

**H.R. 6352, H.R. 8413, H.R. 8632,  
H.R. 8836, AND DISCUSSION DRAFT  
OF H.R. \_\_\_\_ (GRAVES OF LA)**

---

---

**LEGISLATIVE HEARING**

BEFORE THE

SUBCOMMITTEE ON WATER, WILDLIFE AND  
FISHERIES

OF THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

\_\_\_\_\_

Tuesday, September 10, 2024

\_\_\_\_\_

**Serial No. 118-145**

\_\_\_\_\_

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.govinfo.gov>

or

Committee address: <http://naturalresources.house.gov>

\_\_\_\_\_

U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON NATURAL RESOURCES

BRUCE WESTERMAN, AR, *Chairman*  
DOUG LAMBORN, CO, *Vice Chairman*  
RAÚL M. GRIJALVA, AZ, *Ranking Member*

Doug Lamborn, CO	Grace F. Napolitano, CA
Robert J. Wittman, VA	Gregorio Kilili Camacho Sablan, CNMI
Tom McClintock, CA	Jared Huffman, CA
Paul Gosar, AZ	Ruben Gallego, AZ
Garret Graves, LA	Joe Neguse, CO
Aumua Amata C. Radewagen, AS	Mike Levin, CA
Doug LaMalfa, CA	Katie Porter, CA
Daniel Webster, FL	Teresa Leger Fernández, NM
Jennifer González-Colón, PR	Melanie A. Stansbury, NM
Russ Fulcher, ID	Mary Sattler Peltola, AK
Pete Stauber, MN	Alexandria Ocasio-Cortez, NY
John R. Curtis, UT	Kevin Mullin, CA
Tom Tiffany, WI	Val T. Hoyle, OR
Jerry Carl, AL	Sydney Kamlager-Dove, CA
Matt Rosendale, MT	Seth Magaziner, RI
Lauren Boebert, CO	Nydia M. Velázquez, NY
Cliff Bentz, OR	Ed Case, HI
Jen Kiggans, VA	Debbie Dingell, MI
Jim Moylan, GU	Susie Lee, NV
Wesley P. Hunt, TX	
Mike Collins, GA	
Anna Paulina Luna, FL	
John Duarte, CA	
Harriet M. Hageman, WY	

Vivian Moeglein, *Staff Director*  
Tom Connally, *Chief Counsel*  
Lora Snyder, *Democratic Staff Director*  
<http://naturalresources.house.gov>

---

SUBCOMMITTEE ON WATER, WILDLIFE AND FISHERIES

CLIFF BENTZ, OR, *Chairman*  
JEN KIGGANS, VA, *Vice Chair*  
JARED HUFFMAN, CA, *Ranking Member*

Robert J. Wittman, VA	Grace F. Napolitano, CA
Tom McClintock, CA	Mike Levin, CA
Garret Graves, LA	Mary Sattler Peltola, AK
Aumua Amata C. Radewagen, AS	Kevin Mullin, CA
Doug LaMalfa, CA	Val T. Hoyle, OR
Daniel Webster, FL	Seth Magaziner, RI
Jennifer González-Colón, PR	Debbie Dingell, MI
Jerry Carl, AL	Ruben Gallego, AZ
Lauren Boebert, CO	Joe Neguse, CO
Jen Kiggans, VA	Katie Porter, CA
Anna Paulina Luna, FL	Ed Case, HI
John Duarte, CA	Raúl M. Grijalva, AZ, <i>ex officio</i>
Harriet M. Hageman, WY	
Bruce Westerman, AR, <i>ex officio</i>	

## CONTENTS

---

	Page
Hearing Memo .....	v
Hearing held on Tuesday, September 10, 2024 .....	1
Statement of Members:	
Bentz, Hon. Cliff, a Representative in Congress from the State of Oregon	2
Huffman, Hon. Jared, a Representative in Congress from the State of California .....	3
Panel I:	
Graves, Hon. Garret, a Representative in Congress from the State of Louisiana .....	11
Grothman, Hon. Glenn, a Representative in Congress from the State of Wisconsin .....	12
Zinke, Hon. Ryan K., a Representative in Congress from the State of Montana .....	14
Moore, Hon. Blake D., a Representative in Congress from the State of Utah .....	15
Statement of Witnesses:	
Panel II:	
Guertin, Steve, Deputy Director for Program Management and Policy, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC .....	17
Prepared statement of .....	19
Questions submitted for the record .....	23
Cochran, Steve, Former Executive Director, Restore the Mississippi River Delta, New Orleans, Louisiana .....	23
Prepared statement of .....	25
Nichols, Paul, Chairman, Hitchcock County Board of Commissioners, Trenton, Nebraska .....	28
Prepared statement of .....	29
Leahy, Mike, Senior Director of Wildlife, Hunting, and Fishing Policy, National Wildlife Federation, Washington, DC .....	33
Prepared statement of .....	35
Schmitz, Taylor, Director of Government Relations, Congressional Sportsmen’s Foundation, Washington, DC .....	39
Prepared statement of .....	41
Additional Materials Submitted for the Record:	
Bureau of Reclamation, Statement for the Record .....	67
NOAA, Statement for the Record .....	69
Submissions for the Record by Representative Bentz	
Association of Fish & Wildlife Agencies, Statement for the Record on H.R. 6352 and H.R. 8836 .....	63
Multiple conservation organizations, Letter to the Committee on H.R. 8836 .....	65
Submissions for the Record by Representative Huffman	
BRADY—United Against Gun Violence, Statement for the Record on H.R. 6352 .....	4
Everytown for Gun Safety, Statement for the Record on H.R. 6352 ....	6
Letter from wildlife groups opposing H.R. 8632 .....	9

IV

	Page
Additional Materials Submitted for the Record—Continued	
Submissions for the Record by Representative Zinke	
Western Governors Association, Letter to the Committee on H.R. 8836 .....	71
National Audubon Society, Letter to the Committee on H.R. 8836 .....	75
Submissions for the Record by Representative Moore	
Backcountry Hunters & Anglers, Letter to the Committee on H.R. 6352 .....	16



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** Committee on Natural Resources Republican Members  
**From:** Committee on Natural Resources staff: Annick Miller, x58331 (annick.miller@mail.house.gov), Doug Levine (doug.levine@mail.house.gov), Kirby Struhar (kirby.struhar@mail.house.gov), and Thomas Shipman (thomas.shipman@mail.house.gov)  
**Date:** Tuesday, September 10, 2024  
**Subject:** Legislative Hearing on H.R. 6352, H.R. 8413, H.R. 8632, H.R. 8836, and a Discussion Draft of H.R. \_\_\_\_ (Rep. Graves of LA)

---

The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on: H.R. 6352 (Rep. Moore of UT), "*Tax Stamp Revenue Transfer for Wildlife and Recreation Act*"; H.R. 8413 (Rep. Smith of NE), "*Swanson and Hugh Butler Reservoirs Land Conveyances Act*"; H.R. 8632 (Rep. Grothman), "*Biodiversity Oversight Scaled-back and Fully Erased (BIOSAFE) Act of 2024*"; H.R. 8836 (Rep. Zinke), "*Wildlife Movement Through Partnerships Act*"; and a Discussion Draft of H.R. \_\_\_\_ (Rep. Graves of LA), To require the Administrator of the National Marine Fisheries Service to establish a coastal protection and restoration grant program; on **Tuesday, September 10, 2024, at 2 o'clock p.m. EDT in 1324 Longworth House Office Building.**

Member offices are requested to notify Lindsay Walton (lindsay.walton@mail.house.gov) by 4:30 p.m. on Monday, September 9, 2024, if their Member intends to participate in the hearing.

**I. KEY MESSAGES**

- House Republicans are considering five bills that provide additional funding and expertise for wildlife conservation nationwide, provide for the transfer of a federal water facility to local control, and promote coastal restoration.
- H.R. 6352 would direct tax revenue from the transfer of silencers to wildlife conservation and also speed up the process of approving silencer transfer applications.
- H.R. 8413 would initiate a land conveyance of two Bureau of Reclamation reservoirs in southern Nebraska for the purpose of turning management over to local county management.
- H.R. 8632 would require the U.S. Fish and Wildlife Service to withdraw their proposed Biological Integrity, Diversity, and Environmental Health Rule thereby protecting vital multiple use activities within the National Wildlife Refuge System.
- H.R. 8836 would build on work undertaken by the Trump Administration to conserve migration corridors and winter range habitat for big game species through voluntary programs with private landowners and cooperation with state agencies.
- The Discussion Draft being considered would establish a new grant program administered by the National Marine Fisheries Service to advance coastal restoration activities.

## II. WITNESSES

### Panel I

- **Members of Congress TBD**

### Panel II

- **Mr. Steve Guertin**, Deputy Director for Program Management and Policy, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. [H.R. 6352, H.R. 8413, H.R. 8632, and H.R. 8836]
- **The Honorable Richard Spinrad**, Under Secretary of Commerce for Oceans and Atmosphere & NOAA Administrator, Department of Commerce, Washington, DC [invited]
- **Mr. Taylor Schmitz**, Director of Government Relations, Congressional Sportsmen's Foundation, Washington, D.C. [H.R. 6352, H.R. 8632, and H.R. 8836]
- **Mr. Paul Nichols**, Chairman, Hitchcock County Board of Commissioners, Trenton, NE [H.R. 8413]
- **Mr. Steve Cochran**, Former Executive Director, Restore the Mississippi River Delta, New Orleans, LA [Graves Discussion Draft]
- **Mr. Mike Leahy**, Senior Director of Wildlife, Hunting, and Fishing Policy, National Wildlife Federation, Washington, DC [H.R. 8836] [Minority witness]

## III. BACKGROUND

### H.R. 6352 (Rep. Moore of UT), “*Tax Stamp Revenue Transfer for Wildlife and Recreation Act*”

For over 80 years, our nation’s sportsmen and women have been the primary funders of fish and wildlife conservation in the United States through a “user pays—public benefits” structure known as the “American System of Conservation Funding.”<sup>1</sup> This year, the Department of the Interior (DOI) distributed more than \$1.3 billion in funding that was generated by sportsmen and women through excise taxes on recreational shooting, hunting, fishing, and boating equipment.<sup>2</sup> These funds are apportioned through formulas set out in the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act.

H.R. 6352 amends the Pittman-Robertson Wildlife Restoration Trust Fund by apportioning tax revenue received from the transfer of silencers to be directed toward wildlife conservation and recreation. In addition, the bill would require the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to expedite the processing of silencer transfer applications.

According to the National Firearms Act of 1934 (Public Law 73–474), all applicants wishing to transfer a silencer are required to undergo a background check and pay a \$200 tax stamp.

Currently, the revenue accrued by the tax stamp goes to the general treasury, without a stated purpose. H.R. 6352 would change this by directing 85 percent of it to the Pittman-Robertson Wildlife Restoration Trust Fund. Of the revenue dedicated to the Pittman-Robertson Wildlife Restoration Trust Fund by this bill, 15 percent would be utilized to develop, maintain, and operate recreational shooting ranges. The rest of the funding would go toward wildlife conservation, hunter education, and other activities set out in the underlying Pittman-Roberston statute.

The remaining 15 percent of tax stamp revenue from the transfer of silencers would be allocated to the ATF to expedite the processing of silencer transfer applications. H.R. 6352 would also place a 90-day requirement on the ATF to process silencer applications. If an application is not processed within 90 days, that application will be deemed approved.

H.R. 6352 has five Republican cosponsors and one Democrat cosponsor.

<sup>1</sup>“The American System of Conservation Funding.” Association of Fish & Wildlife Agencies. <https://www.fishwildlife.org/afwa-informs/resources/american-system-conservation-funding>

<sup>2</sup>“Final Apportionment of Pittman-Robertson Wildlife Restoration Funding for Fiscal Year 2024.” U.S. Fish and Wildlife Service. FY24 WR Apportionments (fws.gov) and “Amended Final Apportionment of Dingell-Johnson Sports Fish Restoration Funding for Fiscal 2024.” U.S. Fish and Wildlife Service. FY24 SFR Apportionments (fws.gov)

**H.R. 8413 (Rep. Smith of NE), “Swanson and Hugh Butler Reservoirs Land Conveyances Act”**

H.R. 8413 initiates the transfer of federal lands at the Swanson Reservoir and the Hugh Butler Reservoir in Nebraska to Frontier County and Hitchcock County in southern Nebraska. These reservoirs were created by the construction of dams for flood control under the Pick-Sloan Missouri Basin Program which was authorized by the Flood Control Act in 1944.<sup>3</sup> The Hugh Butler Reservoir was created by the construction of the Red Willow Dam and holds 86,630 acre-feet (AF) of water.<sup>4</sup> The Swanson Reservoir was created by the construction of the Trenton Dam between 1949 and 1953 and is capable of storing 216,291 AF.<sup>5,6</sup> Among other benefits, these reservoirs provide access to recreational outdoor activities with the two parks containing 5,960 acres available for public access hunting and recreational fishing access for many fish species including walleye, crappie, channel catfish, and several others.<sup>7</sup>

The legislation was introduced at the request of both Hitchcock and Frontier Counties with the hopes of placing certain land around these two reservoirs under local control after disagreements arose between local stakeholders and the Bureau of Reclamation about the management of the concession areas surrounding the reservoirs.<sup>8</sup> The disagreement stemmed from a Bureau of Reclamation decision to require the removal of mobile homes parks surrounding the reservoirs by November 1, 2024 as a precondition to resign concessionaire contracts.<sup>9</sup> Local concessionaires have stated publicly that the removal of the trailer parks would cause a drastic loss in revenues and put their businesses at risk.<sup>10</sup> The cost of this transfer to the counties has not been determined, however the bill mandates that an appraisal be conducted, and the counties will be responsible for providing fair market value compensation for the respective conveyances.

H.R. 8413 has three Republican cosponsors and one Democrat cosponsor. Companion legislation has been introduced in the Senate by Senators Deb Fischer (R-NE) and Pete Ricketts (R-NE).

**H.R. 8632 (Rep. Grothman), “Biodiversity Oversight Scaled-back and Fully Erased (BIOSAFE) Act of 2024”**

H.R. 8632 would require the Secretary of the Interior (Secretary), acting through the Director of the U.S. Fish and Wildlife Service (USFWS), to withdraw the proposed rule titled “National Wildlife Refuge System; Biological Integrity, Diversity, and Environmental Health (BIDEH).” This rule would make sweeping changes to the way the National Wildlife Refuge System (System) operates and is managed. The proposed rule has generated substantial interest since it was proposed by the USFWS on February 2, 2024. The USFWS is currently analyzing over 146,000 comments that have been submitted on the proposal.

The proposed rule, if finalized, would make a series of changes to the ability that refuge managers have to utilize several key management tools on System lands. Impacted management tools could include agricultural practices, native predator control, utilizing genetically engineered crops (GECs), and utilizing pesticides. The rule creates a “default position” for the System by expressly stating that certain practices are prohibited unless refuge managers conduct a full evaluation of the potential environmental effects of the management activity in accordance with the National Environmental Policy Act (NEPA).<sup>11</sup> In addition, refuge managers would

<sup>3</sup>Pick-Sloan Missouri Basin Program (General Overview). USBR. 1/20/2022. <https://web.archive.org/web/20090118035708/http://www.usbr.gov/dataweb/html/psmbp.html>

<sup>4</sup>Red Willow Dam. USBR. 9/28/2016. <https://web.archive.org/web/20120927153103/http://www.usbr.gov/projects/Facility.jsp?fac Name=Red+Willow+Dam&groupName=Overview>

<sup>5</sup>Frenchman-Cambridge Division. USBR. 9/1/2022. <https://web.archive.org/web/20120925124356/http://www.usbr.gov/projects/Project.jsp?proj Name=Frenchman-Cambridge%20Division>

<sup>6</sup>Swanson Reservoir (Trenton Dam). DOI. No date. <https://www.recreation.gov/camping/gateways/83>

<sup>7</sup>*Id.*

<sup>8</sup>Fischer, Ricketts, Smith Introduce Legislation to Transfer Ownership of Swanson & Red Willow Reservoirs. Senator Deb Fischer. 5/15/2024. <https://www.fischer.senate.gov/public/index.cfm/2024/5/fischer-ricketts-smith-introduce-legislation-to-transfer-ownership-of-swanson-red-willow-reservoirs>

<sup>9</sup>“Lake communities fighting federal agency’s plan to remove trailer cabins at Southwest Nebraska lakes.” Jason Frederick. Hitchcock County News. 6/6/23. Local News: Lake communities fighting federal agency’s plan to remove trailer cabins at Southwest Nebraska lakes (6/6/23)/McCook Gazette

<sup>10</sup>*Id.*

<sup>11</sup>89 FR 7345. at 7348

also be required to complete a comprehensive analysis to justify that utilizing these management practices is necessary to meet statutory responsibilities, fulfill refuge purposes, and ensure BIDEH. Additional red tape could include additional layers of planning through the refuge's comprehensive conservation plan or undergoing a scientific peer review. On top of the new requirements, according to the rule, refuge managers must also "fulfill other policy and legal requirements prior to implementing a management activity or use when applicable."<sup>12</sup>

Central to the issue with the proposed rule is that the System's new "default position" on key management practices is "they are prohibited."<sup>13</sup> This does not accomplish the USFWS' intended goal of the rulemaking, which is to promote "management flexibility" and "empower refuge managers."<sup>14</sup> Instead, the proposed rule ties the hands of refuge managers from making important management decisions by requiring them to work through regulatory red tape before conducting important management actions.

The Subcommittee on Water, Wildlife and Fisheries held an oversight hearing on the proposed BIDEH rule on April 10th, 2024, more information on that hearing, including testimony, can be seen here, and the hearing memo can be seen here. On June 28, 2024, Chairman Westerman and 20 other bi-partisan House members sent a letter to the USFWS calling on them to withdraw the proposed BIDEH rule.

H.R. 8632 has three Republican cosponsors.

#### **H.R. 8836 (Rep. Zinke), "Wildlife Movement Through Partnerships Act"**

H.R. 8836 would codify existing agency activities and make changes to existing conservation programs to enhance funding toward the conservation of wildlife movement areas, sometimes referred to as migration corridors, for big game species and other wildlife. This legislation builds upon Secretarial Order (S.O.) 3362, entitled "Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors,"<sup>15</sup> which was signed by Rep. Zinke in 2018 when he was Secretary of the Interior.<sup>15</sup> The bill also builds upon the Wildlife Crossings Pilot Program that was authorized by the Infrastructure Investment and Jobs Act and the Migratory Big Game Initiative of the Department of Agriculture.

S.O. 3362 directed agencies within DOI to work closely with western states to conserve big-game winter range and migration corridor habitat under the jurisdiction of the Department, while protecting state authorities and private property rights.<sup>16</sup> The S.O. specifically called out species such as Rocky Mountain Elk, Mule Deer, and Pronghorn Antelope as species that would directly benefit from this effort.<sup>17</sup> These species migration corridors have been put at risk by residential development and other development that includes fencing, road construction, or the construction of other barriers.

The S.O. required DOI to appoint a "Coordinator" within the Department whose sole responsibility would be to work directly with federal agencies, state agencies, and non-governmental organizations to conserve winter range and migration corridor habitat for big game species.<sup>18</sup> It also required DOI to work with state agencies to develop action plans that include habitat management goals for big game winter range and migration corridor habitat, measurable conservation outcomes, and budgetary resources needed to carry out respective actions.<sup>19</sup> The S.O. also directed the U.S. Geological Survey (USGS) to work with state agencies to map wildlife corridors for elk, deer, and pronghorn species.<sup>20</sup>

H.R. 8836 would carry-on this work by requiring the Secretary to develop a non-regulatory "Wildlife Movement and Movement Area Grant Program." This program would fund projects that improve or conserve habitat quality in movement areas, arrange voluntary collaboration with landowners, and coordinate efforts among State and Tribal governments. This grant program would be administered by the National Fish and Wildlife Foundation (NFWF), grants would have a 90 percent federal cost share, and 50 percent of the appropriated funding must be directed toward big game species. While the bill does not authorize a specific dollar figure for this program, it does authorize the program through Fiscal Year (FY) 2030.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 7352

<sup>14</sup> *Id.* at 7348

<sup>15</sup> Secretarial Order 3362. U.S. Department of the Interior. 2/9/2018. [so\\_3362\\_migration.pdf](https://www.doi.gov/so_3362_migration.pdf) (doi.gov)

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

The bill would also require the Secretary to develop a “State and Tribal Migration Research Program” that would provide funding to State fish and wildlife agencies and Indian Tribes to collect and analyze data on identification, characteristics, or management of movement areas. This program would be administered by the USFWS and the bill does not authorize a specific dollar figure for this program, but it would be authorized through FY 2030.

The bill would also make changes to existing conservation programs. The bill would amend the Partners for Fish and Wildlife Program (Partners Program) by encouraging it to provide technical assistance to other federal agencies to conserve migration corridors or season habitat. The bill would also reauthorize the Partners Program through 2030, which the House has taken action to do previously when it passed the “WILD Act” on February 5, 2024, but that bill still awaits consideration in the Senate.<sup>21</sup> The bill also encourages USGS to continue their corridor mapping efforts and it also contains a series of savings clauses that protect livestock and agricultural production, state management of species within their borders, private property rights, and public access for sportsman activities.

