laws. These preemption laws generally repealed existing local gun laws or nullified them and established states as the primary and preemptive regulator of guns. Firearms preemption has been enacted, by legislation or judicial ruling, in 43 states to date. The same must be done for knife laws to protect knife owners from a patchwork of local restrictions that they cannot reasonably be expected to keep track of.

Points of Interest

- According to the American Knife and Tool Institute and Knife Rights, the following states have enacted knife law preemption legislation:AK, AZ, GA, KA, NH, OK, TN, TX, UT and WI. Colorado, New Mexico, South Dakota, and Wyoming all have language in their state constitution that does not make the passing of knife preemption legislation necessary.
- In 2010, Arizona enacted the nation’s first Knife Law Preemption law.
- Utah and New Hampshire both enacted knife law preemption legislation in 2011. In the case of New Hampshire, the simple solution was to add "and knives" to the existing firearms preemption law.
- Georgia enacted knife law preemption legislation in 2012.
- Alaska, Kansas and Tennessee enacted knife law preemption legislation in 2012.

453 Ibid.
456 Ibid.
Oklahoma and Texas enacted knife law preemption legislation in 2015.\textsuperscript{462} Wisconsin enacted knife law preemption legislation in 2016.\textsuperscript{463}

Language
Oklahoma and Arizona enacted knife preemption legislation using the language below:

- **Oklahoma** House Bill 1460: “No municipality or other political subdivision of this state shall adopt any order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing, transportation, licensing, permit, registration, taxation, other than sales and compensating use taxes, or other controls on firearms, knives, components, ammunition, and supplies.”\textsuperscript{464}

- **Arizona** Title 13, chapter 31, § 13-3120: “Except as provided in subsection B, a political subdivision of this state shall not enact any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, manufacture or use of a knife or knife making components in this state.”\textsuperscript{465}

Moving Forward
It is recommended that legislators explore and support knife preemption legislation in their state to ensure the ability of law-abiding sportsmen and women to carry and use these important sporting tools is not infringed upon by burdensome local legislation. Furthermore, preemption of conflicting local ordinances and regulation is also very helpful to law enforcement in avoiding wrongful arrests. If states are able to pass legislation that clearly defines a knife and knife preemption, sportsmen and women will not be threatened by outdated or restrictive laws.

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Natural Resource Management

Resources for Managing Feral Swine
Off Highway Vehicles (OHV)
Modern Restraining Animal Traps
Interstate Wildlife Violators Compact
Increased Penalties for Poaching and Incentivizing the Reporting of Fish and Wildlife Violations
State Fish and Wildlife Management Authority
Federal Land Habitat Management
Active Forest Management
National Monuments
Exotic Invasive Species
White-tailed Deer Management – Hunting as a Preferred Management Tool
Chronic Wasting Disease (CWD)
Management Authority Over Farmed Cervids

2019 Issue Briefs: Natural Resource Management
Resources for Managing Feral Swine

Introduction
Feral swine cause significant damage to our natural resources. Researchers are beginning to uncover more and more of the negative impacts feral swine can have to our water, plants, wildlife communities (both game and non-game) and their habitat. Specifically, research has shown that through competition for food and space as well as some predation, feral swine can displace deer and ground-nesting birds. Additionally, feral swine negatively impact the larger agriculture community, and can be devastating to individual agricultural producers due to their rooting behavior and consumption of valuable crops. Furthermore, they can serve as a vector for disease to game and non-game animals, livestock, and even humans. The prolific reproductive capabilities of feral swine create an enormous challenge for effectively managing this invasive, exotic species and mitigating their damage. State fish and wildlife agency regulatory approaches that impede the spread of these animals. State fish and wildlife agency regulatory approaches to the management of feral swine varies from liberal seasons to no take at all.

History
Not native to the Americas, feral swine were first brought over by early European explorers in the 1500s as livestock/domestic pigs. The importation of these animals later included Eurasian wild boar, which were introduced into parts of the United States for hunting purposes. Over the years, escaped or open-range domestic pigs and Eurasian wild boar interbred, helping establish feral swine populations in North America.

Today, due to the popularity of feral swine, many privately-owned fenced hunting preserves and hunting destinations feature hogs as pursuable quarry. This has had a large impact on the feral swine expansion rate, due to hogs escaping from these privately-owned operations as well as to illegal translocation of feral swine to previously unoccupied areas in order to pursue them as game animals.

Points of Interest
- Feral swine are also known as wild pigs, wild hogs, wild boar, Russian wild boar, or Eurasian wild boar.
- According to Savannah River National Laboratory, in 1990 there were approximately two million feral swine in 20 states. In 2013, high estimates put the population of feral swine at six million with sightings in 47 states and established populations in 38. More than 50%, and typically 60%, of an area’s feral swine must be killed each year to simply keep population numbers stable.
- In 2007 feral swine were responsible for a conservative estimate of approximately $1.5 billion dollars’ worth of crop damage in the United States.
- In 2014 USDA Animal and Plant Health Inspection Service (APHIS) was issued $20 million to the National Feral Swine Damage Management Program. The program is dedicated to field operations, research, disease monitoring,

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outreach, regulation, and internal monitoring. Subsequently, the APHIS annul budget to address feral swine concerns has been increased to 30.5 million.

- A practice called whole sounder removal allows for a greater chance of capturing entire groups of hogs. A “sounder” is the terminology used for a family group of hogs and on average consist of two sows and their young, which can number between four and 12 piglets per sow.

- Poisoning feral swine with sodium nitrite or other toxicants is being explored by researchers and has shown promise as a cost-effective form of removal, though still currently in need of further research.

- Though the EPA approved the label for Kaput Feral Hog Bait (which is a warfarin-laced toxicant) in early 2017, there are still many questions from the conservation and academic communities on toxicity, incidental take, distribution/dispensing, and others. State wildlife and agriculture agencies as well as the USDA should be consulted when considering any approaches dealing with toxicants.

- In November 2017, USDA’s Animal and Plant Health Inspection Service (APHIS) accomplished two key tasks as part of its efforts to evaluate an oral toxic bait for use with invasive feral swine. First, on November 6, 2017, APHIS Wildlife Services (WS) received an Experimental Use Permit (EUP) from the U.S. Environmental Protection Agency to conduct sodium nitrite toxic bait field trials on free-roaming feral swine in Texas and Alabama. Second, on November 20, APHIS signed a final environmental assessment and issued a Decision and Finding of No Significant Impact (FONSI) associated with conducting such field trials.

- Strict regulations with clear enforcement authority over feral swine transport can help reduce the spread to new areas or repopulating depleted areas.

**Language**

- **MISS. CODE ANN §49-7-140(2)** states that no person may transport or relocate within the state any live feral hog, wild swine or Russian Boar and release the hog into the wild. Wild hogs may not be caught or trapped and released into the wild at a location different from the location where the wild hog was caught or trapped. A violation of this section, upon conviction, is punishable as a Class I violation.

- **MISS. CODE ANN. §49-7-141** states that any person who has been convicted of a Class I violation shall be fined not less than two thousand dollars ($2,000.00) nor more than five thousand dollars ($5,000.00) and shall be imprisoned in the county jail for five days. The person shall also forfeit all hunting, trapping and fishing privileges for a period of not less than 12 consecutive months from the date of conviction.

- **Act 1104** of the Arkansas General Assembly prohibits the possession, sale and transport of any hogs not conspicuously identified by ear tag provided by the Arkansas Livestock and Poultry Commission.

- In 2011, Tennessee removed “feral swine” from defined big game species, and in order to remove the incentive to relocate wild hogs, they are now considered a destructive species to be controlled by methods other than sport hunting. It is illegal to possess, transport, or release live wild hogs (“wild appearing”) as defined.

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• In 2017, Arkansas enacted legislation trying to combat explosive hog populations throughout the state. HB 2063 created the Feral Hog Eradication Task Force, establishing an intrastate network of agencies, with a goal to extirpate hog populations through proven means of extermination.492

Moving Forward
Current management methods haven’t properly addressed the feral swine explosion that has been seen throughout the country. It is imperative that coordination and best management techniques be utilized to address this serious conservation challenge. Ideally, a strong multi-collaborative strategy involving states, federal agencies, non-governmental organizations, and local stakeholders could be implemented to assess current management techniques, share best practices, and execute a multi-pronged approach to managing feral swine. Foremost, states need to work collectively with partners to slow the spread of feral pigs by implementing and enforcing a transportation ban of some type.

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Off Highway Vehicles (OHV)

Introduction
Off-highway vehicles (OHV) include any vehicles that are built by their manufacturers for primarily off-highway use. This includes dirt bikes, all-terrain vehicles (ATV), dune buggies, amphibious vehicles, and any other vehicles built specifically for off-highway use. There are thousands of miles of roads and trails on public lands that are appropriate and accessible for off-highway vehicle use. OHVs are a fun and exciting way to experience America's natural treasures. Backcountry roads and trails provide a wide range of recreational opportunities for responsible off-highway vehicle users on public lands. These opportunities range from vehicle touring to vehicle access for hiking, hunting, fishing, and other public land uses.

In recent years, OHV use has increased rapidly across the country. Some states, such as Arizona, have experienced a 347% growth in OHV usage over the course of a decade. The unmitigated consequences of such growth can threaten the environmental health and resources of the lands being used for OHV recreation, thereby also threatening to eliminate future OHV riding opportunities for OHV enthusiasts themselves if adequate systems to sustain OHV routes are not developed.

Points of Interest
- In 2016, three states (Tennessee TN SB 2255, New Hampshire NH SB 521, and Iowa IA HB 2283) enacted legislation pertaining to OHV fees and firearms transportation inside OHV vehicles.
- An estimated 30,000 hunters used OHVs during Montana’s 2007 hunting season, and OHV registrations in Montana climbed from about 23,000 in 2003 to about 77,000 in 2013.
- ATV use/abuse is cited as one of the top ten reasons landowners would not allow the public to hunt on their lands.
- Vehicles operated off-highway on public lands in many states, such as Montana and California, are required to be registered as an OHV or street licensed.
- OHV registrations in Colorado increased by 131 percent between 2000 and 2012.
- OHV use in Colorado contributed to almost 5,500 jobs and $212 million in labor income for the 2012-13 season.

Language
- Arizona’s SB 1167 specifically outlines appropriate use of OHVs including provisions prohibiting use in, “a manner that damages the environment,” and additional provisions outlining the criteria necessary for appropriate OHV use areas.
- Additionally, the bill establishes an OHV Recreation Fund and dictates the usages for which this fund will be distributed to benefit OHV recreation in the state of Arizona.
- Furthermore, SB 1167 requires all active OHV users to pay an annual “use” fee (registration) in order to receive an OHV decal legalizing the use of their vehicles. The revenues from these collected fees, much like the monies from the OHV Recreation Fund, will be used to further riding opportunities for OHV users and mitigate the sport’s effect on impacted lands, and environmental resources.

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Finally, the bill also includes provisions that outline vehicle equipment and safety requirements, including a law requiring OHV riders under the age of 18 to wear a U.S. DOT approved helmet specifically designed for motorized vehicles when riding on public lands.\textsuperscript{505}

OHV access can be a great opportunity for those with physical disabilities to enjoy the outdoors. Four states - Michigan\textsuperscript{506}, Florida\textsuperscript{507}, Pennsylvania\textsuperscript{508} and North Carolina\textsuperscript{509} - already offer permits for ATV access on public lands for disabled individuals who meet specified criteria.

Moving Forward
Elected officials should consider legislation to provide adequate funding for state agencies (i.e. Fish & Wildlife) to help manage motorized recreational activities, ensure sustainably, and mitigate environmental damages caused by off-highway motorized recreation. A licensing fee, for example, is a way to account for motorized recreation, accrue funding for the state agencies that regulate off-highway motorized recreation usage, and maintain environmental standards. Legislators should also consider language for a stewardship credit (a discount from your annual license fee), as a way of creating incentives for volunteerism which is critical to helping the agencies manage sustainable off-highway motorized recreation.

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\textsuperscript{506} “DNR - ORV Certification for Persons with a Disability,” \textit{Michigan Department of Natural Resources}, accessed October 9, 2018, \url{https://www.michigan.gov/dnr/0,4570,7-350-79137_79782_84610-37458--,00.html}.
\textsuperscript{507} “Alternative Mobility Permits (AMP),” \textit{Florida Fish and Wildlife Conservation Commission}, accessed August 14, 2017, \url{http://myfwc.com/license/accessibility/ada-for-hunters/amp/}.
Modern Restraining Animal Traps

Introduction
The regulations set forth by state wildlife agencies on trapping methods are among the most complex and comprehensive of any laws concerning wildlife today. In 1985, the Canadian government attempted to establish a world standard for humane mammal traps through the International Organization for Standardization (IOS). Eight countries, including the United States, agreed to the standards. Since then, eleven more countries have begun complying with the standards. The United States Technical Advisory Group (TAG) involved with the negotiations was composed of veterinarians, biologists, animal welfare representatives, trappers, and the general public. During the 1990’s, two more IOS standards were developed and agreed upon, which provided criteria and thresholds for time of death for killing traps and acceptable levels of minor traumas from restraining traps. Improving the effectiveness and standards of modern animal traps helps reduce the negative public perception commonly associated with trapping industry. 510

Through annual appropriations from Congress to the Association of Fish and Wildlife Agencies, extensive research on restraining traps has been conducted. Since 1996, Best Management Practices (BMPs) have incorporated trapping methods developed from this research for many fur-bearing species. 511 All common trap designs have been field tested for each species and all captured animals were examined by veterinarians. Some devices passed testing and some were eliminated after failing to adhere to the threshold established by the approved humane trap standards for that species.

All structural components of each tested restraining trap were evaluated based upon the trapping system used and the target species.

Points of Interest
- The restraining trap BMPs developed for each furbearer species evaluated are voluntary recommendations to state fish and wildlife agencies, trappers, and the trap manufacturing companies.
- The trap manufacturing industries have voluntarily embraced the recommendations of the BMP’s and have designed and redesigned new traps that meet the new humane trap standards.
- Components of the restraining traps for the larger predator furbearers are also being modified and redesigned to meet the BMP injury standards.
- Modern restraining animal traps like foot-hold traps have been critical to conservation efforts by allowing endangered species to be safely trapped and re-located to more appropriate areas.
- Modern trapping methods have also been instrumental in the management of invasive species like coyotes that have expanded beyond their historical range. 512

Language
- In 2017, Nevada enacted S364, which revises provisions of animal trapping laws and techniques. 513
- In 2017, Tennessee enacted H733, which regulates size, placement, and inspection of steel traps. 514

Moving Forward
The standardized BMPs developed for each furbearer species are important to the ethical practice of our trapping tradition. Thus, it is critical that legislators are mindful of these international standards when considering legislation on modern restraining traps and prioritize educating sportsmen or women on the ethical use of these traps. It is important to change the public’s generally negative perception of trapping by promoting the use of restraining traps for conservation and invasive species management instead of just for trapping fur-bearing animals.

