

Testimony of  
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**President**  
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Before the  
**Subcommittee on Federal Lands**  
**Committee on Natural Resources**  
**United States House of Representatives**

Regarding  
**H.R. 3668 *"Sportsmen's Heritage and Recreational Enhancement Act" or "SHARE Act"***

**September 12, 2017**

Good morning Chairman McClintock, Ranking Member Hanabusa, and members of the Subcommittee. My name is Jeff Crane, and for the past 12 years I have served as the President of the Congressional Sportsmen's Foundation (CSF). Established in 1989, CSF works with the bipartisan Congressional Sportsmen's Caucus (CSC), the largest, most active caucus on Capitol Hill. With nearly 300 Members of Congress from both the House and Senate, current House CSC Co-Chairs are Congressmen Jeff Duncan (R-SC) and Gene Green (D-TX), and Vice-Chairs are Congressmen Austin Scott (R-GA) and Marc Veasey (D-TX).

Thirteen years ago, CSF extended the legislative network from Washington, DC to states across the country, establishing the bipartisan National Assembly of Sportsmen's Caucuses, which today is made up of 48 state legislative caucuses, and includes over 2,000 legislators. Eight years ago, CSF established a bipartisan Governors Sportsmen's Caucus, which today includes 34 Governors and one Lieutenant Governor. Together, this collective force of bipartisan elected officials work to protect and advance hunting, angling, recreational shooting and trapping for the nearly 40 million sportsmen and women who spend \$90 billion annually on our outdoor pursuits.

As a lifelong conservationist and outdoorsman who was taught to hunt and fish by my father and grandfather, I am passing this heritage along to my three daughters. From my early days of boy scouting, where I achieved the rank of Eagle Scout, to leading safaris in Southern Africa as a professional hunting guide, my love of nature and respect for the great outdoors defines who I am as a person. When I had the opportunity to join CSF in 2002, and thereby combine this passion with my professional background in the policy arena, I knew I found my life's calling.

In my professional life in the conservation policy arena, I am the longest serving person in history to sit on both the sport fishing and hunting federal advisory committees (FACs): the Sport Fishing and Boating Partnership Council and the Wildlife and Hunting Heritage Conservation Council, respectively. Originally appointed to these FACs councils during the Bush Administration, I was subsequently reappointed to each during the Obama Administration. I am a past Chairman of the American Wildlife Conservation Partners, a board member of the Council to Advance Hunting and the Shooting Sports, a panelist on the Blue Ribbon Panel on Sustaining America's Diverse Fish & Wildlife Resources, am involved in numerous national hunting and fishing conservation groups, and am a professional member of the Boone and Crockett Club, the oldest conservation organization in America, founded by Theodore Roosevelt in 1887.

Taking a moment to put things into historical perspective, the idea of conservation in America began with members of the sportsmen's community, who introduced game laws and programs to protect natural resources - leading to the creation of state and federal fish and wildlife agencies. Nearly 80 years ago, the hunting community led the charge for the passage of the Federal Aid in Wildlife Restoration Act (Pittman-Robertson Act) which redirected excise taxes on firearms and ammunition to a dedicated fund to be used specifically for conservation purposes. Further, revenue from sportsmen's licenses was also permanently linked to conservation, laying the foundation for what is now the unique American System of Conservation Funding, a "user pays - public benefits" program that is the financial backbone of the most successful conservation model in the world. Through time, this System has expanded and now includes the fishing and boating communities -

with the passage of the Federal Aid in Sportfish Restoration Act (also known as the Dingell-Johnson Act, and the subsequent Wallop-Breaux Amendment) as well as the archery community. The funds collected through these programs, totaling over \$16 billion, plus hundreds of millions of dollars annually in license and permit fees, are the lifeblood of state fish and wildlife agencies – the primary managers of our nation’s fish and wildlife resources. These critical conservation dollars fund a variety of efforts including: enhanced fish and wildlife habitat and populations, recreational access to public and private lands, hunter safety training, shooting ranges, boat access facilities, wetlands protection and its associated water filtration and flood retention functions, and improved soil and water conservation - all which benefit the American public.

Conservation is critically important to hunters, anglers, boaters, and shooters alike. The term ‘conservation’ as understood by the sportsmen’s community, can be traced back to Gifford Pinchot, first Chief of the U.S. Forest Service. Pinchot defined conservation as the “wise use of the Earth and its resources for the lasting good of man.” The idea of “the lasting good,” is that with the use of a resource comes the responsibility of careful resource management. America’s sportsmen and women are the original conservationists, who exemplify the laudable definition of conservation advanced by Pinchot, and remain dedicated to the stewardship of our natural resources.