H.R. 8836 is co-lead by Rep. Don Beyer (D-VA) and has a Senate companion that has been introduced by Senator Alex Padilla (D-CA).

**Discussion Draft of H.R. \_\_\_\_\_ (Rep. Graves of LA), To require the Administrator of the National Marine Fisheries Service to establish a coastal protection and restoration grant program.**

At a field hearing that the Committee held in Thibodaux, Louisiana last month, one of the main themes that members heard was the importance of Louisiana’s coast—for its abundant natural resources, its contributions to both the domestic and international economy, and its ecological significance. This region has experienced incredible adversity through the loss of its coastal wetlands; recent projections have found that Louisiana has lost coastal wetlands the size of the state of Delaware since the 1930s,<sup>22</sup> due to various factors, including river levees, navigation channels, hurricanes, and subsidence.<sup>23</sup> More information from the field hearing, including testimony, can be found here, and the hearing memo can be found here.

The discussion draft introduced by Congressman Garret Graves (R-LA) would address this challenge by creating a ten-year competitive grant program within the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS) to advance coastal restoration activities in the lower Mississippi watershed through financial support and technical assistance. Through a cooperative agreement, the program would be managed and administered by the National Fish and Wildlife Foundation (NFWF). Specific restoration activities that would be supported by this grant program include the construction of levees, the restoration of fish habitat, including artificial reefs, protecting barrier islands, and advancing nature-based solutions, among others.

Entities eligible to receive grants would be state, local, and Tribal governments, or a center of excellence as defined in Section 1605 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note). To carry out this grant program, the discussion draft directs NMFS to consult with the USFWS, the Environmental Protection Agency (EPA), the Natural Resource Conservation Service (NRCS) within the Department of Agriculture, and Louisiana’s Coastal Protection and Restoration Authority. It would also direct the Administrator of NMFS to prioritize activities that further state or federal coastal protection and restoration plans.

One specific barrier to coastal restoration is the environmental review process under the National Environmental Policy Act (NEPA). Often the way that the environmental baseline is calculated when conducting environmental reviews under NEPA fails to account for the intent of a coastal restoration project, leaving important projects caught up in a burdensome review process. To avoid this, the discussion draft would direct the Administrator of NMFS, the Administrator of the Environmental Protection Agency (EPA), and the Chief of the Army Corps of Engineers to determine if coastal protection and restoration projects “that are intended to provide an ecological benefit are a category of actions that normally do

<sup>21</sup> “H.R. 5009—WILD Act.” Actions—H.R. 5009—118th Congress (2023–2024): WILD Act/ Congress.gov/Library of Congress

<sup>22</sup> United States Geological Survey. Louisiana’s changing coastal wetlands: Lack of Major Hurricanes Since 2008 is Likely the Main Reason. July 12, 2017. <https://www.usgs.gov/news/national-news-release/usgs-louisianas-rate-coastal-wetland-losscontinues-slow>

<sup>23</sup> TEDxLSU. America’s coast in danger/Garret Graves. <https://www.youtube.com/watch?v=2nxvIvbdgSA>

not significantly affect the quality of the human environment.”<sup>24</sup> If such a determination is made, they would be directed to establish a categorical exclusion for these projects. As a way of further guarding against unnecessary delay under NEPA, the discussion draft grant specifies that grants awarded under this program are not a major federal action under NEPA.

To carry out this program, the discussion draft authorizes \$500 million per fiscal year. The legislation includes a ten-year sunset for these authorities. Additionally, the federal cost share cannot exceed 80 percent. Non-federal funds to meet the cost of a project may include revenue sharing funds, such as those generated through the Gulf Coast Restoration Trust Fund.

#### IV. MAJOR PROVISIONS & ANALYSIS

##### **H.R. 6352 (Rep. Moore of UT), “Tax Stamp Revenue Transfer for Wildlife and Recreation Act”**

- Redirects tax stamp revenue from the transfer of silencers from the General Treasury to the Pittman-Robertson Wildlife Conservation Trust Fund and to the ATF.
- Requires the ATF to process applications to transfer a silencer within 90 days of the application being submitted.

##### **H.R. 8413 (Rep. Smith of NE), “Swanson and Hugh Butler Reservoirs Land Conveyances Act”**

- Authorizes the transfer of federal lands around the Swanson and Hugh Butler Reservoirs in Nebraska from the Bureau of Reclamation to Hitchcock and Frontier Counties.

##### **H.R. 8632 (Rep. Grothman), “Biodiversity Oversight Scaled-back and Fully Erased (BIOSAFE) Act of 2024”**

- Requires the USFWS to withdraw their proposed rule titled “National Wildlife Refuge System; Biological Integrity, Diversity, and Environmental Health (BIDEH).”

##### **H.R. 8836 (Rep. Zinke), “Wildlife Movement Through Partnerships Act”**

- Creates a “Wildlife Movement and Movement Area Grant Program” within the DOI, to be administered by NFWF, to conserve or improve habitat quality in movement areas. The bill does not specify an authorized funding level for the program but would authorize it through FY 2030. Grants given out by the program would have a 90 percent federal cost share and 50 percent of the total grant funding must be allocated toward projects benefiting big game species.
- Creates a “State and Tribal Migration Research Program” to provide funding to State and Tribes to collect and analyze data on the identification, characteristics, or management of movement areas. This grant program would be administered by the USFWS. The bill does not specify an authorized funding level for the program, but it would be authorized through FY 2030. Grants given out by the program would have a 90 percent federal cost share.
- Amends the Partners for Fish and Wildlife Program to add an emphasis on voluntary conservation of migration corridors and seasonal habitat. The bill would also reauthorize the Partners for Fish and Wildlife Program through FY 2030.
- Requires USGS to continue their Corridor Mapping Team and existing corridor mapping efforts. The bill would authorize an unspecified amount of funding for these activities through FY 2030.
- Creates a new position, within the office of the Secretary, fully dedicated to coordinating efforts to carry out this act and authorize funding for this position through FY 2030.
- Contains savings clause language to protect existing land management practices, private property rights, public access, and military readiness.

<sup>24</sup>Discussion Draft. To require the Administrator of the National Marine Fisheries Service to establish a coastal protection and restoration grant program. Congressman Garret Graves.

**Discussion Draft of H.R. \_\_\_\_\_ (Rep. Graves of LA), To require the Administrator of the National Marine Fisheries Service to establish a coastal protection and restoration grant program.**

- Creates a grant program at NMFS—in consultation with the EPA, the Army Corps of Engineers, USFWS, NRCS, and the Louisiana’s Coastal Protection and Restoration Authority—to advance coastal protection and restoration activities in the lower Mississippi watershed. Activities would include the construction of non-Federal levees, building and protecting barrier islands, planting vegetation, and other nature-based solutions.
- Through a cooperative agreement, the program would be managed and administered by the National Fish and Wildlife Foundation (NFWF).
- Directs the Administrator of NMFS, the Administrator of EPA, and the Chief of the Army Corps of Engineers to determine if coastal restoration projects will affect environmental quality; if a determination is made that they do not normally affect environmental quality, they are directed to develop a categorical exclusion for these projects. Also states that the award of a grant under this bill is not a major federal action under NEPA.
- Authorizes \$500 million per fiscal year for the 10 years that the program is in place.

**V. EFFECT ON CURRENT LAW**

**H.R. 6352**

<https://naturalresources.house.gov/uploadedfiles/bill-to-law—118hr6352ih.pdf>

**H.R. 8836**

[https://naturalresources.house.gov/uploadedfiles/ramseyer\\_-\\_h.r.\\_8836.pdf](https://naturalresources.house.gov/uploadedfiles/ramseyer_-_h.r._8836.pdf)



**LEGISLATIVE HEARING ON H.R. 6352, TO TRANSFER A PORTION OF THE FIREARMS TRANSFER TAX IMPOSED UNDER THE INTERNAL REVENUE CODE OF 1986 TO THE FEDERAL AID TO WILDLIFE RESTORATION FUND AND THE CONSERVATION OF AMERICA'S WILDLIFE TRUST FUND, AND FOR OTHER PURPOSES, "TAX STAMP REVENUE TRANSFER FOR WILDLIFE AND RECREATION ACT"; H.R. 8413, TO PROVIDE FOR THE CONVEYANCE OF CERTAIN FEDERAL LAND AT SWANSON RESERVOIR AND HUGH BUTLER RESERVOIR IN THE STATE OF NEBRASKA, AND FOR OTHER PURPOSES, "SWANSON AND HUGH BUTLER RESERVOIRS LAND CONVEYANCES ACT"; H.R. 8632, TO REQUIRE THE SECRETARY OF THE INTERIOR TO WITHDRAW A PROPOSED RULE RELATING TO THE BIOLOGICAL INTEGRITY, DIVERSITY, AND ENVIRONMENTAL HEALTH OF THE NATIONAL WILDLIFE REFUGE SYSTEM, "BIODIVERSITY OVERSIGHT SCALED-BACK AND FULLY ERASED ACT OF 2024", OR "BIOSAFE ACT OF 2024"; H.R. 8836, TO ESTABLISH THE WILDLIFE MOVEMENT AND MOVEMENT AREA GRANT PROGRAM AND THE STATE AND TRIBAL MIGRATION RESEARCH PROGRAM, AND FOR OTHER PURPOSES, "WILDLIFE MOVEMENT THROUGH PARTNERSHIPS ACT"; AND DISCUSSION DRAFT OF H.R. \_\_\_\_, (GRAVES) TO REQUIRE THE ADMINISTRATOR OF THE NATIONAL MARINE FISHERIES SERVICE TO ESTABLISH A COASTAL PROTECTION AND RESTORATION GRANT PROGRAM**

---

**Tuesday, September 10, 2024  
U.S. House of Representatives  
Subcommittee on Water, Wildlife and Fisheries  
Committee on Natural Resources  
Washington, DC**

---

The Subcommittee met, pursuant to notice, at 2:17 p.m. in Room 1324, Longworth House Office Building, Hon. Cliff Bentz [Chairman of the Subcommittee] presiding.

Present: Representatives Bentz, Graves, LaMalfa, Carl, Hageman, Westerman; Huffman, and Hoyle.

Also present: Representatives Grothman, Moore, Smith, Zinke; and Beyer.

Mr. BENTZ. The Subcommittee on Water, Wildlife and Fisheries will come to order.

Good afternoon, everyone. I want to welcome Members, witnesses, and our guests in the audience to today's hearing.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Member. Therefore, I ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I also ask unanimous consent that the Congressman from Nebraska, Mr. Smith; the Congressman from Wisconsin, Mr. Grothman; the Congressman from Utah, Mr. Moore; and the Congressman from Montana, Mr. Zinke be allowed to participate in today's hearing.

Without objection, so ordered.

We are here today to consider five legislative measures: H.R. 6352, the Tax Stamped Revenue Transfer for Wildlife and Recreation Act, sponsored by Representative Moore of Utah; H.R. 8413, the Swanson and Hugh Butler Reservoirs Land Conveyances Act, sponsored by Representative Smith of Nebraska; H.R. 8632, the BIOSAFE Act of 2024, sponsored by Representative Grothman of Wisconsin; H.R. 8836, the Wildlife Movement Through Partnerships Act, sponsored by Representative Zinke of Montana; and a discussion draft to require the administrator of the National Marine Fisheries Service to establish a Coastal Protection and Restoration Grant program, sponsored by Representative Graves of Louisiana.

I now recognize myself for a 5-minute opening statement.

**STATEMENT OF THE HON. CLIFF BENTZ, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF OREGON**

Mr. BENTZ. I want to thank the Members that are joining us today and their interest in the bills we are considering.

I also want to thank the witnesses that traveled to Washington to be with us. We look forward to hearing from you.

The Foundation of American wildlife conservation is a "user pays" model, where hunters and anglers fund conservation work through taxes and fees paid when they purchase hunting and fishing equipment. This model raises over \$1 billion each year for wildlife conservation. Congressman Blake Moore's Tax Stamp Revenue for Wildlife Recreation Act would build upon this North American model by investing revenues from the current stamp tax paid on fire suppressors, firearms suppressors, into the Pittman-Robertson Wildlife Conservation Trust Fund. This bill would fix a long-standing anomaly that treats this tax stamp revenue differently than revenue collected from other taxes on firearm equipment.

Currently, revenues from firearm suppressors goes into the general treasury without a stated purpose. Directing these revenues toward wildlife conservation would provide nearly \$200 million in additional Federal funding to save some of our nation's most imperiled species.

Congressman Zinke's Wildlife Movement Through Partnerships Act builds upon his work as Secretary of the Interior by creating voluntary and incentive-based programs to conserve movement areas for big game and other wildlife species. The bill we are considering today would build upon the success these programs have had in conserving those species and expand it to others. It is important to emphasize that this bill draws no lines on maps and doesn't expand the Federal estate. Instead, it prioritizes incentive-based and voluntary efforts that have proven effective in conserving vital habitat for wildlife.

Congressman Grothman's BIOSAFE Act addresses the U.S. Fish and Wildlife's BIDEH rule, regulations that are said to ensure the biological integrity, diversity, and environmental health of our nation's refuge system. This Subcommittee held an oversight hearing on this proposed rule back in April, and heard from witnesses representing state game and fish agencies, the agricultural community, and conservation organizations. The witnesses shared valuable perspectives on why this rule is bad for those who work in and enjoy our National Wildlife Refuge System, but especially bad for the wildlife relying on the systems and our refuges for vital habitat. Congressman Grothman's bill would require the Service to withdraw this harmful proposed rule.

We also will be considering a discussion draft from Congressman Graves that addresses coastal restoration in the lower Mississippi River watershed. The discussion draft would create a 10-year grant program at NOAA Fisheries to provide technical assistance and financial support for coastal restoration activities in the region. The funding would help protect barrier islands, build levees, restore fish habitat, and other nature-based solutions. Last month, I joined Chairman Westerman and Congressman Graves for a field tour in South Louisiana, where we saw the damage that had been done to the Delta by separating the Mississippi River from the Delta, and compounded by Hurricanes Katrina and Rita. The importance of coastal restoration and the challenges these communities face would be addressed by this bill.

Lastly, Congressman Adrian Smith's Swanson and Hugh Butler Reservoirs Land Conveyance Act would convey Federal lands to Frontier County and Hitchcock County, Nebraska. The conveyance of these lands would resolve local concerns regarding management of recreational lands surrounding two Bureau of Reclamation reservoirs.

I want to once again thank the Members and the witnesses for their time and interest today. I look forward to a robust discussion.

I now recognize Ranking Member Huffman for his opening statement.

Mr. HUFFMAN. Thank you, Mr. Chairman. Before I begin, I would like to ask unanimous consent that Representative Don Beyer of Virginia have permission to join us at the dais and participate in the hearing today.

Mr. BENTZ. Without objection.

**STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. HUFFMAN. Thank you very much. Good afternoon, everyone.

Today, we are discussing five Republican-led bills. I wish that the Majority had included some of the Democrat-led bills. We have bipartisan candidates out there, Representative Scholten's Junior Duck Stamp Reauthorization bill, and these candidates actually comply with Republicans' suspension floor protocols, unlike some of the bills we are considering today.

But despite the one-sided nature of the hearing, which is disappointing, a few bills do have commendable provisions supporting wildlife conservation and habitat. Two good bipartisan bills on the agenda are H.R. 8413, which transfers ownership of reservoir lands

from the Bureau of Reclamation to Hitchcock and Frontier Counties, and Mr. Zinke's H.R. 8836, establishing a wildlife movement and migration corridor program. These are good bills. I support them.

And while it is encouraging that we can still find some common ground on some of our goals relating to wildlife conservation, restoration, and coastal resilience, I do still have some concerns about certain provisions in the remaining bills.

Starting with Mr. Moore's H.R. 6352, this would direct tax revenues from gun silencers to the Pittman-Robertson Act's Wildlife Restoration Trust Fund, which does support wildlife conservation across the states and territories. Theoretically, this is similar to existing taxes on guns, pistols, and ammunition. It could potentially gain bipartisan support. And I do know that the author means well here. But as written, this bill does very little for wildlife conservation, the main point of the Pittman-Robertson Act, but it does quite a lot for the gun lobby.

In an obvious effort to promote sales of guns and silencers, it has a terrible provision that would amend the National Firearms Act to automatically approve any application for the sale or manufacture of silencers after 90 days, automatically. We shouldn't be passing bills to make it easier for criminals to acquire these devices and put more money in the pockets of the gun industry. This does nothing for wildlife conservation, does nothing for law abiding gun owners, and certainly does nothing for public safety. Silencers are strictly regulated because they are dangerous when they get into the wrong hands. They make it more difficult for law enforcement to track shooters, for bystanders to recognize gunfire and to seek safety.

I ask unanimous consent, Mr. Chair, to enter into the record a letter signed by gun safety advocates and a memorandum from Everytown for Gun Safety outlining their serious concerns with this provision.

Mr. BENTZ. Without objection.

[The information follows:]

**Statement for the Record**

**BRADY—United Against Gun Violence**

**Fast Facts & Talking Points**

**H.R. 6352: Tax Stamp Revenue Transfer for Wildlife and Recreation Act**

H.R. 6352 transfers a portion of the excise tax for transferring a firearms suppressor and allocates tax revenues to support wildlife conservation and recreational activities. Additionally, this legislation creates a presumption that an application to make or transfer a silencer is considered approved after 90 calendar days have elapsed, regardless of whether or not the application has been processed or the applicant's background check has been completed.

**Background: The National Firearms Act of 1934 (NFA)**

The NFA was the first federal firearm regulation ever enacted. This law, passed by Congress 90 years ago with the formal support of the National Rifle Association, responded to sustained and overwhelming gun violence perpetrated by organized criminal enterprises, as well as roving gangsters and bank robbers during the Prohibition Era. Congress heavily regulated several firearms and accessories that it viewed as 1) "particularly dangerous" and 2) lacking a legitimate use, including

silencers, machine guns, sawed-off shotguns, and short-barreled rifles (all of which are defined as “firearms” under the NFA).<sup>1</sup>

The regulatory framework of the NFA is enforced by the imposition of a tax on the making and transfer of weapons defined by the Act, as well as a special (occupational) tax on persons and entities engaged in the business of importing, manufacturing, and dealing in NFA weapons. NFA firearms are subject to registration, a \$200 transfer tax (which has not been increased since 1934), and an extensive background check which requires the submission of a photograph and fingerprints. Individuals who violate the NFA are liable for up to 10 years in prison and/or up to \$250,000 in fines.

Today, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is responsible for processing all NFA applications. In December 2021, ATF launched their “eForm” system, which processes all electronically submitted applications, drastically reducing processing times for applications to manufacture or transfer an NFA-covered firearm.

Silencers, also known as suppressors or mufflers, are designed to muffle, distort, and diminish the sound of gunfire.<sup>2</sup> They make it more difficult for victims, bystanders, and law enforcement to recognize and react to gunfire and to identify shooters.

### Talking Points

This legislation is solving a problem which largely no longer exists:

- Prior to the implementation of the eForm for NFA application submissions, approval times for silencers could take 6–8 months, as such applications would need to be processed by hand.
- After implementation of eForm, processing times are dramatically reduced.
- While the legislation approves, by default, applications that take longer than 90 days, applications for NFA Form 1 or Form 4, the applications in question for making or transferring silencers, currently take on average 55 days and 69 days to process, respectively.
- In fact, two large silencer retailers, Silencer Central and the Silencer Shop, have claimed that their customers have been approved in as little as three to seven days, respectively.
- Despite being woefully underfunded, ATF has vastly increased its efficiency, processing over 1,000,000 NFA applications in 2023, nearly double the just over 512,000 NFA applications processed in 2020, the year before the implementation of eForm.

The current NFA process is very effective at preventing criminal misuse and should not be altered:

- By all measures, the NFA has been an unmitigated success, as NFA-registered weapons are almost never recovered in crime.
  - While firearms that are covered by the NFA are recovered at crime scenes, nearly all are unregistered and illegally produced.
- In fact, among NFA-registered weapon owners, there were only 12 felony convictions between 2006 and 2014, and none of those crimes involved their NFA-registered firearm.
- Only rarely have major crimes been perpetrated with an NFA-registered firearm:
  - In May 2019, a shooter used a .45 caliber pistol equipped with a legally registered silencer to kill 12 and injure 4 others at the Virginia Beach Municipal Center in Virginia Beach, VA. Despite the shooter having fired dozens of rounds both inside and outside the building, most individuals who were present could not identify that a shooting was taking place, and did not flee the building.
  - A former Los Angeles police officer used lawfully registered silencers during a two-day killing spree in 2013, leading to the death of 4 victims, including two law enforcement officers.

<sup>1</sup>National Firearms Act: Hearings on H.R. 9066 Before the H. Comm. on Ways and Means, 73d Cong. 4 (1934) (“NFA House Hearings”) (Statement of Homer S. Cummings, Att’y Gen. of the United States).

<sup>2</sup>18 U.S.C. § 921(a)(24).