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Interstitial Wildlife Violators Compact

Introduction
Despite the strong tradition of ethics that the vast majority of hunters and anglers abide by, there are still those individuals that disregard the laws that regulate hunting and fishing. With the increased sophistication of poachers and other wildlife violators, there is a need for increased levels of coordination between state fish and wildlife agencies.

To assist in this coordination, the Interstate Wildlife Violators Compact (IWVC) creates a mechanism allowing state fish and wildlife agencies to share information about fish and wildlife violations between the states. The availability of this information helps stop poachers and other violators from moving to another state after receiving a violation elsewhere.

History
The IWVC was created in 1989 after being passed into law in Colorado, Utah, and Oregon. Since that time, 43 additional states have signed on: Alabama, Alaska, Arizona, California, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Additionally, Delaware, Massachusetts, and New Jersey have passed legislation to allow them to adopt the Compact in the future.

Points of Interest
- The Compact is overseen by a board of administrators comprised of representatives from wildlife law enforcement or licensing authority divisions of participating states.
- The Compact will do the following for the fish and wildlife agency in your state:
  - Allow wildlife conservation officers to devote more time to the patrolling, surveillance and apprehension of violators.
  - Reduce the burden on courts and jail facilities due to decreased caseloads.
  - Reduce the number of “Failure to Appear” cases because non-residents cannot ignore a citation from a participating state without facing the suspension of their wildlife license privileges in their home state.
  - Serve as a notice to wildlife violators that their activities in one state can affect their privileges, or rights, to recreate in all participating states.
- The Compact will not negatively impact state sovereignty.
- Sharing information is obligatory, but recognition of violations is not.
- Hawaii is the only remaining state that has not passed legislation authorizing its wildlife management agency to join the Compact.

Moving Forward
Presently, there is not a clear and efficient appeals process in place to deal with individuals who have been mistakenly flagged as a violator and efforts should be made to streamline this process. Elected officials should review their state’s participation in the Compact, and for states that have not yet joined, it is strongly recommended that they support an effort to adopt the Compact in the future.

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Increased Penalties for Poaching and Incentivizing the Reporting of Fish and Wildlife Violations

Introduction
Poaching stands as one of the greatest threats to both social acceptance of hunting and professional wildlife management. Poaching, whether done to illegally harvest and sell animal parts, to procure meat, or purely for amusement, by definition runs afoul of laws governing the harvesting of wildlife, thus upending the scientifically-developed regulations put in place by state wildlife managers in order to ensure healthy, robust populations of both game and non-game animals. Further, many in the anti-hunting community have deliberately conflated poaching with hunting in their efforts to severely restrict or entirely eliminate hunting opportunities, despite the fact that hunters are among those most ardently opposed to poaching. All state fish and wildlife agencies enforce laws regulations in place to actively combat poaching efforts and punish those found to have engaged in poaching. While each state differs in the exact penalties levied against poachers, penalties for poaching range from temporary or permanent hunting license revocations, forfeiture of property (firearms, vehicles, etc) used in the course of poaching activities, monetary fines, and even jail time or imprisonment. Many states have also gone a step further and instituted additional fines and punishments for those who have poached designated “trophy species” or individual animals considered “trophy animals.”

While it is the duty of ethical sportsmen and women to actively seek and report acts of poaching, increasing the incentives to do so has the potential to expand the amount of people participating in the reporting process. Many states have created incentivize programs that encourage people to report acts of poaching. These are generally cash incentives, ranging from payment of a few hundred dollars to $1,000, depending on the severity of the violation. Not all states have cash incentives in place, however, and instead call upon the good morals of responsible sportsmen and women to report and turn in poachers.

Points of Interest
- Wildlife crime is now considered to be an extremely profitable industry, on par with trafficking in drugs, arms, and human beings. 516
- The antlers of a male bighorn sheep have been known to fetch prices up to $20,000 on the black market. 517 After the high-profile poaching of a well-known bull elk the previous year, Colorado in 1996 became the first state to levy fines and penalties specifically for the poaching of trophy species or trophy animals with the passage of “Samson’s Law.” Numerous states have followed in Colorado’s stead with the institution of their own fines and penalties for the poaching of trophy animals and species.
  - Under the current provisions of Colorado’s “Samson Law,” the fines for the poaching of animals designated as “trophy animals” are as follows:
    - $4,000 of any trophy pronghorn antelope;
    - $10,000 for the poaching of a trophy bull elk, mule deer, or white-tailed deer;
    - $10,000 for the poaching of any bull moose or mountain goat billy (all bull moose and mountain goat billies are designated as trophy animals);
    - $25,000 for the poaching of any ram bighorn sheep.
- In Recent years many states including MI, TN, MD, NM, and OR have increased fined and penalties for poaching.
- New Mexico signed in to law (HB 92) in 2017. This new law targets poachers looking for a trophy or selling animal parts on the black market. It makes animal waste a class four felony. Anyone removing only the head, antlers, or horns or abandoning any of the four quarters of an animal could face increased fines and felony charges. 518
- In 2017, the Oregon Legislature, with strong urging from the Oregon Legislative Sportsmen’s Caucus, took a unique approach to this issue by passing a bill (HB 3158A) that would allow the Oregon Department of Fish and Wildlife to award a controlled hunt preference point to any hunter who reports an incidence of unlawful take, possession or waste of wildlife species which results in a citation or arrest.
- The Boone & Crockett Club continues to study the issue of poaching violations and their associated fines/penalties at length, including measuring the effectiveness of such penalties. More information on their work can be found here.

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Moving Forward
It is in the best interest of sportsmen and women to work with legislators and state fish and wildlife managers to prevent poachers from slandering the hunting industry and further complicating scientific wildlife management. While all states have wildlife violation reporting programs, those that lack reporting incentives and/or additional fines for the poaching of trophy animals may want to consider adding them as a means of further keeping sportsmen and women actively engaged in the reporting process, and further dissuading potential poachers from engaging in these damaging and illegal activities.

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North American Model of Wildlife Conservation

Introduction
North America’s approach to wildlife management is unique to the world, as wildlife – primarily in the United States and Canada – are managed as public trust resources for the benefit of all citizens. This management ethic, known as the North American Model of Wildlife Conservation, has become the paragon for wildlife management, and has resulted in the rebound of numerous species once in danger of extinction. It upholds two principles: Our wildlife belong to all Americans, and wildlife populations must be managed to ensure the the will be sustained forever.519

During the turn of the 20th century, market hunting and other unregulated, unchecked harvests of animals left many of America’s game populations in a perilous position. Species such as elk, bison, and white-tailed deer were on the verge of extinction. Hunters, realizing the dire threat of losing our sporting heritage, banded together to enact rules and regulations governing the harvest of wildlife. George Bird Grinnell and Theodore Roosevelt were among the earliest and most ardent champions of this new conservationist ethic. They recognized that unregulated market hunting, coupled with an increasingly urban, non-agrarian society largely out of touch with wildlife in wild places, would ultimately result in negative consequences for much of the country’s wildlife. Together, they founded the Boone and Crockett Club as an organization to help influence wildlife management policies in the United States. In 1900, through the work of Boone and Crockett member John Lacey, the United States Congress enacted the Lacey Act, which banned the possession, sale, and transport of illegally taken fish and wildlife, effectively ending market hunting in the United States.

Building on the successes of the Lacey Act and earlier conservation laws, hunters and professional wildlife managers continued to work to ensure that healthy and sustainable populations of wildlife would continue in perpetuity. Conservationists like Aldo Leopold developed game laws and worked to restore and conserve imperiled wildlife populations and their respective habitats. At the core of all these efforts was an insistence that science serve as the guiding force in wildlife management decisions and regulations. Wildlife managers, employed by state and federal agencies, would be trained in fields such as biology, ecology, and law enforcement to fulfill this charge.

In order to fund these efforts, hunters again took the lead with the establishment of license structures to fund the fledgling state fish and wildlife agencies, and later with the passage of the Federal Aid in Wildlife Restoration Act (Pittman-Robertson Act) in 1937, which directed excise taxes on firearms and ammunition to a dedicated fund to be used specifically for conservation purposes. Revenue from sportsmen’s licenses was permanently linked to conservation through the establishment of this program, laying the foundation for what is now the American System of Conservation Funding (ASCF).520 Through time, this entirely unique “user-pays, public-benefits” system has expanded and now includes the fishing and boating communities, as well as the archery community. The funds collected through this program are the lifeblood of today’s state fish and wildlife agencies – the primary managers of our nation’s fish and wildlife resources.

Points of Interest
The North American Model comprises the following seven core components521, also known as the Seven Sisters of Conservation:

1. **Wildlife resources are held in the public trust** – Private ownership of wildlife is not allowed; wildlife resources are owned by the public and managed by government agencies for the benefit of the public. At the core of this tenet, and the North American Model as a whole, is the Public Trust Doctrine, a Supreme Court decision which, as noted by The Wildlife Society, “… establishes a trustee relationship of government to hold and manage wildlife, fish, and waterways for the benefit of the resources and the public.”

2. **Market hunting for game animals is illegal** – Commercial hunting and the possession and sale of wildlife is strictly prohibited (though with some exceptions, such as fur buyers, commercial venison farming).

3. **Wildlife harvest is allocated by law** – Whether through legislation or via regulatory processes, the public shall have the opportunity to shape wildlife management policies.

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4. **Wildlife may only be killed only for a legitimate purpose** – In order to prevent the wanton waste of game, in North America, wildlife may only be killed for non-frivolous reasons, such as for food, fur, in self-defense, and to protect private property.

5. **Wildlife is considered an international resource** – As wildlife do not recognize international boundaries, they shall be managed cooperatively between neighboring nations.

6. **Wildlife policy is formulated through the use of the best available science** – Science shall be the guiding principle in the development of wildlife regulations, as it provides a vastly superior management structure when compared to management based solely on public opinion and anecdotal evidence.

7. **Opportunity for all** – Every citizen has the freedom to hunt, subject to state and federal rules and regulations.

Through the leadership of visionaries like Grinnell, Roosevelt, and Leopold, among numerous others, and due to the continued adherence of these Seven Sisters of Conservation, the North American Model represents an unqualified global success with regard to wildlife management. Hunters in every state enjoy ample opportunities to pursue wildlife, and the sustained yield management ethic employed by state fish and wildlife agencies ensures that these opportunities will continue into the future. Members of the public at large, regardless of whether or not they hunt, benefit immensely from the contributions of hunters through abundant wildlife, healthy landscapes, and access to all of these resources.


**Moving Forward**

In order to ensure that wildlife populations continue to be managed for sustained yield – and that the general public continues to benefit from the immense contributions made by hunters and anglers – it is critical that policy makers continually work with the sportsmen’s community and professional wildlife managers to maintain scientific management of our wildlife resources. Sportsmen and policymakers must strive to protect sustainable avenues of conservation funding through improvement and implementation of programs and policies that promote hunter recruitment and retention. By upholding the management ethic embodied by the North American Model and the American System of Conservation Funding, we can safeguard abundant opportunities for Americans to hunt and harvest wildlife.

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State Fish and Wildlife Management Authority

Summary
In most cases, state fish and wildlife agencies are the entities best equipped to address fish and wildlife management issues within their respective borders. Recent efforts to undermine state fish and wildlife management authority, by placing greater authority in the hands of federal and local managers, pose a serious threat to the future of state-based scientific fish and wildlife management, as well as hunting and angling.

Introduction
State fish and wildlife agencies have long been recognized as the primary, and most well-equipped, managers of fish and wildlife in the United States. Staffed by trained professionals with backgrounds in a wide variety of fields, including biology, law enforcement, lands management, and numerous other disciplines, these agencies carry out on-the-ground conservation efforts, and possess an intimate understanding of their states’ conservation priorities. They interface with constituencies like hunters, anglers, trappers, and recreational shooters to ensure that outdoor recreation opportunities are being maximized for the benefit of the public, which in turn ensures that conservation funding resulting from purchases of licenses and tags, as well as excise taxes paid on hunting and fishing-related expenditures, will continue to flow back to the states through the American System of Conservation Funding.524 While issues with state management certainly exist, such issues can usually be dealt with via the state’s regulatory or legislative process, with opportunities for input from a state’s citizens.

In recent years, however, attempts have been made to place greater control of fish and wildlife management in the hands of federal regulators. Such attempts include efforts to curtail predator management (which is carried out by states with the aim of aiding populations of game animals) on federal lands managed by the National Park Service and the U.S. Fish and Wildlife Service, or certain Marine Protected Areas (MPAs) that include substantial, unscientifically justified closures to recreational fishing, like the Biscayne Bay Marine Reserve (implemented despite objections from the Florida Fish and Wildlife Commission). The marine reserve created in Biscayne Bay by the National Park Service closed off over 10,000 acres of the park’s most popular and productive waters to angling and boating, despite commitments made by Biscayne National Park officials to work with stakeholders and the state of Florida to explore less restrictive options.525

Similarly, local governments (cities, counties, municipalities) have attempted to assert greater control over hunting, angling, and land access within their respective jurisdictions, sometimes interfering with state agencies’ ability to effectively manage fish and wildlife populations using proven, science-based techniques. Ceding authority to these municipal governments, however, poses numerous problems for scientific fish and wildlife management. Local governments are generally not staffed by those trained in fish and wildlife management and are not likely to have the resources necessary to hire such staff. Allowing localities to set rules that impact the ability of the state agency to manage fish and wildlife populations also creates an inconsistent and confusing regulatory patchwork across a state, discouraging hunters and anglers from further participating in their sporting pastimes.

Language
- The U.S. Department of the Interior overstepped Alaska state authority in 2016 by limiting recreational and subsistence hunting practices on wildlife refuges in the state.526 Under the Congressional Review Act, Congress is able to overturn federal regulations within 60 days of finalization by passing a joint resolution of disapproval.527 Congressman Don Young (AK) introduced HJR 69 to do so in 2017, which was later passed and signed into law.528

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Maine H 7, introduced in 2017, “proposes to amend the Constitution of Maine to provide that the laws of the State governing wildlife management may not be amended by the citizen initiative process.”

Alaska HJR 20, introduced in 2015 by National Assembly of Sportsmen’s Caucuses Executive Council member Representative Mark Neuman, urged “…the United States Congress to enact legislation to clarify and recognize each individual state's authority to manage the fish and wildlife within its borders.”

California AB 665, introduced in 2015 by California Outdoor Sporting Caucus Co-Chair Assemblyman Jim Frazier, would “…provide that the state fully occupies the field of the taking and possession of fish and game” and that “…the commission and the department are the only entities that may adopt or promulgate regulations regarding the taking or possession of fish and game on any lands or waters within the state.”

Introduced in 2015 by Congresswoman Ileana Ros-Lehtinen (FL) during the 114th Congress, the Preserving Public Access to Public Waters Act, would require state collaboration and agreement with the secretaries of Interior and Commerce before any marine reserve or protected area could be implemented in state or territorial waters.

