

OPPOSE S3146/A4773

S3146/A4773 has Severe Unintended Consequences on the General Public and New Jersey

S3146/A4773 is a Radical Anti-Hunting Measure Masquerading as a Wildlife Conservation Measure – The Legislature Should Not Allow New Jersey to Become the Poster Child for Radical Anti-Hunting Advocates

U.S. and International Travelers and Shippers Through NJ Ports and Airports Abiding by International and Federal Laws Will be Subject to Harsh New Jersey Penalties Without Notification

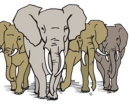
Individual Owners and Transporters of Antiques, Artwork, Musical Instruments, Religious Artifacts, Jewelry, Clothing, Footwear, Furniture, Knives, Guns, etc. Could be Subject to Crime of the Fourth Degree (Felony Level) Punishments

S3146/A4773 Will Prevent Orchestras, Bands, and Other Performers From Being Able to Transit NJ and NY Airports and Ports and Many Will Likely Avoid NJ Altogether

S3146/A4773 Requires No Notification to Affected New Jerseyans and Contains an Absurdly Short Registration Window to Avoid Criminal Charges – Unworkable Safe Haven Doesn't Apply to Tens of Millions of Affected Americans and International Travelers Who Don't Live in NJ, but Who Transit Newark Airport

S3146/A4773 Will Damage New Jersey's Economy and Cost the State Millions in Lost Jobs and Tax Revenue at a time When New Jersey Can Least Afford It

(Continue for Detailed Analysis)



DETAILED ANALYSIS

Elephant Protection Association and Knife Rights urge opposition to S3146/A4773. This bill represents a massive overreach by the state, is virtually impossible to fairly enforce, and will cost the state millions of dollars in lost jobs and tax revenue at a time when the state can least afford it.

Elephant Protection Association and Knife Rights abhor the poaching of endangered and threatened species and we support science-based wildlife conservation efforts, including managed hunting, that have proven successful in posting significant gains in the majority of endangered and threatened species populations over the past few decades. For example, while elephants and rhinos are threatened in some parts of Africa, where managed hunting has been allowed the populations have flourished. We unequivocally support practical and lawful efforts to defend endangered and threatened species in the field as well as lawful enforcement activities that directly target illegal black-market trade in endangered and threatened species. S3146/A4773 accomplishes none of these effective and proven objectives.

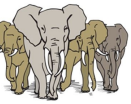
S3146/A4773 is nothing more than a radical anti-hunting measure masquerading as a wildlife conservation measure. It is an ill-conceived and not at all subtle attempt to capitalize on the considerable media coverage and outrage that followed the killing of Cecil the lion in Africa last year. Proponents hope to use this legislation in New Jersey as a model for anti-hunting bills in other states. Governor Christie should not allow New Jersey to become the poster child for these radical anti-hunting advocates.

While this bill would not directly prohibit hunts in Africa that are legal under international, federal and individual African country law, it would criminalize hunters returning to New Jersey. Worse, it potentially retroactively makes criminals of thousands who have previously hunted and their heirs who possess trophies from a legal hunt and who might in the future ship their personal property through a NJ port or airport.

This bill would not have saved Cecil the Lion. More to the point, hunting continues to be a primary source of funding for conservation efforts in Africa. Legal hunts in Africa are insuring the survival of these species. By expanding New Jersey law to include “threatened” species, this bill eviscerates distinctions made in federal law crucial to ensuring the balance between wildlife and the local people who live with and are dependent upon them.

Two recent publications point out the anti-conservation results of this radical anti-hunting agenda that S3146/A4773 supports.

"Je ne Suis pas Cecil: Why the Death of Cecil Could be Really Bad News for Wildlife Conservation In Africa," African Indaba – Dec. 2015 issue, a publication of the International Council for Game and Wildlife Conservation, contrasts the failure of Kenya's conservation policies, where they banned hunting in 1977 and have since lost 60% of their wildlife, with South Africa, where they have continued to promote hunting and



consumptive use and have seen wildlife populations increase by more than 2000% overall! <http://africanindaba.com/2015/12/je-ne-suis-pas-cecil-why-the-death-of-cecil-could-be-really-bad-news-for-wildlife-conservation-in-africa-december-2015-volume-13-6/>

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Absent any basis in wildlife conservation, these bills will only serve to harass and punish New Jerseyans and potentially millions of other Americans for owning legal property, cost the state of New Jersey millions of dollars and illegally interfere with interstate and international commerce.

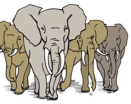
ABSURD, UNMANAGEABLE AND EXPENSIVE REGISTRATION SCHEME

If S3146/A4773 is signed into law, New Jersey owners of items that include or are made from the newly banned species will now be required to register them if they want to transit or ship via New Jersey ports or Newark, Teterboro and Atlantic City airports.

Potentially TENS of THOUSANDS, POSSIBLY HUNDREDS OF THOUSANDS, of unsuspecting residents of New Jersey will be REQUIRED TO REGISTER legally acquired and lawfully owned objects that contain parts or skins from approximately 1200 wild animal species for which possession is banned WITHIN AN UNREALISTIC 180-DAY GRACE PERIOD OR FACE POTENTIALLY HARSH CRIMINAL PENALTIES (see Page 3, line 36 "imprisonment not to exceed 18 months and a fine of up to \$100,000"). These include antiques, artwork, musical instruments, religious artifacts and ceremonial objects, jewelry, clothing, footwear, knives, firearms and accessories, furniture and untold numbers of other lawfully owned and obtained items.