The concept of a bipartisan Congressional caucus pushing a bipartisan sportsmen’s bill is in itself indicative of the fact that conservation activities including hunting, recreational fishing and shooting, and our other outdoor traditions are not defined by nor constrained to any partisan label. We are sportsmen and women because we love and care for America’s great outdoors, regardless of political affiliation, race, religion, gender, or socio-economic standing. In a city all too often characterized by partisan rancor, similar sportsmen’s packages were passed in the House with bipartisan support in the 112<sup>th</sup>, 113<sup>th</sup> and 114<sup>th</sup> Congresses. A Senate sportsmen’s package, with numerous similar provisions to the legislation under consideration today, passed out of the Senate Environment and Natural Resources (ENR) Committee by a voice vote on March 30<sup>th</sup>. The provisions contained within the Senate ENR sportsmen’s package have also been included in a more comprehensive energy bill. An additional Senate Sportsmen’s package, known as the “HELP for Wildlife Act”, also contains a number of provisions contained within this legislation. On July 26<sup>th</sup>, the Senate Environment and Public Works (EPW) Committee passed the “HELP for Wildlife Act” out of committee with a strong bipartisan vote. Last Congress, the Senate approved a natural resources amendment to the energy bill containing a robust sportsmen’s package on a vote of 97-0.

The Obama Administration in its Statement of Administration Policy regarding a previous House sportsmen’s act (H.R. 3590), dated February 3, 2014, was also in favor of three of the provisions contained in this discussion draft. “The Administration supports [Title II – also Title II of this bill], which amends funding requirements under current law for target range construction and maintenance, thus reducing the financial burden on State and local governments for public target ranges. The Administration also supports [Title IV – Title XII of this bill], which allows the importation of certain polar bear trophies taken in sport hunts in Canada. . . . . The Administration has no objection to [Title I – also Title I of this bill], which excludes certain sport fishing equipment from the classification of toxic substances.”

After six years and with all of this bipartisan support, it is time to pass the Sportsmen’s Heritage and Recreational Enhancement Act (SHARE Act), work with the Senate on a final, bicameral

sportsmen's package that will pass in the 115<sup>th</sup> Congress and get it to the President's desk for signature.

The overarching purpose behind the SHARE Act is quite simply to ensure access and opportunity for hunters, shooters and anglers. According to polling, the number one reason that we lose hunters and anglers is 'not enough access to quality places to hunt or fish.' With an ever increasing population and urban/suburban sprawl, it is imperative that access and opportunity are protected and even enhanced for future generations. In an effort to get our younger generations off the couch and out from behind the computer, recreational access to our national treasures of public lands and waters is imperative. Where this access does currently exist, let's guarantee it and provide certainty that it will always be there. Where it does not, let's ask why, and if reasonable and feasible, let's look at solutions to make it more accessible. After all, these are public assets owned by the American people that were established for multiple use, including low impact recreational uses like hunting and fishing.

It is also worth noting that unlike some other outdoor recreational activities, hunting and shooting, in particular, are under constant siege by well-funded, politically and legally active, extremists groups that are intent on using whatever means to put an end to the traditions we cherish. Through the use of frivolous lawsuits and judicial action, the anti-use and animal rights extremists are using the courts instead of relying on science-based wildlife management to achieve their intolerant anti-hunting/fishing agenda. Legal challenges to the application of the statutory and administrative policies that guide federal land management and conservation are effectively tying the hands of the public land managers and state wildlife officials, which in turn, degrade habitat quality and deny access and opportunity.

The provisions in this legislation attempt to address many of these issues and should provide certainty that our sportsmen's heritage will be protected into the future. CSF supports the SHARE Act and would like to draw particular attention to the following provisions:

### **Title I –Fishing Protection Act**

Section 102 of Title I would amend the Toxic Substance Control Act (TSCA) to clarify that an existing exemption from TSCA regulation for sport fishing equipment as defined in the IRS Code, would be made permanent. Congress has already approved permanent protections to traditional ammunition, so this title would create a similar exemption for articles of fishing tackle subject to Sport Fish Restoration excise taxes that fund aquatic conservation.