Arizona SB 1334, passed in 2011, states that “A political subdivision of this state shall not enact any ordinance, rule or regulation limiting the lawful taking of wildlife during an open season established by the Arizona Game and Fish Commission …” but specifies that local governments may restrict the discharge of a firearm within ¼ mile of an occupied structure.

Moving Forward
Pro-sportsmen legislators should remain vigilant against attempts to curtail state fish and wildlife management authority, working with both agency staff and sportsmen’s interests to discourage local regulation of hunting and angling and to mitigate issues that arise from federal overreach into longstanding and well-established state management authority. Further, state legislators are encouraged to consider introducing preemption legislation that specifically states that their respective state will retain management authority, and that municipal governments cannot adopt regulations concerning hunting and angling.

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**Federal Land Habitat Management**

**Introduction**

Properly managing wildlife habitat is essential for supporting sustainable and healthy wildlife populations. Well-managed lands provide various successional stages that provide diverse habitats capable of supporting a wide array of animal species. Young forests and other early seral habitats are often underrepresented, well below the natural range of variation, on federal lands. The most efficient method to improve wildlife habitat is through active forest management which includes even-aged and uneven-aged commercial timber harvesting, thinning, timber stand improvement, prescribed burning, maintenance of grass/forb openings, and restoration plantings. With the federal government owning approximately 640 million acres of lands \(^{534}\) that are essential to sportsmen and women, it is imperative that the federal government manage land to support diverse wildlife habitats and, thereby, healthy populations of wildlife.

Of this publicly-owned land, four federal agencies - the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), the U.S. Fish and Wildlife Service (USFWS), and the National Park Service (NPS) – manage approximately 610 million acres, or roughly 95% of all federal lands. \(^{535}\) These federal agencies proceed systematically and procedurally when developing management plans and scoping documents. Active habitat management and input from sportsmen is particularly relevant to the USFS and BLM which have multiple-use management mandates. Public input organized through local and national sportsmen’s groups, in conjunction with state wildlife agencies, can be effective in influencing the outcomes of federal land habitat management plans.

**History**

The federal agencies developing land management plans are largely guided by federal laws passed by the U.S. Congress such as the Multiple Use-Sustained Yield Act of 1960 (USFS), the National Forest Management Act of 1976 (NFMA), and the Federal Land Policy and Management Act of 1976 (BLM). \(^{536}\) These laws codify the uses and extent of uses of the enumerated resources on federal lands while also requiring the agencies to consider general impacts to recreation during the planning process. These uses include: outdoor recreation, range for livestock, timber, watershed, and wildlife and fish purposes. Unfortunately, impacts on public hunting, angling, and recreational shooting opportunities are not specifically required to be considered in the plans although the 2012 Planning Rule (USFS) requires habitat conditions for species hunted be considered during the development of forest plans. \(^{537}\)

**Points of Interest**

- BLM manages 248 million acres of the federal estate and has a multiple-use, sustained-yield mandate intended to support a wide range of uses including energy development, recreation, grazing, wild horses and burros, and conservation. \(^{538}\)
- BLM lands provide opportunities for over 10 million hunters and anglers that produced almost $15 billion in expenditures for 2014 alone. \(^{539}\)
- The USFS manages almost 193 million acres for multiple-use and sustained-yield activities including timber management, recreation, grazing, watershed protection, and fish and wildlife habitats. \(^{540}\)
- The USFWS manages 89 million acres of federal land that includes the National Wildlife Refuge System, for which hunting and angling are considered priority uses. \(^{541}\)
- The National Park Service administers almost 80 million acres of federal land in all 50 states, the District of Columbia, and U.S. territories. Roughly two-thirds of the system’s lands are in Alaska. \(^{542}\)

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Moving Forward
Sportsmen’s organizations, their members, and other stakeholders, with the help of legislators, should strive to monitor and use the links provided to engage federal agencies as they conduct planning activities that will impact habitat management on federal lands. The federal agencies have resources available on the web to track planning activities and assist those wishing to become engaged in the planning processes.

- **BLM Land Use Planning**: [https://www.blm.gov/programs/planning-and-nepa](https://www.blm.gov/programs/planning-and-nepa)
- **National Park Service**: [http://parkplanning.nps.gov/planningHome.cfm](http://parkplanning.nps.gov/planningHome.cfm)

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Active Forest Management

Introduction
The establishment of the U.S. Forest Service (USFS) marked the beginning of responsible forest management within American conservation efforts. Forest management is the “practical application of biological, physical, quantitative, managerial, economic, social, and policy principles to the regeneration, management, utilization, and conservation of forests to meet specified goals and objectives while maintaining the productivity of the forest and encompasses management for range of a values including wood products, recreation, fish and wildlife, water, wilderness, aesthetics and other forest resources.” Active management, as opposed to passive management, employs the use of silvicultural methods and forest management practices, including timber harvesting, timber stand improvement, thinning, tree planting, prescribed fire, fire suppression, weed control, and other practices that improve wildlife habitat and forest health to reach desired forest objectives and future conditions. While passive or “hands off” management has value, active forest management is more effective for improving wildlife habitat, increasing forest resiliency to reduce the threat of catastrophic wildfire, controlling disease, pests and invasive species, and improving access for sportsmen and women.

Prescribed fire is an important, cost-efficient tool in the active management toolbox. Prescribed fires, or controlled burns, are employed by land managers to improve wildlife habitat for game and nongame species, reduce vegetation competition and influence species composition and stand structure, combat the spread of disease, pests and insects, and reduce fuel loads to minimize the severity of wildfires. Many ecosystems in the United States evolved with fire as a natural part of the landscape, but due to the poor forest management practices of the past and decreasing levels of active forest management today (particularly on federal public lands), many forests are overstocked, unproductive for wildlife, and highly susceptible to catastrophic wildfire. Maintaining management flexibility on public lands, as well as having conducive local policies, is key to ensuring that prescribed burns can be conducted at regular intervals.

While prescribed burning is an effective tool for improving wildlife habitat, prescribed fire is best used in conjunction with timber harvesting and other active management prescriptions. Prescribed fires are designed to be low-intensity, ground-level fires, and thus do not sufficiently open the forest canopy to allow sunlight to reach the forest floor to support vigorous regeneration. Even-aged timber management regenerates young forests that enhance the structure and composition of the forest for disturbance-dependent wildlife, and prescribed fires should be used with, not as a substitution for, timber management.

History
The USFS was created in 1905 with its original intentions being to provide quality water and a sustainable supply of timber for the nation, and these were later expanded to include other purposes, such as forage, wildlife, and recreation. Purposefully established for conservation purposes, not preservation or “hands off” management, the USFS is managed for multiple uses. Conservation, according to the first Chief of the USFS Gifford Pinchot, is the “wise use of the Earth and its resources for the lasting good of men,” and active management is a key component of multiple use management philosophy. Unlike National Parks or state parks, USFS, Bureau of Land Management lands, state forests, and state wildlife management areas are managed for multiple uses, including hunting and timber harvesting.

Points of Interest
- Forests and grasslands need periodic fire and disturbance to maintain their health.
- Many wildlife species, game and nongame, benefit from disturbance and require young forests and other early successional habitats for cover and food.
- Young forests are underrepresented on public lands, particularly USFS lands as timber harvesting levels have declined over the last few decades.
- Game species that depend on early successional habitats (e.g. ruffed grouse, American woodcock, northern bobwhite quail) are in decline due to the lack of active forest management.
- Active forest management also benefits deer, elk, turkey and many other game and nongame species.

545 http://www.cfc.umt.edu/saf/files/Active%20Forest%20Management.pdf, Accessed October 30, 2018
Moving Forward
Multiple-use lands serve a crucial role for sportsmen and women providing access for hunting, fishing, trapping and recreational shooting. State and federal legislators are encouraged to support policies that are favorable to active forest management activities for the improvement of wildlife habitat, forest health, and wildfire risk mitigation.

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National Monuments

Introduction
One of the tools that the White House and Congress use to conserve our country’s rich history, cultural, and natural resources is the designation of national monuments, as sanctioned by the 1906 Antiquities Act. Conceived by one of America’s most famous sportsmen-conservationists, President Theodore Roosevelt, the Antiquities Act gives both the President and Congress broad discretion to designate any piece of federal land as a monument, provided the monument is “confined to the smallest area compatible with proper care and management of the objects to be protected.” According to the Antiquities Act, monuments can be established on land owned or controlled by the federal government, thus most (but not all) are managed by the National Park Service, the U.S. Forest Service, and the Bureau of Land Management. There are currently 128 National Monuments in the United States, with 87 managed by the National Park Service, 26 managed by the Bureau of Land Management, 11 by the U.S. Forest Service, and a small number managed by various other agencies, including the U.S. military.

Monument designation can provide increased conservation of high-quality fish and wildlife habitat and secure existing hunting, fishing, and recreational target shooting opportunities where these activities have been traditional uses of the designated lands. This is not always the case, however. Monuments can be designated for many reasons, including to protect landmarks, structures, and objects of historic or scientific interest, but are not mandated to adhere to science-based wildlife management practices, which can present serious challenges to the ability of state and federal agencies to effectively manage fish and wildlife. Additionally, designations can pose significant challenges to continued and reasonable access for sportsmen and women. Without clear direction in the designating proclamation or legislation, historical access by sportsmen and women can be unnecessarily restricted. Consequently, protecting historical uses of land and water, including for hunting, fishing, recreational shooting, and trapping, is dependent upon the development of science-based resource management plans that account for the many benefits of recreational and subsistence use by sportsmen and women.

The Antiquities Act was originally intended to give the President and Congress the tools to quickly and effectively protect our country’s natural heritage for generations to come. However, this laudable goal can only be achieved if national monuments are created using science-based decision making that takes into considerable account the crucial role that hunting, angling, recreational shooting, and trapping play in conservation through the American System of Conservation Funding.

Points of Interest
- Monument designations should be developed through a public process that generates support from local sportsmen and women and appropriate state and local governments.
- Reasonable public access should be retained to enable continued hunting, fishing, and recreational target shooting opportunities.
- Monument proclamations should clearly stipulate that existing management authority over fish and wildlife populations will be retained by state fish and wildlife agencies with the flexibility necessary to fulfill their trust responsibilities to conserve fish and wildlife, achieve wildlife management objectives, establish seasons and bag limits, and regulate method-of-take.
- Legislation or proclamations establishing national monuments should explicitly state that active habitat management are authorized within monument boundaries to ensure that wildlife management objectives can be met.
- Existing sporting opportunities should be upheld and the historical and cultural significance of hunting and fishing explicitly acknowledged in monument proclamations.
- In most instances, where it is a historic and existing use, recreational shooting can be managed to be compatible with the stated purpose of a national monument, and therefore should be recognized as a compatible activity in the respective monument proclamation or legislation.
- In 2007, the Arizona Senate passed Senate Memorial 1006, opposing restrictions to recreational shooting on the

547 American Antiquities Act of 1906, 16 USC 431-433 (1906), excerpted, National Parks Service,
549 “American System of Conservation Funding”. Congressional Sportsmen’s Foundation, last modified 2017,
In 2016, the Senate again passed a similar memorial opposing recreational shooting restrictions placed on the Sonoran Desert National Monument.551

- In 2015, state sportsmen’s caucus leaders from across the Northeast sent a letter urging the Obama Administration not to arbitrarily deny access to recreational fishing by establishing a national marine monument.552
- In April of 2016, the Wildlife and Hunting Heritage Conservation Council (WHHCC), a federal advisory committee that advises the Secretaries of Interior and Agriculture on recreational hunting and wildlife resource issues, sent a letter to both Secretaries providing guidance on how the values and opportunities of sportsmen and women should be considered in proposals seeking to establish national monuments on lands that are of importance to America’s hunters, anglers, and recreational shooters.553
- In May of 2016, the Sport Fishing and Boating Partnership Council (SFBPC), a federal advisory committee that advises the Secretary of the Interior on aquatic conservation endeavors that benefit recreational fishery resources and recreational boating, submitted a similar letter to the Secretaries of the Interior and Commerce outlining their recommendations for the establishment of marine national monuments.554

Moving Forward
Whether through the Antiquities Act or legislative designation, legislators at the state and federal level are encouraged to advocate for national monument designations that address the priorities and values of sportsmen and women and include a planning process that is transparent, locally driven, and guided by science-based conservation principles that elevate consideration of wildlife habitat and existing hunting, fishing, and recreational target shooting uses.

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Exotic Invasive Species

Introduction
In recent years, exotic invasive species have become one of the most common threats to our nation’s native fish, wildlife and natural habitats. Exotic invasive species are plants, animals, or pathogens that are not native to a region and earn their invasive title by possessing characteristics that allow them to competitively displace native species and/or disrupt ecosystems with the potential or likelihood to harm the economy, natural resources, or the human health of a given area. Many exotic invasive species “hitchhike” on commodities or items travelers bring into the country and then escape or are released to natural areas.

Exotic species kept as pets or used as live bait are frequently released and can quickly become invasive to local and regional ecosystems. There are approximately 4,300 exotic invasive species of plants, animals, and microbes present in the United States, and they have been extremely costly with an estimated $120 billion in damages and control costs each year.555 For instance, the Florida Fish and Wildlife Conservation Commission alone spends nearly $10 million annually on the control of aquatic invasive plant species like water hyacinth and Hydrilla.556 Feral hogs alone cause an estimated $1.5 billion in crop damages annually.557 In addition, exotic invasive like zebra mussels, New Zealand mud snails, and Asian carp can reduce or alter the productivity of fisheries, and certain exotic tick species can spread heartwater disease, which is fatal to livestock and several cherished big game species.

History
As exotic invasive species do not respect jurisdictional boundaries, addressing them requires a high level of coordination and joint action by federal agencies, states, local governments, non-governmental organizations, and private landowners. Historically, efforts to combat exotic invasive species have been significantly hindered by limited federal and state authority to regulate invasive species, a lack of resources to implement state and federal invasive species management plans, and inadequate public education and outreach. The National Invasive Species Council was created in 1999 by executive order to address these deficiencies by increasing communication and collaboration at all levels of the federal government and with state, local, and private partners, as well as with other coordinating groups such as the Aquatic Nuisance Species Task Force.558 Recent efforts by these partnerships emphasize implementing actions to prevent species from becoming introduced in the first place, detecting new species early enough to eradicate the species before it spreads and causes harm, and containing the spread of species to limit the damage caused (i.e., current effort to keep Asian carp out of the Great Lakes).

