



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

February 2, 2009

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Secretary Ken Salazar  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

**RE: Request to Suspend Bush Administration Policy Concerning the Use of Volunteer  
Hunters in Rocky Mountain National Park**

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Dear Mr. Secretary:

On behalf of The Humane Society of the United States (HSUS) and our more than 10.5 million members and constituents, I congratulate you on your confirmation. The HSUS is the nation's largest animal protection organization, and we look forward to working with you in the coming years on issues related to animal welfare and conservation.

I am writing to respectfully request that you suspend, pending further review, the Bush administration's controversial decision to allow private trophy hunters to kill elk in the Rocky Mountain National Park under the guise of terming them "volunteer" agents of the National Park Service (NPS). *See* 73 Fed. Reg. 20,710-01 (Apr. 16, 2008).

This decision, issued during the last year of the previous administration, and summarily reversing a 75-year ban on such activities in the Rocky Mountain National Park, sets a dangerous precedent with far-reaching policy implications that affect stakeholders throughout the entire Park System, and thus merits close consideration by the new administration before it is implemented. Because the killing of elk is scheduled to begin this February, your immediate attention to this issue is critical and greatly appreciated.

We hope that a review is already being undertaken of this new policy pursuant to White House Chief of Staff Rahm Emanuel's January 20 Memorandum for the Heads of Executive Departments and Agencies regarding regulatory review. It is consistent with this policy of reviewing regulations not yet implemented to suspend the Rocky Mountain National Park elk management program until it is reviewed by the new administration, particularly in light of the fact that the decision reverses a longstanding federal policy which had been in place for decades, the reversal of which had previously been declared unlawful by the Bush administration.

By statute, recreational hunting is generally prohibited in national parks, and has been specifically prohibited in the Rocky Mountain National Park for more than 75 years. Recognizing that "the use of public marksmen in the park would constitute hunting," which federal law prohibits in the park, NPS officials repeatedly rejected the idea of allowing public volunteers to directly participate in the lethal reduction of elk. Administrative Record ("AR") for

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the Rocky Mountain National Park Elk and Vegetation Management Plan at 6591. During the planning phase of the Elk and Vegetation Management Plan, the DOI Solicitor's Office, NPS management, and the Volunteers in the Parks Office all advised that volunteer hunters should not be utilized in elk reduction activities. AR at 4358, 8232, 7443-44. Consequently, the NPS' environmental impact statement ("EIS") distributed for public comment declared that the use of public hunters to reduce the elk herd would be illegal, raise serious safety and efficiency concerns, and have a negative effect on park visitors. Draft EIS at 75-77. Nevertheless, in its final decision document, the agency abruptly reversed course and authorized the use of "volunteer" public hunters.

A legal petition to overturn the agency's decision was filed in the U.S. District Court for the District of Colorado on March 25, 2008 by WildEarth Guardians, an organization that works to restore wildlife, wild rivers and wild places in the American West. On December 10, 2008 The HSUS filed an amicus brief in support of the plaintiff's petition for review of the agency's action. The HSUS was granted amicus status and the case is currently in the briefing stage.

The lawsuit challenges the NPS's decision as violating several federal statutes, including the National Park Service Organic Act, 16 U.S.C. § 1, which directs the NPS to carry out its duties with an ethic of non-impairment (and which the NPS itself has interpreted to prohibit all hunting and trapping in national parks unless specifically authorized by Congress), and the Rocky Mountain National Park Act, 16 U.S.C. § 198c, which clearly states that all hunting is prohibited in the Park. In addition, the NPS's decision violates the Volunteers in the Parks Act, 16 U.S.C. § 18g, and the Service's own policy relating to use of volunteers, which clearly forbids the use of modern firearms by volunteers.

NPS's authorized use of volunteer agents to shoot and kill elk in the Rocky Mountain National Park is identical to an earlier agency proposal that permitted "public marksmen" to assist the NPS in lethal reduction activities – a proposal that was summarily rejected as unlawful by the agency in 2004. *See* Alternatives Workshop and Public Comments on the Draft Alternatives Report, Alternative E, AR at 12414; AR at 6591-92. Simply labeling public volunteer hunters as "authorized agents" of the NPS does not transform the killing of elk by private sportsmen into a non-hunting event. *See* 36 C.F.R. § 1.4 (defining "hunting" as "taking or attempting to take wildlife . . .").

Nevertheless, the outgoing administration summarily reversed its position and authorized this activity during its last year in office. Allowing public hunters to kill elk in the Rocky Mountain National Park – which is slated to begin as early as next week – under the guise of "assisting" the NPS in managing wildlife not only eviscerates a 75-year ban on hunting in the park, but also sets a troubling precedent that could be expanded to the entire National Park System.

As you know, there are millions of acres of federal lands currently open to sport hunters, who have the opportunity to participate in recreational hunting on many national wildlife refuges, national forests, BLM lands, and other federal properties. But national parks have always been held to a different standard, and have generally not allowed hunting. Opening our national parks to "volunteer" hunters would disturb the peace and tranquility which are unique to these parks, would jeopardize wildlife populations, and would create conflicts with other park visitors.

We urge you to initiate a review of this controversial decision, and to suspend the program at issue pending that review. A brief delay to fully review this action will not have any adverse effects, and will ensure that the previous administration is not tying the new one to a flawed and potentially illegal program.

Please feel free to contact me at 301-721-3070 or [wpacelle@humanesociety.org](mailto:wpacelle@humanesociety.org) to discuss this issue further. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Wayne Pacelle". The signature is written in a cursive, flowing style.

Wayne Pacelle  
President and CEO

cc: Rep. Raúl Grijalva (D-AZ), Chairman of the Subcommittee on National Parks, Forests  
and Public Lands  
Dan Wenk, Acting Director, National Park Service