Anti-hunting and fishing interests have petitioned the Environmental Protection Agency (EPA) to force the EPA to expand its TSCA authority in order to regulate traditional ammunition and recreational fishing tackle. These organizations assert that this is necessary to address significant impacts to wildlife populations that are resulting nationwide from the use of traditional tackle and ammunition. These exaggerations are little more than misleading scare tactics with no credible supporting science. Our natural resource professionals already have the necessary tools to address and mitigate any localized issues that might arise without the unwarranted involvement of the EPA and TSCA.

Moreover, EPA's exercise of TSCA authority over recreational fishing tackle would likely result in massive increases in the price of tackle for sportsmen due to the exponentially higher raw materials and manufacturing costs of using alternative metals. Not only would this result in a reduction in the number of anglers, it would also have untold detrimental impacts on countless manufacturing facilities resulting in the loss of thousands of jobs.

In addition, organizations involved in anti-hunting and fishing campaigns fail to acknowledge that the detrimental economic impacts to the fishing tackle industry would also result in considerable reductions to the excise taxes the sport fishing manufacturers pay on their products as a means of funding habitat conservation and boating safety throughout the country. In fact, much of our country's fish and wildlife habitat exist solely as the result of these contributions.

Section 103 of Title I precludes the Secretaries of Interior and Agriculture from regulating fishing tackle or ammunition based on lead content. Currently, there are no federal standards for lead content in ammunition and fishing tackle used on public land other than those specifically exempted from the purview of the legislation being considered today. The motivation for including this section of the SHARE Act is rooted in poorly conceived regulatory efforts to ban the use of traditional ammunition and fishing tackle on federal lands without first consulting a full host of affected stakeholders including state fish and wildlife managers that share the responsibility of managing public trust resources with their federal agency counterparts.

On March 4, 2009, Acting National Park Service Director Daniel Wenk sent a memorandum to all NPS Regional Directors and other Park Service leadership expressing his intention to draft special regulations prohibiting the use of lead ammunition and fishing tackle in Park Service units where hunting or fishing is authorized.

Many in the sportsmen's community viewed this directive as unnecessary, citing concerns related to the cost of lead alternatives and lack of evidence that lead was harming wildlife populations in NPS units when the directive was issued. Additionally, hunters took issue with the fact that the Park Service failed to solicit feedback from sportsmen's groups or state wildlife managers prior to issuing the directive.

On March 18, 2009, the National Park Service issued a statement clarifying the intent of the previous March 4 memorandum. The clarifying document retracted previous statements (i.e. "Draft Special Regulation language as necessary, prohibiting the use of lead in hunting and fishing activities for those parks that authorize such activities"), indicating that nothing had changed for the public. However, the clarifying statement also left the door open for future system-wide bans, specifying that NPS "will look at the potential for transitioning to non-lead ammunition and non-lead fishing tackle for recreational use...".

In the months following the NPS announcement and subsequent withdrawal of the failed policy, the Association of Fish and Wildlife Agencies (AFWA), the organization representing state fish and wildlife management agencies, adopted a resolution which states, "Future regulation of lead ammunition and lead fishing tackle is best addressed by the individual states, rather than federal agencies."

Further exemplifying this trend of poorly executed, unilateral efforts to ban commonly used ammunition and fishing tackle without consulting a full host of stakeholders, on January 19, 2017

former U.S. Fish and Wildlife Service (FWS) Director Dan Ashe signed Director's order 219, on the eleventh hour of his last day as Director. The order directed FWS to move forward with across-the-board bans the use of lead ammunition and tackle on FWS lands, waters, and facilities by January 2022. On March 2, 2017 Secretary of Interior Ryan Zinke overturned this ban by signing Secretarial Order 3346.

As a consequence of these failed proposals to ban outdoor products on millions of acres of federal land, many in the sportsmen's community remain skeptical that federal agencies have the willingness to address lead deposition issues on an individualized basis in the localized areas where they may actually exist. The SHARE Act addresses these concerns by requiring federal agencies to work in partnership with state natural resource agencies to address any proven impacts of lead ammunition and fishing tackle through an open and transparent process that involves all affected stakeholders.