Points of Interest
• The National Invasive Species Act (NISA) authorizes $4 million per year to implement State Aquatic Nuisance Species Plans. However, the Act has never been fully funded. In 2013, each of the 38 states with approved management plans received only $24,826 to manage aquatic invasive species, collectively totaling less than 25% of the maximum allowable NISA appropriation.559
• According to the National Wildlife Federation, approximately 42% of threatened or endangered species are at risk primarily due to invasive species.560
• Virginia passed legislation in 2016 allowing for the integration of aquatic invasive species education through the state’s boating safety education program (VA H 1115).561

Moving Forward

In the last ten years there has been considerable progress in exotic invasive species research and policy development, including new methods to monitor, eradicate, and control species, improved outreach and educational campaigns, and the wider use of volunteers for on-the-ground conservation work. In all cases, the most cost-effective control of invasive species is early detection and eradication before they can become established. However, these advances are not useful if they are not supported and implemented. To effectively reduce the impact of exotic invasive species, elected officials must play a critical role in supporting educational campaigns that inform the public about how to stop their spread to environments not currently affected. Furthermore, legislators should urge Congress to strengthen NISA funding, while also supporting efforts to work collaboratively across state lines to develop enhanced interstate management plans that help curtail the introduction and spread of exotic invasive species.

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White-tailed Deer Management – Hunting as a Preferred Management Tool

Introduction

Through effective conservation efforts (championed by sportsmen and women and funded through the American System of Conservation Funding, species once in decline, such as the white-tailed deer, have been able to recover to burgeoning populations. Unfortunately, some of these recovery efforts have led to populations in specific areas that are now exceeding the carrying capacity of some species’ habitat. For example, populations of white–tailed deer have boomed nationwide, increasing from 500,000 in the early 1900s to potentially exceeding 30 million today.652 In specific areas, the large populations of deer have been detrimental to other species of flora and fauna.653 Many of these occurrences of unsustainably high wildlife populations (whether native or introduced) occur in areas where hunting has historically been heavily restricted, or banned entirely – such as in parks and in suburban or exurban communities. Overpopulation of species in more residential regions causes human/wildlife conflicts as people come in contact with wildlife.654 For instance, reports estimated 1.25 million deer collisions in the United States from July 1, 2014 to June 30, 2015 and on average cost $4,123 per incident (over $5.15 billion in total).655 Other damage estimates (2011), include more than $600 million in agricultural crop damage and $1.6 billion in damage to the timber industry, as well as more than $500 thousand in damage to residential households (i.e., landscape plantings).656 While sterilization and contraception have recently been discussed as potential methods of curbing the white-tailed population, hunting remains the most effective option.

History

Alternative methods for population control, such as sterilization and contraception, have been argued for as possible management tools in urban/suburban areas. However, products currently being reviewed are experimental, costly, require multiple applications, and are not considered to be effective on free ranging populations. Cornell University recently conducted an experimental sterilization project to combat exploding deer populations in the area. The method used was tubal ligation, a form of sterilization which blocks fallopian tubes and prevents egg cells from reaching the uterus. The method proved to be effective but was extremely expensive and time consuming. In fact, the cost to sterilize each deer was a staggering $1,200.657 77 deer were sterilized, meaning the study in total cost the university over $92,000.658 Spending this much money on deer management methods in the form of contraception/sterilization is unjustifiable, especially because hunting has proven to be a more effective and cost efficient method.659 Hunting generates revenue for state fish and wildlife agencies through the American System of Conservation Funding, as well as the economy as a whole, whereas other management methods like contraception and sterilization add no value to the economy and in fact regularly require taxpayer dollars to fund the programs.660

Historically, hunting has been the most efficient, cost effective and socially acceptable method of population control.671 Despite the efficacy of hunting as a management tool, it faces two serious challenges. The first is that relying on hunting as a primary wildlife management tool is reliant on hunter participation. The two most important factors associated with

658 Ibid
660 Ibid
671 IBID
hunters’ satisfaction concern access and opportunity. Encouraging the use of hunting as a first priority wildlife management tool will increase both of these key factors which determine satisfaction. The second challenge is overbearing regulations and local ordinances in urban/suburban communities. The application of regulated hunting programs in urban/suburban communities is limited by (1) real or perceived safety concerns, (2) conflicting social attitudes and perceptions about wildlife, and (3) localized ordinances on firearm-discharge and restrictions on hunting. Furthermore, species populations on corporate or government properties often become overabundant because of liability or public-relations issues. If these challenges are diminished, hunters would be encouraged to continue to participate and invite new hunters to join them.

**Points of Interest**

- Hunting is still the most effective method to regulate deer populations.
- Hunting is cost effective and generates critical funding for state fish and wildlife agencies through the American System of Conservation Funding.
- Regulated hunting, even in suburban and urban areas is a safe practice, which has proven to have ecological, social, and fiscal benefits.
- The use of archery equipment is a viable method for population control in areas with high human density and is generally supported by hunters and homeowners alike.

**Language**

Policy formulation dealing with hunting as a preferred management tool should consider the following factors:

- Hunting has a huge economic impact on the United States economy each year. In fact, hunting contributed more than $27 billion from the support of 11.5 million hunters aged 16 or older in 2016.
- 9.2 million of the 11.5 million total hunters aged 16 or older in 2016 actively hunted big game such as deer.
- Additionally, hunting contributes critical conservation dollars to state fish and wildlife agencies, and thus positively impacts a variety of other wildlife, access, and habitat projects throughout the nation.
- Opening up new areas to hunting will increase satisfaction with the sport through providing additional access and opportunity and will encourage hunter recruitment, retention, and reactivation.
- In areas of high human densities, archery hunting should be considered a viable management tool because alternative management techniques, unless absolutely necessary, will only serve to bolster anti-hunting organizations’ claims that hunting should be severely restricted, if not eliminated.
- A type of preemption law is already in place in South Carolina, where localities must have the approval of the South Carolina Department of Natural Resources before implementing any contraception program.

**Moving Forward**

Hunting should be designated as the preferred wildlife management tool for the state, as state agencies already consider it to be the most effective method of regulating populations of game species. Additionally hunting generates critical...
conservation funding through the American System of Conservation Funding and has a strong, positive impact on rural economies. Legislators should strongly support hunting as the preferred management tool for their state.

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Chronic Wasting Disease (CWD)

Introduction
Chronic Wasting Disease (CWD) is a progressive, fatal, degenerative neurological disease occurring in farmed and free-ranging deer, elk, and moose. The disease was first recognized in 1967 as a clinical 'wasting' syndrome of unknown cause in captive mule deer in Colorado. CWD belongs to the family of diseases known as transmissible spongiform encephalopathies (TSEs). TSEs include a number of different diseases affecting animals or humans including bovine spongiform encephalopathy (commonly known as “Mad Cow Disease”) in cattle, scrapie in sheep and goats, and Creutzfeldt-Jacob disease in humans. Although CWD shares certain features with other TSEs, it is a distinct disease affecting only deer, elk, and moose. There is no known treatment or vaccine for CWD.

CWD is a slow and progressive disease. Because the disease has a long incubation period, deer, elk, and moose infected with CWD may not present any visible signs of the disease for a number of years after they become infected. As the disease progresses, deer, elk, and moose with CWD show changes in behavior and appearance. These clinical signs may include progressive weight loss, stumbling, tremors, lack of coordination, blank facial expressions, excessive salivation and drooling, loss of appetite, excessive thirst and urination, listlessness, abnormal head posture, and drooping ears.

Issue
The agent that causes CWD and other TSEs has not been completely characterized. However, the theory supported by most scientists is that TSE diseases are caused by proteins called prions. The exact mechanism of transmission is unclear, although evidence suggests CWD is transmitted directly from one animal to another through bodily fluids and tissues. CWD is of increasing concern for wildlife managers across North America.

As such, the number one objective in the management of CWD is to prevent its spread into new areas. In an attempt to prevent or slow the spread of CWD to new areas, many states have passed regulations banning the transportation of carcasses taken in CWD-positive states, begun implementing the United States Department of Agriculture’s CWD Herd Certification Programs for farmed cervid facilities, and/or have banned deer baiting (which congregates animals and allows for possible transmission through saliva). Several states have also recently adopted regulations banning the use of urine-based attractants for whitetail deer.

582 “Cervids: Chronic Wasting Disease,” United States Department of Agriculture, accessed October 29, 2018, see link.
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Points of Interest

- Although no cases of CWD have been found in humans yet, a recent study conducted in Canada indicated that the spread of CWD in humans might be possible. 
  The study found that macaque monkeys contracted CWD from eating contaminated deer meat.
- CWD has currently been detected in 26 states: Arkansas, Colorado, Illinois, Iowa, Kansas, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.
- Only boned out meat, antlers, hides, and ivories should be transported from CWD contaminated areas to prevent environmental contamination through movement of carcasses.
- A recently tested vaccine in Wyoming resulted in a potential negative effect associated with the vaccine, in that inoculated elk were found to be about seven times more likely to develop CWD than untreated animals.
- Research in 2015 indicated that grass plants can bind, uptake and transport infectious prions, complicating containment strategies in agricultural areas.
  - Norway has now banned the import of hay and straw from U.S. states where CWD has been detected, and all imports must be accompanied by a certificate from a veterinarian certifying the product is from a CWD-free area.
- At this time, seven states (Alaska, Arkansas, Arizona, New Mexico, Pennsylvania, Vermont and Virginia) now ban the use of deer urine as an attractant.
  - In 2017, Montana enacted SB 173, calling for a ban on any urine that is not from confirmed CWD-free herds (Archery Trade Association approved).
  - In 2018, Michigan also changed their rules to allow only those urine-products that are certified CWD-free through the Archery Trade Association program.
- Many other state agencies strongly recommend that hunters do not use urine based attractants out of fear of spreading CWD.
- For a list of current state regulations concerning CWD, and to review the status of CWD in your state, please visit the Chronic Wasting Disease Alliance at: http://www.cwd-info.org/index.php/fuseaction/policy.regulationsMap

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Moving Forward
Responses to the potential spread of CWD vary by state depending on the perceived level of risk and the concerns of stakeholders. State legislators are encouraged to educate themselves on the status of CWD in their state and to work with their fish and wildlife agency to determine what protections are needed in their state to prevent the spread of CWD within their boundaries. Generally, increased attention to and funding for regular screening and testing of cervids within a state is necessary to ensure that a timely response to a CWD outbreak is possible.

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Management Authority over Farmed Cervids

Introduction
The practice of farming cervids (members of the deer family such as whitetail deer, moose, and elk) in the United States has been around since the late 1800’s, and has existed elsewhere in the world for millennia.611; however, commercial cervid farms are a more recent phenomenon, and in some states have become a point of contention.612 Farms range in size from small, part-time operations to those that are large scale and professionally managed.613 The function of these farms can differ from serving as breeding stock producers, trophy hunting preserves, commercial venison producers, and/or commercial scent collection facilities.614

Issue
Breeding farmed cervids for various uses has created philosophical divisions within the hunting community and has raised concerns over the spread of wildlife diseases.615 Proponents of farmed cervid facilities celebrate the large economic impact of the industry – particularly in rural economies – as well as the potential benefit for recruitment of new hunters who wish to experience a successful hunt.616 On the other side of the debate, opponents of farmed cervid facilities argue that they privatize a public trust resource for personal financial gain, threaten wildlife health, and ultimately violate the tenets of the North American Model of Wildlife Conservation – lauded as the most successful model of wildlife management in the world.617 Epidemiological considerations primarily center on the transmission of Chronic Wasting Disease which has potentially far-reaching implications not only for the farmed cervid industry, but for free-ranging cervid populations as well.618 Concern over Chronic Wasting Disease is at the center of the current debate over whether farm raised deer should be classified as livestock or as wildlife, and by extension, which state agency should have regulatory authority over the industry (the state fish and wildlife agency, or the state agricultural agency).519

Points of Interest
• In 2012, there were 5,241 cervid farms in the United States; Texas had the most farms (1,756).
• In 2007, the farmed cervid industry generated $3 billion in economic activity and supported 29,199 jobs.620
• More recent data from Texas (2017) reports that “the total impact of the industry to the Texas economy, combining the breeding and hunting components, is $1.6 billion annually.”621
• Standard regulations on the farmed cervid industry necessary for licensure and operation within most states include health certificates, import permits, and negative brucellosis and tuberculosis tests.622

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• Forty-eight states and eight Canadian provinces have adopted rules that go beyond the standard regulations, and may include additional testing requirements, or limitations on the importation of farmed cervids.623
• There is presently no approved way to examine the presence of Chronic Wasting Disease in a live animal, though research is ongoing.
• In recent years, many states have grappled with the issue over which state agency should have regulatory authority over farmed cervids, including: Indiana, Missouri, North Carolina, and West Virginia.624

1. Indiana – In 2015, The Indiana Court of Appeals granted judgement on a longstanding case between the Indiana Department of Natural Resources (DNR) and an in-state deer hunting preserve, ultimately determining that the DNR does not have authority to regulate any privately-owned wild animals.625 Their interpretation of Indiana Code section 14-2-1-2 stated that legally owned wild animals or those being held in captivity under license or permit are not property of the people of the State of Indiana and therefore are outside the management purview of the DNR.626

2. Missouri – In 2014, the Missouri Legislature passed two bills (SB 506 and HB 1326) that would have transferred management authority from the Missouri Department of Conservation to the Missouri Department of Agriculture. Governor Nixon vetoed the bills, which was sustained by only one vote during a subsequent veto override attempt.

3. North Carolina – In 2015, North Carolina enacted legislation (SB 513) that removed cervid farms from the oversight of the Wildlife Resources Commission, and granted authority to regulative captive cervid facilities to the Department of Agriculture and Consumer Services.629

4. West Virginia – In 2015, West Virginia enacted legislation (SB 237) that transferred the management and regulations of farmed cervids from the state Division of Natural Resources to the state Department of Agriculture.630

• Presently, nine states place sole regulatory authority of their farmed cervid facilities with their fish and wildlife agency, nine states place sole regulatory authority with their agriculture agency, and 32 states allow joint management of farmed cervid facilities by both their agriculture and fish and wildlife agencies.631

Moving Forward
Transferring the regulatory authority of farmed cervids from the state fish and wildlife agency and categorizing farmed cervids as livestock blurs the lines between captive and wild animals and devalues cervids (particularly the white-tailed deer) as an iconic conservation success story that was hard won on the backs of American sportsmen and women Therefore, state legislators are encouraged to appoint primary management authority of their farmed cervid facilities to their state’s fish and wildlife agency – the very agencies who, through working with sportsmen and women, were responsible for bringing these species back from the brink of extirpation in many areas to the burgeoning populations we see today.632 At

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times, joint management with the agriculture agency may enhance efficiency and provide additional resources and expertise not present in traditional fish and wildlife agencies. If joint management is pursued, a formal Memorandum of Understanding between the agencies should be reached that recognizes the fish and wildlife agency as the lead agency while clearly delineating the responsibilities of each agency to eliminate bureaucratic red tape and ensure a timely response to a CWD outbreak is possible. Further, state legislators are encouraged to work alongside their fish and wildlife agencies to ensure that those individuals who choose to harvest cervids from captive facilities are required to purchase a hunting license to help support the broader conservation efforts of the state.