This bill places the onus of processing applications entirely on ATF, however, *ATF is not solely responsible for completing applications*:

- ATF relies on the National Instant Criminal Background Check System (NICS) to complete background checks on applicants.
- When ATF processes applications it initiates a background check at NICS, which will return one of three possible replies: “proceed” (the purchaser is not prohibited), “denied” (the purchaser is prohibited), or “delayed” (if the purchaser’s background check requires further investigation due to incomplete records).
- NICS relies on records uploaded to its databases by federal, state, and local governments, and because that information may not be completely up to date, completing investigations into backgrounds can be delayed significantly.
- NICS cannot compel state and local agencies to comply with record requests, and are reliant on information voluntarily provided.

This bill creates a loophole that would increase the chances of criminal misuse of silencers:

- This legislation creates a default approval after 90 days for applications to make or transfer silencers, greatly increasing the chances that a prohibited individual would be able to access them.
- Background checks for non-NFA firearms already are subject to a “default proceed” (commonly known as the Charleston Loophole), which has led to over 58,000 prohibited individuals accessing firearms since 2008.
  - Creating a default approval for silencer applications would almost certainly lead to prohibited individuals accessing them.
  - NFA, determined to be particularly dangerous by Congress, should be held to a higher standard for ensuring lawful transfers and manufacture.
- Processing times for paper applications are much longer for Form 1 and Form 4, 100 days and 232 days, respectively. As these applications are processed by hand, this legislation would incentivize prohibited individuals to rely on the 90 day default approval to access silencers before their prohibited status could be uncovered.
  - Without a corresponding large increase in ATF staff and resources to process applications, most paper applications would enter the default approval.
- Even a single individual with a silencer can inflict terrible damage in a short period of time.

The Natural Resources Committee does not have jurisdiction over the National Firearms Act or ATF.

- The Committees of jurisdiction are Ways and Means and Judiciary, respectively.

---

### Statement for the Record

#### EVERYTOWN FOR GUN SAFETY

#### Oppose H.R. 6352

#### Tax Stamp Revenue Transfer for Wildlife and Recreation Act

\*\*\*\*\*

**Executive Summary:** Everytown for Gun Safety **opposes** H.R. 6352, the Tax Stamp Revenue Transfer for Wildlife and Recreation Act. This legislation, among other things, would:

- Appropriate 15% of the net revenues of the transfer tax on silencers to be made available to ATF’s National Firearms Act Division for the purpose of expediting the approval process for making or transferring silencers; and,
- Require the default approval of applications for making or transfer silencers after 90 days.

In addition, H.R. 6352 would require 85% of the net revenues of the transfer tax on silencers to be appropriated to the Fish and Wildlife Service to carry out programs under the Pittman-Robertson Wildlife Restoration Act, including those that provide funding for hunter and recreational shooter recruitment as well as a new program to “construct, maintain, expand, or operate public target ranges.”

**Everytown opposes H.R. 6352 because it would make it easier for individuals to acquire silencers through both expedited application processing and default approval. Default approval would also create a substantial risk that someone who is prohibited from purchasing or possessing a silencer is able to do so anyway. While Everytown does not oppose funding for federal hunter education and safety programs, Everytown encourages Congress to instead allocate funds derived from federal taxes on firearms and ammunition to federal gun violence prevention programs.**

**Background on Silencers:** Silencers are devices that help dampen a firearm’s sound signature and eliminate its muzzle flash by allowing the hot gasses that follow a bullet down the barrel to expand and cool before hitting the air outside of the gun. Silencers work like car mufflers, but for firearms. As a result, it is more difficult to determine where a shot originated when a silencer has been used for both the public—to run, hide, or protect others—and for law enforcement in investigating gun crimes.

Silencers have also been used in high-profile mass shootings, including in Monterey Park, California, in January 2023, and Virginia Beach, in May 2019. In Monterey Park, the shooter used an assault weapon equipped with a silencer to kill 11 and wound nine others at a Lunar New Year celebration. In Virginia Beach, the shooter also used two pistols, including one equipped with a silencer, to kill 12 and wound four others at a government office building. One Virginia Beach survivor said that the shooter’s suppressed firearm sounded like “a nail gun,” and explained that “[i]f it was a regular gunshot, we would’ve definitely known a lot sooner, even if we would’ve had 30 or 60 seconds more. I think we could’ve all secured ourselves . . . all of us could’ve barricaded ourselves in.”

The firearms industry and the gun lobby claim that silencers are just safety accessories that reduce noise levels to prevent hearing loss for hunters, but hearing protection—including earplugs and/or earmuffs—is still recommended when using silencer-equipped firearms to prevent hearing loss.

**Silencer Regulation:** Congress has regulated silencers since the National Firearms Act (NFA) of 1934. The NFA imposed strict registration requirements on silencers: Individuals who seek to make or purchase them must submit an application to ATF with their fingerprints, a passport-style photograph, and a \$200 tax stamp, and undergo an enhanced background check. Congress intended “to curtail, if not prohibit, transactions in NFA firearms,” including silencers, machineguns, and short-barreled rifles because these weapons “pose[d] a significant crime problem” due to their “frequent use.” The tax itself “was considered quite severe and adequate to carry out Congress’ purpose to discourage or eliminate transactions in these firearms,” though it has not been raised or adjusted for inflation since 1934.

**Current Silencer Trends:** As of January 2024, there were a total of 3.5 million registered silencers in the United States. More than 830,000 of those silencers were purchased and registered in the 32 months between May 2021 and January 2024. Explanations for this dramatic increase include:

- In December 2021, ATF began using a new online “eForms” system to speed up the NFA application approval process. eForms allows individuals and members of the firearms industry to file certain forms electronically rather than via paper applications.
- Silencer retailers have worked to streamline the silencer-buying process. For instance, retailers prepare NFA applications for customers, send customers fingerprinting kits, and even ship silencers directly to their doors, cutting out brick-and-mortar stores.
- More companies are making silencers today than ever before, including gun makers like Sig Sauer and Ruger. Smith & Wesson purchased a large silencer manufacturer in 2017, and other gun makers like CZ-USA, Daniel Defense, FN, Primary Weapons Systems, and Savage Arms have all added firearms to their own catalogs in addition to the many firearms that come with threaded barrels to accept silencers.

As of August 1, 2024, the average processing time for ATF Form 4 from an individual is 69 days if filed as an eForm and 232 days if filed as a paper application.

**Federal Funding:** Under current law, revenues generated through excise taxes on firearms and ammunition provide funding for Pittman-Robertson wildlife restoration programs and hunter safety and education programs, but Congress should allocate some portion or even all of these funds to support federal gun violence prevention programs. These programs should include, among others, school safety efforts, violence intervention programs, public health research on gun violence, resources for survivors, and law enforcement purposes, such as forensic training to improve gun crime clearance rates or illegal firearm surrender.

---

Mr. HUFFMAN. Thank you. There is already, by the way, a way for lawful citizens to apply electronically for silencer permits. These are granted in under 70 days. A less secure paper application, however, takes about 200 days, which means that if this bill were to pass, criminals would be invited to exploit its 90-day provision by filing the less secure paper application and then waiting for automatic approval. It is just terrible public policy.

Moving on to Mr. Graves' discussion draft, it proposes a \$500 million annual grant program to fund flood protection and habitat restoration projects in coastal Louisiana. I think Mr. Graves is trying to do a good thing on behalf of his region, which I too, Mr. Chairman, have visited, and I understand the urgent need for these restoration and resiliency projects to strengthen flood protection, to mitigate the impacts of sea level rise, and restore vital habitats that act as the first line of defense against climate change-driven extreme weather. So, I am very sympathetic to what Mr. Graves is trying to do here, and would be willing to work with him on making this a broadly bipartisan bill if he is open to a few changes involving problematic provisions.

The categorical exclusion is a problem. It is overbroad. Exempting large-scale projects like levees and sediment diversion from essential fish habitat consultation could actually harm fisheries and wildlife, and potentially worsen flooding for certain communities. And by the way, essential fish habitat consultation is not a big deal. It is non-binding.

So, if Mr. Graves is open to working with me on these things, I think we could make this a very broadly bipartisan bill, and I would like to try to do that.

Finally, Mr. Grothman's bill would cancel the Fish and Wildlife Service's proposed biodiversity rule, the so-called BIDEH rule for our National Wildlife Refuge System. It was clear in our April hearing on this subject that some Members do lack a basic understanding of the BIDEH rule, which the Fish and Wildlife Service clarified repeatedly at that hearing, that current practices such as cooperative agriculture, hunting, fishing, and wildlife viewing will not be affected by this rulemaking. Some Members prefer to just traffic in false claims and conspiracy theories, but those are the actual facts.

I would like to ask unanimous consent to enter into the record an opposition letter to this bill from dozens of wildlife organizations.

And I will just note in closing that the bill is also premature, since Fish and Wildlife Service has not yet even finalized the rule.

With that, Mr. Chairman, I look forward to the testimony.

I yield back.

Mr. BENTZ. Without objection, your offer is accepted.  
[The information follows:]

September 10, 2024

Hon. Cliff Bentz, Chairman  
Hon. Jared Huffman, Ranking Member  
Subcommittee on Water, Wildlife, and Fisheries  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Bentz and Ranking Member Huffman:

On behalf of our organizations and our millions of members and supporters we are writing to express our strong opposition to the “Biodiversity Oversight Scaled-back And Fully Erased (BIOSAFE) Act,” (H.R. 8632), one of the bills being heard today by the Subcommittee.

As the only network of lands and waters dedicated to wildlife conservation, the National Wildlife Refuge System’s importance to American biodiversity cannot be overstated. Unprecedented challenges threaten the System’s viability, including climate change, habitat loss, and the proliferation of invasive species, to name a few.

The U.S. Fish and Wildlife Service’s (Service or FWS) proposed rule—“National Wildlife Refuge System: Biological Integrity, Diversity, and Environmental Health” (BIDEH)—seeks to address these challenges by creating a science-driven management framework that favors natural conditions and processes. Regrettably, the so-called BIOSAFE Act would require the withdrawal of the proposed rule, undermining the Service’s mandates under the National Wildlife Refuge System Administration Act of 1966, as amended (Refuge Act).

The BIDEH mandate is a visionary directive requiring FWS to “protect the [Refuge] System and individual refuges from threats”<sup>1</sup> by “ensur[ing] that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans.”<sup>2</sup> Following its passage into law, the Service adopted a BIDEH policy in 2001 but did not promulgate regulations addressing specific threats such as pesticide or agricultural use. The proposed rule and updated policy finally rectify this shortcoming by providing common-sense management direction addressing activities with the potential to harm BIDEH.

This strategic approach is just as Congress intended. The Refuge System must be managed for wildlife as a cohesive unit of nearly 600 refuges, while affording managers the flexibility to achieve the establishment purposes of their individual refuges. Because the Service accomplishes both with the proposed rule, we strongly support the agency’s approach and oppose the BIOSAFE Act.

Thank you for your attention.

Sincerely,

American Bird Conservancy	Los Angeles Audubon Society
Andover Pollinator Pathway	Maryland Pesticide Education Network
Animal Welfare Institute	Massachusetts Pollinator Network
Bat Conservation International	Mountain Lion Foundation
Bee Friendly Williamstown	National Wolfwatcher Coalition
Bird Alliance of Oregon (formerly Portland Audubon)	Natural Resources Defense Council
Center for Biological Diversity	NH Audubon

<sup>1</sup> H.R. Rep. No. 105-106, at 10 (1997).

<sup>2</sup> 16 U.S.C. § 668dd(a)(4)(B).

Center For Food Safety	North Central Washington Audubon Society
Central/Eastern Oregon Bitterbrush Broadband	Northeast Earth Coalition
Checkerspot Farm	NYC Plover Project
Christian Council of Delmarva	Oregon Natural Desert Association
Coalition on the Environment and Jewish Life	People Against Toxic Herbicides (PATH)
Defenders of Wildlife	Pepper K Woods
Earthjustice	Pollinate Minnesota
Endangered Habitats League	Pollinator Networks
Endangered Species Coalition	Pollinator Stewardship Council
Environmental Protection Information Center—EPIC	Predator Defense
FOGH (Friends of Grays Harbor)	Resource Renewal Institute
FOUR PAWS USA	Rocky Mountain Wild
Friends of the Earth	Save the Manatee Club
Friends of the Sonoran Desert	Southern Environmental Law Center
Friends of the White Salmon River	Species Unite
Friends of the WI Wolf and Wildlife	The #RelistWolves Campaign
Grays Harbor Audubon Society	The Conservation Angler
Great Lakes Wildlife Alliance	The Urban Wildlands Group
Grow Native Massachusetts	The Xerces Society for Invertebrate Conservation
Howling For Wolves	Washington Wildlife First
Humane Action Pennsylvania	Waterkeeper Alliance
Humane Action Pittsburgh	Watertown Citizens for Peace, Justice, and the Environment
IFAW—International Fund for Animal Welfare	Western Nebraska Resources Council
International Wildlife Coexistence Network	Western Watersheds Project
Kettle Range Conservation Group	WildEarth Guardians
League of Conservation Voters	Wyoming Wildlife Advocates
Let Us Farm	

---

Mr. HUFFMAN. Thank you.

Mr. BENTZ. I will now introduce our first panel. As is typical with legislative hearings, the bills' sponsors are recognized for 5 minutes each to discuss their bills.

With us today is Congressman Graves, who is recognized for 5 minutes.

**STATEMENT OF THE HON. GARRET GRAVES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA**

Mr. GRAVES. Thank you, Mr. Chairman. I think I like this where we do a whole bunch of bills that Huffman hates. Because then he has to split his talking points to 20 seconds per bill. And I think we should keep doing this. I like it, no, seriously, Mr. Chairman, thank you for holding this hearing.

And Mr. Huffman, I absolutely would welcome your input on the legislation. And I do appreciate your travel down there, where we went and looked at the coastal crisis that we are experiencing in Louisiana.

And for those of you that aren't familiar with what is going on, coastal Louisiana has lost about 2,000 square miles of our coast, and it is like taking the land area of the entire state of Delaware and wiping it off the map. And these aren't just areas that are insignificant. As numerous analyses have determined, including from the U.S. Fish and Wildlife Service, some of the most important ecological productivity and some of the most abundant wildlife on the entire continent is being lost.

And as we have seen through storms like Hurricane Katrina, Ida, Laura, Delta, Zeta, Isaac, Gustav, Ike, and many others; in fact, Hurricane Francine is bearing down on us today, and will start pounding the people that we represent tomorrow, and that loss of buffer through our coastal areas means that our citizens are now more vulnerable to death, destruction, to loss of property, to loss of life, and to loss of that important habitat.

There is a reason that our Chairman's state of Arkansas does not evacuate whenever hurricanes come, and it is because they have a buffer. It is called the state of Louisiana. And our buffer is now gone. It is disappearing. And without aggressive action, we are going to see an additional 2,000 to 2,500 square miles of land that will disappear in the next 50 years.

I said a minute ago that this area is not insignificant. I want to talk more about the importance of this area that we represent, the importance of this area that is the subject of this legislation. If you are a fan of historic preservation, the history of New Orleans, one day Google Fort Livingston, an incredibly historic fort that is in crumbles, falling into the Gulf of Mexico, one of the most important ports in the entire United States. It is the reason that the Louisiana Purchase was acquired.

Today, we produce, refine, and transport one of the largest percentages of energy in the United States, a huge contribution to our energy independence, our energy security in the United States. It ends up being one of the second largest sources of revenue for the United States Treasury, the energy production off the coast of Louisiana. We are home to 5 of the top 15 ports in the nation. We are the second biggest commercial fisheries state in the United States.

And I am going to make note, Mr. Chairman, that is because Alaska is allowed to weigh the king crab shells. You don't eat that part. I don't think it is fair. I am going to call us No. 1.

So, we have massive commercial fisheries production. We are one of the top recreational fishing destinations in the nation. I could go on and on. This state is nationally important, and the reason that we have such a coastal crisis right now is because of the rest of the country. And I will explain.

Right now, we are one of the largest watersheds in the world. And as the Chair and Ranker have heard me say over and over again, we drain Montana, New York, and Canadian provinces all through our state. Our state inputs less than 1 percent of the water into the Mississippi River, less than 1 percent. Yet, we deal with everyone's water, which means we flood because of everyone else, including from Canada.

And as a result of that and the great flood of 1927, massive levees were put up on the river system, which went from our state accreting or growing three-quarters of a square mile a year to immediately seeing a loss of anywhere on the low end from 5 or 6 square miles a year to, the high end, over 200 square miles in a single year. That was in the aftermath of Hurricanes Katrina and Rita in 2005.

If any of you had a state where you were seeing such massive loss, loss of where your homes and businesses are, loss of ecological productivity, loss of economic value, of community being destroyed and broken up, you would be fighting. You would be fighting to give these areas a chance to help restore, to help fight back. And that is exactly what this legislation does.

Lastly, Mr. Chairman, as Ranking Member Huffman noted, subsidence is a big part of the problem that we are experiencing. Some of the fastest subsidence or sinking rates in the world are happening in Louisiana. We are one of 35 coastal states and territories. But because of our subsidence rates, what is happening to us is what is projected to happen in terms of relative sea rise to other coastal states and territories, which means the solutions that we develop in Louisiana are going to have national and international scalability and application. We have to get this right. This legislation helps to address that.

I urge support. I look forward to hearing from our witnesses, and yield back.

Mr. BENTZ. Thank you. I now recognize Congressman Grothman for 5 minutes.

**STATEMENT OF THE HON. GLENN GROTHMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN**

Mr. GROTHMAN. Thank you, Chairman Bentz and the Subcommittee on Water, Wildlife and Fisheries, for allowing me to speak on H.R. 8632, the BIOSAFE Act.

As we all know, on February 2, the United States FWS, under the guise of the Department of the Interior, proposed the National Wildlife Refuge System Biological Integrity, Diversity, and Environmental Health Rule. If finalized, the rule would impose new regulations prioritizing policies within the Green New Deal agenda, rather than decades of local hunting conservation strategies.

In Wisconsin, we have something called the Conservation Congress made up of any hunter and fisherman across the state. Every year they have hearings. They get things down to how are things going to be handled county by county. It has been a delicate process, lasting decades. I can't believe anybody is going to be arrogant enough to think the Federal Government can stick its nose in here and do better than these local people.

But included in this proposal are changes in the decision-making process, stripping the authority of local biologists and placing final policy decisions for local hunters and anglers in the hands of Washington, DC. The bureaucratic red tape's sole purpose is to restrict existing effective habitat management and limit hunting opportunities and public access. The rule had its commentary period extended to 60 days, and has received a total of 54,000 criticisms from the general public.

A total of 29 outside groups joined in a unified letter to Director Martha Williams, expressing their opposition to the rule and requesting an immediate rescission.

Clearly it is mine and many others' belief that, without proper action from Congress, many local conservationists, as mentioned in the previous hearing held by this Subcommittee on the same topic, will face iron-handed prohibitions. Even outside organizations like the National Shooting Sports Foundation, who pride themselves in being professionals on the topic, have stated that the BIDEH rule would dismantle over a century's worth of proven results that active participation in wildlife conservation has yielded.

Others, working hand in hand with Fish and Wildlife, have directed and assisted in successful policies, believe the updated BIDEH rule would have negative outcomes and deleteriously impact wildlife resources. Many believe this new ruling to be unaligned with the National Refuge System Improvement Act, enacted in 1997 to protect the more than 560 national wildlife refuges.

I look at my own district, Horicon Marsh, all we have done to protect it, so carefully regulated. And boom, the Federal Government is going to come in there and say, "We know best."

Should this ruling be finalized, we will see the introduction of new procedures and directives that complicate the environmental, biological, and ecological metrics for local refuge managers. These policies would leave the door wide open for increased inconsistency in local priorities, and therefore foster the advancement of goals that directly conflict with the fixed mission of the refuge.

State and local refuge managers are responsible for adopting procedures that best suit the refuge's specific needs and demands. For example, Wisconsin has 10 separate wildlife refuges. Each refuge has different priorities, ranging from protection of the greater sandhill crane to the restoration of landscapes aligned with the prairie oak savanna. In fact, Horicon Marsh, which is within Fond du Lac County and Dodge County, is one of the largest freshwater marshes in the United States, and is a critical rest stop for thousands of migrating ducks and Canadian geese.

We have had local people who have dealt with this their entire life. The idea that we are going to have a bunch of Federal bureaucrats come in with their own rules, you guys don't care, but I will

tell you people are just going to go ballistic in Wisconsin when they see the final law, final result of this.

Local associations are responsible for state and local refuge management. The individuals specified being affected by this rule were “disappointed that the Service failed to incorporate their concerns during the pre-decisional time frame of the BIDEH rule. Their dissatisfaction with the rule centered primarily around restrictions on conservation farming and predator control. Wisconsin, ranking 11th among U.S. states in food, forestry, and agriculture exports would experience devastating effects as their future is determined by bureaucrats in Wisconsin.”

Enacting my bill, the BIOSAFE Act, would be a major win for conservationists and avid hunters around the country. Again, I urge the United States FWS to reverse course on this rule and support policies recognizing the benefits our greatest conservationists and American farmers provide to our wildlife system. And man, they do a good job. Why do we have to say they don’t? I don’t know.

Thank you.

Mr. BENTZ. Thank you. I now recognize Congressman Zinke for 5 minutes.

**STATEMENT OF THE HON. RYAN K. ZINKE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA**

Mr. ZINKE. Thank you, Chairman Bentz and Ranking Member Huffman, for the opportunity to testify in favor of H.R. 8836.