## **Title II - Target Practice and Marksmanship Training Support Act**

Title II would allow states to use the excise taxes already collected on sporting equipment and ammunition to develop and maintain much-needed public shooting ranges while also resulting in increased wildlife conservation funding. Hunters, recreational shooters and firearms, archery, and ammunition manufacturers are the largest financial supporters of wildlife conservation throughout the United States having contributed more than \$7 billion to habitat conservation and wildlife management through Pittman-Robertson excise tax payments since the program's inception. A significant portion of this amount is directly attributable to recreational shooters who, per-capita, spend even more than hunters on firearms and ammunition subject to these important excise taxes.

Despite the unqualified success of this historic "user pays – public benefits" system, Pittman-Robertson funds have not always been administered in a manner that encourages the creation of recreational shooting opportunities. As a result, opportunities for both recreational and competitive shooting have declined significantly in recent years. Title II would help address this loss of access and opportunity by providing states with more flexibility in their use of Pittman-Robertson funds to develop and improve public shooting ranges.

Specifically, it would amend an existing requirement that Pittman-Robertson funding used for shooting ranges be obligated within two years by allowing the funds to accrue over five years. This extension would allow individual projects to be funded over multiple budget cycles and significantly enhance the ability of states to build and maintain shooting ranges. In addition, the legislation would limit the unnecessary exposure to liability that land management agencies may face when providing recreational shooting opportunities on public lands.

Finally, Title II would reduce existing local and state Pittman-Robertson matching requirements for shooting ranges from 25% to 10%. Pittman-Robertson funds are allocated to states on a formula basis. Therefore, while this change would provide additional flexibility and capability to states, the reimbursement rate would not result in increased federal spending.

## **Title IV– Recreational Fishing and Hunting Heritage Opportunities Act**

Title IV would ensure that Bureau of Land Management (BLM) and Forest Service (FS) lands are “open to fishing, hunting and shooting until closed” by specific agency action. Specifically Title IV: (1) clarifies and gives permanency to existing practices; (2) forestalls unnecessary litigation challenges to these traditional activities by anti-hunting and fishing interests; (3) creates greater administrative efficiency and reduces agency expense; and (4) follows a successful 35 year model governing lands in Alaska.

When discretionary agency action is necessary to continue fishing and hunting, each such action is also subject to judicial challenge per the Administrative Procedure Act (APA). By prescribing that public lands are open as a matter of law, no discretionary agency action is necessary to continue these activities.

Fortunately, for now, the vast bulk of BLM and FS lands are open to hunting and recreational fishing and shooting. However, the status quo is beginning to change in the face of pressure from anti-fishing/hunting interests. This trend reared its head in the Huron-Manistee National Forest in Michigan when the U.S. Court of Appeals for the Sixth Circuit ruled that the Forest Service could not simply keep the Forest land open to hunting (as had occurred from the creation of the Forest Service unit), but had to consider closing it to protect the aesthetic sensibilities of non-hunters from hearing occasional gunshots. Part of the problem was that nothing in the Forest statutes prescribed the continuation of hunting. The sporting community expects many more comparable lawsuits unless Congress acts to forestall such litigation.

Administrative appeals using the FS appeals process or the Interior Board of Land Appeals for BLM action are also likely to increase if existing law remains unchanged. Not only does each such appeal put fishing and hunting at risk but the costs to the agencies will continue to mount. Absent Congressional prescription that fishing and hunting are allowed, substantial resources and time will be committed to administrative procedures to maintain the status quo (i.e.; continued fishing and hunting on BLM and FS lands).

In 1980 Congress enacted the Alaska National Interest Lands Conservation Act (ANILCA). ANILCA mandated that certain parks, national preserves, monuments, refuges, and wilderness areas be open to fishing and hunting subject to administrative closures/restrictions adopted by the National Parks Service (NPS) or the US Fish and Wildlife Service (FWS). This approach has worked well for over three decades, creating a valuable model for minimizing agency costs, and protecting fishing and hunting on other public lands. All of these ANILCA lands are statutorily open to access by airplane, motorboat and snow machine until closed or restricted by subsequent specific agency action. This simple statutory model, which can be replicated nationally, has worked well for 35 years generating only a single lawsuit in all that time.

Enshrining "open unless closed" in statute protects hunting, fishing and shooting from a potential change in agency policy in the future and shields these land systems from anti-hunting and fishing interests who may set their sights on them. Title IV also provides for the use of qualified volunteers from the sportsmen community to cull excess animals on BLM, USFS, FWS, and NPS lands.

It is time for Congress to provide these assurances to the public lands administered by the BLM and FS.