THE REGISTRATION SAFE HARBOR IS NOT AVAILABLE TO THE MILLIONS OF PEOPLE OUTSIDE NJ WHO TRAVEL OR SHIP VIA NEWARK, TETERBORO AND ATLANTIC CITY AIRPORTS OR NJ PORTS and who own or are otherwise legally wearing or transporting lawfully acquired and lawfully owned objects that contain parts or skins from the approximately 1200 wild animal species for which possession is banned. The inability to identify whether any particular possession is legal or not, because there is no way to visually identify any difference in many cases (see details below), only makes this more problematic.





Nor would making this safe harbor available to these millions of people in the U.S. or abroad be even the least bit a practical solution since they have no way of knowing they need to register within the 180-day registration grace period. MILLIONS WILL BE PLACED IN LEGAL JEOPARDY IF THEY TRAVEL OR TRANSPORT THROUGH NEW JERSEY PORTS OR AIRPORTS, either within the U.S. or internationally.

There is nothing in S3146/A4773 that requires that owners be notified, nor any practical means to do so. How can the state possibly notify all residents in New Jersey that they must now register a musical instrument or set of earrings like they do their cars? The uncertainty caused by the inability to identify whether any particular possession is legal or not, because there is no way to visually identify any difference in many cases (see details below), only makes this more problematic.

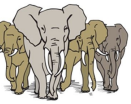
S3146/A4773 PROVIDES FOR HARSH CRIME OF THE FORTH DEGREE (FELONY LEVEL) CRIMINAL PENALTIES ((See Page 3, line 36 "imprisonment not to exceed 18 months and a fine of up to \$100,000")) FOR INFRACTIONS OF THIS NEW LAW FOR POSSESSION OF ITEMS THAT ARE LEGAL TO OWN AND TRANSPORT UNDER INTERNATIONAL AND FEDERAL LAW.

Moreover, even if the DEP can develop the required registration process within in the 180-day grace period, it is entirely likely that only a small portion of that grace period will remain in which residents can register their illegal items, making the registration scheme even more onerous and problematic.

Beyond that, the bill provides no limitation beyond the undefined "reasonable" (see Page 3, Line 30) for the amount of fee to be charged by DEP for the privilege of registering a resident's object. Making it worse, a straightforward interpretation of the bill's language requires each object to be registered individually, so owners of multiple objects can be charged this indeterminate fee for each object they own, potentially hundreds of times in the case of some collectors. And, each object would be treated individually as far as determining any civil or criminal penalty, exacerbating the problems caused innocent holders of this property.

ADVERSE ECONOMIC IMPACT ON NEW JERSEY

Although this bill has been commonly referred to in legislative hearings and based on bill language as dealing only with the "big five African species," a misnomer misappropriated from trophy hunting traditions to capitalize on anti-hunting sentiment, THERE ARE APPROXIMATELY 1200 SPECIES COVERED BY S3146/A4773 REQUIRING REGISTRATION (...those on any federal endangered or threatened species list – Page 2, Lines 25-31. For a complete listing of the current federal Endangered & Threatened Species see the spreadsheet generated from www.fws.gov/endangered at: http://www.KnifeRights.org/download/Listed_Animals_From_FWS_Cite_151111.xlsx). OF SIGNIFICANT CONCERN, IN MANY CASES THERE IS NO WAY TO DISCERN, WITHOUT DESTRUCTIVE DNA TESTING, AN OBJECT FROM A NON-LISTED SPECIES OR A LISTED SPECIES THAT IS OTHERWISE VISUALLY IDENTICAL.



With no way to readily differentiate legal from illegal, OWNERS ARE SUBJECT TO EXTREME LEGAL JEOPARDY IF THEY DON'T REGISTER ANYTHING THAT MIGHT POSSIBLY BE ILLEGAL, because law enforcement cannot visually tell the difference either. For example, a few endangered and threatened rays are included on the lists (see spreadsheet at http://www.KnifeRights.org/download/Listed_Animals_From_FWS_Cite_151111.xlsx), but the vast majority of rays are not included. There are likely tens of thousands of stingray wallets, purses and belts, as well as knives and swords with stingray handles and sheaths, musical instrument cases, and other objects with "stingray" leather owned by NJ residents, but there is no way to tell if those are from legal harvesting or illegal except by DNA testing. The Federal government already screens these imported products and raw "stingray" hides on importation to ensure they are legal, but there's no paper trail after that.

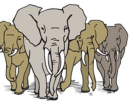
Moreover, some species are listed only for certain geographical areas and are otherwise unlisted or have commercial exceptions, some species of trout and salmon for example (see spreadsheet at http://www.KnifeRights.org/download/Listed_Animals_From_FWS_Cite_151111.xlsx), and are otherwise commonly available to the consumer (in the case of fish, at supermarkets, fish mongers and restaurants. This reflects careful balancing of sustainable use for what is best for wildlife. This bill eviscerates this balancing.

S3146/A4773 does not differentiate and all or any of these species would be completely banned and subject those in possession to prosecution or civil action. Moreover, as with the rays example above, it is difficult or impossible to ascertain visually whether a filet of trout or salmon, including those farm-raised, is from a listed species or not, posing similar issues for legal vs. illegal fish for anyone desiring to offer for sale any species of these fish orders. Even DNA testing might not be good enough to distinguish between legal and illegal for those species whose listing is region dependent.