I learned a lot as a Secretary. I went around to the states. And one of the areas of concern was the Montana that I grew up in has largely changed. When I grew up, public access wasn’t an issue, roads weren’t closed, wildlife was everywhere. But Montana, like most of the West, has changed. More people have moved in, and the pressure on public lands and private lands has continued to grow and will grow.

So, part of our job is, as I think of Montana and the Congress, is that quite frankly, we inherited a lot of the West and the outdoor experience from the great ones, Roosevelt, Muir, Congress before, a lot of the Acts. The job of this Congress in the future is to defend and protect the future. And part of the future is making sure that the systems are healthy, and that includes watershed, wildlife corridors, flyways. Because it is the systems themselves that provide overall habitat protection and health of our environment and the outdoor experience that we all love.

As Secretary, I was in coordination with most of the conservation groups. We established improving habitat quality and Western big game, winter range and migration corridors. And a lot of it was experience I had in Utah and mule deer in an area which was mule deer, wildlife corridors probably for millennia. It was now a development. And we tracked and put a lot of resources in to determine where those wildlife corridors were, and which wildlife corridors were under attack, and which wildlife corridors could be repaired.

And this bill does a lot. It isn’t as far reaching as I would like, but it is a start. And in this city, where everything is hyper-partisan sometimes, it is, I think, refreshing to have bipartisanship on something that shouldn’t be a Republican or Democrat issue.

Our public lands, I would think, were an American issue and that we all have an obligation to protect.

So with that, what this bill does, it authorizes funding for programs such as wildlife movement area grant programs. It clarifies which species are eligible. Again, this is a start. As we evolve, other species will no doubt be included. It clarifies and builds upon the work the Department of the Interior began in coordination with state governments and landowners. Because wildlife corridors are not just on public lands or private lands, they are mixed, and I think we have a shared obligation to make sure those corridors and the systems are protected.

I would also like to thank Representative Beyer, my friend from the great state of Virginia, for joining this bill and offering that some things rise above partisanship, and certainly maybe this will be a step of greater things to come.

With that, I would also like to thank some of the sponsors: Boone and Crockett Club, Rocky Mountain Elk Foundation, Congressional Sportsmen, and there are others.

Mr. Chairman, I thank you again for your leadership and work in bringing this bill and others. I look forward to answering any questions, and I look forward to the remainder of the testimony.

With that, I yield back.

Mr. BENTZ. I now recognize Congressman Blake Moore for 5 minutes.

**STATEMENT OF THE HON. BLAKE D. MOORE, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. MOORE. Thank you, Chairman Bentz and Chairman Westerman, for including the Stamp Act Revenue Transfer for Wildlife and Recreation Act in today's hearing. It is great to be back in the Natural Resources Committee.

And also to the Ranking Member, a good friend. While we have some disagreements over this piece of legislation, it is great to be back in Committee with you.

Currently, excise taxes collected on gun, ammunition, and archery equipment sales are deposited into the Pittman-Robertson Wildlife Restoration Trust Fund to be passed to states for wildlife conservation and hunter education. My bill builds upon the model and reallocates revenue collected from firearm suppressor sales into that trust fund, significantly increasing the money available to states and supercharging wildlife and habitat conservation and recreation programs.

To be clear, my bill would not create a new tax when purchasing a suppressor. It would instead reallocate funds from the existing \$200 tax stamp that applicants are required to pay when purchasing a suppressor to conservation efforts. This is a reallocation of what exists to going to something that, anybody looking at it objectively, Pittman-Robertson has seen a significant impact in the efforts that it is trying to accomplish, in the conservation efforts. This is entirely about putting more resources towards things that have had a good track record, and something that we should be continuing to promote. This is a win-win for outdoor enthusiasts and conservationists alike.

I appreciate the opportunity to work with my colleagues in the Committee to protect and improve this bill by ensuring that a portion of the revenue is used to fund important programs such as veteran suicide prevention, firearm safety, and education programs for children, all while bringing more resources to our state wildlife conservation programs.

Thank you to Mr. Schmitz for being here today, and to America's sportsmen and women who have shown broad support for this bill.

Finally, Mr. Chairman, I would like to submit a letter from the Backcountry Hunters & Anglers expressing support for H.R. 6352 for the record.

Mr. BENTZ. Without objection.

[The information follows:]

**Backcountry Hunters & Anglers  
Missoula, MT**

September 10, 2024

Hon. Bruce Westerman, Chairman  
Hon. Raúl Grijalva, Ranking Member  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Westerman and Ranking Member Grijalva:

On behalf of Backcountry Hunters & Anglers (BHA), the voice for our wild public lands, waters and wildlife, I write to express our support for the Tax Stamp Revenue Transfer for Wildlife and Recreation Act (H.R. 6352) led by Reps. Blake Moore (R-UT) and Jared Golden (D-ME). We thank you for your leadership in considering this bipartisan legislation which would build upon the proud legacy of sportsmen and women led conservation in the United States through the "user pays—public benefits" model and expand the source of funding for the Pittman Robertson Wildlife Restoration Fund.

By redirecting 85% of the revenue generated from the existing \$200 federal tax stamp on suppressor purchases from the Treasury General Account to the Wildlife Restoration Fund, H.R. 6352 would provide significant benefits for fish and wildlife across the United States. The amount of new funding that would be directed should this legislation become law was estimated to approach \$200 million in the 2024 fiscal year. This would represent a more than 10% increase in federal funding to support state fish and wildlife agencies' conservation efforts, law enforcement, and hunter recruitment.

Additionally, 15% of the redirected funds would be utilized for the development and maintenance of public shooting ranges. Supporting designated shooting ranges will improve opportunities for hunters to prepare for an ethical harvest before going into the field, enhance public safety, and reduce litter from dispersed shooting on public lands.

As hunters and anglers, we ask the committee to advance H.R. 6352 for the benefit of fish and wildlife across the United States. Doing so will ensure opportunities for current and future generations of hunters, anglers, and outdoor enthusiasts. We look forward to advancing our shared priorities into law.

Sincerely,

KADEN MCARTHUR,  
*Government Relations Manager*

---

Mr. MOORE. Thank you again for this opportunity to speak on my bill, and I yield back the remainder of my time.

Mr. BENTZ. I want to thank the Members for their testimony. I will now introduce our second panel.

Mr. Steve Guertin, Deputy Director for Program Management with U.S. Fish and Wildlife Service in Washington, DC; Mr. Steve Cochran, former Executive Director of Restore the Mississippi River Delta in New Orleans, Louisiana; Mr. Paul Nichols, Chairman of the Hitchcock County Board of Commissioners in Trenton, Nebraska; Mr. Mike Leahy, Senior Director of Wildlife Hunting and Fishing Policy with the National Wildlife Federation in Washington, DC; and Mr. Taylor Schmitz, Director of Government Relations of the Congressional Sportsmen's Foundation in Washington, DC.

Let me remind the witnesses that under Committee Rules, they must limit their oral statements to 5 minutes but their entire statement will appear in the hearing record.

To begin your testimony, please press the "on" button on the microphone.

We use timing lights. When you begin, the light will turn green. When you have 1 minute remaining, the light will turn yellow. At the end of 5 minutes, the light will turn red, and I will ask each of you to please complete your statement.

I will also allow all witnesses to testify before Member questioning.

I now recognize Mr. Guertin for 5 minutes.

**STATEMENT OF STEVE GUERTIN, DEPUTY DIRECTOR FOR PROGRAM MANAGEMENT AND POLICY, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC**

Mr. GUERTIN. Good afternoon, Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee. I appreciate the opportunity to testify before you today on three bills: (1) concerning revenue for the Wildlife Restoration Fund; (2) the Services proposed Biological Integrity, Diversity and Environmental Health, or BIDEH, rule and policy updates; and (3) authorizing additional support for conserving wildlife corridors.

The Wildlife Restoration Fund is one of the longest running and most successful conservation efforts in the country. We support Section 4 of H.R. 6352, as it increases funding for this successful program. The Fund has provided billions of dollars to support wildlife and habitat conservation. The Fund has supported the construction, operation, and maintenance of more than 800 target shooting ranges, and helped over 640,000 people annually participate in hunter education programs. This Fund directly supports state-led conservation and recreation efforts across the country, and is one of the most widely supported conservation programs that we administer.

We support increasing revenue for the Fund, and would welcome the opportunity to discuss some technical details on implementation of Section 4 of this legislation.

Beyond Section 4, this legislation also includes provisions related to the Bureau of Alcohol, Tobacco, and Firearms, and the Service defers to them on those provisions.

The Service opposes H.R. 8632, which directs the Secretary of the Interior to withdraw our proposed BIDEH rule and policy updates, which we will refer to as our BIDEH proposal.

Since issuing our current policy back in 2001, conservation challenges have evolved. Refuge species and habitats are increasingly threatened by climate change, biodiversity loss, and other stressors. To help refuge managers better address these threats, we released our BIDEH proposal on February 2. The intent of our proposal was to provide a more consistent, transparent, and science-based approach to upholding ecological integrity on individual refuges and across the refuge system.

The proposal would standardize and clarify the existing processes refuge managers use to make management decisions. It does not ban any management practices, nor remove refuge managers' decision-making authority, or supersede the National Wildlife Refuge System Improvement Act's other mandates.

We appreciate the strong public interest in the proposal. At the Committee's request, we extended the public comment period on the proposal for 60 days, during which time we conducted significant outreach to partners and stakeholders. That public comment period closed on May 6, and we received over 200,000 comments. We take seriously the feedback we received, and we are currently reviewing the comments to identify substantive issues that were raised.

And last, the Service supports the intent of H.R. 8836, which would align with several existing initiatives that support the conservation of wildlife corridors and partnership with states, tribes, and private landowners.

Habitat loss and fragmentation are widely recognized as some of the most important threats to biodiversity. Through our Partners for Fish and Wildlife Program, Private Lands Program, our Science Applications Program, and a cooperative agreement with the National Fish and Wildlife Foundation, we are currently invested in conserving important big game movement areas across the West and removing barriers to wildlife.

H.R. 8836 would also reauthorize our successful Partners for Fish and Wildlife Program, which supports voluntary conservation efforts across the country. For example, in Fiscal Year 2023 the Partners program worked with private landowners to complete almost 1,900 projects and enhance over 180,000 acres of habitat and 215 miles of streams.

We strongly support reauthorization of this key program so we can continue to work closely with private landowners on locally-led conservation efforts. We would welcome the opportunity to work with Congressman Zinke and the Subcommittee staff to provide technical assistance on H.R. 8836 to ensure that the conservation efforts authorized under this legislation are able to be effectively implemented and are not duplicative of ongoing efforts.

Thank you for the opportunity to testify today, and I would be pleased to answer any questions the Committee has.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Guertin follows:]

PREPARED STATEMENT OF STEPHEN GUERTIN, DEPUTY DIRECTOR FOR POLICY, U.S.  
FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR  
ON H.R. 6352, H.R. 8632, AND H.R. 8836

**Introduction**

Good afternoon, Chairman Bentz, Ranking Member Huffman, and Members of the Subcommittee. I am Stephen Guertin, Deputy Director for Policy for the U.S. Fish and Wildlife Service (Service) within the Department of the Interior (Department). I appreciate the opportunity to testify before you today on three bills related to: funding for state and territorial wildlife restoration efforts; the Service's proposed Biological Integrity, Diversity, and Environmental Health rule and associated policy updates; and wildlife corridors.

The Service's mission is "working with others to conserve, protect, and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people." The Service works across multiple programs and with diverse partners to achieve this important mission. The Service's Office of Conservation Investment provides financial and technical assistance to state and Tribal wildlife agencies to support locally led conservation, hunter education, and recreational access projects across the country. The Service administers the National Wildlife Refuge System (Refuge System), which conserves wildlife habitat across the country and provides recreational opportunities for millions of Americans. The Service's Science Applications program works with others to create an ecologically connected network of lands and waters to support thriving fish, wildlife, plants, and their habitats as well as thriving communities for people. The Service's Partners for Fish and Wildlife (Partners) Program supports voluntary conservation efforts with private landowners across the country, helping to protect habitat, support communities, and conserve species at a local level.

The legislation before the Subcommittee today is relevant to each of these programs and the Service's ability to carry out its wildlife conservation mission.

**H.R. 6352, Tax Stamp Revenue Transfer for Wildlife and Recreation Act**

Section 4 of H.R. 6352 would amend the Pittman-Robertson Wildlife Restoration (Pittman-Robertson) Act to supplement funding for the Federal Aid in Wildlife Restoration Fund (Fund). The legislation would direct 85% of the current \$200 tax on the transfer of firearm suppressors from the U.S. Treasury to the Fund for Fiscal Years (FY) 2024 to 2030. Of that additional funding, 85% would support wildlife restoration projects, habitat improvement, and hunter education. The remaining 15% would be directed toward shooting range construction, operation, and maintenance.

Since enactment of the Pittman-Robertson Act in 1937, through the Wildlife Restoration Program, the Service has assisted states and territories in their efforts to conserve habitat, enhance recreational shooting opportunities, and advance hunter education. Currently, an excise tax on firearm, ammunition, and archery equipment purchases provides dedicated funding for the Fund, and wildlife agencies for states and territories receive an apportionment of funding on an annual basis to support these activities.

State fish and wildlife agencies have used these apportionments to conserve wildlife populations, increase hunter access to millions of acres of habitat, and welcome new people into the shooting sports. With these funds, over 792 shooting ranges have been designed, constructed, renovated or opened to the public. More than 35 million acres of state or territory-conserved land are maintained for public access or habitat management and over 650,000 people annually receive hunter education supported by these projects. The Wildlife Restoration Program is one of the nation's oldest and most successful conservation programs. For more than 80 years, it has served as a model of conservation partnerships among industry, states and territories, and the federal government, protecting and restoring wildlife and habitat, providing recreational opportunities, and engaging with hunters across the country.

The Service supports the intent of Section 4 of H.R. 6352 to increase funding for the Wildlife Restoration Fund and would welcome the opportunity to provide technical assistance to the sponsor and Subcommittee on administration of new funds to minimize the need for recipients to track new and current sources of funding separately. The Service defers to the Bureau of Alcohol, Tobacco, Firearms and Explosives regarding Sections 2 and 3 of H.R. 6352.

**H.R. 8632, BIOSAFE Act**

H.R. 8632 would require the Secretary of the Interior (Secretary) to withdraw the Service's proposed rule, "National Wildlife Refuge System: Biological Integrity,

Diversity, and Environmental Health,” and associated policy revisions (BIDEH proposal). The Service opposes H.R. 8632.

Over the past 120 years, the Refuge System has grown to become the largest and most diverse network of conservation lands and waters in the world. The Refuge System includes 572 national wildlife refuges, 38 wetland management districts, and 5 marine national monuments, with each unit established for a specific wildlife conservation purpose. With at least one unit of the Refuge System found in every U.S. state and territory, the Refuge System protects an incredible array of fish, wildlife, plants, and habitats, and provides outdoor recreation opportunities for millions of Americans each year.

The Service’s administration of the Refuge System is guided by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act)—a visionary organic charter enacted by Congress with near unanimous support. In addition to establishing a statutory mission for the Refuge System, the Improvement Act includes 14 directives to guide the Secretary’s administration of the Refuge System. One notable directive is the BIDEH mandate, which directs the Secretary to “ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained.”

The BIDEH mandate borrows key terminology from conservation biology and emphasizes the need for the Service to consider how best to maintain the ecological integrity of the Refuge System in administering its individual units. It brings a management focus to maintaining biodiversity across multiple scales and recognizes the need to identify and develop comprehensive strategies to address threats using the best available science.

In 2001, the Service issued a policy (601 FW 3) providing internal direction for agency implementation of the BIDEH mandate. The policy defined key terms and described the relationship between individual refuge purposes, the Refuge System mission, and maintaining ecological integrity. It provided refuge managers with guidance for maintaining existing levels of ecological integrity and determining when and how to restore ecological integrity, as well as guidance for addressing external threats to refuge ecosystems.

When the Service adopted this policy in 2001, we did not anticipate the extent of climate change impacts on national wildlife refuge ecosystems or the need to clarify in regulation our interpretation of, and authority to implement, the BIDEH mandate. However, over the past 20 years, the threats facing the Refuge System have evolved. National wildlife refuges are experiencing the negative effects of climate change while continuing to face other stressors, such as invasive species and disease. At the same time, the Refuge System and the healthy ecosystems it protects are increasingly vital to addressing climate change and biodiversity loss.

To help refuge managers address modern conservation challenges and ensure national wildlife refuges remain strongholds of biodiversity into the future, we now see a need to provide guidance that helps refuge managers better address conservation threats through improved implementation of the BIDEH mandate.

On February 2, 2024, the Service published a proposal in the Federal Register to revise the existing BIDEH policy and implement a new rule to guide the management of national wildlife refuges to maintain ecological integrity. With the BIDEH proposal, the Service seeks to provide a more consistent, transparent, and science-based approach for upholding ecological integrity at individual refuges and across the Refuge System. We seek to codify our continued commitment to managing refuge ecosystems as components of larger landscapes and seascapes, particularly in the face of a changing climate. We also seek to emphasize that managing the Refuge System through a landscape-scale lens necessitates strong collaboration and coordination with partners and stakeholders at all levels.

The BIDEH proposal accomplishes these objectives in several ways. It provides, for the first time, a clear regulatory standard directing refuge managers to ensure ecological integrity. This proposed standard promotes management of the Refuge System as an ecologically interconnected network of lands and waters, supporting both the Refuge System mission and individual refuge purposes. It also instructs refuge managers to use their professional judgment and the best available science to ensure that management actions benefit wildlife conservation by contributing to ecological integrity.

The BIDEH proposal includes updated definitions for “biological integrity”, “diversity”, and “environmental health.” As with the 2001 BIDEH policy, these definitions continue to acknowledge the importance of using historic conditions as a reference point for maintaining and restoring ecological integrity. However, the updated definitions recognize the impacts of climate change and other stressors on refuge ecosystems, acknowledging that, in many cases, sustaining historic conditions

to maintain ecological integrity on national wildlife refuges may no longer be possible.

In addition, the BIDEH proposal includes management directives for maintaining ecological integrity across the Refuge System, providing a framework through which refuge managers can determine and implement management actions in a consistent way to meet refuge purposes, ensure ecological integrity, and fulfill the Refuge System mission. These directives are based on five key principles for managing refuges and ecosystems: 1) addressing climate change impacts on wildlife; 2) conserving and connecting habitats; 3) prioritizing the use of natural processes to achieve wildlife management goals, while recognizing the need to supplement natural processes when habitat conditions and natural processes alone are insufficient; 4) upholding and, where necessary, acquiring water rights, in accordance with local, state, and federal laws; and 5) promoting and maintaining healthy soil, air, and water.

Finally, the BIDEH proposal provides guidance for certain management activities and uses that have a particular propensity to affect ecological integrity, such as agricultural uses, predator control, and pesticide use. The proposal provides increased clarity and guidance for when, why, and how we apply certain management practices and uses and emphasizes the importance of using the best available science to inform decision-making.

Although the proposal directs a default position for each of the specific management uses or activities, it does not ban the use of any activities. The default positions are largely consistent with existing Service policies and with the Refuge System's approach to permitting uses of national wildlife refuges. Moreover, the proposal continues to provide refuge managers with significant flexibility to implement these activities as conservation tools on a case-by-case basis, in accordance with the best available science. The BIDEH proposal would not supersede any of the Service's other statutory obligations under the Improvement Act, including directives related to public uses of wildlife refuges, coordination with partners, or deference to the Alaska National Interest Lands Conservation Act (ANILCA).

By standardizing and clarifying the existing processes that refuge managers are required to follow in making decisions regarding best management practices and their influence on ecological integrity, we believe the BIDEH proposal will decrease workload, provide consistency, improve transparency to the public, and facilitate science-based decision-making.

Prior to publishing the BIDEH proposal for public comment, the Service coordinated extensively with state partners and Tribes through collaborative meetings to receive input and feedback on the BIDEH proposal. The Service received comments and suggested edits from states and Tribes and incorporated many of these changes in the proposal. The Service further worked with those who provided feedback to have substantive discussions about their concerns and to seek further understanding about potential changes.

During the public comment period, the Service received significant public interest in the BIDEH proposal. At the request of this Committee, and to ensure all partners and stakeholders had ample opportunity to review the proposal and provide meaningful input, the Service extended the initial 30-day public comment period by 60 days.

During the extended comment period, the Service took the opportunity to conduct additional outreach on the BIDEH proposal. The Service conducted listening sessions with state partners both directly and through existing coordination meetings. Additional Tribal coordination was conducted through webinars with Alaska Native Tribal entities. The Service also directly sought input from other stakeholders such as environmental groups, agricultural interests, and sportsmen's organization.

The 90-day public comment period closed on May 6, 2024, and the Service received more than 200,000 public comments. We appreciate the robust public interest and engagement in the proposal and take seriously the public input we received. We are currently reviewing these public comments to identify, understand, and address the substantive issues raised. These comments will help the Service ensure we employ a consistent approach to ensure the ecological integrity of national wildlife refuges.