## **Title VI – Transporting Bows Across National Park Service Lands**

Title VI is important to sportsmen and women because it would allow archery hunters to traverse National Park Service lands in order to access adjacent public or private lands that are open to hunting. In addition, Title VI provides the National Park Service with the authority to designate “hunter access corridors” within parks where hunting is not allowed at the agency’s discretion. While these corridors already exist within our national parks, the SHARE Act provides explicit authority to use this management tool for the benefit of all park visitors, hunters and non-hunters alike.

On May 20, 2009, Congress passed the Credit CARD Act of 2009. Included in the bill was an amendment introduced by Senator Tom Coburn (R – OK) that repealed previous prohibitions on carrying firearms on National Park Service lands and precludes the Secretary of Interior from enforcing or promulgating any regulation that “prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System . . .”

As a result of the law taking effect on February 22, 2010, hunters who historically had a difficult time reaching huntable public and private lands adjacent to National Park Service units (most of which are closed to hunting unless specified otherwise by Congress) could now cross National Park Service lands to access areas such as those managed by the BLM and U.S. Forest Service when hunting with a firearm. Unfortunately, because the Coburn amendment was explicit in exempting “firearm” possession from regulation, archery hunters were not afforded the same expanded access opportunities since the NPS prohibition on other weapons including bows, swords and BB guns remains in effect.

Since the Credit CARD Act was signed into law, various sportsmen’s advocates and archery groups have expressed an interest in leveling the playing field with firearm hunters by modifying federal law to afford similar access allowances for bow hunters. Title VI of the SHARE Act and an amendment to the Energy Policy Modernization Act introduced by Senator Michael Bennet (D – CO) in 2016 are examples of efforts to address these concerns.

The hunter access corridor provisions included in Title VI represent an additional management tool that allows NPS to work with other state and federal agencies to achieve wildlife management objectives without undermining existing laws that govern use of National Parks. One example of this successful dynamic and the appropriate use of this tool can be found at Rocky Mountain National Park. According to Rocky Mountain National Park officials:

“The Arapaho and Roosevelt National Forests adjoin much of the park boundary. Over sixty percent (60%) of the park boundary is contiguous with lands administered by the U.S. Forest Service. While hunting is prohibited within RMNP, it is allowed in the adjoining national forests. During the combined deer and elk hunting season, which lasts for approximately one month each year, RMNP provides several Hunter Access Corridors to allow hunters to gain access to the adjacent national forests. Wildlife that has been legally taken outside the park in accordance with Colorado hunting laws and regulations, and properly tagged and identified, may be transported through the park along identified Hunter

Access Corridors. Approximately 260 hunters register at the Grand Lake entrance station each year.

Because hunting is prohibited within the national park, and because deer and elk have very few natural predators, hunting is the most effective means of managing deer and elk populations. Except within the national park, responsibility for game management within the state of Colorado rests with the Colorado Division of Wildlife. The National Park Service supports hunting on adjacent lands by providing Hunter Access Corridors within RMNP.”

While the sportsmen and women, NPS officials, and state fish and wildlife managers that developed this tool agree that it has been successful, we have anecdotal evidence that suggests other NPS superintendents are hesitant to try this approach in their respective jurisdictions because hunter access corridors are not specifically authorized in statute. The SHARE Act aims to provide this certainty.

Finally, it should be noted that, as currently written, the SHARE Act’s hunter access corridor language is permissive, not prescriptive. In other words, nothing in the bill *requires* NPS to establish hunter access corridors but rather *allows* the agency to create them if and when they are consistent with positive visitor experiences, the goals of sportsmen and women and the objectives of wildlife managers at both the state and federal levels.

## **Title XII – Polar Bear Conservation and Fairness Act**

This section is about allowing a small number of hunters to import their legally harvested polar bears from Canada. Each of the hunters harvested their polar bear before the U.S. Fish and Wildlife Service (FWS) prohibited the importation of polar bear parts into the United States on May 15, 2008. Canada is home to over 60% of the world’s polar bears, which worldwide the number is around 26,000. Based on scientifically-established and sustainable quotas, unrelated to international trade, only about 600 bears are harvested annually in Canada. Canada has extensive monitoring and conservation programs that protect the species, including through sustainable use by Inuit communities. Canada’s First Nations coexist with polar bears, harvest the bears for subsistence purposes, and value the bear’s conservation even more because of limited sport hunting by non-Inuits that brings much needed cash to the remote communities. This sustainable use has given them intimate knowledge of polar bear population dynamics and ecological needs. According to the scientific opinion, confirmed by local members of the communities, the polar bear has enjoyed a significant increase in its overall population over the past 40 years, not a decline as portrayed by some.

