

**U.S.**   
**SPORTSMEN'S  
ALLIANCE**

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*Formerly The Wildlife Legislative Fund of America*

**Statement  
of  
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Before the  
House Subcommittee on Fisheries, Wildlife and Oceans  
Regarding  
Implementation of the 1997 National Wildlife Refuge Improvement Act**

**October 9, 2007**

Madam Chair: My name is William Horn and I appreciate the opportunity to appear before the Subcommittee to discuss the purposes, history, and implementation of the landmark 1997 National Wildlife Refuge System Improvement Act (NWRISA) (P.L. 105-57). Enactment of NWRISA was a high priority of the U.S. Sportsmen's Alliance (USSA) (then the Wildlife Legislative Fund of America) and we have maintained a keen interest in the Act and the Refuge system since then. In addition, my comments reflect the perspectives from my prior tenure as Assistant Secretary of the Interior for Fish, Wildlife, and Parks under President Reagan and Chairman of the National Wildlife Refuge Centennial Commission.

The National Wildlife Refuge System is an incomparable array of wildlife habitats that provide unparalleled conservation benefits and opportunities for public use, especially hunting and fishing. The sporting community was instrumental in founding the System in 1903 and has strongly supported it ever since. This support is not merely rhetorical. Hunters have contributed millions of dollars to growth of our Refuges through the Duck Stamp program and other forms of tangible financial support. No others have come close to matching this level of genuine commitment.

Controversy, however, surrounded the Refuge System in the early 1990's. Animal rights radicals and anti-hunting interest were ratcheting up their campaigns to exclude hunters from the System and only recently had the U.S. Fish and Wildlife Service (FWS) beaten back lawsuits to bar hunting on Refuge units. The Clinton Administration had settled another Refuge lawsuit and was threatening to close units to hunting and other forms of wildlife dependent recreation. Funding for the System was being curtailed and this was not only thwarting wildlife conservation objectives but threatened to curtail public access to Refuge units. Finally, earlier versions of Refuge "organic" legislation were being advanced that would make it more difficult for FWS to maintain hunting and fishing

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on the System. From the sporting and conservation community's perspective, these were grim times.

In early 1995 key elements of the sporting/conservation community approached Congressional Sportsmen's Caucus the new Congressional leadership about Refuge legislation that would fix these problems and set forth a clear wildlife conservation mission for the System. The result was H.R. 1675 introduced in the 104<sup>th</sup> Congress primarily by Rep. Don Young (R-AK), Rep. John Dingell (D-MI) and Rep. Bill Brewster (D-OK) and the House passed it by a lopsided bi-partisan margin of 287 to 138 in April, 1996. The Senate, however, failed to take action.

The effort to enact a Refuge bill carried over to the next Congress and early in 1997 its backers introduced it in the 105<sup>th</sup> Congress as H.R. 511 (reflecting the number of Refuge units in 1997). Concerted good-faith negotiations with Interior Secretary Bruce Babbitt yielded H.R. 1420 that was introduced in April, 1997, ultimately passed by Congress and signed into law on Oct. 9, 1997 as NWRSA.

A critical feature of the bill was its express recognition that hunting and fishing were, and are, important and legitimate activities on Refuge units. Moreover, once determined to be "compatible" with Refuge purposes, FWS is under a clear statutory duty to "facilitate" – not just allow – these uses. These provisions were designed to stop once and for all repeated litigation by animal rights/anti-hunting radicals seeking to bar hunters from the Refuge system. Unfortunately, as discussed below, such litigation continues under new procedural guises.

We note that clear public policy support for hunting in System units is not only reflected in the 1997 Act but in Executive Orders issued by both President Bush and President Clinton. President Bush recently issued an Executive Order to assure continued access for hunting to our public land systems. In 1997, President Clinton released an Executive Order for the Refuge System that recognized its value for hunting. We hope the radicals get the message.

USSA considers the 1997 Act to be a success. Its focus on wildlife conservation and management is consistent with principles articulated by President Teddy Roosevelt when he created the system in 1903. This focus, codified in statute, demonstrates the Refuge units are not "sanctuaries" to be set aside and left alone. Furthermore, the political unity forged during the 1995-1997 period translated into a renewed emphasis on the Refuge system mirrored by increased funding for operations and maintenance of the System. These beneficial trends peaked coincident with the 2003-04 centennial.

We have also been very pleased with the on-the-ground of the 1997 Act. Not only has the Refuge System grown to 548 units in the intervening decade, 317 units are now open to hunting. This compares to 283 10 years ago. The public is able to enjoy this incomparable public land system which translates directly into continued support for

the System. Such support is crucial if the Refuge system is to be sustained so that a bicentennial can be celebrated by our great-great grandchildren.

Unfortunately there are a few skunks at the picnic. Animal rights interests, unwilling to accept the clear policies articulated in the 1997 Act (and Executive Order), have mounted new legal challenges to hunting on Refuges. Three years ago the Fund for Animals, Humane Society of the United States and other “usual suspects” sued to stop hunting on 36 Refuge units. The argument was that FWS had not prepared comprehensive environmental impact statements (EISs) to justify the hunting. USSA and others joined the case with FWS and argued that full scale EISs were unnecessary because (1) FWS already prepares Comprehensive Conservation Plans for refuges per the 1997 Act and (2) as most of the hunting is for waterfowl, FWS already prepares comprehensive EISs as part of its comprehensive migratory bird management program. However, a federal judge ruled that new EISs are needed so FWS is in the process of spending money and finite staff resources to prepare the duplicative NEPA documents (and the animal rights plaintiffs are already complaining that these documents are not enough). Congress should redress this matter and make it clear that the CCPs, migratory bird EISs and other FWS documents are more than sufficient bases for opening refuge units to hunting per NWRSIA.

This waste of finite dollars is made more acute by the funding crisis now afflicting the System. For a variety of reasons, Refuge funding is again shrinking with adverse consequences for wildlife and public users. Compared to National Parks, Refuges have always been the red-headed stepchild when it comes to funding. Even though the Park system is smaller, has fewer units, and is situated in fewer states, its funding outstrips that provided to the Refuges. Park operating budgets are nearing \$1.5 billion while the Refuge system makes do on \$382 million in fiscal year 2007. This gap is likely to grow now that a variety of bills propose hundreds of millions of extra dollars for Parks in anticipation of that system’s centennial in 2016.

Not all of the problems are external. FWS policies to implement the Act include restrictions not contemplated in 1997. For example, some parts of the Refuge system are also designated as Wilderness although the law specifies that wilderness purposes are merely “supplemental.” Courts have ruled that “supplemental” means secondary. Nonetheless FWS draft wilderness policies appear to allow “Wilderness” to trump wildlife conservation and impose undue restrictions on wildlife management practices. We are persuaded that the 1997 Act makes primary wildlife conservation, including management and use as expressly included in the law, and it takes priority over “supplemental” Wilderness purposes.

Similar problems have been created by policies adopted at the end of 2000. A definition of “wildlife first” was added to these policies that fails to adequately recognize the use and enjoyment features of the 1997 Act. As referred to above, wildlife conservation is defined in the Act to include management and use yet these features are largely disregarded by the “wildlife first” definition. Other policies such as the “biological

integrity” guidance has similar flaws and do not accurately reflect the active wildlife and habitat management provisions in NWRSA.

Despite these issues, USSA remains proud of its role in helping to enact the 1997 Act. We remain committed to enhancing this incomparable system of public lands to ensure conservation of our wildlife heritage and enabling public use and enjoyment of the System via wildlife dependent recreation. This will ensure continued public support necessary to sustain the health and vitality of our Refuge System.