As the conservation challenges facing our nation's wildlife refuges continue to evolve, the Service periodically seeks to update our guidance and regulations to ensure we can uphold the Refuge System mission and mandates. The Service strongly opposes H.R. 8632, which would undermine our ability to equip refuge managers to address modern conservation threats and ensure the ecological integrity of the Refuge System for current and future generations.

**H.R. 8836, Wildlife Movement Through Partnerships Act**

H.R. 8836 would require the Secretary to establish a Wildlife Movement and Movement Area Grant Program, administered by the National Fish and Wildlife Foundation (NFWF), to provide financial and technical assistance for improving habitat connectivity in movement and migration areas used by big game and other wildlife species.

Habitat loss and fragmentation are widely recognized as among the most important threats to biodiversity. The continued viability of many wildlife populations is dependent on populations' continual ability to move, including daily movements among local resources, migrations between seasonal ranges, long-range dispersal supporting gene flow, and species range shifts over time in response to changing conditions. The Service is dedicated to and actively engaging in the conservation of wildlife corridors, including for big game species through multiple programs and initiatives. For example, the Service's Partners for Fish and Wildlife Program works with private landowners, states, Tribes, and other partners on voluntary habitat conservation projects on private and Tribal lands to conserve habitat, including in the western states to benefit big game species. Additionally, the Service's implementation of the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law, includes important fish passage projects to connect aquatic habitat for fish species, as well as strategic conservation of the sage brush ecosystem that is critical to mule deer, elk, and pronghorn.

The Department and the Service also continue implementation of Secretarial Order 3362, Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors, which seeks to enhance and improve the quality of big-game winter range and migration corridor habitat. In March of this year, the Department and NFWF announced \$11.8 million for 10 projects in seven states to restore habitat connectivity and secure key migration corridors for wildlife in the American West. The \$3 million in grants and \$8.8 million in matching contributions were made possible through the Western Big Game Seasonal Habitat and Migration Corridors Fund, which is administered by NFWF in part through annual appropriations from the Service and other federal agencies in support of Secretarial Order 3362.

The proposed Wildlife Movement and Movement Area Grant Program that would be created under H.R. 8836 closely resembles NFWF's Western Big Game Seasonal Habitat Migration Corridors Fund, which the Service currently supports through a cooperative agreement, in accordance with Secretarial Order 3362. NFWF's grant program provides support for the conservation of winter range habitat and migration corridors in 11 western states for pronghorn, elk and mule deer. The Partners Program has provided \$3.5 million over the last five years to support projects for big game conservation and wildlife-friendly fencing through this program.

In addition to the Wildlife Movement and Movement Area Grant Program, H.R. 8836 would reauthorize the Service's Partners Program through FY 2030, which would allow the program to continue to support collaborative, voluntary conservation projects directly benefiting the species this legislation seeks to support. From FY 2019 to 2023, the Partners Program has contributed \$5.3 million and leveraged \$14.1 million in funding from partners for projects that benefit big game species on private and Tribal lands in western states. In FY 2023 alone, the Partners Program contributed over \$2 million and leveraged \$3.1 million from partners. The Service supports reauthorization of the Partners Program to continue supporting these collaborative conservation efforts.

H.R. 8836 would also require the Secretary to establish a State and Tribal Migration Research Program in the Service's Science Applications Program to provide funds to state fish and wildlife agencies and Tribes to collect and analyze data on wildlife movement areas. This legislation also requires the U.S. Geological Survey (USGS) to continue to support a Corridor Mapping Team to provide assistance to federal agencies, states, and Tribes to map and assess wildlife movement areas. The USGS is further directed to adequately protect sensitive information with regards to private property and potential poaching of wildlife.

The Service supports the intent of H.R. 8836 to improve habitat connectivity for wildlife movement and migration and supports reauthorization of the Partners for Fish and Wildlife Program. We would welcome the opportunity to work with the sponsor and the Subcommittee to provide technical assistance on the legislation to clarify and improve implementation. We would also appreciate the opportunity to work with the sponsor and Subcommittee to ensure that new authorizations are not duplicative of existing programs.

### Conclusion

The Service remains committed to supporting our partners in conservation, responsibly managing the Refuge System, and working to conserve and protect important wildlife habitat corridors. We recognize the Subcommittee's interest in supporting an approach to conservation that benefits people and wildlife, and we appreciate the opportunity to continue that discussion. Thank you for the opportunity to testify before you today. I would be pleased to answer any questions that you may have.

---

QUESTIONS SUBMITTED FOR THE RECORD TO MR. STEVEN GUERTIN, DEPUTY  
DIRECTOR FOR PROGRAM MANAGEMENT AND POLICY,  
U.S. FISH AND WILDLIFE SERVICE

**Mr. Guertin did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.**

### Questions Submitted by Representative Westerman

*Question 1. Mr. Guertin, as I brought up during my questioning at the hearing on Rep. Grothman's BIOSAFE Act of 2024, the Human Society of the United States published a detailed press release within an hour of the proposed BIDEH rule being released to the public. This press release states that this proposal "would ban predator control on the National Wildlife Refuge System." Despite this, in oral testimony before the Committee on April 10, 2024 and written testimony provided to the Committee on September 10, 2024 the service claims that the proposed rule simply seeks to 'provide guidance' on management activities such as predator control. If implemented in its current form, would the proposed rule impact predator control on refuge system lands?*

---

Mr. BENTZ. Thank you. I now recognize Mr. Cochran for 5 minutes.

### STATEMENT OF STEVE COCHRAN, FORMER EXECUTIVE DIRECTOR, RESTORE THE MISSISSIPPI RIVER DELTA, NEW ORLEANS, LOUISIANA

Mr. COCHRAN. Chairman Bentz, Ranking Member Huffman, Congressman Graves, and members of the Committee, my name is Steve Cochran.

I first want to thank you for the opportunity to discuss Congressman Graves' draft bill here today. I very much appreciate his commitment and the Committee's interest here.

One quick note as I begin. My title now includes "Ret" at the end, as you can see. That is because I retired in 2023 from a 39-year public policy career. It also means I no longer speak for anyone else, so I want to be clear about that. You get to blame me, not the people I have been associated with.

In terms of background, I have worked in senior roles for state and Federal officials, but the majority of my work has been with environmental advocacy groups. Most relevant is my experience as Executive Director for Restore the Mississippi River Delta, a Louisiana-based coalition of three national and two local groups. I also grew up around and now live in New Orleans, giving me a frontline perspective on these issues.

I would like to start here with some context before focusing on the specifics of Congressman Graves' bill.

First, as Congressman Graves began to make clear, the Louisiana coast matters to America. As described by Louisiana's Coastal Protection and Restoration Authority, "Louisiana plays a vital role in the economic infrastructure of America, with our ports carrying 20 percent of all U.S. waterborne commerce, providing 20 percent of commercial fisheries, landing and supplying 18 percent of our nation's oil." The impact to our nation's energy and economic security will be devastating if we fail to act. So, I want to make the point that each of these pieces of America, ports, energy, fisheries, are directly threatened by the ongoing losses along Louisiana's coast.

Second, because of the levying of the Mississippi River, the mismanagement of development, most notably oil and gas, and the addition of sea level rise, we are now losing every year between 25 and 35 square miles of coastal protection to the Gulf of Mexico.

Third, this draft legislation is not a new approach. Recognizing needs in other parts of the country, the Congress has already made significant place-based commitments and investments in threatened coastal areas, including the Everglades, the Chesapeake Bay, and the Great Lakes.

And finally, around the country these problems are expanding. Climate-driven sea level rise and extreme weather are disrupting coastlines and watersheds, insurance costs and availability, and infrastructure in ways that inevitably arrive at government's doorstep. Congress can and should get ahead of this problem before it is too late, and that is what Congressman Graves' draft bill begins to do, so let me talk about that.

As many of you know, because of the Deepwater Horizon disaster, Louisiana is receiving a total of \$8 billion for coastal restoration and protection over 16 years. This is not free money. The cost to Louisiana has been probably \$100 billion in oil spill damages to its coast, and 11 deaths just from the explosion. It is the worst way to fund anything.

But here is the challenge. While that money has been critical to the effort, the \$8 billion will take us only through a few more years, covering maybe 16 percent of the minimum \$50 billion need for coastal Louisiana. It is therefore essential for success that we establish funding structures now to support the continuation of the work. That is what this bill does.

In terms of structure, setting this up at NOAA with management by NMFS and NFWF makes sense, as both have direct experience at both Federal and local levels to manage this.

And finally, there are two provisions related to NEPA and essential fish habitat that I think warrant further discussion among a broader set of constituents and informed experts. I am glad to see Mr. Huffman and Mr. Graves both acknowledge that and speak to it.

Time is of the essence when it comes to safeguarding critical natural defenses, and this urgency must be balanced with our long-standing commitments to environmental protections, to integrated community benefits, and to true public engagement. Finding this balance is hard, but it is something we have to do.

I am a longtime member of the environmental community, where these public processes and protections are seen as bedrock. In fact,

many of our challenges in the lower Mississippi River are a result of not having such processes and protections in place when decisions were made. So, it may be surprising to hear me willing to even consider new ways to expedite project reviews. I don't do that without worry, and with a firm belief in maintaining the integrity of these public processes. But I also believe that pragmatic discussion is both worthwhile and necessary, and that now is the time to truly wrestle with these challenges.

Thank you for the opportunity to be here. I will, of course, be glad to answer any questions.

[The prepared statement of Mr. Cochran follows:]

PREPARED STATEMENT OF STEVE COCHRAN, FORMER DIRECTOR, RESTORE THE  
MISSISSIPPI RIVER DELTA COALITION  
ON H.R. DISCUSSION DRAFT OF H.R. \_\_\_\_ (GRAVES)

Chairman Bentz, Ranking Member Huffman, and members of the Committee, my name is Steve Cochran, and I am pleased to appear before you today to discuss the draft legislation being developed by Congressman Graves. I very much appreciate his commitment, and the Committee's interest in further investment in the protection and restoration of our nation's coastal resources. This afternoon I will share my perspectives on the draft legislation, within the context of the threats to those resources, particularly in the Lower Mississippi River Watershed and the Louisiana coast, and including the implications for communities, natural resources, and our nation's economy. Thank you for the opportunity to be here.

**Background**

You will notice that my title begins with the word "former". That should help make clear that I am here today in my own capacity, having retired from a 39-year career in the public and nonprofit sectors in 2023. With that retirement, from a policy perspective I no longer speak for anyone. In front of this committee, I'm a free man.

By way of background: over those 39 years I have worked in several policy and political roles for state and federal officials, but for the majority of them I worked at both local and national levels for environmental advocacy groups.

Within that, I think my experience most relevant for today's discussion began in 2014, when I took on the national role of managing Coastal Resilience for the Environmental Defense Fund. Within that work, I later took on the additional role of Executive Director for Restore the Mississippi River Delta, a Louisiana-based coalition comprising five advocacy groups—3 national and 2 local.

**The Need for Action—Louisiana Coast and Beyond**

From that perspective, I want to offer a few overarching thoughts before focusing on the intent and specifics of Congressman Graves's welcome discussion draft:

- What happens in the Louisiana coastal zone has tremendous significance to the rest of the country—its ports, energy production, fisheries, agriculture, and culture are of national value and significance. Here are some of the measurements of that significance, as described by the State's Coastal Protection and Restoration Authority, the agency charged with safeguarding these assets:

“Nearly two million people reside in the area we call America's Wetland, many of whom have made their lives and livelihoods in close proximity to Louisiana's coast. Our wetlands act as a buffer to protect these citizens and their cherished communities from storm surge.

Additionally, Louisiana plays a vital role in the economic infrastructure of America, with our ports carrying 20 percent of all US waterborne commerce, providing 26 percent (by weight) of commercial fisheries landings, and supplying 18 percent of our nation's oil. The impact to our nation's energy and economic security will be devastating if we fail to act.

Louisiana's wetlands also provide winter habitat for more than five million migratory waterfowl and offers stopover habitat for millions of neotropical migratory birds.

The coast's intrinsic value, as a working coast, home to millions of citizens, and natural habitats makes it one of the nation's most unique and valuable landscapes.”<sup>1</sup>

- The national significance of this coastline does not stop there. Well over three-quarters of ALL freshwater flows from rivers and streams throughout the U.S. flow through Louisiana into the Gulf. In terms of port traffic, five of the nation's 15 busiest ports are found here, and every day that natural or human-caused disasters shut down navigation here, America loses \$300 million. These national assets rely on the area's renowned coastal wetlands, which themselves represent an essential national treasure that hosts crucial fish and wildlife habitat, irreplaceable natural wonders, and unparalleled outdoor experiences, opportunities for sportsmen and women, and a vibrant tourism economy.
- Just as the Louisiana coast plays a unique role in America's commercial and ecological health, so does this area offer a unique window on coastal land loss and climate threats to coastal resources, and on the risk all of that poses to coastal communities and ecosystems. Each year, between 25 and 35 square miles of coastal Louisiana simply disappears into the open waters of the Gulf of Mexico, laying claim to some of America's most vital wetland habitat even as it endangers key infrastructure for our national economy. Some 30 percent of all wetlands in the Lower 48 are found here; in terms of annual wetland loss in America, though, Louisiana accounts for fully 90 percent of the damage. And each year, the stakes become greater—and the potential consequences to Louisiana lives, property, and resources, and to the nation's economic vitality, grow more dire—as these losses, now exacerbated by sea level rise, continue. We simply cannot afford to wait, and so again I want to express my appreciation for this effort to add new legislative solutions to the current mosaic of investments aimed at reversing land loss and restoring the coast.
- As important as these resources and investments are, I recognize that the Louisiana coast is far from the only ecosystem facing mounting threats ranging from poor resource management decisions to extreme weather events, sea level rise, and other climate-related challenges. I want to encourage all of us to keep that in mind over the next several years as the needs for federal support of coastal and watershed resilience increase. Congress has already made significant place based commitments—with billions in associated spending—to restoring threatened coastal areas, the Comprehensive Everglades Restoration Plan (CERP) authorized over 20 years ago in the 2001 Water Resources Development Act to the Chesapeake Bay Program dating all the way back to 1983, to the Great Lakes Restoration Initiative (GLRI) established in 2009. I would respectfully note that the surpassing value of Louisiana's coast to the nation, and the “code red” threat level this national asset faces, warrant a similarly focused congressional response.
- Again, these kinds of requests from around the country are only just beginning—climate driven sea level rise and extreme weather patterns are disrupting coastlines and watersheds all around the world, and certainly in the United States. These climate driven changes and damages are also disrupting economic patterns, including insurance costs and availability, and infrastructure in ways that are inevitably arriving at governments doorsteps. My experience, and therefore advice, is that the Congress fully engage in this discussion and policy-making now, before it has to take the form instead of purely reactive and even more expensive disaster response. And that is part of what this bill begins to do, building on previous Congressional efforts.

#### **Proposed Lower Mississippi River Watershed Legislation**

The Graves discussion draft offers a crucial opportunity to bring much-needed federal focus and financial capacity to the Louisiana coast's race against time. The bill's primary focus is the authorization of a new federal grant program, to be administered by the National Marine Fisheries Service, to advance coastal protection and restoration projects. I'd like to take a moment to describe the needs for this kind of federal funding infusion, and how it would fit into the context of other existing funding streams.

<sup>1</sup> <https://coastal.la.gov/our-plan/2023-coastal-master-plan/> “What's At Stake”

As many of you may know, as a result of the Deepwater Horizon (DWH) disaster Louisiana will ultimately receive a total of \$8 billion in settlements and penalties, paid out over 16 years, that can be used for coastal restoration and protection. The cost of that funding is probably \$100 billion dollars in oil spill damages to its coast, and at least 11 deaths. It is the worst way imaginable to fund anything, and it only begins to address the specific losses associated with DWH.

That funding, plus additional support from smaller sources such as GOMESA, the Breaux Act, and other federal, state and local sources allowed a jump start in what is conservatively estimated to cost over \$50 billion, plus annual operations and maintenance support. This jump start was possible because Louisiana, under its Coastal Protection and Restoration Authority, already had a plan in place before the money was available. Louisiana's Coastal Master Plan process is truly a science-based model for the nation, identifying and prioritizing a broad array of projects and approaches to address the crisis facing coastal communities and resources. As of today, the state's plan is now effectively using over \$1 billion per year, producing so far:

- 157 projects since 2007
  - An average of 10,000 jobs each year
  - 383 miles of levee improvement,
  - 71.6 miles of barrier island restoration, and
  - 105 square miles of habitat benefits (67,200 acres)

The projects and investments under the Coastal plan are estimated to result in \$10.7–\$14.5 billion in avoided annual economic damages. The plan, and the use of this funding, has so far been a real success story.

Now, here is the challenge. This \$8 billion disaster-fueled funding will take us only through another 8 years, at best. That is not enough money, nor does it buy enough time, for Louisiana to put the policies and projects in place to sustain its coastline. It is absolutely critical that we begin establishing the funding structures to support the continuation of the work in coastal Louisiana as soon as possible, so that planning, policies, projects identified in the Master Plan and related annual plans can move at the fastest possible speed. This bill or something like it could be a huge step forward, and I enthusiastically support the \$500 million commitment this legislation proposes.

I view the funding approach in the bill as a smart and affordable step forward, and given that Louisiana already has a plan in place, and mechanisms for managing project funding, the state could take advantage of such funding immediately. It really is folly to wait around until inevitable natural disasters bring a “flood” of needs and fiscal demands for Congress to address, including restoration and protection projects that will only grow in costs and number. There is, perhaps, still some time to get ahead of this. It has long been understood that money spent ahead of a flood will return its investments at an average 6–1 rate. The bill offers a specific way to realize those returns, and it may be a model for a more national approach for necessary federal attention as these kinds of coastal and watershed needs are growing around the country.

I would also note that setting up a program like this at NOAA seems to make sense, as they have the requisite experience at both federal and local levels to manage it. Recognizing that the bill is still in its discussion-draft phase, I would encourage others to offer comments on administration of the proposed new program.

Finally, I would highlight two provisions in the draft bill—related to the National Environmental Policy Act of 1969 (NEPA) and to Essential Fish Habitat consultations under section 305(b)(2) of the Magnuson-Stevens Act—that warrant further discussion among a broader set of affected constituencies and informed experts.

Time is indeed of the essence when it comes to safeguarding critical natural defenses, ecological treasures, and communities from the next inevitable disaster. That said, balancing those urgencies with longstanding statutory commitments to environmental protections, integrated community benefits, and true public engagement is hard. I am a longtime member of the environmental community, where these statutes are often referred to as “bedrock” protections, and in fact many of our challenges in the Lower Mississippi River watershed are in part a result of not having such protections in place before NEPA was in operation. In that context, it may be surprising to hear me willing to even consider new ways to expedite project reviews while maintaining the underlying integrity of those vital public processes. I do so not without worry, but with a firm belief that pragmatic discussion is not only worthwhile but necessary, and I would argue that now is that time to truly

wrestle with these challenges. I look forward to joining that broader conversation as this important legislation for the Louisiana coast is considered.

Thank you for the opportunity to share these thoughts and perspectives. I'll be glad to answer any questions.

---

Mr. BENTZ. Thank you. I now recognize Mr. Nichols for 5 minutes.

**STATEMENT OF PAUL NICHOLS, CHAIRMAN, HITCHCOCK COUNTY BOARD OF COMMISSIONERS, TRENTON, NEBRASKA**

Mr. NICHOLS. Thank you, Chairman Bentz and Ranking Member Huffman, for the opportunity to provide testimony on today's important hearing on the Swanson and Hugh Butler Reservoir Land Conveyance Act. My name is Paul Nichols, and I am a Chairman of the Hitchcock County Commissioners. I am also a proud, lifelong resident of Hitchcock County, and my 14 years as the County Commissioner has given me a deep appreciation for the people and the issues that matter most to our community.

Joining me today is Ron Wertz with 18 years, and Scott McDonald with 24 years. They are commissioners for our community. And also Dawna Vap, a concessionaire, and a number of members from the communities.

The legislation I am speaking about today directly responds to the concerns raised by Hitchcock and Frontier Commissioners, county constituents, and the Nebraska congressional delegation regarding the Bureau of Reclamation's plan to end private, exclusive use of the reservoirs.

Differences in opinions of how the concession area of the Swanson Good Life Marina and the Hugh Butler Lighthouse Marina should be managed moving forward highlights the need for local control and management over these areas.

The legislation proposes transferring 77.2 acres of land which do not include the water or power assets to the counties at no cost to the Federal Government. It is important to note that the transfer would not compromise the public access to the lake or its use, and the counties are committed to providing substantial effective management.

We are talking about over 180 households who reside in the two lake communities through the summer months, which are key economic areas for our businesses, supporting jobs and outdoor recreation, tourism, and hospitality. These communities are crucial economic hubs for our area, offering respite for people in southwest Nebraska, northwest Kansas, and eastern Colorado, providing a getaway from the farm and ranch families amidst a mounting rural mental health issue crisis.

This conveyance is necessary to prevent the Swanson and Hugh Butler Lake communities and concessionaires from being removed, which would have dangerous or disastrous consequences for the population of Hitchcock and Frontier Counties, and jeopardize southwest Nebraska's economy and way of life. When stakeholders expressed concern about the community displacement, the Bureau was the first to suggest that we do a land transfer as a potential solution. Therefore, action on this issue is urgently needed to

prevent the outcome that could unfold over the next few months from the date of this hearing.