The key points in support of Title XII are:

- Polar bears harvested in Canada are harvested under a legal and scientific framework established by governments in Canada. Based on scientific knowledge, including Inuit’s traditional ecological knowledge, Canada sets sustainable quotas for polar bear harvests.
- Prior to May 15, 2008, the date the FWS listed the polar bear as threatened worldwide and imposed an import ban, US hunters could import polar bear trophies from six populations in

Canada approved by the FWS as having a sustainable and well-managed conservation and hunting program. All imports would be from these approved populations.

- By bringing much needed cash to these remote communities (U.S. hunters generally spent between \$30,000-50,000 per hunt), U.S. hunters helped encourage the local indigenous communities to support science-based polar bear management efforts in Canada.
- The U.S. sport hunters did not increase polar bear mortality from hunting. These hunters used one of the “tags” assigned to local indigenous communities based on the scientifically-determined quotas (about 15% of the total allotted tags per year are assigned to sport hunters). If the U.S. hunters did not use these tags, the local community would have used them for subsistence hunting.
- Under U.S. law, import permits provide important conservation program funding of \$1000 per permit, paid by the importer. In the 12 years prior to the 2008 import ban, the U.S. Fish and Wildlife Service collected almost \$1 million dollars under this program for polar bear research in Alaska and Russia. The permits authorized by Section 4 would add over \$40,000 to these research efforts.

This section is not about whether the United States should allow the importation of polar bears hunted in the future. Instead, the bill will move polar bear trophies out of cold storage in Canada into the homes of U.S. citizens who undertook this once-in-a-lifetime hunt. When these hunters harvested their bears, there was no certainty the FWS would list the bear and ban imports. Plus, a federal court in California forced the FWS to make the listing/ban effective immediately, as opposed to the statutorily required 30 days later. Most if not all of the hunters could have imported their bear within this 30-day time period.

In addition, passage of this bill will generate over \$40,000 for polar bear research, further supporting the extensive efforts to conserve and manage the polar bear. Multinational agencies and committed governments have long dedicated, and continue to dedicate, significant resources to manage the polar bear and to ensure its long-term sustainability. These efforts have resulted in positive impacts to the polar bear, including rebounding from possible population numbers as low as 5,000-6,000 bears (roughly estimated) 30-40 years ago to today’s population of around 26,000.

### **Title XIII – North American Wetlands Conservation Extension**

Title XIII will extend the North American Wetlands Conservation Act (NAWCA) through fiscal year 2022 at an annual authorization of \$50,000,000. Originally passed in 1989, NAWCA provides matching grants to carry out wetlands conservation projects in the United States, Canada, and Mexico. Since enactment, NAWCA has provided nearly \$4 billion in grants and matching funds to provide funding for 2,000 projects spanning over 27 million acres in all 50 states. NAWCA requires that for every federal dollar contributed to the program, a non-federal source must equally match the \$1 federal contribution. However, the program is often matched at a rate of \$3 for every \$1 of federal money, a sign that conservation groups, including sportsmen and women, are willing to have skin in the game.

Wetlands benefit wildlife and people by acting as filters to provide clean water and to recharge groundwater supplies. In addition to serving as a natural water filtration system, wetlands also lessen the severity of damage caused by floods and hurricanes by acting as a buffer zone in coastal

regions. NAWCA ensures protection of invaluable habitat for ducks, fish, mammals, alligators, and thousands of other species that call wetlands their home. NAWCA is the epitome of a successful public-private partnership that plays an instrumental role in protecting our treasured wetlands.

#### **Title XIV – Gray Wolves**

The gray wolf populations in the Rocky Mountains and the Great Lakes areas have long exceeded their recovery goals. Accordingly, the wildlife professionals at the U.S. Fish and Wildlife Service (FWS) decided to de-list both of these populations from the lists of Threatened and Endangered Species and return management authority to state wildlife agencies. These decisions by the FWS have been repeatedly overturned by the courts on procedural grounds that confuse the plain biological reality of a successful recovery with the unclear requirements of the ESA itself regarding modern scientific knowledge on population boundaries.

