



July 24, 2020

The Honorable Eduardo Garcia, Chair
Assembly Water, Parks and Wildlife Committee
California State Assembly
State Capitol Building
Sacramento, CA 95814

Re: SB 1175 (Stern) Animals: Prohibitions on importation and possession of wild animals: live animal markets (As amended May 13, 2020)

Dear Assemblymember Garcia:

Safari Club International (“SCI”) writes **in opposition to SB 1175** to the extent it prohibits the import of certain species into the State of California. This bill will detrimentally impact these species. It will reduce the revenues and conservation incentives generated by regulated hunting of African species. Moreover, this bill is unlawful because it is preempted by the Endangered Species Act.

Safari Club International

SCI is a nonprofit corporation with approximately 45,000 members worldwide, including over 4,000 members in the State of California. SCI members contribute to the conservation and management of wildlife species through habitat conservation initiatives, donations to research and management programs, and participation in regulated hunting. SCI is an international leader in representing the role of hunting as a conservation tool. SCI’s members hunt around the world and seek to import those trophies back to their homes in the U.S.

SB 1175 does not contribute to conservation of African species

SB 1175 represents a misguided attempt to address a legitimate concern about diminished numbers of “iconic” African species. By banning the import of hunting trophies, the bill targets the countries where these species are healthiest. Most elephants, lions, and black rhinos live in countries where they are hunted. These populations are stable or increasing—not declining. For example, 80% of the world’s elephants live in countries that rely on regulated hunting to fund and sustain their national conservation programs. These same countries represent “strongholds” for lion populations and lion habitat. In addition, over 80% of black rhinos live in the countries where they are hunted. The international community has **explicitly** recognized that “the financial benefits derived from trophy hunting of a limited number of [black rhino] specimens will benefit the conservation of the species directly and provide additional incentives for conservation and habitat protection.”¹ The same is true of elephants, lions, and many other species that are hunted and thriving in areas where they are hunted.

Put simply, the bill is not based on facts. It will not save any species. To the contrary, elephants, lions, black rhinos, and other species will suffer if the incentives generated by regulated hunting are reduced. These incentives include protection of habitat, funding for national wildlife management

¹ CITES Res. Conf. 13.5: Establishment of export quotas for black rhinoceros hunting trophies.

authorities, funding and “boots on the ground” for anti-poaching, improvements in rural community livelihoods through revenue-sharing and distribution of game meat, and reduction of human-wildlife conflicts, among others. Attached please find a bibliography of sources which show that hunting is crucial to conservation in Africa, and that trade bans like SB 1175 will do nothing but harm conservation efforts.

SB 1175 is void under the Endangered Species Act

SCI also encourages you to withdraw these restrictions to avoid costly litigation at a time when the State faces a \$54 billion budget deficit. SB 1175 is invalid under the federal Endangered Species Act (“ESA”). The ESA renders “void” any state law that restricts imports of listed species where those imports are authorized under the ESA or its implementing regulations. 16 U.S.C. § 1335(f). Federal courts in California have previously held that State laws were preempted under this provision. *See, e.g., Man Hing Ivory & Imps., Inc. v. Deukmejian*, 702 F.2d 760 (9th Cir. 1983); *Fouke Co. v. Brown*, 463 F. Supp. 1142 (E.D. Cal. 1979).

Simply put, the ESA does not allow states to substitute their judgment in place of the judgment of Congress or the U.S. Fish and Wildlife Service (“FWS”). For most of the species covered by SB 1175, the FWS authorizes imports when they “enhance the survival of the species.” This standard acknowledges the benefits (enhancement) generated by hunting. The FWS uses permitting to encourage conservation programs around the world. SB 1175’s attempt to interfere with this federal authority is unlawful.

SB 1175 will put a financial strain on law enforcement and native species protection in California

Attempting to enforce this legislation will have a negative impact and financial strain on the law enforcement budget of the California Department of Fish and Wildlife, taking time and critical resources away from their ability to protect native wildlife. This bill will further pull them off the management and protection of California’s natural resources and apprehension of poachers, which will result in a direct negative impact on species populations and their ability to provide public safety and respond to natural disasters.

Conclusion

As President Theodore Roosevelt recognized, “in a civilized and cultivated country, wild animals only continue to exist at all when preserved by the sportsmen. The excellent people who protest against all hunting and consider sportsmen as enemies of wildlife do not understand the fact that in reality the genuine sportsman is, by all odds, the most important factor in keeping the larger and more valuable wild creatures from total extermination.” The contributions of sportsmen and women are well-documented in the bibliography. For these reasons, SCI respectfully requests that you withdraw the proposed restrictions in Section 3 of SB 1175.

Sincerely,



Scott Chapman
President, Safari Club International