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Anti-Hunting & Fishing

“Big 5” Trophy Importation Bans
Tournament Bans
Wolf in Sheep’s Clothing / Animal Rights Groups
Animal “Personhood”
Anti’s Pushing for Seats on Game Commissions
Animal Rights Intrusion into Public Institutions
Lead Ammunition and Fishing Tackle Bans
Soft Bait Bans
Substandard Kennels
Ivory Bans
Hunting with Dogs

2019 Issue Briefs: Hunting and Fishing (Animal Rights)
“Big 5” Trophy Importation Bans

Introduction
In recent years, a number of states have sought to restrict the importation of legally harvested game animals, particularly the African “Big 5” species. Recently proposed legislation defines the “Big 5” as: African elephant, Cape buffalo, African lion, white and black rhinoceros, and African leopard. These African species are typically considered (along with the hippopotamus and Nile crocodile) to be the most difficult and dangerous game species to pursue, and for that reason, are highly valued by African safari hunters. These five species alone generate most of the funding for wildlife authorities in African range nations.  

Revenue generated by licensed, regulated safari hunting is the single most important source of funding for conservation and anti-poaching efforts in Africa. In many Southern and Eastern African countries, revenues generated from licensed, regulated hunting are the primary source of management, conservation, and anti-poaching funds for national wildlife authorities. These hunting programs have been designed by experts to allow a limited, sustainable take, and to generate funds for conservation, anti-poaching efforts, and community incentives. This system has helped recover or maintain “Big 5” populations in Southern and Eastern Africa.

The harvest of Cecil the Lion was used by animal rights groups opposed to hunting to draw negative national attention to so-called “trophy hunting.” False representations and animal rights’ activism resulted in legislative measures that seek to restrict hunters’ abilities to import “Big 5” species. These misguided pieces of legislation are the first of their kind and will not only affect hunters within their states, but all legally hunted and harvested animals that travel through such states when returning from Africa.

Discouraging hunters from importing harvested animals is intended to discourage them from hunting in Africa at all, thus depriving African wildlife authorities and communities of essential income. Without the money generated by hunters, governments and hunting operators will lack the funds needed to hire and outfit anti-poaching patrols. Furthermore, without the financial and game meat contributions from licensed, regulated hunting, local communities have little incentive to protect dangerous game, which is otherwise viewed as a nuisance or threat. Laws banning the importation of “Big 5” species undermine species conservation, adversely affect sportsmen and women in the U.S., and eliminate benefits for many African people living in the poorest and more remote areas. The U.S. Fish and Wildlife Service issues “enhancement” import permits for these species because of the benefits generated; the denial literally deprives the species of proven “enhancement.”

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Points of Interest

- Similar to the “user-pays, public-benefits” American System of Conservation Funding conservation efforts in Africa are dependent upon revenue generated by hunters.  

- Prohibiting the importation of African animals will harm the conservation of these species by reducing the effectiveness of government agencies tasked with protecting them.  

- After the legalization of white rhinoceros hunting, the population increased in South Africa from 1,800 (in 1968) to around 22,000 (today). In that same time period, only 0.34% of the total population were harvested.  

- Black rhino populations have likewise increased in South Africa and Namibia as a result of the legalization of limited hunting, from around 2,520 (in 2004) to around 3,500 (today), of which only 0.05% were hunted. 

- Some critics have suggested that photo tourism can replace licensed, regulated hunting as a source of revenue for conservation and anti-poaching efforts and community benefits. Photo tourism can also generate returns and can complement hunting in certain areas, such as Namibia’s conservancies. However, it requires high-capital infrastructure such as hotels, a density of species, and a level of political stability often absent in places where licensed, regulated hunting currently sustains conservation efforts.  

- In 2013, hunters contributed at least $7.7 million USD to Namibia’s economy alone. Many community conservancies, including 90% of those in Zimbabwe and 50% in Namibia, are sustained by trophy hunting. 

- Licensed, regulated hunting-supported community conservancies have helped to boost Namibia’s elephant population from 7,500 to over 20,000 between 1995 and 2013.  

- From 1989–2001, the Community Areas Management Program for Indigenous Resources Association, which works with local communities in Zimbabwe to create revenue from the responsible management of wildlife, generated over $20 million for communities, 89% of which came from hunting. 

- In 2016, New Jersey became the first state to pass legislation (SB 977 and SB 978) specifically targeting lawfully harvested hunting trophies and banning the importation and possession of several “Big 5” species by residents of New Jersey. 
  - Similar legislation was considered in both Connecticut (SB 227) and New York (SB 4686) in 2016 but failed to advance. SB 1487 in California was passed by the legislature, but was vetoed by the Governor, who cited federal preemption concerns. 
  - Of the more than 38,000 African trophies imported into the U.S., 20% have come through airports in New York and New Jersey. 

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On July 8, 2016, Conservation Force and several partners filed a lawsuit to enjoin the recently passed legislation, arguing that the new ban is preempted by Section 6(f) of the Endangered Species Act. Although they opposed the suit, the defendants conceded that the legislation could not be enforced against federally authorized or permitted imports.652

Moving Forward
Bans on the importation of “Big 5” species from Africa are as misleading as they are ineffective. Legislators should consider that although proponents claim these bans are meant to protect African game species, in practice they deprive African nations of the resources needed to mount effective anti-poaching and conservation efforts that are primarily funded by the harvest of a small number of animals; they also deprive rural communities of meat and necessary infrastructure development. African range state governments oppose these bans, as do leading conservation authorities such as the (International Union for Conservation of Nature) IUCN and (World Wildlife Fund) WWF.

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Tournament Bans

Introduction
Hunting and fishing tournaments are time-honored traditions that have grown on a national scale over time, with the general objective being the heaviest or largest take of certain species. In recent years, hunting and fishing tournaments have come under fire by “animal rights” organizations who don’t like the idea of animals being taken for a prize or reward. These groups, such as the Humane Society of the United States (HSUS) and Project Coyote, have been organizing against tournaments by petitioning state governments and supporting legislation to ban hunting and fishing tournaments, despite the impact tournaments have on local economies and the role sportsmen play in conservation.

History
- In 2001, the U.S. Fish and Wildlife Service proposed a fishing tournament ban on national wildlife refuges, though the ban was never implemented.
- California became the first state to implement a hunting tournament ban for non-game mammals, including coyotes, foxes and bobcats, in 2014. After several failed attempts to ban the contests in the state legislature, animal rights groups turned to the California Fish and Game Commission, who then voted to ban the contests.
- Animal rights activists pushed strongly for a hunting contest ban in Nevada, but the Nevada Board of Wildlife Commissioners rejected their petition to ban hunting contests in 2015.
- Several states introduced legislation in 2017 to outlaw hunting tournaments, including New Mexico (SB 268) and New York (SB 6365). The New Mexico legislation passed the Senate but did not come to a vote in the House before adjournment.
- A 2017 petition to the Minnesota Department of Natural Resources and the governor’s office to ban hunting contests in the state had more than 180,000 signatures, though it was unsuccessful.
- Maryland passed SB 268 in 2017. The legislation initially proposed a permanent ban on popular bowfishing tournaments for the cownose ray, which was being heavily pushed by animal rights groups such as HSUS. A compromise was reached, and the legislation was amended to instead place a two-year moratorium on the tournaments so the Maryland Department of Natural Resources could create a management plan for the species.

Points of Interest
- Participants in hunting or fishing tournaments are still required to abide by state fish and wildlife regulations.
- Hunting tournaments are effective management tools of varmint species, such as coyotes, whose overabundance results in increased human-wildlife conflicts and attacks. It has been proven that short-term removal mechanisms,

such as tournaments, can provide immediate relief to farmers and ranchers by helping reduce livestock losses due to those varmint species.665

- A common argument by animal rights groups is that hunting contests aimed at taking predators will result in excessive populations of their prey species. However, studies have shown that short-term management tools for predators, such as tournaments, do not result in overabundance of prey species nor disrupt the ecosystem.666

- Animal rights groups encourage “coexistence” as a management tool instead of hunting tournaments.

  - When approached by coyotes, Project Coyote recommends a person “act big and make loud noises” over using a firearm.667 This logic can result in increased human-coyote conflicts and attacks, especially when it comes to more-vulnerable children and pets.668, 669

- Tournaments have the ability to support local economies through increased expenditures and tourism. A 2009 study showed that tourism induced by the Lake Michigan Tournament Trail generated more than $1 million in expenditures and $850,000 in economic output that year alone.670

- A single Bassmaster Classic bass tournament consistently generates more than $20 million in economic impacts to host cities and communities.671

- In their preparation for hunting and fishing tournaments, sportsmen contribute to the American System of Conservation Funding by purchasing gear, firearms, fuel, etc.672

**Moving Forward**

Legislators should only support any tournament ban or restrictions if there is a reliable, scientific basis for doing so, rather than political motivations or emotional sympathies. Both hunting and fishing tournaments are unique ways for sportsmen to participate in the great outdoors, advance conservation of our natural resources, and further contribute to local economies and the American System of Conservation Funding.

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669 Claude M. Oleyar, “How Misinformation Fosters Urban Human-Coyote Conflicts.” University of California at Davis, accessed October 14, 2018, [https://drive.google.com/file/d/0B0GwYfKNZekHUxoaEFISk4zanM/view](https://drive.google.com/file/d/0B0GwYfKNZekHUxoaEFISk4zanM/view).


Wolf in Sheep’s Clothing / Animal Rights Groups

Introduction
Anti-sportsmen organizations, such as the Humane Society of the United States (HSUS), consistently attempt to undermine the incredibly successful American System of Conservation Funding (ASCF) by attacking our time-honored traditions while portraying themselves as having the best interests of our nation’s fish and wildlife resources at heart. These groups don’t just go after sportsmen and women however, they also target agriculture, research facilities, the horse community, dog breeders, kennel owners, etc. – any group that uses animals in a way they don’t deem to be appropriate.

With regards to sportsmen and women, these “animal rights” groups fail to recognize the crucial role hunters and anglers play in conserving fish and wildlife in the United States. The unique ASCF, based on a “user-pays, public-benefits” model, is funded by America’s sportsmen and women and contributes approximately 80% of the funds needed by state fish and wildlife agencies to manage our nation’s fish and wildlife resources and their habitat.673

Much of the central activity of HSUS is centered on political campaigns and public relations efforts designed to spread mistruths about America’s outdoor heritage and the important role it plays in conservation. When legislative efforts fail, these groups often turn to the ballot box, as they did in 2014 in both Maine and Michigan.

In Michigan, HSUS led the oppositional charge against wolf hunting, and the regulatory authority of the Michigan Department of Natural Resources (MDNR) and the Natural Resource Commission (NRC), which resulted in the authorization of two referenda to be included on the November ballot. These referenda would have undermined the science-based wildlife management tenets that guide the decisions made by MDNR and NRC and strip the agency of its ability to set sound policy for Michigan’s fish and wildlife resources. Thankfully, Michigan’s sportsmen’s community and the Michigan Legislative Sportsmen’s Caucus joined forces to enact the Scientific Fish and Wildlife Conservation Act (SFWCA) – preempting the referenda and ensuring that the Natural Resource Commission (NRC) maintains exclusive authority over setting regulations affecting the taking of fish and game.674

In Maine, HSUS was the prime driver of a referendum to ban bear hunting by the use of bait, traps, and hounds. Maine has one of the largest populations of black bears in the lower 48, with a population of about 31,000 (a 35% increase over the last 15 years).675 With proper management, not only are healthy population sizes maintained, but a large amount of funding is also devoted to research and conservation and to the general economy ($60 million annually).676 Maine has conducted one of the largest and most thorough black bear studies to date, and their management program is touted as one of the most effective in the nation.677 However, this did not stop the HSUS from challenging the hunt by driving the issue to the ballot on November 4, 2014. If Question 1 had been approved by the voters, the three harvest methods that account for 93% of the yearly harvest and keep the population at a stable level where cultural concerns including human safety, property damage, and livestock and agricultural depredation are minimized would have been eliminated.678 The Maine Department of Inland Fisheries and Wildlife, the Maine Legislative Sportsmen’s Caucus, candidates for governor and the U.S. Congress, and the sportsmen’s community at large banded together to mount a successful counter-effort, and Question 1 was defeated on November 4, 2014 – 54% to 46%.679

As yet another example of anti-sportsmen’s efforts, in 2016, animal protection groups joined together and filed a lawsuit challenging the Montana Fish and Wildlife Commission for making the decision to allow grizzly bear hunting once they are delisted from the endangered species list. The U.S. Fish and Wildlife Service formally removed the grizzly from the list and hunting regulations on the bear were expected to go into effect, however the Montana officials decided not to hold a hunt in 2018. If these bears are not allowed to be hunted, it will cause detrimental effects on the prosperity of the species, and reduced revenue that contributes to the funding for conservation efforts through the ASCF. Further, in 2017, the U.S. Fish and Wildlife Service delisted grizzly bears in Yellowstone National Park after the population was deemed to have exceeded its recovery goals, and the anti-sportsmen’s organization joined forced and filed lawsuits challenging the decision again.

When Wyoming announced it would hold a grizzly bear season with a limited number of tags, anti-sportsmen’s groups filed a lawsuit trying to stop the hunt. They were successful in stopping the 2018 hunt and as of now the judge has ordered grizzly bears to be listed as a threatened species. These same groups also started a campaign called “Shoot ‘em with a Camera”. The campaign encouraged activists to apply for a Wyoming grizzly bear tag, flooding the lottery with non-hunters. The goal was to take tags away from sportsmen and women and take photos of grizzlies instead. Many notable individuals such as Jane Goodall helped to promote the campaign.

Points of Interest

- The vast majority of funding for fish and wildlife conservation is derived from sportsmen and women through the American System of Conservation Funding and charitable donations, not “animal welfare” groups.
- Hunting remains the most efficient and effective method of managing wildlife.
- The HSUS and similar animal rights groups frequently support all-encompassing proposals that methodically reduce hunters’ rights, often targeting specific hunting methods (harvest techniques, traditional ammunition, etc.)
- The HSUS has previously had its charity rating revoked by Charity Navigator.
- Despite its many advertisements featuring shelter animals, the HSUS donates only 1% of its revenue to local pet shelters and the organization recently lost a federal racketeering and bribery lawsuit.

Moving forward

Sportsmen and women are major drivers behind the conservation of fish and wildlife habitat and embody a lifestyle that has endured for generations. The many benefits associated with hunting, trapping, and angling are far-reaching and positively impact all Americans. States are urged to consider Right to Hunt, Fish and Harvest Wildlife constitutional amendments to provide added protection for our sportsmen’s traditions and help ward off unjustified attacks by the HSUS and similar organizations. Further, states may consider following the lead of Oklahoma’s Attorney General, and initiate “truthful solicitation” investigations into the fundraising practices of these animal rights groups in their state.