Recognizing that the law is outdated on this point, the Congress passed a bipartisan measure in 2011 that reinstated one of the FWS delisting decisions, returning management authority to the state wildlife agencies in Idaho and Montana. Since then, other populations have achieved recovery and therefore Title XIV simply proposes to apply to the Western Great Lakes and Wyoming wolves the same reinstatement of FWS decisions that was enacted in 2011.

These reinstatement provisions have been included in both House and Senate appropriations bills, the SHARE Act that passed the House in the 114<sup>th</sup> Congress and were also introduced in stand-alone versions in the 114<sup>th</sup> Congress. This year, the stand-alone bills have been introduced again in both chambers by bipartisan cosponsors as S. 164 and H.R. 424. Additionally, this provision has been included in the “HELP for Wildlife Act” which passed out of the Senate EPW Committee on July 26<sup>th</sup> with a strong bipartisan vote.

It is clear that all the science supports the delisting of the Western Great Lakes and Wyoming wolf populations, and returning the management to the capable hands of the state wildlife management professionals. Wolves are being successfully managed above recovery goals by the state wildlife agencies in Idaho and Montana; surely the state wildlife professionals in Wyoming and the Great Lakes’ states can do the same?

The FWS states that, “the gray wolf has rebounded from the brink of extinction to exceed population targets by as much as 300 percent. Today, there are estimated to be 5,691 gray wolves in the contiguous United States. Wolf numbers continue to be robust, stable and self-sustaining.” The recovery of the gray wolf is a success story and now their management needs to be rightfully transferred to the professionals at the state wildlife management agencies– the primary managers of our nation’s fish and wildlife resources

#### **Title XVII – Federal Lands Transaction Facilitation Act**

Title XVII will reauthorize the Federal Land Transaction Facilitation Act (FLTFA) which expired in 2011. FLTFA is a western federal lands program that facilitates the sale of strategic federal lands of marginal value by the BLM to provide funding for high-priority land conservation. This title will reauthorize the program for 10 years from the date of enactment. As currently written, the FLTFA statute authorizes federal agencies to purchase inholdings or other specified lands in Alaska,

Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

Under the expired FLTFA statute, revenue generated through the sale or exchange of BLM was used to purchase inholdings or lands adjacent to federally designated areas that contain “exceptional resources” managed by BLM, NPS, USFWS, and USFS. “Exceptional resources” is defined as a resource of “scientific, natural, historic, or recreational value that has been documented by a Federal, State, or local government authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency in order to maintain the resource for the benefit of the public”. Nothing in the SHARE Act precludes using revenue generated through FLTFA to acquire the types of properties outlined above. However, the bill’s FLTFA provisions do provide additional flexibility that allows federal agencies to make strategic acquisitions or exchanges for lands that are not adjacent to designated areas. The motivation for this change lies in the fact that many sportsmen and women rely on areas and lands that do not fit the original FLTFA acquisition criteria for hunting, angling, and recreational shooting opportunities. For example, many in the sportsmen’s community believe that agencies like the BLM should be able to use FLTFA revenue to partner with willing sellers on strategic acquisitions that provide public access to “landlocked” federal lands that are surrounded by private holdings, even if those federal lands do not fall under the management jurisdiction of a federally designated area. Plainly stated, changing these provisions and reauthorizing FLTFA will assist sportsmen and women in accessing lands that are not qualified under the program’s definitions as originally conceived.

Section 1702 of this title will require the Secretary of Interior to publish a list of all public lands identified for disposal in land uses pursuant to requirements of FLTFA which must be made available to the public on the Department of Interior website. Furthermore, Section 1702 expands the authorized uses of the Federal Land Disposal Account to purchase lands or interests therein that provide additional opportunities for hunting, recreational fishing, recreational shooting, and other recreational activities and lands that are likely to aid in the performance of deferred maintenance or the reduction of operations and maintenance or other deferred costs.

### **Summary**

In summary, this common sense legislation is good for conservation and preserves our outdoor heritage. It is also good for the American economy, especially for rural communities that surround our treasure of public lands and waters. With an ever increasing population, perhaps most importantly, it provides clarity and certainty that access to our federal lands and waters will remain available for hunting, recreational shooting and fishing, and other outdoor recreational pursuits for generations to come.

We thank the supporters of this important bill for their leadership, and pledge to work with them to get the SHARE Act passed and enacted into public law. Thank you.