



Lone Star Chapter

Comments on Proposed SJR 22 by Sen. Creighton – Proposed Constitutional Amendment on the Right to Hunt & Fish – Submitted by Ken Kramer, Water Resources Chair & Legislative Advisor, at the March 16, 2015 Hearing of the Senate Committee on Agriculture, Water & Rural Affairs

The Lone Star Chapter of the Sierra Club has worked cooperatively with a number of hunting and fishing organizations in Texas over the years because we share a common interest in the protection of fish and wildlife habitat for the benefit of all Texans and visitors to our state. We sincerely believe that responsible hunters and anglers should have the right to hunt and fish in keeping with the laws and rules that have been established to conserve and manage our fish and wildlife resources sustainably.

At this time our organization has not taken a position on the proposed SJR 22. While we support the intention of the proposal to assure that the right to hunt and fish is maintained, we do have some concerns about some of the language in the legislation, and we also believe that SJR 22 would be enhanced by inclusion of some additional language to garner more widespread support and to assure that long-standing principles of fish & wildlife conservation and management in Texas are maintained. Ultimately the position by the Sierra Club on the proposed constitutional amendment if it is sent to the voters will depend upon the final text of the legislation. That decision would be made by our state chapter executive committee.

Following are our specific comments about SJR 22, including our concerns over some of the current language and our suggestions for enhancements:

(1) In addition to hunting and fishing, there is tremendous public interest among Texans in other activities such as wildlife photography and birding. Indeed these activities have grown tremendously not only in terms of popularity but also in terms of their economic impact. The establishment of the Texas Parks & Wildlife Department's birding centers in the Lower Rio Grande Valley in recent years is a testament to this interest, and birding alone attracts thousands of visitors to our state every year. If state constitutional protection is going to be given to hunting and

fishing, then similar protection should be considered for the right of people to observe wildlife. As is proposed with the right to hunt and fish, any such protection of the right to observe wildlife should “not affect any provision of law relating to trespass, property rights, or eminent domain).” We believe that this addition to the proposed constitutional amendment would enhance its prospects with the voters, considering the potential support of birders and others who might not otherwise be energized by a proposal on the right to hunt and fish.

(2) The term in SJR 22 “by the use of traditional methods” is too broad and at the very least needs clarification.

(3) We believe that hunting and fishing should not be singled out as “preferred methods of managing and controlling wildlife.” We believe that this section of SJR 22 is overly broad and should be deleted. There are many ways to manage and control wildlife, in addition to hunting and fishing, to achieve a balanced ecosystem, and some other methods may be more appropriate in specific situations. Moreover, Texas has tremendous nongame wildlife populations (including endangered and threatened species). Hunting and fishing of many of those species is not appropriate and in some cases prohibited by existing state and/or federal laws. This part of the proposal is somewhat contradictory to the caveat in the first section of the SJR that the right to hunt, fish, and harvest wildlife is “subject to laws or regulations to conserve and manage wildlife and preserve the future of hunting and fishing,” and may create confusion in the interpretation of the proposed constitutional amendment.

(4) Any proposed constitutional amendment on hunting and fishing should recognize what is already in state law (Section 1.011 of the Parks & Wildlife Code), that “All wild animals, fur-bearing animals, wild birds, and wild fowl inside the borders of this state are the property of the people of this state” and “All fish and other aquatic animal life contained in the freshwater rivers, creeks, and streams and in lakes or sloughs subject to overflow from rivers or other streams within the borders of this state are the property of the people of this state.” If that recognition is not incorporated in the proposed amendment, questions could be raised later as to whether the amendment if adopted by the voters might trump this statutory declaration in certain situations. We don’t think that is the intention of the proposal, and including this language in some form in SJR 22 will eliminate any confusion in that regard.

Thank you for your consideration of our concerns and suggestions. The Sierra Club sincerely hopes that the ultimate outcome of this proposal in the Legislature is one that we can wholeheartedly support at the polls.

For more information:

Evelyn Merz, Conservation Chair, Sierra Club-Lone Star Chapter,
elmerz@hal-pc.org

Ken Kramer, Water Resources Chair, kenwkramer@aol.com, 512-626-4204 (cell)