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Animal “Personhood”

Introduction
Anti-hunting, animal-rights extremist groups such as the Human Society of the United States (HSUS) and People for the Ethical Treatment of Animals (PETA) have always posed a grave threat to sportsmen and women, using their political capital to advance a fallacious agenda. Most recently this scheme has taken place in the form of “animal personhood”, the idea that nonhumans (animals) should have the same rights as humans. As contradictory as the idea sounds, legislation that is startlingly similar to the concept has already been passed in Connecticut.

H.B. No. 5344, also known as Desmond’s Law, was enacted in 2016. It allows for neglected animals to be represented in court by humans, who act as “advocates”. These representatives serve pro-bono, providing the court with data pertinent to the case. This piece of legislation sets a dangerous precedent, one where legal “personhood” of animals stands in the not-so-distant future.

Points of Interest
- Granting legal “personhood” to animals would allow organizations like HSUS and PETA to sue zoos, aquariums, and even pet owners.
- Permitting animal personhood may have “sweeping and disastrous effects” on agriculture, biomedical research, and pet ownership.
- Personhood has historically been rooted in human dignity, something not applicable to animals.
- A textbook legal battle that captivated the media involved a macaque named “Naruto” who took a “selfie” on a journalist’s unattended camera, leading to PETA filing a suit that Naruto legally owned the copyright to the photo. The Ninth Circuit ultimately held that animals do not, in fact, hold legal authority over copyrights.

Language
It is important to be familiar with the language used in Desmond’s Law, as it is likely that pro-animal personhood legislators will use similar terminology in other states in the future.

“(a) In any prosecution under section 53-247 of the general statutes, or in any court proceeding pursuant to section 22-329a of the general statutes or in the criminal session of the Superior Court regarding the welfare or custody of a cat or dog, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. If a court orders that an advocate be appointed to represent the interests of justice, the court shall appoint such advocate from a list provided to the court by the Commissioner of Agriculture pursuant to subsection (c) of this section.”

Moving Forward
Animal personhood, while not yet regularly debated on the legal front, is recurring topic that is gaining traction. The idea of animal personhood endangers the very foundation of hunting, angling, and trapping, and subsequently, the American System of Conservation Funding. It is necessary that sportsmen and women remain vigilant, opposing any “animal rights” legislation.

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Anti-Hunters Pushing for Seats on Game Commissions

Introduction
Game commissions were created with a singular purpose - to protect and conserve wildlife through regulating and sustainable hunting. Since their creation, these entities have been understandably staffed by experts in the wildlife management field: mostly hunters, trappers, and anglers. Utilizing their extensive knowledge of the outdoors, these board members have been able to make responsible, informed, and effective decisions regarding fishing and wildlife conservation. In recent years, however, people who do not hunt or trap, and in some cases are fundamentally opposed to the practices, have made pushes for representation on game commissions. They believe that commissions should represent the entire population, and not just hunters, trappers, and anglers.

This new pressure for non-consumptive constituents to be on game commission’s poses an alarming problem that directly threatens the future of conservation. It is no secret that sportsmen and women contribute an incredible amount to conservation efforts through the purchasing of hunting licenses, permits, tags, stamps and other outdoor related gear in addition to other contributions to habitat organizations. Having board members that are neutral on the matter or even directly oppose hunting, trapping, and fishing leads to obstructionism, which in turn will potentially restrict access and opportunity for sportsmen and women. If opportunities to hunt are reduced, it follows that sportsmen’s and women’s ability to contribute to conservation efforts will dramatically decrease, putting conservation efforts for both game and non-game species at risk as well.

Points of Interest

- In January of 2016, the last pro-hunting California Fish and Game Commissioner turned in his resignation over frustration of non-consumptive obstruction from other commissioners.
- In multiple instances partisan politics has been the driver of commission regulation and not sound science, which sets a dangerous precedent.
- The addition of anti-sportsmen and women onto game commissions represents a dangerous shift in values, from conservation to preservation.

Moving Forward

It is imperative to keep hunters, trappers, and fishermen and women on game commissions, so that they may advance and protect the time-honored traditions that sportsmen and women hold dear. In addition, keeping pro-hunters on game commissions retains sportsmen’s and women’s ability to contribute to wildlife conservation through the purchasing of hunting licenses, stamps, and other outdoor related gear.

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704 “Last Pro-Hunting Member of the California Fish and Game Commission Resigns” The Outdoor Wire, Accessed November 1, 2018, [http://www.thoutdoorwire.com/features/230383](http://www.thoutdoorwire.com/features/230383)
705 IBID
Animal Rights Intrusion into Public Institutions

Introduction
In the United States, state-based conservation is primarily funded by hunters, recreational shooters, anglers, and boaters through their purchases of hunting and fishing licenses and taxable gear. This funding mechanism is known as the ASCF or American System of Conservation Funding (and approximately 80% of the average state fish and wildlife agency’s operating budget is funded through this “user pays — public benefits” system, rather than through federal and state income taxes. Without hunting, recreational shooting, angling, and boating, states would not be able to fund the majority of their science-based conservation efforts. State fish and wildlife agencies would also be limited in their ability to open and maintain access for outdoor recreation activities enjoyed by the public.

Despite the significant financial, ecological and societal benefits of regulated hunting and angling, their future is at risk. Consequently, actions that reduce hunting and angling opportunities will also directly reduce funding through the American System of Conservation Funding. Animal rights groups like the Humane Society of the United States (HSUS) and People for the Ethical Treatment of Animals (PETA) oppose hunting and angling and they have established a presence in elementary and secondary schools as well as law schools across the country. These groups offer the opportunity and propose certain guidelines for students to start Animal Rights Clubs at their school as well. They reach students through appalling, misguided, and deliberately misinforming publications, prepared lesson plans and other classroom materials. These materials do nothing to speak to the vast conservation and economic benefits provided by hunting and angling, nor speak to the need for science-based fish and wildlife management.

Points of Interest

- Approximately 167 law schools in the U.S. and Canada now have “animal law” classes. These courses tend to challenge the basic concept of animals as property and to give students the tools necessary to be advocates for this “injustice”.
- Animal law sections are popping up in most state bar associations and the number of firms and lawyers willing to represent animal advocacy causes on a pro bono basis is on the rise.
- Hunters and anglers contribute more than a billion dollars each year toward the conservation of fish, wildlife and their habitats by buying hunting and angling licenses and certain taxable gear.
- State fish and wildlife agencies consider regulated hunting and angling to be important tools for managing many fish and wildlife populations to sustainable, science-backed population levels.
- Hunting and trapping can also help reduce human/wildlife conflicts such as crop damage, predatory harm, vehicle collisions, and unwanted wildlife in suburban and urban areas.

Moving Forward
Any misinformation directed to the public, particularly students, has wide and long-lasting repercussions. Students will one day grow up to be voters, legislators, attorneys and public officials. On the whole, America’s students are not hearing about the value of science-based conservation and the integral role of hunting and angling in natural resource management. State legislators are encouraged to shed light on the anti-hunting groups’ infiltration of our nation’s educational institutions and to consider policies that promote the teaching of ethical and humane fish and wildlife management as well as the ecological, societal, and economic benefits of hunting and fishing in our public educational institutions.

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Lead Ammunition and Fishing Tackle Bans

Introduction

Recently, legislators, sportsmen, and the outdoor industry have seen an increasing number of bills directed at reducing or eliminating lead ammunition and fishing tackle. These efforts are generally not based on sound science, but rather on the emotional assumption that isolated incidents of animals ingesting harmful levels of lead translates to impacts on entire populations. However, to date, there has been no documented evidence that sportsmen’s use of lead has had significant deleterious impacts on wildlife populations in the United States.

It is important to ensure that changes to or prohibitions on the use of lead-based ammunition and fishing tackle are based on sound science and not on unfounded and emotion-driven assumptions. If lead ammunition or fishing tackle is banned, manufacturers will be required to retool, which is a costly and time consuming process, leading to an increase in consumer prices. Additionally, many alternative metals do not perform as well as lead and can be prohibitively expensive for many hunters and anglers. These financial impacts have the potential to create barriers to participation, which would lead to fewer sportsmen and women being able to enjoy these time-honored traditions. Should a loss of hunters and anglers occur, state fish and wildlife agencies would also see a reduction in revenue, considering that the majority of this revenue is generated by the American System of Conservation Funding (Page 34) through the sale of sporting licenses and excise taxes collected on sporting goods. A sharp decline in the number of hunters and anglers visiting these states each year could also lead to devastating local economic impacts in many states. This decline will be a significant one, considering that in some states, over $1 billion dollars per year in economic activity is generated from hunting and angling alone.

History

In 1991, due to waterfowl population health concerns, the Federal government officially banned the use of lead shot in waterfowl hunting. This mandate was handed down out of concern for waterfowl ingesting spent lead shot in small, confined wetlands. Yet, there is still no peer-reviewed scientific evidence that lead was causing population-level impacts to America’s migrating waterfowl. In 2013, California became the first state in the nation to pass legislation banning the use of lead ammunition for all hunting purposes.

Likewise, the use of lead sinkers in fishing has also become a contentious issue. Although reliable estimates are not currently available on the amount of lead that sinkers add into the environment each year, approximately 80% of the fishing weights and tackle sold are lead sinkers weighing a ½ ounce or less.

In 2000, New Hampshire became the first state to implement a ban on lead tackle. The primary concern surrounding the use of lead sinkers is the potential effects on waterfowl, like the loon, that ingest whole pebbles (or small lead sinkers) to aid in the digestion of their food. Although there have been documented individual loon deaths linked directly to lead fishing sinkers, there has been no documented evidence that lead fishing sinkers, of any size, have a detrimental impact on local or regional loon populations. In fact, according to the U.S. Fish and Wildlife Service, loon populations are either stable or are increasing across the nation.

In July 2015, the California Department of Toxic Substances Control’s (DTSC), despite protests from California’s angling community and a lack of scientific evidence suggesting that fishing tackle is a source of these threats, declared fishing tackle to be one of the top seven most significant threats to Californians and their environment in its departmental priority plan. This could create onerous regulations on fishing gear leading to bans on commonly used tackle, and/or drive up the cost of purchasing it exponentially. This in turn would likely reduce angler participation in California and would ironically have a

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510 “Background Document: TSCA § 21 Petition; Pb in Fishing Sinkers and Other Components”. U.S. Environmental Protection Agency, last modified October 2010.
negative impact on revenue directed to the California Department of Fish and Wildlife to support their mission of protecting and enhancing the state’s fish and wildlife resources.\textsuperscript{716}

**Points of Interest**

- Any ban on the use of lead ammunition and/or tackle will likely have a significant negative economic impact on a state’s fish and wildlife agency, as well as its economy.
- Wildlife management focuses on populations, not individuals. Isolated incidents concerning individuals within wildlife populations do not warrant bans on lead ammunition and/or tackle.
- The U.S. Center for Disease Control and Prevention (CDC) conducted a study of hunters and others that have consumed game, allegedly containing lead shot fragments, to determine whether they have an elevated level of lead in their blood that can be attributed to the ammunition used to harvest the game. Indications of the CDC study released by the North Dakota Department of Health (DOH), which is participating in the study, show none of those tested had unsafe blood lead levels. The readings were far below the level considered elevated for a child (10 micrograms per deciliter); let alone the level for an adult (25 micrograms per deciliter).\textsuperscript{717}
- On August 3, 2010 and March 13, 2012 a petition was submitted to the EPA to ban the production and sale of lead based ammunition and fishing tackle which argued that lead bullets and fishing tackle should be regulated under the Toxic Substances Control Act.\textsuperscript{718} Both petitions were denied.
- On February 21, 2013 a bill titled CA AB 711, was signed into law in California which requires the use of non-lead ammunition for the taking of all wildlife with any firearm by the year 2017.\textsuperscript{719}
  - California began implementation of the lead ban in 2015 (timeline of implementation found [here]).\textsuperscript{720}
  - California introduced Assembly Bill 395 in early 2015, seeking the repeal of the lead ammunition ban in northern and central northern regions of CA, but failed in February of 2016.\textsuperscript{721}
  - According to a Southwick Associates study, implementation of CA AB 711 will lead to a 200-400% increase in the price of ammunition causing 36% of hunters (more than 50,000) to stop or decrease their participation in hunting.\textsuperscript{722}
- Fish and wildlife agencies in Arizona, Oregon and Utah have adopted voluntary programs which provide hunters with incentives to utilize non-lead ammunition or carry entrails from harvested animals out of the field in certain areas.
- New York and Vermont have banned the sale of lead fishing weights weighing one half ounce or less.
- Massachusetts’s Fisheries and Wildlife Board, Maine’s Senate Bill 268\textsuperscript{723} (2013), and New Hampshire’s Bill SB \textsuperscript{89}\textsuperscript{724} (2013), have all banned the use and sale of jigs and sinkers weighing one ounce or less.
- Alternative metals (such as tungsten, steel etc.) for small split shots (1/2 ounce or less) are available, but are considerably more expensive and do not offer the same level of performance as lead.\textsuperscript{725}
- In 2015, the Minnesota Department of Natural Resources (DNR) proposed regulations to the DNR Commission that would ban the use of lead shot for upland game on certain Wildlife Management Areas (WMAs) in the state.\textsuperscript{726}
- In March of 2016, Minnesota introduced two sets of companion bills attempting to prohibit future regulation of lead shot in the pursuit of wildlife (H 3209\textsuperscript{727} / S 3387\textsuperscript{728} & H 2844\textsuperscript{729} / S 2758\textsuperscript{730}).


On January 19, 2017, the outgoing U.S. Fish and Wildlife Service Director implemented a ban on the use of traditional lead ammunition and fishing tackle on FWS lands. In March of the same year, after meeting with representatives from sportsmen and wildlife organizations, the newly-appointed Interior Secretary Ryan Zinke overturned the ban by issuing Executive Order 3346.

Moving Forward
In an effort to prevent the far-reaching implications lead ammunition and tackle bans would have on conservation funding, legislators should explore and support preemptive legislative and/or regulatory mechanisms to ensure changes in the use of lead ammunition and fishing tackle are prohibited unless valid scientific justification is presented. Furthermore, such language should clearly specify that if it is scientifically determined that lead-based ammunition or fishing tackle is having a negative population level impact on a species, either locally or regionally, only reasonable regulations to that area or for that specific species will be implemented.

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Soft Bait Bans

Introduction
In 2013, The Maine Joint Standing Committee on Inland Fisheries and Wildlife considered a bill to ban the use of soft baits (“rubber” lures) in Maine’s waters. Arguments in favor of the ban centered on lost/discard lures in their state’s waters, and concerns over the health of individual fish that were found to have ingested soft baits.

In May 2013, the resolve to study the effects of soft-baits and biodegradable hooks in the state of Maine became law and ordered the Department of Inland Fisheries and Wildlife to study the effects of soft baits and non-degradable hooks on fish and other wildlife in the state. The results of the study were presented to the Joint Standing Committee on Inland Fisheries and Wildlife on January 28, 2014. The report concluded: “…the Department does not recommend any legislation at this time.” The proposed ban is no longer before the state’s legislature.733

During testimony, the Department admitted that the largest problem with soft baits was that they were a litter problem in Maine waters. Therefore, through its final report, the agency did make a number of recommendations to enhance its angler education programs by involving anglers, angler organizations and the sport fishing industry. These enhancements are intended to minimize the loss and improve the proper disposal of soft baits in state waters by anglers.