The looming deadline of February 25, when the Bureau of Reclamation's extended concession contracts expire, highlights the critical need for the immediate action. By transferring the land to the counties, it would ensure that the recreational opportunities private exclusive use continues to be provided in a way that suits the community and visitors.

Importantly, the transfer won't compromise public access to the lake or its use. In fact, the legislation expressly requires the continuation of public access.

The present concessionaires at the Swanson and Hugh Butler have been established for a combined 41 years.

The county confronted several severe economic difficulties, evidenced by median household income of just \$42,000. Recent shutdowns of the nursing home and several restaurants have dealt a heavy blow to the community. Despite these challenges, Swanson and Hugh Butler Lake are thriving. The marinas offer a variety of free and accessible activities for children and families to enjoy.

Actually, the marinas are often used as a place for church services, weddings, funeral services, car shows, and concerts. The closure would not only deprive residents and visitors of recreation amenities, but would also have a devastating impact on the local businesses that rely on such revenue. The loss of jobs, diminished property values, and reduced quality of life would be severe consequences of allowing these valuable assets to fall into disrepair.

The economic contributions of these lake communities are crucial for supporting services like firefighting, law enforcement, local government, schools, and NRDs.

I see I am out of time, but I want to thank you for it, and I am open for questions on how we propose to do all this. Thank you.

[The prepared statement of Mr. Nichols follows:]

PREPARED STATEMENT OF PAUL NICHOLS, CHAIRMAN OF THE  
HITCHCOCK COUNTY COMMISSIONERS

ON H.R. 8413

**I. Introduction**

Thank you, Chairman Bentz and Ranking Member Huffman for the opportunity to provide testimony at today's important hearing on the Swanson and Hugh Butler Reservoirs Land Conveyances Act. My name is Paul Nichols, and I am the Chairman of the Hitchcock County Commissioners. I am also a proud lifelong resident of Hitchcock County, and my 14 years as a County Commissioner have given me a deep appreciation for the people and the issues that matter most to our community. Joining me are Ron Wertz and Scott McDonald, the other two Hitchcock County Commissioners. Also joining me are members of the lake communities and Dawna Vap a concessionaire at Swanson Reservoir. The legislation I am speaking about today directly responds to concerns raised by Hitchcock and Frontier County Commissioners, county constituents, and the Nebraska congressional delegation, regarding the Bureau of Reclamation's plan to end private exclusive use at the reservoirs. Impacted stakeholders feel this reflects the prior mismanagement of the concession areas at the Swanson Good Life Marina and Hugh Butler Lighthouse Marina and the need for local control and management over these areas.

The proposed Swanson and Hugh Butler Reservoirs Land Conveyances Act aims to transfer a total of 77.2 acres of land—comprising less than 1% of the total acreage of Swanson and Hugh Butler Reservoirs. Importantly, this transfer involves no cost to the federal government and does not transfer any water or power assets. The transferred areas do not impede public access to the lake nor obstruct public use

of the water or surrounding areas. By transferring ownership to the counties, we can ensure that these valuable assets are managed effectively and continue to benefit the local communities, without imposing any additional financial burden on taxpayers.

The two lakeside communities that are home to over 180 households, and the concession areas at Swanson and Hugh Butler Reservoirs, are vital economic drivers for businesses and local communities, supporting jobs in tourism, outdoor recreation, and hospitality. These two marinas and lake home communities are economic lifelines for Southwest Nebraska and the surrounding region. They serve as vital hubs for small businesses and provide much-needed respite for the hardworking populations of Southwest Nebraska, Northwest Kansas, and Eastern Colorado. For farm and ranch families, these facilities offer a crucial escape from the relentless demands of agricultural life. At affordable prices, they provide a place to relax, socialize, and spend quality time with loved ones. This is especially important given the growing mental health crisis in rural areas.

As highlighted by the story of Allison Brunswig, who grew up in the Swanson Lake community, these recreational areas offer a sense of belonging, emotional support, and connection that is invaluable to residents. Allison's family has cherished countless memories at the lake, and of her grandmother, who was a beloved member of the community known for her kindness and generosity. The reservoir community has provided Allison and her family with a comfortable and nurturing environment to remember their departed loved ones. The decision made by the Bureau of Reclamation to allow these concession contracts to expire would lead to a tragic outcome for both the county community and the local population.

As you are aware, the Swanson and Hugh Butler Reservoirs Land Conveyances Act transfers ownership of the concession areas, Lakeview Lodge, and cabins at the Swanson and Hugh Butler Reservoirs from the Bureau of Reclamation to Hitchcock and Frontier Counties. Indeed, the Bureau of Reclamation first suggested this land transfer as a potential solution to the concessionaries in March 2022 when the Bureau initially took over management of these two concession areas. This conveyance is necessary to prevent the Swanson and Hugh Butler Lake communities and concessionaries from being removed, which would have disastrous consequences for the populations in Hitchcock and Frontier Counties. The removal of these lake home communities and marinas jeopardizes Southwest Nebraska's economy and way of life. Therefore, action on this issue is urgently needed to prevent a catastrophic outcome that could unfold over the next few months from the date of this hearing. The looming deadline of February 2025, when the Bureau of Reclamation's extended concession contracts expire, highlights the critical need for immediate action.

## **II. Background on Swanson and Hugh Butler and Impact on Community**

The present concessionaries at the Swanson and Hugh Butler Reservoirs have been around for a collective 41 years—Hugh Butler's for 26 years and Swanson's for 15 years. The concessionaries were created shortly following the completion of the Trenton Dam Project in 1953, and the area has been beautifully maintained by the concessionaires and lake community since then. Currently, the land resides near the small towns of Trenton and Stratton in Hitchcock County, Nebraska. The county is facing significant economic challenges. With a median household income of only \$42,813 and with over 50% of its students qualifying for free or reduced-price lunches in 2024, Hitchcock County's challenges serve as a stark indicator of the area's overall economic struggles. The community has been hit hard by the recent closures of its nursing home, multiple restaurants, and the downtown newspaper. The concession area's closure would only add to these economic hardships, further straining the already fragile financial situation of many residents.

Despite these challenges, the Swanson and Hugh Butler Reservoirs are developed and thriving communities. The marinas offer a variety of free and accessible activities for families to enjoy in a safe outdoor environment. These include fishing tournaments, volleyball, car shows, horseshoe pits, family reunions, potlucks, musical bands and concerts. They also provide recreational fishing, hunting, boating supplies, and general merchandise items to the public. Additionally, the marinas are often used as a place for church services and wedding and funeral services. Since 2011, the Good Life Marina, one of the few remaining local restaurants within a thirty-mile radius of the reservoirs, has served over 300,000 meals to the public. Given the recent closure of local restaurants, Good Life Marina is an essential economic driver for the community and an important local staple for community residents. Many of these businesses, attractions, and events are attended by individuals who drive several hours away to experience the beautiful marinas and lake communities.

The concessionaries and lake community closure would not only deprive residents and visitors of beloved recreational amenities but would also have a devastating impact on local businesses that rely on such revenue. The loss of jobs, diminished property values, and reduced quality of life would be severe consequences of allowing these valuable assets to fall into disrepair. Furthermore, the economic contributions of lake communities are crucial for supporting vital services like firefighting, law enforcement, and local government. Their survival is essential for the well-being of our small rural towns. An example of a business that relies upon a vibrant marina is Surfs Up Marine in McCook, Nebraska. Surfs Up Marine relies heavily on the vibrant lake communities for over 75% of its revenue. As the only boat retailer in the region, Surfs Up Marine is a crucial business for the local economy. The concessionaries and lake communities' closure will therefore have far-reaching consequences, not only depriving residents and visitors of outdoor recreational amenities but also jeopardizing the economic viability of local businesses that depend on this revenue.

### **III. Capability in Managing the Land and No Cost to Taxpayers**

Moreover, the Hitchcock and Frontier County Commissioners are more than capable of managing and operating the Swanson and Hugh Butler Reservoirs concessionaries. Each county is comprised of three Commissioners, each of whom sits on several local boards and is active in their community. Hitchcock County Commissioners, with their combined experience of 54 years, have successfully managed a team of 31 employees and overseen a total operating budget of over \$2.5 million. Similarly, the Frontier County Commissioners, boasting 61 years of combined experience, have managed a team of 46 employees while overseeing an operating budget of \$10 million. These impressive credentials demonstrate their ability to effectively manage concessionaires and ensure the efficient operation of public amenities. By adopting a similar contract structure as the Nebraska Game and Parks Commission had with the concessionaires in the past, the counties will maintain oversight and enforce all Nebraska health, safety, and fire codes. Additionally, the implementation of yearly inspections will further ensure the compliance and safety of concession operations. The County Commissioners' commitment to public service and their deep understanding of the needs of their communities will be invaluable in guiding the future of these marinas and lake home communities.

Unfortunately, the Bureau of Reclamation's plans have only created confusion and misunderstandings for individuals and businesses operating within these lake communities. It has been difficult for stakeholders to navigate the regulatory landscape and plan for the future. The decision to allow the concession contracts to expire in February 2025 only adds to this uncertainty. This termination of contracts will create significant disruption for businesses, employees, and the communities that rely on these marinas. The cost of removing existing structures will be substantial, imposing a financial burden on trailer owners and businesses forced to relocate their belongings. As such, it is imperative that Congress passes the Swanson and Hugh Butler Reservoirs Land Conveyances Act to provide a clear path forward for the management and development of these marinas and lake home communities, ensuring their continued viability and continued economic benefits to the region.

### **IV. Conclusion**

The closure of the Swanson and Hugh Butler Reservoirs concession areas would have a devastating impact on the local economy, small businesses, and the well-being of residents in Hitchcock and Frontier Counties. The proposed legislation, the Swanson and Hugh Butler Reservoirs Land Conveyances Act offers a viable solution by transferring ownership of these areas to the counties, which have the expertise and experience to manage them effectively. By passing this bill, Congress can ensure the continued viability of these vital community assets and prevent a catastrophic outcome for the region. Thank you, Chairman Bentz and Ranking Member Huffman, and the entire Committee, for providing me with this opportunity to speak.

\*\*\*\*\*

The following document was submitted as a supplement to Mr. Nichols testimony.

## S. 4347 & H.R. 8413 Swanson and Hugh Butler Reservoirs Land Conveyances Act



Swanson Concessions & Cabins



Hugh Butler Concessions & Cabins



Lakeview Lodge at Swanson Reservoir

### Purpose

As suggested by the Bureau of Reclamation, transfer 77.2 acres (less than 1% of the total land acreage) to Hitchcock and Frontier counties. Concession contracts will expire in early 2025. The current BOR contract includes a clause that states this legislation must be completed during the 118th congress. Hitchcock & Frontier Counties have accepted the responsibility of the land and have access to funds to purchase the land at fair market value.

### Total Requested Transfer (Acres)

Swanson Concessions:	20.0
Swanson Cabins:	6.2
Hugh Butler Concessions:	23.0
Hugh Butler Cabins:	6.5
Lakeview Lodge at Swanson:	21.5
<b>Total:</b>	<b>77.2 Acres</b>

### Current Federal Acreage:

Swanson Water Surface Acreage:	4,974
Swanson Land Acreage:	5,253
Swanson Shoreline (mi):	30
Hugh Butler Water Surface Acreage:	1,629
Hugh Butler Land Acreage:	4,461
Hugh Butler Shoreline (mi):	35

## Demographics

These counties are extremely rural. The size of these counties combined are larger than the state of Rhode Island but have less than 0.5% of the population.

### SWANSON RESERVOIR



Town of Trenton, NE - 5 miles East of Swanson Reservoir

#### Hitchcock County (2022)

Population: 2,598  
 Median Income (household): \$42,813  
 Restaurants: 3  
 Size: 710.0 mi<sup>2</sup>

### HUGH BUTLER RESERVOIR

#### Frontier County (2022)

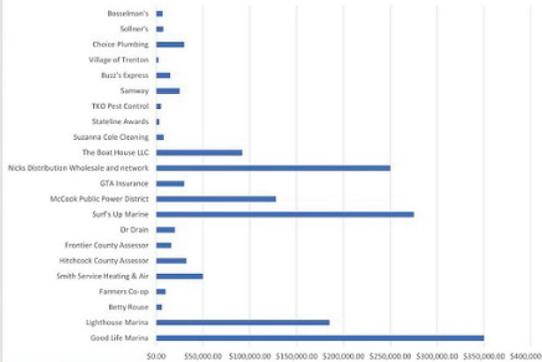
Population: 2,633  
 Median Income (household): \$62,928  
 Restaurants: 4  
 Size: 974.7 mi<sup>2</sup>



**Economic Effects**

- Potential annual loss of revenue from a few of the small businesses in Hitchcock and Frontier Counties is approximately \$1,499,300
- Loss of property tax revenue would equal \$48,226.55
- The counties would also lose small business and numerous jobs.
- The local citizens support this bill because their livelihood and jobs rely on these lake communities and their business.
- Loss of two marinas, which are two of few restaurants in these counties

Approximate loss of revenue from a few of the small business in the area



**Community**

Our diverse and inclusive community welcomes all. Multi State persons bring friendship and unity. Concessionaires and the lake communities provide and host many events open to the public.

- Fishing Tournaments
- Free Concerts
- Car Shows
- Church Services
- Family Reunions
- Weddings, Funerals
- 4H/Scout Projects
- Potlucks
- Volleyball Tournaments
- 4th of July Celebration



Sunday Church Service at the Good Life Marina



Free Concert at the Light House Marina



Mr. BENTZ. Thank you. I now recognize Mr. Leahy for 5 minutes.

**STATEMENT OF MIKE LEAHY, SENIOR DIRECTOR OF WILDLIFE, HUNTING, AND FISHING POLICY, NATIONAL WILDLIFE FEDERATION, WASHINGTON, DC**

Mr. LEAHY. Thank you, Chairman Bentz, Ranking Member Huffman, and members of the Committee for considering the Wildlife Movement Through Partnerships Act at this hearing. My name is Mike Leahy. I am the Senior Director for Wildlife Hunting and Fishing Policy at the National Wildlife Federation.

I am representing our federation, which includes a partner on the ground, an organization in almost every state and territory, and over 7 million members including over 23,000 each in Oregon's 2nd district and California's 2nd district. Our mission is to help wildlife and people thrive in a rapidly changing world. And one of the most important strategies to accomplish that as the world is increasingly developed is to make sure wildlife can continue to navigate the landscape. And that is particularly important as climate change shifts habitats around.

Migrations are one of nature's great spectacles, but they are also essential to the wildlife that undertake them, and then the people that depend on that wildlife for hunting, for outdoor recreation, for cultural traditions. Equally important are the more mundane and shorter movements that wildlife make on a regular basis to access food, water, shelter, to mate, and to rear young.

However, as our population and infrastructure have not only grown, but have spread out throughout the country, we have fragmented a lot of our habitat, and we continue to do so at an alarming rate. And fragmentation of habitat leads to loss of habitat, and that is one of the main reasons over a third of our species in the United States are considered at heightened risk of extinction.

This is an area where congressional leadership is really needed, similar to how Congress put in place the Wildlife Crossings pilot program to address the impact of roads and traffic on wildlife, and vice versa. The natural next step is for Congress to support the work going on around the country to maintain the movement of wildlife and migrations throughout the country.

Fortunately, like with the Wildlife Crossings pilot program, there is a lot of bipartisan support for this, evidenced by the sponsors of the bill. There is a lot of public support and awareness. There is support throughout the wildlife community, and there is also an established body of work to build off of, and a lot of that work stems from Representative Zinke's Secretarial Order when he was Secretary of the Interior that he already mentioned addressing and improving habitat for migratory big game in the West. So, that is a great basis of work because that has proven very effective and popular. And Secretary Haaland has continued that work, but it suffers from a lack of consistency and reliability, and that is where this bill could help.

The Act also incorporates elements of Representative Beyer's bills that he has passed through this chamber on a number of occasions. The bill offers grants for projects on the ground, which is important. It improves coordination among the Federal agencies, particularly Interior, Agriculture, and Transportation. It also supports state and tribal research, and it continues essential Federal support that underlies a lot of that from the U.S. Geological Survey and the Fish and Wildlife Service Partners for Fish and Wildlife Program.

The Act also extends the benefits of this model to other states, tribes, communities, and wildlife around the country because there is a lot of good work going on around the country, and that deserves to have an opportunity to be supported and receive funding, as well.

The legislation acknowledges the crucial role that tribes have played in all of this by including them as core partners, which is terrific.

I also want to acknowledge the good work of Representative Gallego and Senator Lujan, who have worked to specifically address the needs of tribes with their Native American Wildlife Habitat Connectivity Act, which would be a nice complement to this bill because it would provide grants and technical support specifically for tribes.

The Wildlife Movement through Partnerships Act has been written to avoid controversy by focusing on collaborative conservation and conservation without conflict. The work, by its nature, is things that a lot of landowners would like to do but lack resources for, like modifying fences and habitat leases. Project applicants must get approval from the relevant state or tribe. Fifty percent of the funds will continue to go to big game. Private landowners' military readiness will not be impacted.

We have seen the benefits of this approach and model in our own projects in Montana and elsewhere, where in Montana we have worked with private landowners, volunteers, state and Federal agencies to modify 44 miles of fence to make them better for big game, and pronghorn in particular.

The Wildlife Movement Through Partnerships Act is the result of years of work on the ground, but also at the policy level to identify a legislative package that would be broadly supported and bipartisan and have a good chance of passage.

I thank you for the opportunity to testify, and I encourage you to take advantage of this bipartisan conservation opportunity and move this bill to the Floor as soon as possible. Thank you.

[The prepared statement of Mr. Leahy follows:]

PREPARED STATEMENT OF MICHAEL LEAHY, SR. DIRECTOR OF WILDLIFE, HUNTING, & FISHING POLICY, NATIONAL WILDLIFE FEDERATION  
ON H.R. 8836, H.R. 6352, AND H.R. 8632

Thank you Chairman Bentz, Ranking Member Huffman, and members of the Committee, for holding this hearing to consider the historic Wildlife Movement Through Partnerships Act, and other wildlife related legislation. And thank you for the opportunity to testify on behalf of the National Wildlife Federation ("NWF"), our 52 state and territorial affiliates, and our nearly 8 million members, supporters, and followers, including over 23,000 in Oregon's 2nd District, and over 23,000 in California's 2nd District.

**H.R. 8836 (Rep. Zinke), "Wildlife Movement Through Partnerships Act"**

Congress did a great thing for wildlife and people in 2021 by coming together in a very bipartisan way to establish the Wildlife Crossings Pilot Program in the Infrastructure Investment and Jobs Act. This program provides the first federal funding committed to wildlife overpasses, underpasses, and related infrastructure to help wildlife move across roads safely, and to reduce wildlife vehicle collisions. This program was well supported in Congress and throughout the community of wildlife supporters, and has proven incredibly popular and effective, with demand far exceeding available resources.

The corollary to this program, and next great thing Congress can do to help wildlife navigate our increasingly fragmented landscape, is to support the work of wildlife professionals to maintain wildlife movements and migrations beyond the transportation network. Congress has not yet taken meaningful action in support of America's spectacular terrestrial wildlife migrations, or more mundane but equally important daily movements. This leaves a major gap in the framework of

wildlife laws designed to sustain America's wildlife populations, and the people and communities that depend on them.

This gap needs to be plugged as soon as possible. One of the primary reasons more than one-third of wildlife species are at heightened risk of extinction in the US is the loss of habitat, and fragmentation is a leading reason habitat is degraded. Untold wildlife migrations and movement pathways have already been cut off and lost. Unfortunately, wildlife face increasing challenges moving around the American landscape as the US population not only continues to grow but also spreads out around the country, requiring transportation, buildings, other infrastructure, and natural resources, to support it. Maintaining wildlife's ability to move—for migration, mating, rearing young, and accessing food, water, and shelter—is therefore a critical conservation priority in the 21st century.

Fortunately, we still have many spectacular wildlife migrations in this country, and scientists are still discovering more. And we have many wildlife populations that are currently able to access the resources and habitats they need, although we cannot assume that will continue to be the case without proactive conservation work. Also fortunately, we know how to identify and manage the pathways wildlife need. Wildlife professionals for federal and state agencies, tribes, and nongovernmental organizations have been working at this for decades, but particularly in recent years. Their work has been greatly enhanced by technological advances such as Global Positioning System collars. However, there are not enough resources for the work that is needed to manage western big game migratory habitat, much less the movements of many other species of terrestrial wildlife.

#### *Elements of the Bill*

The Wildlife Movement Through Partnerships Act addresses the challenge of making sure wildlife can get where they need to go by endorsing and building on a growing body of proven programs. H.R. 8836 provides clear Congressional authorization and direction for important ongoing work initially established by Congressman Zinke in 2018 when he was Secretary of the Interior. His Secretarial Order 3362 (“SO 3362”), “Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors”, was the first program of its kind. Like the wildlife crossings program, it was and still is widely supported. It has been very effective in collaboratively conserving three big game species in the western US. Secretary Haaland and her staff recognized the importance of the program and extended it, and expanded it to more places and partners, specifically including more tribes.