BAN ON TRANSPORT VIA NY and NJ PORTS AND AIRPORTS of these approximately 1200 wild animal species and Draconian criminal penalties imposed HAS THE POTENTIAL TO COST NEW JERSEY TENS OF MILLIONS OF DOLLARS in lost jobs and tax revenue going forward over the next few decades alone.

BAN ALSO REPRESENTS AN ILLEGAL AND UNCONSTITUTIONAL INFRINGEMENT ON INTERSTATE AND INTERNATIONAL COMMERCE RESERVED TO THE FEDERAL GOVERNMENT, in part because Newark airport is a transshipment point for many of the nation's primary air freight and package delivery companies (e.g. FedEx, UPS, DHL, USPS, major airlines, etc.) who could be held liable for transportation of banned objects, and potentially be subject to harassment and arrest for transportation of those species that are indistinguishable from the banned species. These companies may choose to either cease transportation of such items completely or otherwise restrict their carriage. In addition to the illegal interference with interstate commerce, this would also significantly reducing freight volume through these airports, costing New Jersey jobs and revenue.

- The negative economic impact of this bill cuts across all segments of the population in New Jersey.



ADDITIONAL ADVERSE ECONOMIC IMPACT ON NEW JERSEY

- Ban on transportation of any of the approximately 1200 wild animal species for which possession is banned, as well as the potential for arrest for transportation of those species that are indistinguishable from the banned species, has the potential to cost hundreds, perhaps thousands, of jobs at NJ ports and airports with subsequent lost revenue and taxes, as well as increased unemployment expense for the state which is already strained to meet budgetary needs.
- Individuals entering the U.S. via Newark or Teterboro airports will be subject to a Crime of the Forth Degree (felony level) arrest if they carry or wear any item of the approximately 1200 wild animal species for which possession is banned or those of species that are indistinguishable from the banned species; many will avoid these airports once word gets out, costing New Jersey jobs and revenue
- Numerous very high net worth individuals and corporations who base their private jets in New Jersey or who transit Newark, Teterboro or Atlantic City airports will be subject to Crime of the Forth Degree (felony level) arrest and confiscation of the multi-million dollar property because components of interior furnishings of their transport includes one or more of the approximately 1200 wild animal species for which possession is banned or those of species that are indistinguishable from the banned species; many will avoid New Jersey altogether once word gets out, costing New Jersey jobs and revenue
- At a time when security of the homeland is at an elevated level, the limited resources available will potentially be spent looking for items that fall within these approximately 1200 wild animal species for which possession is banned and Draconian penalties have been added, as opposed to looking for terrorist activity and threats
- OUT-OF-STATE and FOREIGN MUSICAL PERFORMERS, SYMPHONIES AND BANDS whose instruments incorporate any of the approximately 1200 wild animal species for which possession and transportation through Newark airport is banned will NO LONGER USE NEWARK AIRPORT and many will simply avoid performing in New Jersey at all, costing the state significant revenue. Foreign performers, symphonies and bands will simply enter the U.S. via other airports in states.
 - Many musical instruments are made with elephant ivory parts, including but not limited to many string and keyboard instruments. In the case of international performers, they will have complied with international and federal law and have a Convention on International Trade in Endangered Species (CITES) musical instrument certificate to allow legal international travel and entry into the U.S. Domestic performers have no need for such a certificate and would not have one. Regardless, all would be subject to this ban and subject to arrest.
 - Mother of Pearl, potentially from listed species, but generally legally available, is commonly used in, but not limited to, guitars, banjos, violin and cello bows, finger

buttons on the valves on trumpets and covers the entire bodies of many accordions and concertinas.

- As another example, the cases for many instruments are made of the hide of one or more of the approximately 1200 wild animal species for which possession is banned or those of species that are indistinguishable from the banned species, including crocodile and stingray leathers.

Impractical, Unworkable and Unconstitutional Registration Scheme

- It is almost certain that NEW JERSEYANS WHO PURCHASE SOME ITEM THAT IS LEGAL ON THE DAY THEY BUY IT AND THEREAFTER TRANSPORT IT THROUGH A NJ PORT OR AIRPORT, WILL BE SUBJECT TO A CRIME OF THE FORTH DEGREE (felony level crime) ARREST SHORTLY THEREAFTER due to changes to the federal listings, over which New jersey has absolutely no control.
- It is almost certain that some New Jerseyans who are PROSECUTED and CONVICTED FOR A CRIME OF THE FORTH DEGREE (felony level crime) due to transportation of some item that is illegal when they were arrested and prosecuted, will find THAT ITEM NO LONGER ILLEGAL AFTERWARDS due to changes to the federal listings, over which New jersey has absolutely no control.
- It is going to be a bureaucratic and enforcement nightmare, all of which will come with significant expense to the State, to keep track of what is legal and what is not at any particular point in time.

Currently the Department of Environmental Protection is tasked with critical projects that are necessary for New Jersey. They will now be required to add resources at significant expense to develop and put in place the massive registration scheme required in the minimal time provided.