Points of Interest

• Lost and/or discarded soft baits are primarily an aesthetic issue, rather than a biologic one. The Maine Department of Inland Fisheries and Wildlife report indicated that there is a very low rate of finding soft baits in the stomachs of fish, ranging from 0.4% to 5.2% of fish sampled,734 and research indicates that the fish simply regurgitate or pass soft baits without complications.735

• The sport fishing industry is not aware of any study in the wild showing soft baits have a detrimental impact on fish populations.736

• Years of laboratory tests have shown that most fish regurgitate or pass the baits without harm.737

• Angler education programs can be effective in reducing lost/discarded soft baits, without the need for an outright ban on the use of soft baits.738

• Forty-four percent of Maine’s angling days are done by non-resident anglers, and the ban would have affected not only bait and tackle shops but also all tourism businesses.739

• Recreational angling has significant economic impacts to the state. Anglers in Maine provide a $396 million economic infusion to the state, supporting 6,723 Maine jobs.740

• Banning soft-baits would negatively affect both state and local economies, as well as angling-related tourism.741

Moving Forward
Sportsmen-legislators should be cautious of similar legislation surfacing in their states. Legislators are urged to work alongside their state fish and wildlife agencies, sportsmen’s groups, and other stakeholders to ensure fish and wildlife management decisions remain driven by sound science.


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Substandard Kennels

Introduction
Working with dogs is a cherished part of the hunting tradition. Sportsmen and women have a strong attachment to, and affinity for, their four-legged hunting partners and recognize that maintaining good care and conditions in hunting kennels is key to the well-being of their dogs and the success of their sport. Unfortunately, the relatively few breeders and kennel owners who maintain substandard kennel conditions create a blight that hurts the vast majority of responsible kennel operators. Animal rights groups have used these neglectful, and often illegal, operations as a reason to push for overbearing “puppy mill” legislation that impacts all breeders, not just the problem kennels.

Points of Interest
• Animal rights groups often support over-reaching proposals that systematically attempt to whittle away at hunters’ and breeders’ rights with subtle attacks on specific hunting interests, including hunting with dogs.742
• Over the past ten years, several states have proposed regulations that would make it nearly impossible for sportsmen to breed and raise packs of hounds and hunting dogs.743 Many other state legislatures have addressed or passed similar legislation that requires excessive kennel oversight, arbitrary limits on dog ownership and breeding, extensive daily record keeping, onerous kennel engineering requirements, and daily exercise requirements that do not include hunting or field trialing.744
• Sportsmen’s rights and traditions are not being adequately considered in the formulation of legislation around the country that is attempting to reign in abusive commercial breeders.
• Where substandard kennels do exist, they can almost always be addressed through the enforcement of existing animal negligence and cruelty laws.745 This makes kennel oversight and similar laws unnecessary.
• Responsible sportsmen fully support an end to any kind of negligent or abusive practices by substandard kennels. In opposing unnecessary and overbearing kennel regulations, sportsmen are reaffirming their dedication to their dogs and preserving their right to responsibly breed dogs for sport - a freedom that animal rights activists seek to abolish through draconian legislation, emotional media campaigns and biased information.
• Legislation designed to regulate high volume dog breeders was introduced in the U.S. Congress in 2013—the Puppy Uniform Protection and Safety (PUPS) Act (S. 395 and H.R. 847). PUPS sought to regulate high volume “breeder-retailers” by expanding federal regulation of breeders to include anyone who “has an ownership interest in or custody of one or more breeding female dogs” and “sells or offers for sale, via any means of conveyance, more than 50 of the offspring of such breeding female dogs for use as pets in any 1-year period.” This language does not take into consideration that it is a common practice among sportsmen, sporting dog trainers, and hunting clubs for dogs to be co-owned or for several people to have an “ownership interest” in a dog or several dogs. As a consequence, unsuspecting sportsmen who only keep a few dogs could be subject to commercial breeding regulations and property inspections as a result of their co-ownership relationships.

Moving Forward
Although legislative attempts at regulating substandard kennels may be well-intended, it bears the potential to negatively impact law-abiding dog breeders and sportsmen. To ensure this proud part of our sporting heritage is not unfairly compromised, legislators should keep a watchful eye on future “puppy mill” legislation.

748 IBID
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Ivory Bans

Introduction
In 1989, international trade of ivory was outlawed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Until international trade was outlawed, billions of dollars in legally imported ivory would enter the country each year. In 2014, ivory trade was further restricted when President Obama entered an agreement between China and the United States to enact “nearly a complete ban on ivory import and export.” That same year, New Jersey and New York became the first states to enact statewide ivory trade, import, and export restrictions. Since then, approximately two dozen other states have pursued misguided, statewide ivory bans.

Issue
In addition to CITES, a number of federal laws, including the Endangered Species Act, the Lacey Act, and the African Elephant Conservation Act, already enact extensive restrictions on the importation, possession, and trade of endangered and threatened species and their parts, including ivory. Existing state laws protect local wildlife and prohibit the possession of any animal product from another country where the wildlife is known to have been taken illegally.

The vast majority of individuals currently in possession of ivory products include antique enthusiasts, hunters, firearm collectors, and musicians that have acquired historically significant products over decades through the purchase, trade, or inheritance of these goods. Many of these items have been legally acquired in good faith or handed down to current owners through informal transactions with nothing resembling a paper trail to document a change of possession. State bans on the domestic trade of legally obtained ivory punish law-abiding citizens and do little to combat poaching and the trade of illegally acquired animal parts.

Points of Interest
• The U.S. Fish and Wildlife Service released a statement in September 2012 regarding ivory trade, noting “... we do not believe that there is a significant trade of illegal ivory into this country.”
• President Obama issued an executive order on July 1, 2013 declaring a near-complete ban on international commercial trade in elephant ivory and in July 2016, the U.S. Fish and Wildlife Service’s revisions to the Endangered Species Act went into effect, further restricting the international import and export of African elephant ivory.
• Six states have enacted laws that ban the trade of ivory, with Illinois most recently prohibiting the sale, purchase, barter, and possession with intent to sell of any ivory, ivory product, rhinoceros horn, or rhinoceros horn product in 2018, excluding antique firearms and musical instruments.
• Ivory bans affect millions of individuals and small businesses, including collectors of antiques, firearms, knives, and musical instruments.
• Several states have attempted to pass ivory bans that provide exemptions for antiques that are at least 100 years old. However, documentation of antique items is rarely available, and many antiques are restored or repaired with ivory that was legally obtained more recently.

Moving forward
It is important to recognize and support the role that hunters and anglers have historically taken to pass legislation that governs access to fish and wildlife, which largely eliminated commercial markets and traffic in harvested animal parts to

752 Ibid.

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ensure the sustainability of wildlife populations. Ivory ban advocates claim that these bans will save elephants and decrease poaching; however, ivory is already a highly regulated product of import in the United States. Further restricting ivory trade within individual states will only serve to limit the ability of sportsmen and women to pass on cherished antique firearms and knives to future generations.

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**Hunting with Dogs**

**Introduction**
Hunting with dogs has emerged at the forefront of controversial issues in several states, pitting anti-hunters against the many hunters who use dogs to passionately pursue a sport rooted in the history of their state. Hunting with dogs may entail using a dog or groups of dogs to flush animals such as rabbits or deer from thick cover or to track wounded game over difficult terrain. Thus, the use of dogs often allows hunters to fulfill their ethical obligation to do everything possible to recover game.

The use of dogs is a deep-seeded component of hunting for wild game, including some dangerous game such as cougars and bears. Without dogs, sportsmen’s success afield would be severely limited for many types of hunting. Additionally, the use of tracking dogs improves the rate of game recovery. Some anti-hunting advocates are outraged by this method of hunting and have made repeated attempts to outlaw the activity. Their complaints include repeated reports of trespassing by hunters, damage to crops, property and livestock, and various animal cruelty accusations. Sportsmen, as always, must remain prudent and ethical with their use of dogs to discredit the accusations of the anti-hunting community.

**History**
- In 2012, California Governor Jerry Brown signed legislation (Chapter 595), championed by the Humane Society of the United States, which makes it unlawful to permit or allow a dog to pursue a bear or bobcat at any time.\(^{756}\)
- Conversely, on February 1, 2013 the Nevada Wildlife Commission rejected a petition to ban the use of dogs for hunting bears.\(^{757}\)

**Points of Interest**
- Allowing tracking dogs to aid in the recovery of harvested or wounded game may improve the non-hunting public’s perception of hunting. It is the ethical responsibility of all hunters to do everything within their natural abilities to recover their game. Tracking dogs aid in the fulfillment of this responsibility.
- In response to the growing challenges emerging for the sport, the Virginia Department of Fish and Game commissioned a study and created a Stakeholder Advisory Committee to gather information on issues related to hunting with dogs for deer and bears, evaluate these findings, and recommend to the public possible strategies to address concerns.\(^{758}\)
- Dogs have long been prized partners of waterfowl and upland bird hunters. The use of dogs for these pursuits remains non-controversial and greatly enhances game retrieval.
- Anti-hunting interests in a number of states, including Oregon (1994)\(^{759}\), and Washington (1996)\(^{760}\), have successfully used the ballot box to ban the use of hounds for hunting bears and cougars. These groups were able to do so through the use of graphic images and misleading information that did not accurately depict hound hunting.
- A 2014 ballot initiative in Maine, supported by the Humane Society of the United States, to ban bear hunting with hounds failed after hunters rallied in support of their traditions.\(^{761}\)
- In 2016 Georgia enacted **GH S 184** which defined registration requirements for hunting dogs.\(^{762}\)

**Moving Forward**
While each legislator should tailor their approach to this issue to their constituency, it is important that they consider the impact on sportsmen and women when laws or regulations are proposed that would impact the use of dogs for hunting.

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Marine Fisheries Policy

Catch Shares

Magnuson-Stevens Fishery Conservation and Management Act (MSA)

Recreational Fishing and Spatial Planning – Zoning of State and Federal Waters

Marine Protected Areas (MPA’s)

Gulf of Mexico Red Snapper Management

2019 Issue Briefs: Marine Fisheries Policy
Catch Shares

Introduction
Limited Access Privilege Programs, or “catch shares”, allocate a specific portion of the annual catch limit to individuals or entities such as commercial fishermen, cooperatives or communities. When designed correctly, catch share programs can help eliminate the race to fish, reduce overcapacity of commercial vessels and bycatch, and improve economic efficiency for the commercial sector. Catch shares, however, are an inherently inappropriate tool for recreational-only fisheries. In mixed-use fisheries where there is a large and growing recreational sector, exclusive fishing rights proposals maximize benefits to the commercial fishing industry while ignoring the participation and beneficial economic impacts of recreational fishing.

History
Catch share programs have existed in the U.S. since 1990, and the National Oceanic and Atmospheric Administration (NOAA) has taken the initiative to promote catch shares throughout the country as authorized under the Magnuson-Stevens Fishery Conservation and Management Act (Page 170, as amended in 2007). However, catch shares are not a one-size-fits-all approach, and any positive benefits to the commercial sector should be weighed against the negative consequences to the recreational sector. Before any catch share program is implemented in a fishery, it is important to consider the following:

Points of Interest
- Catch shares are inherently designed to reduce the commercial fleet size through consolidation of available quota into fewer and fewer hands. These programs primarily benefit larger commercial fishing operations, while smaller commercial fishing operations and the angling public stand to lose access to the resource.
- In 2016, legislation was introduced in Alaska (AK S 42) which would provide priority to personal use fisheries when fishing restrictions are implemented to achieve a management goal.765
- Once distributed, catch shares can sometimes be leased or sold to eligible parties including individuals, communities, fishing cooperatives, and states, which can further distribute the catch, provided shares can be traded between sectors.766
- The implementation of any new catch share program should be preceded by a thorough review of commercial and recreational sector allocations based on the current social, economic and environmental conditions relative to the stock of fish being managed.
- Following an economic review, in 2016 the Washington legislature attempted to maximize recreational sport fishing opportunities within harvest limits before determining commercial fishing opportunities (WA H 1660|767/S 5844).768
- Unlike other natural resource extraction activities on public lands or waters, commercial fishermen currently owning a catch share do not pay a resource rent or royalty for the right to harvest a public trust resource.769
- In 2017, legislation was passed in North Carolina (NC S 370)770 and South Carolina (SC H 3856)771 voicing opposition to the privatization of South Atlantic public fishery resources through catch share programs.

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Recent provisions to address catch shares through amendments to the Magnuson-Stevens Act by the recreational fishing community were included in the Modernizing Recreational Fisheries Management Acts of 2017 in both the House (H.R. 2023) and Senate (S. 1520).

**Moving Forward**
It should not be the policy of the federal government to “give away” access and public resources for commercial profit. States should urge NOAA to consider a thorough analysis of the impacts on all the sectors in the fishery, especially the impacts on recreational fishing, prior to the initiation of a catch share system. Furthermore, any new catch share programs should include a fee or rent paid to the American public for the commercial fishermen’s exclusive right to profit from a public resource. Finally, in a mixed-use (commercial and recreational) fishery, the Regional Fishery Management Councils should be required to examine the existing allocation, and periodically thereafter, to determine if it is consistent with the best use of the resources for the nation as a whole.

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772 Modernizing Recreational Fisheries Management Act of 2017, accessed October 14, 2018, 
https://www.congress.gov/bill/115th-congress/house-bill/2023?q=%7B%22search%22%3A%5B%22H.R.+2023%22%5D%7D&r=1
773 Ibid
Introduction
Since its original passage in 1976, the Magnuson-Stevens Fishery Conservation and Management Act (MSA) has made progress in ending overfishing, rebuilding depleted fish stocks, protecting essential fish habitat and a variety of other improvements to the nation’s marine resources. However, until recently, it remained primarily a model for commercial fisheries management and failed to adequately address the significant socioeconomic, cultural and conservation values of recreational fishing. The recreational fishing community should be treated with equal priority because the impact is the same, or greater in certain areas, than the commercial industry in terms of number of jobs provided and total economic benefits. On top of that, recreational anglers account for only a fraction (approximately 2%) of the nation’s total finfish landings according to a Southwick Associates’ study commissioned by the American Sportfishing Association. Furthermore, the study found that the recreational sector added $152.24 in value-added, or GDP, for one pound of fish landed, compared to the commercial sector’s $1.57 for a single pound of fish.

