

The American Society for the Prevention of Cruelty to Animals
Adirondack Wildlife Refuge and Rehabilitation Center • Alliance for the Wild Rockies
Animal Legal Defense Fund • Animal Protection League of New Jersey
Animal Welfare Institute • Animals Are Sentient Beings, Inc. • Audubon Society of Corvallis
Audubon Society of Kalamazoo • Audubon Society of New Hampshire
Blue Ridge Wildlife Center • Born Free USA • Cascades Raptor Center
Center for Biological Diversity • Center for Food Safety
Center for Public Environmental Oversight • Citizens for the Preservation of Wildlife, Inc.
Connecticut Council for Humane Education, Inc. • Conowingo Bald Eagles
Conservation Congress • Conservation Northwest • Cornell Laboratory of Ornithology
Coyote Coexistence • Earth Island Institute • Endangered Habitats League
Endangered Species Coalition • Environmental Action Committee of West Marin
Environmental Protection Information Center • Footloose Montana
Four Harbors Audubon Society • Freedom Center for Wildlife • Friends of Georgia
Friends of the Bitterroot • Friends of the Clearwater • GooseWatch NYC
Great Old Broads for Wilderness • Gulf Restoration Network • Hawk Mountain Sanctuary
Headwater • Heartwood • The Humane Society of the United States
Humane Society Legislative Fund • The Humane Society Wildlife Land Trust
Humane Society Veterinary Medical Association • In Defense of Animals
International Fund for Animal Welfare • The International Wildlife Rehabilitation Council
Jayhawk Audubon Society • Justice for Wolves • Kittitas Audubon Society
Klamath Forest Alliance • Laramie Audubon Society • League of Humane Voters, Alabama
League of Humane Voters, Florida • League of Humane Voters, Georgia
League of Humane Voters, Indiana • League of Humane Voters, Nevada
League of Humane Voters, New Jersey • League of Humane Voters, New York
League of Humane Voters, Ohio • League of Humane Voters, Pennsylvania
League of Humane Voters, Virginia • LoonWatch • Los Padres ForestWatch
Madrone Audubon Society • Maricopa Audubon Society
MOMS Advocating Sustainability • New Hampshire Audubon • North County Watch
Northcoast Environmental Center • Northeast Oregon Ecosystems • Prairie Dog Pals
Predator Defense • Preserve Our Wildlife • Rainforest Relief • Raptor Education Group, Inc.
Raptors Are The Solution • Raptor Rehabilitation of Kentucky Inc.
RESTORE: The North Woods • Rocky Mountain Wild • Save America's Forests
Save Our Sky Blue Waters • SAVE THE FROGS! • Sequoia ForestKeeper
Speak Up for Wildlife • Sky Island Alliance • South Florida Wildlands Association
Southern Utah Wilderness Alliance • Tennessee Ornithological Society
Walden's Puddle Wildlife Rehabilitation and Education Center • Western Lands Project
White Mountain Conservation League • Wild Wings Raptor Rehabilitation, Sisters, OR
WildEarth Guardians • Wilderness Watch • The Wildlands Network • Wildlife Foundation
Wildlife Rehabilitation Center of Northern Utah • WildWest Institute
Yellowstone to Uintas Connection • Zumbro Valley Audubon Society

March 17, 2015

Re: Please oppose S. 405, the so-called “Bipartisan Sportsmen’s Act of 2015”

Dear Senator:

On behalf of our more than 100 national, regional, and local organizations and our millions of members, we write to express our strong opposition to S. 405, the so-called “Bipartisan Sportsmen’s Act of 2015” and its related Senate bills (S. 556, S. 659). **We oppose this legislation because it threatens the conservation of fish, wildlife, and habitats that benefit all Americans.** While there are many adverse special interest provisions contained in this legislation, the following aspects of the bill clearly demonstrate the harm it will do and why it must be opposed.

Rollback of Public Lands Protection

S. 405 contains several alarming rollbacks of long-standing federal environmental and public land laws, including the National Environmental Policy Act (NEPA), the Wilderness Act, and the National Forest Management Act. These rollbacks would reduce or eliminate important protections for America’s public lands that have been in place for decades.

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

Underlying changes to the **Wilderness Act** embedded in S. 405 seek to overturn decades of Congressional protection for wilderness areas. For example, the bill would require lands managed by the USFS and BLM, including wilderness areas, to be managed as “open unless closed” to recreational shooting. This includes “sport, training, competition, or pastime whether formal or informal” in designated wilderness. Wilderness areas have always been closed to competitive events and commercial enterprises by statute and regulation.