- There are lax limits placed on the cost and complication of the registration process which would be, at best onerous and time consuming for citizens, at worst PROHIBITIVELY EXPENSIVE AND HIGHLY DISCRIMINATORY, PARTICULARLY TO AT-RISK POPULATIONS INCLUDING VETERANS, THE DISABLED AND SENIOR CITIZENS
- THERE IS NO EVIDENCE WHATSOEVER THAT THIS NEW ONEROUS LAW WOULD HAVE ANY EFFECT ON THE SURVIVAL OF ANY OF THE APPROXIMATELY 1200 WILD ANIMAL SPECIES FOR WHICH POSSESSION IS BANNED AND FEDERAL ENDANGERED SPECIES LAW ALREADY ADDRESS THESE INTERNATIONAL CONSERVATION ISSUES.



NEW JERSEY STATE AND UNITED STATES CONSTITUTION VIOLATIONS

S3416 represents an unconstitutional "taking" without due process or compensation (5th Amendment to the U.S. Constitution, Art 1. Sec 20 of the New Jersey Constitution)

- "Registration" does not provide legal cover for the "taking" since the State has taken all the value from the items by making it illegal to sell or trade, making them worthless, a "taking" without compensation
- It is also is unconstitutional for failure to provide Due Process and is likely also unconstitutional over Void for Vagueness issues
- There is no constitutionally valid basis for making contraband of the property of tens of thousands of New Jerseyans given the lack of connection between illegal trade in endangered species as might exist to threaten wildlife internationally and the existing legal trade within New Jersey and within the U.S. in lawfully possessed items from lawfully imported wildlife
- **S3146/A4773 also represents an unconstitutional infringement on Interstate and International Commerce reserved to the Federal Government**

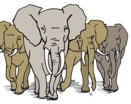
Threat of Extinction Obscured and Overstated – Anti-Hunting Bias Illustrated

S3416 overstates the threat of extinction to the newly added so-called "big five African species." Only one species, Black Rhino, is listed as "Critically Endangered." Others are listed inconsistently across different lists and categories. Cape Buffalo isn't even listed as Endangered or Threatened by CITES and listed a "Least Concern" by IUCN. Moreover, managed hunting is widely credited with saving the White Rhino from extinction.

The threat of extinction for each of the "Big 5" species is listed on the International Union for Conservation of Nature and Natural Resources ("IUCN") Red List and CITES Appendixes I and II (from which federal listing is determined) as follows:

Species	IUCN Red List Categorization*	CITES
African Elephant (<i>Loxodonta Africana</i>)	Vulnerable	Appendix I and II
African Lion (<i>Panthera leo</i>)	Vulnerable	Appendix I
Black Rhino (<i>Diceros bicornis</i>)	Critically Endangered	Appendix I
White Rhino (<i>Ceratotherium simum</i>)	Near Threatened	Appendix I and II
Cape Buffalo (<i>Syncerus caffer</i>)	Least Concern	Not Listed
African Leopard (<i>Panthera pardus</i>)	Near Threatened	Appendix I

*The IUCN Red List of Threatened Species, <http://www.iucnredlist.org/>. The scale of threat for a species on this listing is: Least Concern, Near Threatened, Vulnerable, Endangered, Critically Endangered, Extinct in the Wild and Extinct.



- THE INCLUSION OF THE CAPE BUFFALO, A SPECIES OF “LEAST CONCERN” ON THE IUCN RED LIST, ITS LOWEST LEVEL LISTING, AND UNLISTED IN CITES APPENDIXES I AND II HIGHLIGHTS THAT THIS BILL IS BASED ON A RADICAL ANTI-HUNTING AND ANIMAL RIGHTS AGENDA, NOT ANY SCIENTIFICALLY BASED CONSERVATION CONCERNS.
- It is ironic that S3416/A4808 specifically targets the White Rhino as a species that this radical anti-hunting bill proposes to protect. THE SUCCESSFUL RESTORATION OF WHITE RHINO POPULATIONS FROM THE BRINK OF EXTINCTION IS WIDELY CREDITED TO MANAGED, LEGAL HUNTING. Only decades ago the White Rhino population was down to a handful of animals. Now the White Rhino is thriving and the sustainable population is growing. Two papers document the successful restoration of the White Rhino and the role scientifically managed hunting plays in this continuing success.

"What is trophy hunting?" - Save the Rhino – Jan. 2015, a review of the benefits that accrue to Rhino populations, and specifically, the White Rhino, from trophy hunting. https://www.savetherhino.org/assets/0001/7279/What_is_trophy_hunting.pdf

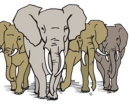
"Economic and conservation significance of the trophy hunting industry in sub-Saharan Africa" – *Biological Conservation* – Oct. 2006 issue, provides a review of the scale of the trophy hunting industry, including a look at the White Rhino population restoration.

<http://www.africanwildlifeconservationfund.org/wp-content/uploads/2011/09/Economic-and-conservation-significance.pdf>

- Expanding the definition of banned wildlife to include animals listed as “threatened” on federal lists undermines the federal laws that created those lists. Different lists exist for “endangered” and “threatened” species to reflect different circumstances and needs both for wildlife and the people who live with them. By eviscerating distinctions between these lists, these bills ignore the science-based conservation approaches taken to protect these species in favor of a “feel good / do bad” prohibitionist approach that denies countries and local communities important tools for managing their wildlife.
- The IUCN RED LIST OF THREATENED SPECIES (see Page 3, lines 29-31) IS NOT A FEDERALLY RECOGNIZED ENDANGERED SPECIES LISTING, but has been criticized as being overly broad, alarmist and politically influenced. Approximately one-third of all species examined by IUCN end up listed on their Red List. Numerous species on the Red List have changed from the lowest category to higher categories and back again, and vice versa, with little or no scientific basis. None of these are subject to New Jersey control.

