



December 6, 2023

House Energy and Natural Resources Committee  
The Ohio Statehouse  
1 Capitol Square  
Columbus, OH 43215

Re: Testimony in opposition to HJR 5

Chair Kick, Vice Chair Lear, Ranking Member Rogers, and Members of the House Energy and Natural Resources Committee:

My name is Mark Finneran and I am the Ohio state director for the Humane Society of the United States. We advocate for better laws to protect animals and communities, provide direct care to animals during emergency rescue and disaster response and provide training to animal care professionals and law enforcement. We do not take a position on hunting for subsistence, but instead seek an end to practices that, as many hunters agree, violate the longstanding principles of fair chase, sportsmanship and respect for the hunted, and that are counter to the values of the majority of Americans.

On behalf of our constituents and supporters in Ohio, I urge the committee to oppose HJR 5, a far-reaching proposal that seeks to codify those very cruel, outdated, and ineffective practices into our state's constitution, and could even prevent Ohio citizens from using their right to advance issues of their own choosing through the ballot process.

### **HJR 5 uses deceptive language to protect the use of cruel and unpopular wildlife killing practices in Ohio's constitution**

First, we must be clear: there is no actual threat to the right of Ohio citizens to hunt and fish. No one is trying to eliminate these activities. Adding this frivolous language to the Ohio constitution—our state's most treasured document—is unnecessary and could lead to unintended consequences.

But HJR 5 has a more nefarious intent: to prevent Ohio citizens from exercising their right to protect their wildlife through policy reform. HJR 5 states that “The people have a right, which includes the right to use traditional methods, to hunt, fish, and harvest wildlife.” But the use of that deceptive phrase “traditional” is advised by the Congressional Sportsmen's Foundation as a coded reference to practices like trapping, hounding and baiting that Americans no longer find acceptable, humane, or effective.<sup>1</sup>

In its manual “IN DETAIL: State Constitutional Amendments and the Right to Hunt and Fish,” the Congressional Sportsmen's Foundation advises:

By using a vague term like ‘traditional methods, it will be up to state agencies to determine what they include in their season as ‘traditional methods.’ Thus, the language both suggests that agencies should accommodate traditional means of hunting, while at the same time avoiding specificity so that the agency's hands are not tied.

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<sup>1</sup> <http://congressionalsportsmen.org/policies/state/right-to-hunt-fish>

The manual continues, “Further, by using a phrase like ‘traditional methods,’ proponents can give a stronger protection to trapping without actually mentioning trapping.” [Fig. 1]

Fig. 1

Another concern with such language is to what extent it protects traditional means, namely, trapping. Trapping admittedly faces a lot of controversy in this country, much more so than more mainstream ways of hunting, such as by firearm or bow and arrow. While all traditional means should be protected, some practices like trapping can make support harder to get from parties that are otherwise pro-hunting in a general election. By using a vague term like “traditional methods,” it will be up to state agencies to determine what they include in their season as “traditional methods.” Thus, the language both suggests that agencies should accommodate traditional means of hunting, while at the same time avoiding specificity so that the agency’s hands are not tied. If an agency decided that trapping was no longer prudent, it would not make sense to constrain them to having to keep some sort of trapping language. “By the use of traditional methods” empowers the agency make the decision.



Further, by using a phrase like “traditional methods,” proponents can give a stronger protection to trapping without actually mentioning trapping. Some non-hunters see hunting as an acceptable and even effective means of conservation, but at the same time view trapping as an inhumane version of hunting. It would be very unfortunate for a right to hunt/fish/manage amendment to fail because of explicitly using the word trapping when “traditional means” offers much of the same protection to trappers regardless. Granted, “by the use of traditional methods” does not offer the explicit level of protection as does specifically including “trapping.”

At the same time, however, “by the use of traditional methods” could also help to protect other methods of hunting that have come under scrutiny, such as the use of dogs or baiting, which, as discussed above, was recently on the referendum in Maine. Alternatively, if a drafter makes a list of specifics and

*From pp. 6-7 of the Congressional Sportsmen’s Foundation manual  
“IN DETAIL: State Constitutional Amendments and the Right to Hunt and Fish”*

Surveys find a clear opposition from the public to these methods. A 2019 survey by the hunting interest groups the National Shooting Sports Foundation and Responsive Management found that the majority of Americans disapprove of trophy hunting and of trapping for money, for fur clothing, and for recreation.<sup>2</sup> And the recent “America’s Wildlife Values” project, conducted by researchers including those at The Ohio State University, found that more Ohioans hold a “mutualist” view, which seeks to coexist with wildlife, than hold a “traditionalist” view of human mastery over wildlife.<sup>3</sup> A 2016 study by The Ohio State University also found drastically improved public attitudes nationwide toward traditionally feared and misunderstood species including wolves and coyotes, noting that “The differences in attitudes witnessed in this study may be indicative of growing concern for the welfare of animals – both wild and domestic.”<sup>4</sup>

<sup>2</sup> National Shooting Sports Foundation and Responsive Management, “Americans’ Attitudes toward Hunting, Fishing, Sport Shooting and Trapping 2019.” <https://asafishing.org/wp-content/uploads/2019/04/Americans-Attitudes-Survey-Report-2019.pdf>

<sup>3</sup> M. J. Manfredo et al., “America’s Wildlife Values: The Social Context of Wildlife Management in the U.S.” Fort Collins, Colorado: Colorado State University, Department of Natural Resources, 2018. <https://sites.warnercnr.colostate.edu/wildlifevalues/>

<sup>4</sup> Kelly A. George, Kristina M. Slagle, Robyn S. Wilson, Steven J. Moeller, Jeremy T. Bruskotter, “Changes in attitudes toward animals in the United States from 1978 to 2014.” *Biological Conservation*, Volume 201, 2016, Pages 237-242. ISSN 0006-3207, <https://doi.org/10.1016/j.biocon.2016.07.013>



But despite this, HJR 5 would place protections for the use of those methods in the state’s constitution. This would hinder the ability of the Ohio public to update, modernize and improve wildlife management policy.