Fortunately, the Modernizing Recreational Fisheries Management Act (S. 1520), also known as the Modern Fish Act (MFA), was passed at the end of the 115th Congress and signed into law by President Trump on December 31, 2018. Public Law No. 115-405 takes a significant first step in recognizing the significant of recreational fisheries while offering opportunities to improve current federal fisheries management for recreational anglers. These changes to MSA include:

- Providing authority and direction to NOAA Fisheries to apply additional management tools more appropriate for recreational fishing (e.g., extraction rates, fishing mortality targets, harvest control rules, or traditional or cultural practices of native communities);
- Improving recreational harvest data collection by requiring federal managers to explore other data sources that have the potential to improve the accuracy and timeliness of harvest estimates, such as state-driven programs and electronic reporting (e.g., through smartphone apps);
- Requiring the Comptroller General of the United States to conduct a study on the process of mixed-use fishery allocation review by the South Atlantic and Gulf of Mexico Regional Fishery Management Councils and report findings to Congress within one year of enactment of MFA;
- Requiring the National Academies of Sciences to complete a study and provide recommendations within two years of the enactment of the MFA on limited access privilege programs (catch shares). This will include an assessment of the social, economic, and ecological effects of the program. It will also consider each sector of a mixed-use fishery and related businesses, coastal communities, and the environment and include an assessment of any impacts to stakeholders in a mixed-use fishery caused by a limited access privilege program. This study excludes the Pacific and North Pacific Regional Fishery Management Councils.

However, not all the changes sought in order to fully benefit recreational anglers were included in the final version of MFA signed by the President. As a full MSA reauthorization process begins again in the 116th Congress, the recreational fishing community will look to incorporate other amendments to the federal law that continue to improve recreational fisheries management.

Points of Interest
In order to ensure science-based management, conservation of our marine fisheries resources and appropriate and equitable benefits for recreational anglers, the following additional adjustments need to be included with the next MSA reauthorization:

- Allocations – In many mixed-sector fisheries, allocations between commercial and recreational fisheries are often decades old and do not reflect current social, economic or environmental conditions. The recently-passed MFA requires the GAO to complete a study on how fisheries are allocated and will provide guidelines on how to go about reallocating fisheries resources. However, there needs to be a hard timeline for periodic review of important

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776 Modernizing Recreational Fisheries Management Act – Public Law No. 115-405, January 31, 2018 https://www.congress.gov/bill/115th-congress/senate-bill/1520/text?q=%7B%22search%22%3A%5B%22S.+1520%22%5D%7D&r=1&s=2.
mixed-use fisheries. Otherwise, the Councils will likely avoid addressing reallocation needs due to their highly contentious nature.

- Exempted Fishing Permits (EFP’s) – Exempted fishing permits allow the NOAA Fisheries Regional Administrator and the Secretary of Commerce to temporarily exempt fishing practices from the requirements of MSA in order to improve the science of marine fisheries management. However, there is currently no oversight of the process. The Councils can only make a recommendation as to whether or not an EFP should be approved. While there have been good EFP’s that met their intended purpose of providing better fisheries management alternatives, there have been some that were approved unilaterally by NOAA and without support from the Council, the states or the fishing community. The next reauthorization of MSA should provide an avenue for better oversight and input on the EFP approval process.

- Multi-year Catch Limits – Annual Catch Limits (ACL’s) require seasons to close when a quota, in either hard pounds (most common) or number of fish, is reach or predicted to be reached. This system works well for commercial fisheries with fewer participants, limited ports where they can land their fish and the ability to count every fish to the pound. However, it is impossible to count recreational fish in real time along the Atlantic and Gulf Coasts. By setting multiyear catch limits (up to 3 years), a limit on the average catch over the course of the three years would better account for annual variability in the stock size, weather, fishing effort, etc. that affect catch rates (both high and low) but that can’t be predicted prior to each fishing season.

- Limited Access Privilege Programs (LAPP’s) – LAPPs, or catch shares, are intended to reduce capacity and participation in a fishery. While this model has applicability in purely commercial fisheries, it has created significant user conflicts in fisheries pursued by both recreational and commercial fishermen. The recently-passed MFA requires a study of catch shares by the National Academy of Sciences. There will likely be a need for further amendments to MSA when this study is complete to ensure any future catch shares are implemented appropriately.

- Section 407(d) of MSA – Section 407(d) requires that the Gulf of Mexico Fishery Management Council close the commercial and recreational seasons when their respective quotas have been reached. The measure was originally implemented when Gulf red snapper were overfished and undergoing overfishing. Today, the stock is neither and continues to rapidly rebuild, despite several years of estimated overfishing in the recreational sector. As the new state management plans become fully implemented, this provision will require all state red snapper seasons to be closed if the Gulf-wide quota is reached, regardless if a particular state still has available quota. This provision should be struck in order to prevent any one or more states from being disadvantaged should another state or states grossly exceed their agreed upon quota.

Moving Forward
As commercial and recreational fisheries are fundamentally different activities with dissimilar harvest data collection systems, federal fisheries managers must recognize that each require different management approaches. Now that MSA includes a provision which allows for alternative management approaches for recreational fisheries, NOAA Fisheries, the Councils and the recreational fishing community should work towards implementing alternative management pilot projects in appropriate recreational fisheries. Furthermore, as a full reauthorization of MSA begins again in 2019, the recreational fishing community should work with Congress to address the additional needs of recreational anglers listed above, as well as look for other opportunities to improve federal fisheries management on behalf of America’s anglers.

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Marine Protected Areas (MPAs)

Introduction
A Marine Protected Area (MPA) is a term that encompasses a variety of conservation and management methods in the United States. The official federal definition of an MPA is: “any area of the marine environment that has been reserved by federal, state, tribal, territorial, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein” (E.O.13158, May 2000). In the U.S., there are over 1,600 MPAs that span a range of habitats including the open ocean, coastal areas, inter-tidal zones, estuaries, and parts of the Great Lakes.

There are many different types of MPAs, with the marine reserve, which prohibits all extractive activities and both recreational and commercial harvest of fisheries resources, being the most restrictive. The recent trend is to use MPAs to create permanent fishing closures in vast areas of both coastal and offshore waters. These restrictive marine reserves are often proposed by nongovernmental organizations as a fisheries management tool with little or no scientific justification and without regard to the effect on recreational fishing. When private funding agendas can influence permanent angler access closures and policy – such as the California Marine Life Protection Act – professional natural resource managers and scientific research are no longer essential. In 2008 a proposal known as “Islands in the Stream” called for a chain of symbolic MPAs with marine reserves from Texas to Florida without any sufficient scientific justification and no advanced consideration was given to the potential negative economic impacts to the Gulf region’s recreational fishing jobs and businesses. Through the efforts of the sport fishing community, the proposal died, but similar unscientific proposals for the Gulf Coast and beyond have surfaced since.

Recently, NOAA’s Office of National Marine Sanctuaries reinstated a sanctuary nomination process that had been suspended for 20 years. With enough local support, anyone can now nominate an area of marine or Great Lake’s waters to be designated as a “sanctuary”, regardless of a science-based need. While sanctuaries and other forms of marine protected areas, including marine reserves, can be useful tools in conserving aquatic resources, they must be thoroughly vetted with the state natural resource agencies and the area’s stakeholders based on sound science and clearly identifiable and measurable goals. Prohibition on recreational fishing should be a last resort, only implemented if biologically justified and for as short a duration as practicable to meet specific management goals.

Points of Interest
- Depressed fish stocks can be rebuilt through relying on recreational anglers as stewards of the resource.
- Marine protected areas should be designated only as necessary when justified by scientifically-based methods via a transparent and open process. MPAs should be monitored and revised as necessary to ensure effectiveness and include the ability to reopen areas that have been closed to recreational angling once management goals are achieved.
- The science used for determining MPA locations should be site specific, as in many areas it is possible to accomplish the same goals with less area being affected. Should the designation of an MPA that includes a marine reserve be deemed necessary, planners should strive to determine the smallest possible area that would be effective in achieving the goals of the MPA to designate as no-take, while leaving the majority of the MPA open for multiple use, including recreational angling.
- Designating vast swaths of marine environment as strictly “no-take” fails to acknowledge the socio-economic impacts on local, regional and national jobs and related businesses, and the cultural heritage of angling and tribal traditions. Stakeholder involvement, that includes the recreational fishing community and state natural resource agencies, among others, is a critical component to compliance. Without compliance, the MPA designation is self-defeating and will fail to accomplish the intended goals.

Moving Forward

Recreational use of our public waters is not only compatible with, but is essential to, sound conservation and natural resource stewardship. Because of the numerous environmental and public benefits, recreational fishing should be held as a national priority in our nation’s waters and should not be unnecessarily excluded in areas of the ocean through the establishment of overly restrictive forms of MPAs. If states are considering MPAs, sportsman-legislators should ensure that there are minimal “no-take” areas, these areas are periodically assessed for effectiveness and that opportunities are afforded to recreational anglers to the maximum practical extent.

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Gulf of Mexico Red Snapper Management

Background
The red snapper fishery in the Gulf of Mexico is managed by the Gulf of Mexico Fishery Management Council (Gulf Council) and the National Oceanic and Atmospheric Administration (NOAA) under the Magnuson-Stevens Act (MSA). Once considered “overfished” from the late 1970s through the early 2000s, the red snapper population has turned the corner and is rapidly rebuilding in the Gulf, thanks in large part to the reduction in juvenile red snapper mortality as a result of changes in the shrimp fishery. Ironically, what was once a 180-day recreational season in federal waters (2007) was initially reduced to just 3 days in 2017 because of the fishery being rebuilt and an inadequate management system for recreational anglers.

The 2007 reauthorization of MSA included language (Section 407) that created a catch share in the form of an Individual Fishing Quota (IFQ) for the commercial sector. The red snapper IFQ program gifted individual commercial fishermen, without having to pay a resource rent or lease for the rights, a share of the red snapper fishery proportional to their documented historic catch. While there were numerous small IFQ shareholders in the beginning of the program, many have since been bought out and the shares consolidated into fewer and fewer hands. Today, there are over 380 shareholder accounts, but only about 55 commercial fishermen (called “Sea Lords” by some) own more than 75% of the commercial red snapper allocation. This consolidation of wealth has led to considerable influence on the Gulf Council process to maintain the program’s status quo and the now firmly entrenched IFQ management model.

Section 407 also included a provision that required the National Marine Fisheries Service (NMFS) to implement in-season closures of a sector (commercial or recreational) when their quota is predicted to be reached. Unfortunately, NMFS does not have the ability to get accurate, timely estimates of recreational angler harvest for in-season closures, so season lengths must be set with conservative buffers. As the red snapper population grows both in size and abundance, the recreational sector is allowed fewer and fewer days to fish each year because the increased size and availability of red snapper results in anglers reaching their predicted hard-poundage quota more quickly. While relatively few commercial fishermen are given exclusive rights to nearly half the red snapper fishery, the 3 million recreational anglers in the Gulf are managed with conservative buffers and extremely short seasons. This disparity in management approaches has been a catalyst for contention between commercial fishermen and recreational anglers and continues to foster distrust in NMFS by the recreational community.

Unfortunately, the only “solution” for recreational anglers recently offered by the Gulf Council was to split the recreational sector roughly in half in a scheme known as sector separation. While this approach benefitted 1,200 charter/for-hire captains by giving them 49 days to snapper fish in 2017, it further penalized the millions of private recreational anglers by only allowing for a 3-day season the same year, the shortest Gulf season ever for those anglers. After the closure of the 2017 3-day season, the U.S. Department of Commerce reached a deal with the five Gulf states to allow for a 39 day recreational season extension open on weekends to both state and federal waters. This was contingent upon the states closing seasons in their waters on weekdays during that same period. While the deal provided much-needed short term relief for anglers, forfeiting state access for federal access was not a viable long-term solution to federal fisheries management. Even more disconcerting are the efforts underway within the Council to establish a similar commercial IFQ system in the charter/for-hire sector, which would result in roughly 70% of the total red snapper available for harvest each year being privately owned.

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Fortunately, a pilot program was implemented in 2018 through exempted fishing permits (EFP’s) that allowed for individual states to manage their allocated private recreational quota. Federal water season lengths were as short as a 24-day, weekend-only season in Alabama to as long as 82 days in Texas, but overall the pilot program was deemed successful by both the states and recreational anglers. 2019 will be the second and final year of the EFP’s, at which point the Gulf Council must amend the Reef Fish Management Plan to allow for the continuation of this state-based management model for recreational anglers.

**Points of Interest**

- States have consistently demonstrated they can more accurately estimate both angler harvest and population abundance through their fishery-independent data (what the population looks like in the ocean), as well as fishery-dependent data (what anglers/fishermen are catching), thereby reducing the need for overly conservative buffers.
- Unfortunately, the primary model for marine fisheries management in federal waters (using hard-pound quotas and IFQ’s) was developed around commercial fisheries, which is not an effective or appropriate model for many recreational fisheries.
- Where federal management has utterly failed for one or more sectors of a fishery, state management should be supported as a solution - either through direct state-based management authority, or by the incorporation of state fisheries management approaches in federal management models.

**Moving Forward**

Red snapper in the Gulf of Mexico is a prime example of how a management scheme designed for one sector (commercial) ultimately penalizes the other (recreational). Given the current direction of the Gulf Council and its inability and/or unwillingness to genuinely address the problems with the private recreational component, while simultaneously working to expand catch shares in the charter/for-hire sector, if the Reef Fish Management Plan cannot be amended to permanently allow for the state management approach in the 2018-2019 EFP’s, a long-term solution likely will only be found through Congressional action.

- Magnuson-Stevens Reauthorization
  - The recent passage of the Modern Fish Act amended the Magnuson-Stevens Act to allow the Councils and NMFS to use more appropriate management models, such as a rate of harvest, instead of the commercial hard-poundage quota system currently in place in the Gulf. However, the recreational fishing community will need to work with NMFS and the Councils to ensure the provision is implemented where appropriate.
  - Also, as a result of the Modern Fish Act, the Comptroller General will conduct a review of fishery allocation procedures in mixed-use fisheries, providing guidance on what information should be incorporated in allocation decisions. Further modifications to MSA may be necessary following the conclusion of this study.
  - Other provisions of the Modern Fish Act that will benefit red snapper management in the Gulf include the requirement to incorporate more non-federal data in stock assessments and a National Academy of Sciences review of both Limited Access Privilege Programs (catch shares) and using the Marine Recreational Information Program for in-season management.

- Regional Management Through the Gulf Council – Currently before the Gulf Council is Amendment 50\(^{788}\), which is made up of a series of individual state amendments to the Reef Fish Management Plan that would allow each of the five Gulf states to manage their state allocation of the private recreational component, and possibly the charter/for-hire component, of the Gulf-wide red snapper quota. As in the previous, failed amendment 39 that sought to do something similar, there is some disagreement among the states as to the percentage of the recreational quota each state should receive. There is also disagreement as to whether the charter/for-hire component should be included in state management. The Council must make a decision on Amendment 50 and the individual state components early in 2019 in order for state management of the recreational sector to continue into 2020, after the expiration of the EFP’s.

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