



July 16, 2020 – REV1

The Honorable Eduardo Garcia, Chair
 Assembly Water, Parks and Wildlife Committee
 1020 N Street, Suite 160
 Sacramento, CA 95814

RE: SB 1175 (As Amended June 18, 2020) - OPPOSE

Dear Assembly Member Garcia:

The below signatory wildlife conservation organizations strongly oppose Section 3 of SB 1175 (Stern) which would enact the “Iconic African Species Protection Act” and criminalize the possession of certain African animals and their parts in California.

To begin, the provisions of SB 1175 that propose to prohibit the possession of certain African animals and/or their parts (Section 3) are unenforceable. Those provisions would impose a state civil penalty for activities expressly authorized by the federal Endangered Species Act (ESA) which allows import of listed species when the U.S. Fish and Wildlife Service determines that the activity “enhances the survival of the species.” Not only is what SB 1175 proposes in conflict with the federal ESA, it is also in conflict with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) – an international agreement between governments with the goal of ensuring that international trade in specimens of wild animals and plants does not threaten their survival. Both the federal ESA and CITES wholly preempt state law. SB 1487 – similar legislation introduced during the 2018 Session – was vetoed by Governor Brown for exactly that reason.

The “Iconic African Species Protection Act” provisions of SB 1175 would also have an unacceptable unbudgeted fiscal impact on California at a time of already serious budget shortfall. According to the latest Senate Appropriations Committee analysis of SB 1175, the Department of Fish and Wildlife (DFW) estimates it would need \$3.6 million (General Fund or special fund) and \$2.7 million (General Fund or special fund) ongoing to enforce the bill’s prohibition of the possession of the listed African species alone. In addition, although the fiscal analysis of SB 1175 doesn’t consider it, the analysis of a similar African species importation ban introduced in 2018 (SB 1487) also noted that DFW expected litigation costs to defend the prohibition to exceed \$500,000 in attorney

fees alone. Independent estimates from other legal experts indicate the cost for California to defend SB 1175 could easily approach \$1 million.

SB 1175 would redirect these essential resources away from the current urgent needs of California's public, as well as the needs of California's own native wildlife and their habitats at a time when DFW is already suffering a substantial budget shortfall. As just one example, the initial Senate Appropriations Committee analysis of the bill notes that the department's largest shortfall is in Species and Habitat Conservation where DFW currently only meets about 25 percent of its mission.

Outlawing the possession of these African species and/or their parts in California would also sharply reduce revenue generated by hunters which is vitally important to the conservation efforts of these species. In addition, regulated hunting also substantially impacts the economies of local rural communities which often share in trophy fee revenues and benefit from jobs created – such as cleaners, trackers, skimmers, drivers, guides, shuttle services, chefs, and many more. Additionally, most of the meat from lawfully harvested species goes to the subsistence of locals in need.

The impoverished rural Africa communities where hunting occurs also live in conflict with many of the African species called out in SB 1175 – including lions, leopards, elephants and buffalo – which damage their food sources (crops and livestock) and threaten the safety of their families. Tolerance towards these animals is created via the revenues and jobs that are generated by regulated hunting. Further, to help protect and promote these species and the economic benefits they provide, these communities also work to maintain and enhance the habitat values of land, as opposed to converting it to crops or other uses, while also acting to protect these species from poachers.

Proponents of the bill will argue that revenues generated by hunting will easily be replaced by revenues from photo safaris. Fact is that the extreme remote areas where hunting takes place are far removed from the much more easily accessible areas where those who participate in photo safaris are willing to go. Further, the revenue generated by photos safaris, even in those areas where they do take place, is a small fraction of revenues generated by hunting.

The very real negative impact SB 1175 would have upon the local communities and wildlife in Africa is confirmed by numerous letters of strong opposition to the bill submitted by the governments of Zambia, Namibia, Zimbabwe, Tanzania and others, as well as other conservation interests – such as the Zambia Lion Project which operates out of UCLA.

The selection of “iconic” African species called out in SB 1175 is not based on science or population health. Lawful hunting of these species is highly regulated by federal and international law, local jurisdictions, and professional wildlife managers, with the level of take of each species carefully based on the best available science. In many cases, these species are overly abundant, with lawful hunting serving as an important tool for local wildlife managers to maintain populations in check with their habitats. Law-abiding hunters also serve as a valuable tool for the removal of nonproductive individuals and/or those causing damage to local agriculture or depredating on livestock.

Finally, it is worth noting that the overwhelming majority of opposition, controversy and legal questions associated with SB 1175 are focused solely on the African species provisions of the bill. In a “normal” legislative session, SB 1175, as currently written, would be double-referred to Judiciary Committee (as SB 1487 was in 2018), and possibly even triple-referred to Agricultural Committee. With the legislative calendar now shortened by an additional two weeks, SB 1175 will only have one hearing in policy committee. With very limited calendar left for the Legislature to consider bills, we believe it critically important their time be fully focused on legislation which is germane to the current COVID crisis and of direct benefit to our public. Although the “wet market” provisions of SB 1175 may meet this criteria, the bill's African species provisions certainly do not.

In closing, the below listed wildlife conservation organizations are acutely aware of the critical and principal role science-based regulated hunting plays in the conservation of our wildlife and the habitats they depend upon. Section 3 of SB 1175 would do nothing to promote the health of the “iconic” African species the bill claims to protect, nor would it provide any benefit to California's citizens. Rather, if enacted, SB 1175 would only redirect funding from programs California's own public and wildlife desperately need at this time.

Should SB 1175 be amended to have Section 3 deleted, we would be pleased to remove our opposition to the bill, as we are neutral on the legislation's "wet market" provisions. Short of any such amendment, we respectfully urge you to oppose SB 1175 when the bill comes before your Assembly Water, Parks and Wildlife Committee in the near future.

Sincerely,

Donn Walgamuth, President
California Deer Association

Kyle Weaver, President and CEO
Rocky Mountain Elk Foundation

Fred Harpster, President
Black Brant Group

Mark Hennelly, Vice President of Government Relations
California Waterfowl Association

Lori Jacobs, President
California Houndsmen for Conservation

Don Martin, President
California Chapter – Wild Sheep Foundation

Steve Miller, President
Tulare Basin Wetlands Association

Gary F. Brennan, President
San Diego County Wildlife Federation

Don Kirby, President
Cal-Ore Wetland and Waterfowl Council

Chriss Bowles, President
California Bowmen Hunters/State Archery Association

Rick Travis, Executive Director
California Rifle and Pistol Association

Cathie Nelson, President
San Francisco Bay Area Chapter - Safari Club International

Aoibheann Cline, Western States Coordinator
Congressional Sportsmen's Foundation

Jacob Hupp, Associate Director of State Services
U.S. Sportsmen's Alliance

James Stone, President
Nor-Cal Guides & Sportsmen's Association

cc: Members, Assembly Water, Parks and Wildlife Committee
The Honorable Senator Henry I. Stern