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

Further, section 106 of S. 405 would significantly change current practices and open up all wilderness areas across the country to commercial filming activities and their attendant problems, preventing federal land managers from protecting designated wildernesses from commercial filming production. The language in this section that exempts “cameras or related equipment used for the purpose of commercial filming or similar projects” from the prohibitions on motorized and mechanized equipment in designated wilderness could lead to calls to allow motorized access in wilderness areas for commercial filming. Congress recognized that wilderness areas can easily be damaged by commercialization. The Wilderness Act’s section 4(c) provides that, except as specifically provided otherwise, “there shall be no commercial enterprise . . . within any wilderness area.” We are deeply concerned that making exceptions for commercial filming would lead to opening wilderness areas to even more commercial enterprises.

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

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

Under the **National Forest Management Act**, forest managers manage for the resilience of our national forests so that both current and future generations can benefit from multiple uses of the land. In some cases, managers need the flexibility to stop certain actions to promote long-term use of the forest resources. Requiring that all Forest Service lands be “open unless closed” to hunting, trapping, fishing, and shooting is one example of many where this legislation undercuts their ability to do that.

Appropriate management of our public lands plays a critical role in stewardship for biodiversity as well as for recreational opportunities. The natural resource management laws affected by this legislation were created to ensure public lands were managed to protect biodiversity. This stable habitat, in turn, allows for healthy wildlife populations, which can prevent them from needing to be listed under the Endangered Species Act. They work to ensure that our wildlife and public land resources thrive and that hunters, birders, and anglers alike can enjoy them for generations to come. By weakening these important laws, the proposed legislation would significantly undermine these important public land values.

Lead ammunition pollution

Second, S. 405 would remove the Environmental Protection Agency’s (EPA) authority to regulate toxic lead or any other toxic substance used in ammunition or fishing equipment under the Toxic Substances Control Act. A nationwide ban on lead shot in migratory waterfowl hunting was adopted in 1991 after biologists estimated roughly two million ducks died each year

from ingesting spent lead pellets. The hunting industry groups that want to prevent the EPA from regulating lead ammunition and fishing tackle are the same groups that protested the ban on lead shot for waterfowl hunting in 1991. Despite the doom-and-gloom rhetoric, hunters know two decades later that this didn't lead to the end of duck or goose hunting. A federal agency should be able to carry out its duties without uncalled for and unscientific laws impeding this process. Such decisions should be left to the discretion of federal agencies based solely on the best available science on the impacts of toxic substances such as lead. Congress should not tie the hands of professional scientists and prevent them from even evaluating or considering future policies to protect the public and the environment.

Switching to non-lead hunting ammunition isn't about stopping hunting or taking anyone's guns away. In fact, some of the staunchest supporters of the effort to rid our public lands of lead are hunters. The switch to non-lead hunting ammunition in California, for example, proves that replacement of toxic lead in ammunition is compatible with hunting. Hunters have been hunting with copper rounds in 14 California counties since non-lead hunting ammunition requirements went into effect in 2008 to protect endangered California condors from lead poisoning.

Polar bears in peril

S. 405 would allow the import of 41 sport-hunted polar bear trophies from Canada. This would be the latest in a series of import allowances that Congress has approved, and the cumulative effect is devastating to our most imperiled species. Despite having notice of the impending prohibition on import of polar bear trophies from Canada for sixteen months (between January 2007 and May 2008), a number of trophy hunters went forward with their hunts anyway. In fact, the 41 individuals all hunted polar bears AFTER the Bush Administration proposed the species for listing as threatened under the Endangered Species Act and all but one hunted more than a year after the listing was proposed. They were given repeated warnings from hunting organizations and government agencies that trophy imports would likely not be allowed as of the listing date, and that they were hunting at their own risk. If this behavior were rewarded through a Congressional waiver, it could accelerate the pace of killing any species that is proposed for listing in the future, since hunters would believe they could get the trophies in even after a listing becomes final. Each new allowance may involve only a few animals, but the cumulative impacts of these waivers time and time again lead to more reckless trophy killing.

Conclusion

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

Please oppose S. 405, as well as any related legislation such as S. 556 and S. 659, and oppose any effort to attach any of these to another bill. This legislation is bad for public lands and water resources, bad for fish and wildlife, and bad for the American people.

Thank you.