Limits to the use of threatened species lists – Trends in Ecology & Evolution

<http://www.cell.com/trends/ecology-evolution/abstract/S0169-5347%2802%2902614->



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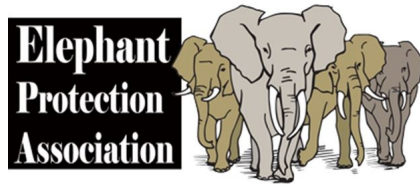
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OPPOSE S3416/A4808

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Amendments DID NOT Solve Many of the Major Problems with S3416/A4808 as Claimed and They Introduced Added Issues

Individual Owners of Antiques, Artwork, Musical Instruments, Religious Artifacts, Jewelry, Clothing, Footwear, Furniture, Knives, Guns, etc. Could Each Owe N.J. Millions of Dollars in Civil Penalties or May be Subject to Crime of the Third Degree (Felony Level) Punishments

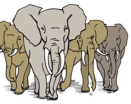
S3416/A4808 Will Likely Prevent Orchestras, Bands, and Other Performers from Being Able to Perform in New Jersey

S3416/A4808 Will Prevent Sale of Many Commonly Consumed Fish in Grocery Stores and Restaurants

S3416/A4808 Requires No Notification to Affected Members of the Public and Contains an Absurdly Short Registration Window for an Unworkable and Expensive Registration/Tax Scheme

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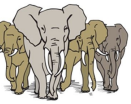
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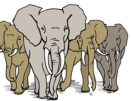
ABSURD, UNMANAGEABLE AND EXPENSIVE REGISTRATION SCHEME

If S3416/A4808 is signed into law, potentially TENS of THOUSANDS, POSSIBLY HUNDREDS OF THOUSANDS, of unsuspecting residents of New Jersey will be REQUIRED TO REGISTER legally acquired and lawfully owned objects that contain parts or skins from approximately 1200 wild animal species for which possession is banned WITHIN AN UNREALISTIC 180-DAY GRACE PERIOD OR FACE POTENTIALLY RUINOUS PENALTIES (See Page 6, line 18-24). These include antiques, artwork, musical instruments, religious artifacts and ceremonial objects, jewelry, clothing, footwear, knives, firearms and accessories, furniture and untold numbers of other lawfully owned and obtained items.

There is nothing in S3416/A4808 that requires that owners be notified, nor any practical means to do so. How can the state possibly notify all residents in New Jersey that they must now register a guitar or set of earrings like they do their cars? The uncertainty caused by the inability to identify whether any particular possession is legal or not, because there is no way to visually identify any difference in many cases (see details below), only makes this more problematic.

Regardless of the effort and expense incurred attempting to notify New Jerseyans, or to minimally notify them as the case may be, TENS OF THOUSANDS, PERHAPS HUNDREDS OF THOUSANDS OF NEW JERSEYANS WILL INEVITABLY BE UNAWARE OF THIS NEW REGISTRATION REQUIREMENT AND ARE THUS UNLIKELY TO COMPLY WITH THE REGISTRATION SCHEME WITHIN TIME LIMIT.





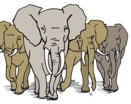
The Legislature attempted to address the outlandish Crime of the Third Degree (felony level) criminal penalties for failure to register in S3416/A4808 as introduced (see Page 7, Line 8) by providing for a \$25/day civil penalty in the case of those who legally possess banned objects at the time the bill is enacted, but who fail to register the objects. Unfortunately, because S3416/A4808 still includes the Crime of the Third Degree (felony level) criminal penalties (see Page 7, Line 12), the felony level penalties will still be able to be enforced against innocent individuals who unknowingly come into possession of banned objects, or those of species that are indistinguishable from the banned species, INCLUDING THOSE WHO MOVE INTO NEW JERSEY WHILE POSSESSING THESE OBJECTS THAT ARE LEGAL TO POSSESS IN ALL THE OTHER 49 STATES.

(The bill amends parts of Title 2A, chap. 23 (The Endangered and Nongame Species Conservation Act). The penalty section for chap. 23 is N.J. Stat. § 23:2A-10. The bill's Section 6(d) (see Page 7, Line 3) reads that notwithstanding the penalties in § 23:2A-10 (and only this section), a person who commits the new possession offense by not getting a certificate 'shall be subject only to a civil penalty of up to \$25 for each day' the offense continues. This applies only to the possession-failure to obtain a certificate offense, and not any of the other activities that the bill prohibits. The bill, in Section 6 (e) (see Page 7, Line 12), adds that nothing precludes a person who violates Section 6 "from also being liable for any applicable violation of" different sections -- N.J. Stat. § 23:2A-13.1 (ivory, rhino horn law), or N.J. Stat. § 23:4-27 (wildlife sale and purchase) "or any other State law, rule, or regulation." The Bill Statement reads that a "person who violates the bill is subject to the penalties set forth in the 'The Endangered and Nongame Species Conservation Act.' Specifically, a violator is guilty of a crime of the third degree, and subject to a criminal fine of between \$5,000 and \$50,000, a civil penalty of up to \$25,000, and a civil administrative penalty of up to \$25,000 per day of violation, as well as other penalties." The Statement also repeats that nothing in the bill is to be interpreted as precluding a violator from also being liable where any other State law, rule, or regulation governing the same conduct is triggered.)