H.R. 8836 also builds upon the Migratory Big Game Initiative of the U.S. Department of Agriculture (“USDA”) formally that focuses some of the USDA's considerable resources on supporting private landowners who support wildlife moving across their land, starting in Wyoming then expanding to Idaho and Montana and, with enough resources, other states as well. H.R. 8836 also builds on the Wildlife Crossings Pilot Program. All of these programs are specifically referenced and endorsed in the bill.

The Wildlife Movements Through Partnership Act provides clear Congressional support for these now well established programs, and requires better coordination among them, in some important ways.

- **Wildlife Movement & Movement Area Grants:** The bill establishes a grant program to formalize the ongoing support of federal agencies for projects that lease habitat, modify fences, reduce collisions, or conserve lands to reduce barriers to wildlife movements in areas recognized as important by a state or tribe. Grants are awarded competitively, with preference given to national or regional priorities, and to projects involving partners. A bare minimum of 50% of funds are committed to big game such as deer, elk, pronghorn, wild sheep, and moose.
- **State and Tribal Migration Research Program:** States and Tribes are researching how to identify and manage wildlife movement needs. This program will provide direct support for their important studies.
- **Corridor Mapping Team:** This bill makes sure the Interior Secretary continues the U.S. Geological Survey Corridor Mapping Team which has been so instrumental in providing analysis and identification of migration routes for the priority western big game ungulates. The US Geological Survey supports wildlife connectivity work by states, tribes, and other federal agencies by applying science and mapping expertise to corridors and migrations.
- **Cooperative Research Program:** The bill commits funding from this program to researching habitat connectivity in big game movement areas.

The Wildlife Movement Through Partnerships Act extends the benefits of these successful existing federal programs to more wildlife, and more states. Important terrestrial wildlife migrations and movements for a wide range of species are at risk throughout the country, so this bill provides an opportunity for states and tribes and communities throughout the US. to receive grants, research funds, or support.

The Act also reauthorizes the U.S. Fish and Wildlife Service's popular and essential Partners for Fish & Wildlife Program, which supports conservation efforts on private, tribal, and other lands across the country. The US Fish & Wildlife Service has provided important financial and technical support for wildlife migration and habitat connectivity work through this program.

#### *Tribes*

The bill explicitly recognizes tribes as primary partners. The bill also addresses the funding challenges many tribal wildlife programs have by allowing the match requirement to be waived on a case-by-case basis. We encourage Congress to consider additional support for the considerable work tribal nations do to connect and maintain wildlife connectivity on their lands and waters. Tribal nations own or influence the management of nearly 140 million acres across the United States. These lands provide essential habitat and connectivity for migrating species. However, this reality is not reflected in the federal dollars available to tribal nations for fish and wildlife management.

Tribal nations have carried the responsibility and financial burden of conserving fish and wildlife on their lands and participate in wildlife management processes and collaboratives across federal, state and private boundaries—especially when it comes to maintaining wildlife movements. Tribal nations were not, however, explicitly included in SO 3362 initially, despite tribes owning or managing more than 45 million acres in the 11 western states the order encompassed. This impacted funding available to Tribes. The Western Big Game Seasonal Habitat and Migration Corridors Fund administered by the National Fish and Wildlife Foundation was established in 2019 to implement Secretarial Order 3362. Since its inception only three of the sixty grants awarded have gone directly to tribal nations.

Congressman Gallego and Senator Lujan are providing leadership to try and address these inequities. We support their ongoing efforts pass legislation that would complement H.R. 8836 by creating a grant program specifically for tribal nations to access funds for migration research and on-the-ground habitat management. We're also grateful for Congresswoman Dingell's continued leadership of the Recovering America's Wildlife Act which would ensure sustainable, non-competitive funding to federally-recognized tribes for the first time ever.

#### *Non-controversial Nature of the Work*

Notably, the Wildlife Movement Through Partnerships bill focuses on and funds largely non-controversial conservation work, consistent with the precepts of Conservation Without Conflict. This is important because there can be controversy and fear around concepts like wildlife corridors. This bill has been carefully crafted to support voluntary, collaborative conservation partnerships. For starters, the work itself is generally non-controversial, for example habitat leases, fence modifications, and wildlife-vehicle collision reduction. Any work with landowners would be voluntary and collaborative, and landowners may receive financial or in-kind support for their participation, depending on the project. Project applicants must get written support from the relevant state or tribe. Savings clauses hold private landowners and military readiness harmless. Access to lands for outdoor recreation is protected, plus most of the projects will benefit hunting opportunities. These efforts will contribute to and strengthen the outdoor economy, estimated at \$1.1 trillion and over 5 million jobs by the US Department of Commerce in 2022.

#### *Bipartisan and Broad Support for the Bill*

The truly bipartisan nature of this legislation is inspiring, and confirms that wildlife conservation is an issue that continues to unite Americans. The fact that the bill is led by two longtime leaders on habitat connectivity is particularly fitting. In addition to issuing So 3362, Representative Zinke (R-MT) is a leading cosponsor of the Habitat Connectivity on Working Lands Act, H.R. 8104. Representative Beyer (D-VA) was maybe the second Member of Congress to try to improve habitat connectivity in the US through legislation, and the first to try to provide a national framework for such work, with the Wildlife Corridors Conservation Act that he has passed through the House of Representatives in past Congresses. The bipartisan list of cosponsors of the Wildlife Movement Through Partnerships Act speaks for itself. There is similar bipartisanship emerging on the Senate companion bill of the same name, S. 4953, sponsored by Senators Padilla (D-CA) and Hoeven (R-ND).

Support for H.R. 8836 is strong across the spectrum of wildlife supporters, as the letters of support being entered into the record show. There is support from the hunting community, the environmental community, state agencies, tribes, and others. This legislation is also supported by NWF's diverse state affiliate organizations. This level of bipartisanship, broad support, and agreement is similar to that preceded the establishment of the Wildlife Crossings Pilot Program.

*An Example of the Bill's Benefits*

The positive impacts this legislation will have on-the-ground are exemplified by one of the National Wildlife Federation's own wildlife connectivity projects. NWF's regional office in Montana is actively working to improve connectivity in the High Divide region of Montana. Our work with Montana's Fish, Wildlife and Parks agency (MTFWP) and in the Horse Prairie, Grasshopper Valley, Big Hole Valley, Medicine Lodge, Centennial Valley, and the Frying Pan Basin areas surrounding Dillon, Montana, are not by accident. These partnerships and locations were identified as important winter range and migration corridors for pronghorn via the Montana Fish, Wildlife and Parks (FWP) pronghorn GPS movement study that was spurred by SO 3362.

Through our collaboration with the Southwest Montana Sagebrush Partnership, we have modified 44 miles of fence to wildlife-friendly specifications that benefit pronghorn, elk, mule deer and other wildlife species. Over the past eight months alone, NWF staff coordinated 28 miles of fence modifications and removals by working with eight private landowners and engaging the community through two volunteer "fence pull" events and project planning with local contractors.

In the spring of 2023, NWF assisted FWP with a fence prioritization process that paired pronghorn movement data with fence data to identify highly impermeable fences. This analysis identified over 50 miles of problematic fencing (see page 79 of the FWP 2023 Annual Report). Our project has already converted 13.2 miles of these priority fences, which have a permeability class  $\geq 0.4$ , since our work in this area began in 2021. Monitoring data from remote cameras demonstrated pronghorn using modified fences, which likely increases their ability to move and find resources to fulfill the lifecycle requirements both daily and seasonally.

*The Right Bill Right Now*

Many years of conversations and effort has gone into identifying achievable, bipartisan legislative solutions to address the need to maintain wildlife movements and conserve key migratory habitat. This bill is the result of those conversations, projects and lessons learned. There are many other legislative ideas that would benefit wildlife movements, such as providing more resources to tribes, or to private landowners, or providing a strategic framework for prioritizing projects and funding. However, the Wildlife Movement Through Partnerships Act is the right bill right now. We are proud to support a bill that is broadly supported and one that we know will positively benefit wildlife across the US. Congress will be doing future generations a great service by acting now to support scientists and conservationists in their effort to keep our remaining migrations going, and our wildlife populations able to access the resources and lands they need. We encourage the Committee to move this bill to the House floor as soon as possible.

**H.R. 6352 (Rep. Moore of UT), "Tax Stamp Revenue Transfer for Wildlife and Recreation Act"**

For more than 80 years sportsmen and women have funded conservation through their purchases. We applaud Representatives Moore and Golden for their bill that will build upon this tradition and commit additional resources to restoring wildlife habitat and supporting state-level professional wildlife management. NWF agrees with the primary premise of this bill that taxes on suppressors should mostly be reinvested in conservation through the Pittman-Robertson Federal Aid in Wildlife Restoration Act, similar to taxes on many other hunting and shooting products. Dedicated funding through user-pay mechanisms (excise taxes, license fees, etc.) and strong collaboration among state agencies, federal agencies, conservation partners, and landowners, has successfully recovered the vast majority of wildlife species that are hunted and fished. We also agree that is appropriate to commit some of the tax on suppressors to processing applications for suppressors, and some of the tax to supporting shooting ranges and hunter education.

**H.R. 8632 (Rep. Grothman), "Biodiversity Oversight Scaled-back And Fully Erased Act of 2024" or "BIOSAFE Act of 2024"**

Congress has directed the U.S. Fish and Wildlife Service to "ensure that the biological integrity, diversity, and environmental health of the [National Wildlife

Refuge] System are maintained for the benefit of present and future generations of Americans” in the National Wildlife Refuge System Improvement Act of 1997. (16 U.S.C. 668dd(a)(4)(B)). The Service has proposed how will continue to fulfill that requirement in a draft rule. (Biological Integrity, Diversity, and Environmental Health” (89 Fed. Reg. 7345; published February 2, 2024). It will be an improvement, over the status quo, for the Service to lay out how they will meet this requirement in regulations that are written with a full opportunity for public input and oversight. This is compared to the Service continuing to implement this part of law without the benefit of direct public input and awareness.

Service leadership and staff extended the comment period on this proposed rule when they heard concerns about it, and Service staff have acknowledged they do not think they got this proposed rule right in their draft. We agree with them. For example, we do not think the Service was clear enough on the important of Cooperative Farming Agreements play in the management of some refuges. However, we feel they did propose some regulations that are important and beneficial. Furthermore, much of what the Service has proposed reflects work and activities Refuge managers have been implementing for some period of time. The Service’s process is consistent with how the notice and comment process for developing rules works. The Service will take steps to respond to all of the public input they have received and we encourage Congress to give them and the public that opportunity.

Some of the proposed rules are cost-saving measures that will save the Service from expending some of their extremely limited human and financial resources. The National Wildlife Refuge System is one of the world’s largest networks of lands and waters dedicated to the conservation of fish and wildlife. In addition to providing valuable habitat, these public lands also offer first-class outdoor recreation opportunities. Despite this, the Refuge System continues to be one of the most underfunded federal entities. Chronic underfunding has led to the National Wildlife Refuge System losing more than 800 or 16% of its full time staff since Fiscal Year 2010. Simultaneously visitation has grown by more than 37% or more than 67 million visitors a year, and the acreage of lands and waters managed by the Service has grown significantly. The current situation is truly unsustainable. While the Administration continues to work on this proposed rule, we hope this Congress work together to commit more funds to our nation’s refuge system.

Thank you for the opportunity to testify. I look forward to your questions.

---

Mr. BENTZ. Thank you. I now recognize Mr. Schmitz for 5 minutes.

**STATEMENT OF TAYLOR SCHMITZ, DIRECTOR OF GOVERNMENT RELATIONS, CONGRESSIONAL SPORTSMEN’S FOUNDATION, WASHINGTON, DC**

Mr. SCHMITZ. Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee, my name is Taylor Schmitz, and I serve as the Director of Federal Relations for the Congressional Sportsmen’s Foundation, CSF. Thank you for the opportunity to speak in support of three bills being considered today: the Tax Revenue Transfer for Wildlife and Recreation Act; the Wildlife Movement Through Partnerships Act; and the BIOSAFE Act.

At the turn of the 20th century, numerous species of wildlife were experiencing significant declines due to the loss of habitat, unregulated and commercial harvests, and the overall perception of an endless bounty. Alarmed, sportsmen and women banded together to call for the establishment of state fish and wildlife agencies, regulations, and other actions to conserve wildlife and their associated habitats. Despite these actions, wildlife lacked sufficient funding to turn the corner on recovery and ultimately conservation.

In 1937, at the urging of sportsmen and women, along with leaders from the firearm and ammunition industries, Congress passed what is commonly known as the Pittman-Robertson Act. In

its simplest form, the Pittman-Robertson Act redirects existing manufacturer-level excise taxes on firearms, ammunition, and archery equipment to fund on-the-ground, state-based conservation and access projects.

Today, sportsmen and women are asking Congress to build upon the unmatched success of the Pittman-Robertson Act by expanding its funding sources through the existing Form 4 tax stamp money that is required to purchase a firearm suppressor. The bipartisan Tax Stamp Revenue Transfer for Wildlife and Recreation Act will repurpose the \$200 tax stamp money, and send the bulk of this funding to the Pittman-Robertson account.

Estimates indicate that tax stamp revenue generated through the purchase of firearms suppressors could result in a \$150 to \$170 million annual plus-up to the Pittman-Robertson account. This plus-up will bolster critically important Pittman-Robertson programs such as state wildlife research and conservation, habitat conservation, hunter recruitment, target shooting, range construction, among others.

H.R. 8836, the Wildlife Movement Through Partnerships Act, represents a monumental step forward in our efforts to conserve habitat connectivity for our nation's wildlife. Human development across the country is not without consequences, particularly when done blithely towards our wildlife resources. Land that is lost or fragmented can become barriers to animal movement, and becomes especially problematic to many species of wildlife that must migrate to meet the demands of their annual life cycle.

As an example of migration, a mule deer herd may spend most of their summer range at higher elevations to escape heat, seek nutritional browse, and raise offspring. As winter begins to set in and weather conditions change, the same mule deer herd will migrate down, generally along the same route used to reach their summer range, to lower elevations to seek sustainable food resources and more suitable weather. This migration might extend over 150 miles in one single direction. During this migration the mule deer herd in this example will spend time on Forest Service land, BLM land, state land, and private land.

Fragmentation or barriers can occur anywhere. Recognizing this, Federal and state agencies cannot work in silos, and they must fully acknowledge and work respectfully with private landowners if we are to be successful in conserving landscape connectivity.

CSF strongly supports this bill for several reasons.

First, it solidifies a very successful Secretarial Order 3362, which now spans two different administrations.

Second, this legislation respects and upholds state and tribal wildlife management authority.

Third, it respects the rights of private landowners while providing these important stakeholders with voluntary options to expand the conservation resources at their disposal. CSF firmly believes that for conservation to work at scale, private landowners must be able to envision themselves as a highly valued partner in the program, and the best way to achieve that is through locally-driven, non-regulatory, and voluntary conservation approaches.

Fourth, funding that currently supports recent wildlife movement efforts is provided through limited existing programmatic

funding. Without a legislatively authorized wildlife movement to lean on, the contribution of these funds and the overall continuance of the bipartisan H.R. 3362 is uncertain.

Thanks to the carefully crafted language throughout the bill, this legislation does not diminish or modify state and tribal wildlife management authority, impact private property rights or privacy, nor does it allow for any Federal land or Federal migration corridor designation.

CSF also supports the BIOSAFE Act, which would require the Fish and Wildlife Service to withdraw the proposed rule commonly known as BIDEH.

In closing, we thank the Subcommittee again for holding a hearing on these three important bills. I look forward to answering any questions you may have. Thank you.

[The prepared statement of Mr. Schmitz follows:]

PREPARED STATEMENT OF TAYLOR SCHMITZ, DIRECTOR, FEDERAL RELATIONS,  
CONGRESSIONAL SPORTSMEN'S FOUNDATION  
ON H.R. 6352, H.R. 8632, AND H.R. 8836

Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee, my name is Taylor Schmitz, and I serve as the Director of Federal Relations for the Congressional Sportsmen's Foundation (CSF). First, I would like to thank the Chairman, Ranking Member, and Members of the Subcommittee for holding a hearing on three important bills for sportsmen and women and importantly, wildlife conservation.

**H.R. 6352, the Tax Stamp Revenue Transfer for Wildlife and Recreation Act**

Before speaking to H.R. 6352, the bipartisan Tax Stamp Revenue Transfer for Wildlife and Recreation Act, it is important to provide historical perspective. The idea of conservation in the United States began with hunters, anglers, and other members of the sporting-conservation community. At the turn of 20th century, America's wildlife were on the brink due to habitat loss, commercial harvest, and other conservation challenges. In the early 1900s, there were an estimated 300,000 white-tailed deer, 41,000 elk, 12,000 pronghorn antelope, 30,000 wild turkeys, and many waterfowl species were severely struggling. As a result, sportsmen and women banded together to call for the establishment of state fish and wildlife agencies, hunting and fishing licenses, and milestone federal conservation legislation such as the Lacey Act and the Migratory Bird Treaty Act. Despite these advancements in conservation, America's wildlife lacked sufficient funding to turn the corner on recovery and conservation.

Recognizing the shortfall in funding, in the 1930s, sportsmen and women, along with leaders from the firearm and ammunition industries, called on Congress to redirect an already in place manufacturer level excise tax on firearms and ammunition (later amended to include archery equipment) for the purposes of funding conservation and public access. In 1937, Congress passed the Federal Aid in Wildlife Restoration Act, or more commonly known as the Pittman-Robertson Act, which provides critical conservation dollars to state wildlife agencies for on-the-ground conservation and access projects. Fast forward to today, thanks in large part to the funding provided by the Pittman-Robertson Act, there are now over 30 million white-tailed deer, more than 1 million elk and pronghorn, and over 7 million wild turkeys. In recent years, state-based funding through the Pittman-Robertson Act has regularly exceeded \$1 billion/year, including \$1.12 billion in Fiscal Year 2022, \$1.2 billion in Fiscal Year 2023, and \$989 million in Fiscal Year 2024.

Today, sportsmen and women are asking Congress to build upon the unmatched success of the Pittman-Robertson Act by expanding its funding sources through the existing Form-4 tax stamp money that is required when purchasing a firearm suppressor—money that currently goes to the general treasury with no specific purpose.

Firearm suppressors are increasingly becoming a highly popular tool for America's hunters and recreational shooters given their role as the hearing protection of 21st century sportsmen and women. Despite common myths and misconceptions, suppressors do not silence host firearms. Suppressors simply reduce the sound of a

gunshot to hearing safe levels. Engineered to reduce the sound signature of a gunshot, minimize felt recoil, and increase accuracy, suppressors are quickly becoming the favored accessory of hunters and recreational shooters nationwide.

Suppressors work by trapping the rapidly expanding gases at the muzzle of a firearm, allowing them to cool more slowly, in a similar fashion to car mufflers.

Noise-induced hearing loss and tinnitus are two of the most common afflictions for recreational shooters and hunters in the United States. By decreasing the noise of a gunshot to hearing-safe levels, suppressors help to conserve the hearing of sportsmen and women, and their hunting dogs. In addition to hearing protection, suppressors also mitigate noise complaints from those who live near shooting ranges and hunting lands.

Suppressors are federally regulated under the National Firearms Act (NFA) of 1934, the same act that regulates machine guns and short-barreled rifles, among other items. These items, including suppressors, which fall under the purview of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), carry severe penalties for criminal use. To purchase a suppressor, an individual must find a licensed dealer, send the appropriate paperwork to the ATF along with a one-time \$200 Form-4 tax stamp per suppressor, undergo an extensive FBI background check, and complete a National Instant Criminal Background Check at the point of purchase—the same federal background check required to purchase a firearm.

H.R. 6352, led by Congressional Sportsmen's Caucus (CSC) Member Rep. Blake Moore and CSC Vice Chair Rep. Jared Golden, will repurpose the \$200 ATF Form-4 tax stamp money and send 85% (\$170) of this money to the Pittman-Robertson Act to bolster state level conservation, hunter recruitment efforts, and to increase access opportunities for America's sportsmen and women and the public at large. The allocation to the Pittman-Robertson Act would be further broken down with 85% (\$144.5) of the funding being apportioned to conservation and hunter recruitment programs. The remaining 15% (\$25.5) of the Pittman-Robertson allocation would be apportioned to build, maintain, and renovate recreational target shooting ranges. It is expected that Form-4 tax stamp revenue generated through the purchase of suppressors will approach \$170 to \$200 million 2024, which would equate to nearly a \$150-\$170 million plus up to the Pittman-Robertson account for conservation and access. The remaining 15% (\$30) of the Form-4 tax stamp would be allocated to the ATF to process firearm suppressor applications. This legislation also requires that suppressor applications be approved within a 90-day timeline, unless the applicant is barred by law from processing a suppressor.

The Congressional Sportsmen's Foundation is strongly supportive of H.R. 6352 given the benefits this bill will have for the Pittman-Robertson Act and on-the-ground conservation and access funding.