### **HJR 5 could prevent the use of proven effective, humane wildlife management methods**

HJR 5 gives preference to hunting and fishing as “a preferred means of managing and controlling wildlife in this state.” The use of hunting as a primary approach to managing wildlife could complicate situations in which hunting may not be feasible, such as in highly populated areas, to manage federally-protected species, or in cases in which citizens and local governments wish to resolve wildlife conflicts with the use of proven-effective, non-lethal methods.

### **HJR 5 proposes to block the right of Ohio citizens to petition voters on matters of their own choosing**

Also extremely concerning is the provision in HJR 5 that “This right is subject only to the laws prescribed by the General Assembly and rules prescribed by virtue of the authority of the General Assembly to do either of the following: (1) Promote wildlife conservation and management; (2) Preserve the future of hunting and fishing.” By granting *only* the General Assembly with this authority, HJR 5, by omission, effectively prevents local governments from enacting ordinances to protect wildlife from cruel or outdated practices, and prevents citizens from using the ballot initiative to bring forth such issues for consideration by Ohio voters.

It would be a shameful subversion of democracy to deny Ohioans their longstanding constitutional right to vote on important issues affecting wildlife—a natural resource held in the public trust—or, indeed, *any* issue that we determine to be important. The principles of direct democracy and civic participation are cherished by Ohio voters and deserve preservation, not deliberate obstruction.

### **Non-hunting outdoor recreation is a far more significant contributor to Ohio’s economy**

The U.S. Fish and Wildlife Service (FWS) reports that only 3.1% of Ohio residents were paid hunting license holders in 2023,<sup>5</sup> and only 0.1% hold a trapping, or “fur taker” license in the state.<sup>6</sup> And in its recently released *2022 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*, the FWS also reports that non-consumptive public land users outnumber and outspend hunters by a wide margin nationwide. Wildlife watchers now outspend hunters by almost 6 to 1 (5.54 to 1) and outnumber hunters 10 to 1.<sup>7</sup>

The National Park Service also reports, “In 2022, 3.2 million park visitors spent an estimated \$77.7 million in local gateway regions while visiting National Park Service lands in Ohio. These expenditures

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<sup>5</sup> U.S. Fish and Wildlife Service. Hunting Licenses, Holders, and Costs by Apportionment Year (2023). <https://us-east-1.quicksight.aws.amazon.com/sn/accounts/329180516311/dashboards/48b2aa9c-43a9-4ea6-887e-5465bd70140b>

<sup>6</sup> The Ohio DNR Division of Wildlife: “License Year Sales Comparison 2011 through 2020” at <https://ohiodnr.gov/static/documents/wildlife/historic-licenses/Pub+5063.pdf>

<sup>7</sup> U.S. Department of the Interior, U.S. Fish and Wildlife Service (Sep. 2023), *2022 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*. <https://digitalmedia.fws.gov/digital/collection/document/id/2321/rec/1>



supported a total of 1,120 jobs, \$43.4 million in labor income, \$68.4 million in value added, and \$123 million in economic output in the Ohio economy.”<sup>8</sup>

And according to the Bureau of Economic Analysis-U.S. Dept. of Commerce, outdoor recreation in Ohio generated nearly \$13 billion for the state’s economy in 2021 (the most recent year available). Of that figure, hunting and trapping generated only 0.9%. RVing generated more than eight times that amount, and travel and tourism generated more than 27 times as much revenue that year in Ohio than did hunting and trapping.<sup>9</sup> [Fig. 2]

Fig. 2

Outdoor recreation spending in Ohio (2021 data from U.S. Bureau of Economic Analysis)

Sample activities	Spending (in thousands of dollars)	% of total
Hunting and trapping	110,082	0.9
RVing	954,801	7.5
Other outdoor recreation <sup>10</sup>	2,606,289	20.4
Travel and tourism	3,029,775	23.7
<b>Total Outdoor Recreation</b>	<b>12,777,081</b>	<b>100.00</b>

Finally, a constitutional “right to hunt” amendment could cost Ohio taxpayers millions of dollars by opening the door to expensive legal challenges from individuals who want to argue that reasonable quotas, season closures, bag limits, land area closures, and other restrictions on types of hunting, trapping, and fishing methods are unconstitutional.

For the reasons listed herein, the HSUS urges this committee to oppose HJR 5. Thank you for your time and attention to this important matter.

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<sup>8</sup> National Park Service. (2022). National Park Service Visitor Spending Effects Report. <https://www.nps.gov/subjects/socialscience/vse.htm>

<sup>9</sup> Bureau of Economic Analysis, U.S. Department of Commerce. (2021). Outdoor Recreation Satellite Account, U.S. and States, 2021. <https://www.bea.gov/data/special-topics/outdoor-recreation>

<sup>10</sup> Amusement/water parks, festivals, sporting events, concerts, field sports, golfing, tennis, and other activities.