The \$25/day civil possession penalty itself is outrageous. That amounts to \$9,125 per year, or \$91,250 in 10 years. If a resident is caught with 10 illicit items in a collection that they failed to register after ten years they would owe \$912,500 in civil penalties, nearly one million dollars! Multiply that by thousands of New Jerseyans and S3416/A4808 creates serious, potentially ruinous problems for many folks who did nothing wrong but to own something that was legal yesterday, but is illegal tomorrow for no rational reason.

Moreover, even if the DEP can develop the required registration process within in the 180-day grace period, it is entirely likely that only a small portion of that grace period will remain in which residents can register their illegal items, making the registration scheme even more onerous and problematic.

Beyond that, the bill provides no limitation beyond the undefined "reasonable" (see Page 7, Line 1) for the amount of fee to be charged by DEP for the privilege of registering a resident's object. Making it worse, a straightforward interpretation of the bill's language requires each object to be



registered individually, so owners of multiple objects can be charged this indeterminate fee for each object they own, potentially hundreds of times in the case of some collectors. And, each object would be treated individually as far as determining any civil or criminal penalty, exacerbating the problems caused innocent holders of this property.

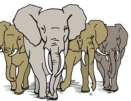
ADVERSE ECONOMIC IMPACT ON NEW JERSEY

Although this bill has been commonly referred to in legislative hearings and based on bill language as dealing only with the "big five African species," a misnomer misappropriated from trophy hunting traditions to capitalize on anti-hunting sentiment, THERE ARE APPROXIMATELY 1200 SPECIES COVERED BY S3416/A4808 REQUIRING REGISTRATION (...those on any federal endangered or threatened species list – Page 2, Lines 22-23. For a complete listing of the current federal Endangered & Threatened Species see the spreadsheet generated from www.fws.gov/endangered at: http://www.KnifeRights.org/download/Listed_Animals_From_FWS_Cite_151111.xlsx). OF SIGNIFICANT CONCERN, IN MANY CASES THERE IS NO WAY TO DISCERN, WITHOUT DESTRUCTIVE DNA TESTING, AN OBJECT FROM A NON-LISTED SPECIES OR A LISTED SPECIES THAT IS OTHERWISE VISUALLY IDENTICAL.

With no way to readily differentiate legal from illegal, OWNERS ARE SUBJECT TO EXTREME LEGAL JEOPARDY IF THEY DON'T REGISTER ANYTHING THAT MIGHT POSSIBLY BE ILLEGAL, because law enforcement cannot visually tell the difference either. For example, a few endangered and threatened rays are included on the lists (see spreadsheet at http://www.KnifeRights.org/download/Listed_Animals_From_FWS_Cite_151111.xlsx), but the vast majority of rays are not included. There are likely tens of thousands of stingray wallets, purses and belts, as well as knives and swords with stingray handles and sheaths, musical instrument cases, and other objects with "stingray" leather owned by NJ residents, but there is no way to tell if those are from legal harvesting or illegal except by DNA testing. The Federal government already screens these imported products and raw "stingray" hides on importation to ensure they are legal, but there's no paper trail after that.

Moreover, some species are listed only for certain geographical areas and are otherwise unlisted or have commercial exceptions, some species of trout and salmon for example (see spreadsheet at http://www.KnifeRights.org/download/Listed_Animals_From_FWS_Cite_151111.xlsx), and are otherwise commonly available to the consumer (in the case of fish, at supermarkets, fish mongers and restaurants. This reflects careful balancing of sustainable use for what is best for wildlife. This bill eviscerates this balancing.

S3416/A4808 does not differentiate and all or any of these species would be completely banned and subject those in possession to prosecution or civil action. Moreover, as with the rays example above, it is difficult or impossible to ascertain visually whether a filet of trout or salmon, including those farm-raised, is from a listed species or not, posing similar issues for legal vs. illegal fish for anyone desiring to offer for sale any species of these fish orders. Even DNA testing might not be good enough to distinguish between legal and illegal for those species whose listing is region dependent.



IT IS ENTIRELY POSSIBLE GIVEN THE EXTREME LEGAL JEOPARDY IN WHICH THIS PLACES SUPERMARKETS, FISH MONGERS AND RESTAURANTS, THAT THEY MAY WELL CEASE OFFERING THESE SPECIES TO CUSTOMERS.

The amended S3416/A4808 re-inserted the statute's original transportation exception that had been deleted in the original S3416/A4808, however, because the S3416/A4808 transportation ban also remains in the bill, S3416/A4808 STILL BANS TRANSPORTATION OF THE LISTED SPECIES WITH ALL THE ADVERSE EFFECTS THAT CREATES FOR THE STATE.

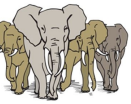
(In 5 (see Page 4, Line 25) the transit exception is deleted, but reinserted in a significantly different form. The Section 5 wording still allows transport "in accordance with the terms of any federal permit or [state] permit," but adds that the transport must also not be "prohibited by s. 6" or "any other applicable law." New Section 6 (see Page 6, Line 1) begins with a "Notwithstanding... any other law" provision before it goes on to prohibit the possession, transport, import, export, and shipping of any Big Five species, and any of the listed species that are on CITES I or II, or on the UCSN Red List. Given the way Section 5 and 6 are drafted, Section 6 would "override" Section 5, at least so far as any of the species in that section are concerned. By its own wording, Section 5 also "gives way" if the transport is prohibited by any other law.)

BAN ON TRADE IN, AND DEVALUATION TO ZERO of, these approximately 1200 wild animal species for which possession is banned and Draconian criminal penalties imposed HAS THE POTENTIAL TO COST NEW JERSEY TENS OF MILLIONS OF DOLLARS in lost sales and inheritance tax revenue and other tax revenue going forward over the next few decades alone.

- Retailers, restorers, auction houses and services, wholesalers and producers, many of them small businesses, that currently sell, make or repair any items that include these newly banned materials, or those of species that are indistinguishable from the banned species, face loss of revenue and potentially loss of their livelihood.
- The negative economic impact of this bill cuts across all segments of the population in New Jersey.

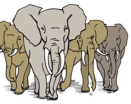
ADDITIONAL ADVERSE ECONOMIC IMPACT ON NEW JERSEY

- Ban on transportation of any of the approximately 1200 wild animal species for which possession is banned, as well as the potential for arrest for transportation of those species that are indistinguishable from the banned species, has the potential to cost hundreds, perhaps thousands, of jobs at NJ ports, trucking and railroad hubs and airports, with subsequent lost revenue and taxes, as well as increased unemployment expense for the state which is already strained to meet budgetary needs.
- Individuals entering the U.S. via Newark Airport will be subject to a Crime of the Third Degree (felony level) arrest if they carry or wear any item of the approximately 1200 wild animal species for which possession is banned or those of species that are indistinguishable from the



banned species; many will avoid Newark airport once word gets out, costing New Jersey jobs and revenue

- Numerous very high net worth individuals and corporations who base their private jets, railcars or tour buses in New Jersey or who transit New Jersey airports, railroads or roads, will be subject to Crime of the Third Degree (felony level) arrest and confiscation of the multi-million dollar property because components of interior furnishings of their transport includes one or more of the approximately 1200 wild animal species for which possession is banned or those of species that are indistinguishable from the banned species; many will avoid New Jersey altogether once word gets out, costing New Jersey jobs and revenue
- At a time when security of the homeland is at an elevated level, the limited resources available will potentially be spent looking for items that fall within these approximately 1200 wild animal species for which possession is banned and Draconian penalties have been added, as opposed to looking for terrorist activity and threats
- While S3416 includes an exception for ivory and ivory products in an effort to carve out an exception to allow for musical instruments to not be included, there are still species listed or which will be problematic for OUT-OF-STATE and FOREIGN MUSICAL PERFORMERS, SYMPHONIES AND BANDS whose instruments incorporate any of the approximately 1200 wild animal species for which possession is banned and penalties have been dramatically increased. In some cases there is no way to identify the source of a particular species used on an instrument, absent a destructive DNA test, so those instruments will subject the possessor to legal jeopardy. As such, they will NO LONGER PERFORM in New Jersey, or even transit New Jersey, costing the state significant revenue.
 - As but one example, Mother of Pearl, potentially from listed species, but generally legally available, is commonly used in, but not limited to, guitars, banjos, violin and cello bows, finger buttons on the valves on trumpets and covers the entire bodies of many accordions and concertinas.
 - As another example, the cases for many instruments are made of the hide of one or more of the approximately 1200 wild animal species for which possession is banned or those of species that are indistinguishable from the banned species, including crocodile and stingray leathers.
- FOREIGN MUSICAL PERFORMERS, SYMPHONIES OR BANDS whose instruments incorporate any of the approximately 1200 wild animal species for which possession is banned or those of species that are indistinguishable from the banned species (see above) WILL NEVER BE ABLE TO PERFORM IN NEW JERSEY OR EVEN TRANSIT NEW JERSEY and will enter the country via airports in other states costing the state significant revenue



Impractical, Unworkable and Unconstitutional Registration Scheme

- It is almost certain that NEW JERSEYANS WHO PURCHASE SOME ITEM THAT IS LEGAL ON THE DAY THEY BUY IT, WILL BE SUBJECT TO A CRIME OF THE THIRD DEGREE (felony level crime) ARREST SHORTLY THEREAFTER due to changes to the federal listings, over which New jersey has absolutely no control.
- It is almost certain that some New Jerseyans who are PROSECUTED and CONVICTED FOR A CRIME OF THE THIRD DEGREE (felony level crime) due to possession of some item that is illegal when they were arrested and prosecuted, will find THAT ITEM NO LONGER ILLEGAL AFTERWARDS due to changes to the federal listings, over which New jersey has absolutely no control.
- It is going to be a bureaucratic and enforcement nightmare, all of which will come with significant expense to the State, to keep track of what is legal and what is not at any particular point in time.

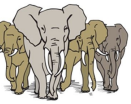
Currently the Department of Environmental Protection is tasked with critical projects that are necessary for New Jersey. They will now be required to add resources at significant expense to develop and put in place the massive registration scheme required in the minimal time provided.

- There are lax limits placed on the cost and complication of the registration process which would be, at best onerous and time consuming for citizens, at worst PROHIBITIVELY EXPENSIVE AND HIGHLY DISCRIMINATORY, PARTICULARLY TO AT-RISK POPULATIONS INCLUDING VETERANS, THE DISABLED AND SENIOR CITIZENS
- THERE IS NO EVIDENCE WHATSOEVER THAT THIS NEW ONEROUS LAW WOULD HAVE ANY EFFECT ON THE SURVIVAL OF ANY OF THE APPROXIMATELY 1200 WILD ANIMAL SPECIES FOR WHICH POSSESSION IS BANNED AND FEDERAL ENDANGERED SPECIES LAW ALREADY ADDRESS THESE INTERNATIONAL CONSERVATION ISSUES.

NEW JERSEY STATE AND UNITED STATES CONSTITUTION VIOLATIONS

S3416 represents an unconstitutional "taking" without due process or compensation (5th Amendment to the U.S. Constitution, Art 1. Sec 20 of the New Jersey Constitution)

- "Registration" does not provide legal cover for the "taking" since the State has taken all the value from the items by making it illegal to sell or trade, making them worthless, a "taking" without compensation
- It is also is unconstitutional for failure to provide Due Process and is likely also unconstitutional over Void for Vagueness issues



- There is no constitutionally valid basis for making contraband of the property of tens of thousands of New Jerseyans given the lack of connection between illegal trade in endangered species as might exist to threaten wildlife internationally and the existing legal trade within New Jersey and within the U.S. in lawfully possessed items from lawfully imported wildlife
- **S3416/A4808 also represents an unconstitutional infringement on Interstate Commerce reserved to the Federal Government**

Threat of Extinction Obscured and Overstated – Anti-Hunting Bias Illustrated

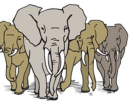
S3416 overstates the threat of extinction to the newly added so-called "big five African species." Only one species, Black Rhino, is listed as "Critically Endangered." Others are listed inconsistently across different lists and categories. Cape Buffalo isn't even listed as Endangered or Threatened by CITES and listed a "Least Concern" by IUCN. Moreover, managed hunting is widely credited with saving the White Rhino from extinction.

The threat of extinction for each of the "Big 5" species is listed on the International Union for Conservation of Nature and Natural Resources ("IUCN") Red List and CITES Appendixes I and II (from which federal listing is determined) as follows:

Species	IUCN Red List Categorization*	CITES
African Elephant (<i>Loxodonta Africana</i>)	Vulnerable	Appendix I and II
African Lion (<i>Panthera leo</i>)	Vulnerable	Appendix I
Black Rhino (<i>Diceros bicornis</i>)	Critically Endangered	Appendix I
White Rhino (<i>Ceratotherium simum</i>)	Near Threatened	Appendix I and II
Cape Buffalo (<i>Syncerus caffer</i>)	Least Concern	Not Listed
African Leopard (<i>Panthera pardus</i>)	Near Threatened	Appendix I

*The IUCN Red List of Threatened Species, <http://www.iucnredlist.org/>. The scale of threat for a species on this listing is: Least Concern, Near Threatened, Vulnerable, Endangered, Critically Endangered, Extinct in the Wild and Extinct.

- THE INCLUSION OF THE CAPE BUFFALO, A SPECIES OF "LEAST CONCERN" ON THE IUCN RED LIST, ITS LOWEST LEVEL LISTING, AND UNLISTED IN CITES APPENDIXES I AND II HIGHLIGHTS THAT THIS BILL IS BASED ON A RADICAL ANTI-HUNTING AND ANIMAL RIGHTS AGENDA, NOT ANY SCIENTIFICALLY BASED CONSERVATION CONCERNS.
- It is ironic that S3416/A4808 specifically targets the White Rhino as a species that this radical anti-hunting bill proposes to protect. THE SUCCESSFUL RESTORATION OF WHITE RHINO POPULATIONS FROM THE BRINK OF EXTINCTION IS WIDELY CREDITED TO MANAGED, LEGAL HUNTING. Only decades ago the White Rhino was population was down to a handful of animals. Now the White Rhino is thriving and the sustainable population is growing. Two papers document the successful restoration of the White Rhino and the role scientifically managed hunting plays in this continuing success.



"What is trophy hunting?" - Save the Rhino – Jan. 2015, a review of the benefits that accrue to Rhino populations, and specifically, the White Rhino, from trophy hunting. https://www.savetherhino.org/assets/0001/7279/What_is_trophy_hunting.pdf

"Economic and conservation significance of the trophy hunting industry in sub-Saharan Africa" – *Biological Conservation* – Oct. 2006 issue, provides a review of the scale of the trophy hunting industry, including a look at the White Rhino population restoration. <http://www.africanwildlifeconservationfund.org/wp-content/uploads/2011/09/Economic-and-conservation-significance.pdf>

- Expanding the definition of banned wildlife to include animals listed as "threatened" on federal lists undermines the federal laws that created those lists. Different lists exist for "endangered" and "threatened" species to reflect different circumstances and needs both for wildlife and the people who live with them. By eviscerating distinctions between these lists, these bills ignore the science-based conservation approaches taken to protect these species in favor of a "feel good / do bad" prohibitionist approach that denies countries and local communities important tools for managing their wildlife.
- The IUCN RED LIST OF THREATENED SPECIES (see Page 6, lines 11-13) IS NOT A FEDERALLY RECOGNIZED ENDANGERED SPECIES LISTING, but has been criticized as being overly broad, alarmist and politically influenced. Approximately one-third of all species examined by IUCN end up listed on their Red List. Numerous species on the Red List have changed from the lowest category to higher categories and back again, and vice versa, with little or no scientific basis. None of these are subject to New Jersey control.

Limits to the use of threatened species lists – Trends in Ecology & Evolution
<http://www.cell.com/trends/ecology-evolution/abstract/S0169-5347%2802%2902614-9?returnURL=http%3A%2F%2Flinkinghub.elsevier.com%2Fretrieve%2Fpii%2FS0169534702026149%3Fshowall%3Dtrue>

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