#### **H.R. 8836, the Wildlife Movement Through Partnerships Act**

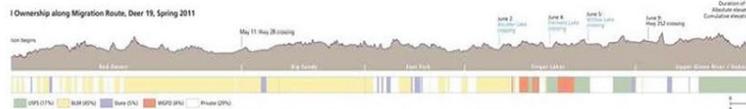
H.R. 8836, the Wildlife Movement Through Partnerships Act, led by CSC member Rep. Zinke and Rep. Beyer, represents a critical step forward in our efforts to conserving and restoring habitat connectivity for our nation's wildlife, and CSF is proud to support this legislation.

Across the nation, landscape connectivity and the habitat that is necessary to sustain a wide diversity of wildlife with ecologically sustainable populations continues to change at an expeditious pace due to a multitude of factors. For instance, anthropogenic modifications such as commercial and residential development, energy development (renewable and non-renewable), and highway and railway construction or expansion across the United States continues to advance at a rapid rate, which leads to the loss and fragmentation of wildlife habitat. There are many other conservation challenges that we must address, including overall habitat degradation caused by numerous factors.

In the American west, many species of wildlife such as elk, mule deer, pronghorn, and others are highly migratory to meet the demands of their annual life cycle. As an example, a mule deer herd may spend most of the summer at higher elevations, such as within U.S. Forest Service (USFS) managed land, to escape summer heat, seek nutritional browse, and raise offspring. As winter begins to set in and weather conditions change, the same mule deer herd will migrate down to lower elevations to seek sustainable food resources and more suitable weather. Along their movement path, this mule deer herd may traverse numerous land ownerships ranging from Forest Service land, Bureau of Land Management (BLM), state and tribal lands, and private lands. It is clear that federal and state agencies cannot work in silos, and they must fully acknowledge and work respectfully with private landowners, if we are to be successful in conserving landscape connectivity there is any hope to sustain meaningful landscape connectivity and habitat productivity.

As a real-life example, Figure 1 below shows the landowner makeup of one of the nation's longest known mule deer migration along the famed Red Desert to Hoback migration corridor a migration that exceeds 150 miles in one direction. In Figure 1, Bureau of Land Management lands (BLM) is represented by yellow, green represents USFS, state land is represented by blue and orange, and white represents private land ownership. During this migration, the mule deer herd spends approximately 17% of its time on USFS lands, 45% on BLM land, 9% on state land, and 29% on private land. While Figure 1 is focused on the incredible Red Desert to Hoback migration, this figure demonstrates the broader point that the buy-in of private owners is crucial to conserving wildlife movement, seasonal habitats, and ensuring the functionality of whole corridors.

**Figure 1: Red Desert to Hoback Migration Corridor Land Ownership**



While the aforementioned species are on one end of the migration spectrum, there are countless other species who have movement or migration requirements that are smaller in scale, but equally as important to maintaining robust populations of these species. For example, roads and highways often pose a significant threat to turtles. The Minnesota Zoo, in conjunction with the Minnesota Department of Transportation, is currently testing fencing as an option to divert turtles from roads and into safe under-road culverts. According to the University of Minnesota, the Twin Cities region has found that turtle deaths dropped by 60 to 80% after fencing was installed.

CSF strongly supports locally-driven and non-regulatory efforts to restore habitat connectivity with the goal of bolstering wildlife populations such as efforts like the Department of the Interior (DOI) Secretarial Order 3362 (S.O. 3362), which was launched to improve habitat quality in western big-game winter range and migration corridors for elk, mule deer, and pronghorn across 11 Western states (AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY). Despite elk, mule deer, and pronghorn being explicitly listed as the three species of focus, it is important to note that efforts to conserve winter range and corridors for these species under S.O. 3362 benefits a wide array of other species who share the same habitat or utilize these focus species for food resources.

Signed in February 2018 by then Secretary of the Interior Zinke, S.O. 3362 was a significant step forward for corridor and connectivity conservation for several reasons. The Secretarial Order initially supported scientific research by state fish and wildlife agencies that vastly enlightened understanding of big game movement patterns, greatly expanded corridor mapping efforts by the United States Geological Survey (USGS) led Corridor Mapping Team, and facilitated voluntary habitat conservation activities occurring on private, tribal, state, and federal lands. Secretarial Order 3362 is driven by partnerships—particularly federal and state wildlife managers. Specifically, S.O. 3362 focused on working respectively with state wildlife agencies, who are responsible for the management of elk, deer, and pronghorn, while leveraging the network of federal lands managed by DOI such as the Bureau of Land Management, which manages more than 245 million acres of public land and is the largest manager of public lands in the country. Engaging tribes and supporting their personnel and habitat needs is also a component of S.O. 3362 implementation. Through S.O. 3362, the relevant DOI agencies are generally working together toward a common purpose and DOI and United States Department of Agriculture (USDA) are collaborating and supporting each other in their respective corridor and seasonal habitat conservation activities.

USDA has also expanded its efforts to address habitat fragmentation and corridors through the USDA Migratory Big Game Initiative, a program that seeks to leverage USDA's work with private landowners to improve habitat connectivity for wildlife. While progress is being made, the scope of this effort is currently limited to three western states (Montana, Idaho, and Wyoming).

Despite the actions by DOI and USDA, efforts to restore habitat connectivity are limited for a number of reasons. Namely, the limited amount of funding that currently supports the effort is supplied from existing programmatic funding. Without a stand-alone corridor program to lean on, the contribution of these funds is uncertain. The implementation of USDA migration corridors efforts seems partially

limited due to staffing constraints, in particular staff at the field level. At the hidden level is the reality that this entire conservation effort is at risk at any time because it does not have an authorized program with an annual budget and assigned staff.

CSF notes that as Administration's change every four to eight years, priorities (i.e. Secretarial Orders) change and efforts that are initiated in one Administration may be discontinued in another. Secretarial Order 3362 is a rare example of a priority established under one political party and being continued by a different political party after an Administration change. This is due in large part to how S.O.3362 was crafted and the way it is implemented. Similarly important is the fact that corridor and wildlife movement conservation is truly a bipartisan issue. The foundation now laid is ready for the raising of a strong and resistant structure, which H.R. 8836 is positioned to provide.

CSF strongly supports H.R. 8836 for several reasons, but importantly it codifies an existing bipartisan conservation effort, and it checks two critical boxes when it comes to implementing and delivering on-the-ground conservation from our perspective. First, this legislation respects and upholds state wildlife management authority. And secondly, it respects the rights of private landowners while providing these important stakeholders with voluntary options to expand the conservation resources at their disposal. CSF firmly believes that for conservation to work at scale, private landowners must be able to envision themselves in the program, and the best way to achieve that is through voluntary, non-regulatory, and locally driven approaches. H.R. 8836 recognizes these important considerations and seeks to address the challenge of habitat fragmentation and its impact through five distinct, but equally important ways.

First, Section 4 of H.R. 8836 establishes a non-regulatory program known as the "Wildlife Movement and Movement Area Grant Program" The purpose of Section 4 is to establish a grant program, which will be administered by the National Fish and Wildlife Foundation (NFWF), to provide funding that is crucial to the success of conserving wildlife movement areas. Given their unmatched experience and expertise in delivering grants that facilitate on-the-ground, locally driven conservation projects, CSF believes that NFWF is well-positioned to administer the grant program established in Section 4. The Wildlife Movement and Movement Area Grant Program will provide funding to states and tribal agencies, non-profit organizations, higher education institutions, counties, and federal agencies that support the purpose of this legislation. Further, this section requires that any proposal submitted under this grant program be accompanied by a letter for support from the respective state or tribal fish and wildlife agency. This section will facilitate a competitive, transparent and accountable process to distribute grant funding to a host of eligible partners.

Section 5 authorizes much needed scientific research funding that will be provided directly to state fish and wildlife agencies and tribes through an agreed upon process with the U.S. Fish and Wildlife Service (USFWS) Science Applications program. This approach has proven effective during the first two years of S.O.3362 implementation. The Science Applications program provided research project funding support, but those funds evaporated after year two of implementation. The funding in the first two years supported over 40 state-led research projects that allowed scientists and land managers to develop critical understanding of little studied deer, elk, and pronghorn herds across the west. Among many highlights, the research findings shed light on interstate movements of pronghorn, local jurisdictions considering scientific data and how they continue city growth without impacting the needs of migrating mule deer, and where to place highway crossing structures based on actual wildlife movement data. Reinitiating research funding through this section will allow states and tribes to learn more about wildlife movement over a broader range of species, while also allowing limited habitat and transportation infrastructure funding to be used most effectively.

Section 6 takes two primary actions focused on the USFWS Partners for Fish and Wildlife program (Partners). One, it reauthorizes this very successful and widely supported private and tribal lands program from 2025 through 2030. Two, it provides authority for the program to provide technical assistance to other federal agencies. The field staff in the Partners program are well known for their tremendous working relationships with private landowners and they bring important social science skills and habitat conservation techniques to the table. This will be particularly important to the USDA migration initiative efforts and to various tribes across the country.

Section 7 and Section 8 are related as they primarily focus on the activities of USGS. Section 7 directs the USGS to support the continuation of the very successful Corridor Mapping Team. This team is the result of S.O.3362 and was organized by

the USGS, but Team members consist of state, tribal, federal, and university spatial planning experts. Collectively, they support each other with technical assistance, training, and other activities that facilitate science-grounded data analysis and mapping. Section 8 focuses on corridor mapping efforts in general and the protection of sensitive data. With the leadership of USGS and efforts of the Corridor Mapping Team, since 2018 over 200 migration corridors or movement routes are now mapped. These mapped corridors are shared to the public in sequential volumes (4 produced thus far) titled, Ungulate Migrations of the Western U.S.

Lastly, CSF would also like to highlight the thoughtfully crafted and important Savings Provision contained in Section 10 of H.R. 8836. While CSF appreciates and strongly supports Section 10 in its entirety, we feel it important that this legislation does not enlarge, diminish, or modify state and tribal wildlife management authority, impact private property rights and privacy, nor does it allow for any federal land or federal migration corridor designation.

Again, CSF is proud to support this vital legislation, and we are excited to see a thoughtful and locally driven approach to the ecologically critical topic of wildlife migration and movement and overall landscape connectivity. Advancing this legislation will not only support wildlife, but also, sportsmen and women, state and federal agencies, tribes, and interested private landowners.

**H.R. 8632, the Biodiversity Oversight Scaled-back and Fully Erased (BIOSAFE) Act**

H.R. 8632, the BIOSAFE Act led by CSC Member Rep. Grothman, would require the U.S. Fish and Wildlife Service (FWS) to withdraw the proposed rule titled “National Wildlife Refuge System; Biological Integrity, Diversity, and Environmental Health (BIDEH) (89 Fed. Reg. 7345; published February 2, 2024).

On February 2 of this year, FWS published the proposed BIDEH rule and policy updates with an inadequate comment period of 30 days. At the time, CSF and 36 of our partner organizations sent a letter to FWS requesting the comment period be extended by 60 days for a total comment period of 90 days. CSF would like to thank FWS for delivering on this request and providing the time that was necessary to thoroughly review and examine the BIDEH proposal.

However, the Congressional Sportsmen’s Foundation has significant concerns regarding the BIDEH proposed rule and policy updates put forward by FWS. CSF believes the updates contained in BIDEH represent a substantial and consequential change in the direction of the management of the National Wildlife Refuge System (NWRS).

It is important to note that the National Wildlife Refuge System is a unique public lands management system. Unlike other systems of public lands, the NWRS is different in that fish, wildlife, and conservation are the primary purpose. The National Wildlife Refuge System Administration Act (as amended by the National Wildlife Refuge System Improvement Act), the organic act of the NWRS, states at the outset of the Act “The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.” Unlike many other systems of public lands, such as National Parks, fish, wildlife, and conservation come first within the NWRS. The NWRS Administration Act also establishes that the purpose of individual refuges shall take precedent over the mission of the System if conflict arises, which clearly indicates the NWRS should be managed in a bottom-up approach as opposed to a top-down, all-encompassing approach. Unfortunately, the BIDEH proposal appears to flip this equation and acquiesces to the overall mission of the NWRS rather than recognizing the need to support the purpose of each unique NWRS unit, which would be in direct conflict with the National Wildlife Refuge System Administration Act as amended by the Improvement Act.

The BIDEH proposal states that the overarching objective as identified in the proposal is to address climate change and anthropogenic changes. While CSF prioritizes and fully supports efforts to address conservation challenges such as changing climate conditions and anthropogenic changes, we believe the actions contained in the BIDEH proposal will do little to tackle these challenges. CSF is concerned that BIDEH appears to establish a “guilty until proven innocent” standard for many longstanding conservation practices within the National Wildlife Refuge System.

More specifically, CSF questions how prohibiting agriculture, predator management, the use of genetically modified organisms, pesticides, among other prohibitions will help position the NWRS to better address climate change and anthropogenic changes. FWS has stated that active management such as cooperative agriculture is an important tool to addressing climate change. For example, in 2020,

FWS stated in a Southeastern Programmatic Assessment that “Loss of physical wetland area and degradation due to exotic species expansions resulting from climate changes will likely require increased management intensity, such as agricultural production, on the remaining refuges to meet the needs of wildlife at their current levels”. This 2020 assessment leads CSF to raise the question of what has happened since 2020 that results in FWS changing course and establishing a “guilty until proven innocent” standard for cooperative agriculture.

CSF also believes that it is important to recognize and understand how BIDEH further hampers the already limited funding that the NWRS receives. Unfortunately, funding has not kept pace with the needs and demands of the NWRS. Being mindful of the limited funding, CSF struggles to understand how creating more hurdles and complicated processes for refuge staff, who already struggle daily to conduct the necessary habitat management will improve the conservation of National Wildlife Refuges. Recognizing these funding shortfalls, CSF believes that it is important for the NWRS to actively seek opportunities that have the most significant return on investment and can leverage non-profits, private individuals, and others to bolster the health of the NWRS rather than limiting tools and resources and creating angst and concern with many of the users who have historically supported National Wildlife Refuges both financially and through voluntary labor.

#### **Summary**

The Congressional Sportsmen’s Foundation again thanks the Subcommittee for holding a hearing on these three bills. We look forward to working with the Subcommittee as well as the full Committee to see these pieces of legislation enacted into law.

---

Mr. BENTZ. Thank you. I thank the witnesses for their testimony and will now recognize Members for 5 minutes each for questions.

Mr. GRAVES, you are recognized for 5 minutes.

Mr. GRAVES. Thank you, Mr. Chairman.

Deputy Director Guertin, it is good to see you again. I am not sure who is sacrificing you or for what purpose today, but good to have you back in the Committee again.

He often shows up as a sacrificial lamb for the Department.

Actually, Mr. Cochran, I want to thank you for being here and appreciate your testimony, and appreciate your independence in your thoughts today. I want to ask you a couple of questions.

No. 1, you have spent a lot of time working on environmental issues and working in coastal Louisiana, but you made mention in your testimony of other large-scale ecological restoration efforts like Everglades, Chesapeake Bay, and Great Lakes. Could you reflect and share perhaps your opinion on kind of looking at the ecological significance of coastal Louisiana and the urgency that we are facing there compared to some of these other areas and projects, and if you think that this effort for restoration of Louisiana is deserving of a comprehensive effort and some type of urgency in the effort here?

Mr. COCHRAN. Well, it won’t surprise you that, yes, I do think it is critical for us to do that.

One of the special things about the Gulf Coast, particularly around the Mississippi Delta, is that there is a phrase that was used years ago in a book about habitat called “the seams of nature,” where the fresh water and salt water come together to create these estuaries, and they are magical for life in terms of the ability to sustain habitat, particularly for fisheries.

One of the fun things about Louisiana if you like to fish, is that you can literally go out and catch a freshwater bass and a salt-water redfish on the same day in the same area, and that speaks

to the sort of uniqueness of the area from a habitat perspective. That is not only valuable to Louisiana.

Congressman, I am not quite sure how to compare and contrast the other areas around the country that—

Mr. GRAVES. You can just say we are better.

Mr. COCHRAN. What is that?

[Laughter.]

Mr. GRAVES. I said you can just say we are better.

Mr. COCHRAN. That is right. But it is a magical part of the world that is in grave danger, and I think it is a great time to be focusing on it now that we have some resources and have begun to restore what we are losing down there.

Mr. GRAVES. Thank you, Mr. Cochran. I have often used the comparison of the 2,000 square miles, we cite that figure and a lot of times people don't really understand the scale. And as you well know, 2,000 square miles would mean that Rhode Island would no longer exist as a state, the land area in Delaware would no longer exist. This is a massive, massive swath of land and, as we have both noted, both in your testimony and in my introduction, the significance not just to the region but to the nation.

Another project that is really fundamental to establishing some type of sustainable footprint in coastal Louisiana is a project that has a long history in the U.S. Army Corps of Engineers and the State Coastal Protection Restoration Authority. Previously known as Myrtle Grove, it is now known as Mid-Barataria, and I believe you are intimately familiar with that project and also aware that there were, in that case, some regulatory waivers that were provided in order to allow the project to move forward. And I believe your previous employer supported that because of a recognition of urgency, recognition that the regulatory process really didn't fit that type of project.

I understand your concern, I don't know what word you use, I will use concern, with some of the regulatory provisions, but I do want to ask. Do you recognize that there is an urgency here, and that perhaps the regular regulatory process doesn't really fit the urgency that we are facing in the state?

Mr. COCHRAN. I don't have any problem recognizing it, I have seen it. What takes a lot of time is us sitting down to actually figure out how to make it work, and that is frustrating as hell.

There is no reason that we can't sit down with concerns in both directions and figure out how to make these processes work. We will lose. We will lose this fight between enhanced nature that we have and climate change and the land that we live on if we don't figure out how to make these things move faster.

We cannot sacrifice community engagement. You referred to a change that was made, a waiver that was granted under the Marine Mammals Protection Act. And if you look at that language, what you find is it did not try to ignore impacts that might happen. In fact, it is required of the state to actually capture the information on that, to know what is going on, to continue to provide the information that is necessary so that we can adaptively manage for an outcome rather than just say in black and white, "We are just going to exempt this." There was money required and put forward

to actually do the supportive work that is necessary in order to be able to do that.

So, I am not holding on to that as the model. I am saying there are ways to think about how not to give away the protections that are necessary, but how to get these things done in a time that actually honors the urgency that we have here.

Mr. GRAVES. Well, speaking of time, we are out.

[Laughter.]

Mr. GRAVES. Mr. Cochran, thank you very much. I appreciate you being here, appreciate your testimony.

And thank you, Mr. Chairman. I yield back.

Mr. BENTZ. Thank you.

Ranking Member Huffman, you are recognized for 5 minutes.

Mr. HUFFMAN. Thank you, Mr. Chairman.

Mr. Cochran, picking up where you left off, I want to thank you for your testimony, and I want to thank you for being friends with Garret Graves. I know from personal experience that is not always easy.

[Laughter.]

Mr. HUFFMAN. But I very much appreciate your testimony. You are nominally a Republican witness, and we don't have too many Republican witnesses that come in here and acknowledge the elephant in the room, the climate crisis; that acknowledge the mismanagement of fossil fuel development historically; and that talk about the importance of an efficient but meaningful environmental review process so that we can stop bad projects and make other projects better. I just find it incredibly refreshing.

And now that you are retired, I wish you were the Republican witness tomorrow, where this Committee will be considering a whole bunch of ill-advised legislation to gut NEPA as one of our bedrock environmental laws. But they probably don't have you on the agenda. I am grateful we have you here today.

And let me just ask. We have covered, I think, the urgency of these restoration projects for the Gulf Coast, and I really do hope we can find a way to move these projects faster. But is a sweeping, categorical exclusion necessary, do you think, for this grant program? Can we find a better way to advance these projects without something as broad as a full categorical exclusion that could include things like levees and other projects that really do need to have some meaningful review?

Mr. COCHRAN. I think my experience is that whenever you have a broad category, you end up drawing opposition. And what is most important is to focus on what will actually solve the problem. And in this case, one issue that always comes up, and it is almost never talked about, is whether or not there is sufficient staff available in the agencies that have to do the reviews to actually do the work in a meaningful way. Is there a way to make sure that we are doing not sequential reviews when there are multiple agencies involved, but actually do them at the same time?

Mr. HUFFMAN. Do it better.

Mr. COCHRAN. Right. Some of that progress has been made under the dashboard that was put forward under Obama and carried forward under Trump. That is actually not Republican and Democrat

if you want to talk about those. I think there are absolutely ways to address some of these things and think about them.

But a category exclusion ends up bringing an awful lot of debate that ends up stopping conversation rather than make it move forward. That has been my experience.

Mr. HUFFMAN. Thank you. I appreciate that.

Mr. Schmitz, just talking about Mr. Moore's legislation, it is a good idea, I think, to redirect these revenues back into the Pittman-Robertson Act. They shouldn't just go to the general treasury. We can have broad agreement on that.

But this 90-day automatic approval of permit applications for the manufacture or sale of silencers, don't you think that this bill would be much more bipartisan if it wasn't in there? And would you support it if it was not in there?

Mr. SCHMITZ. Congressman, thank you for that question.

I do think it is important to make it clear that before the actual transfer of a suppressor can occur to the individual purchaser after ATF approves it, it will still go through an additional background check. Additionally, before that transfer occurs, local law enforcement is made aware of any individual who receives a suppressor.

To answer your second question, yes, the Congressional Sportsmen's Foundation feels the 90-day timeline is important. Under current statute, under the—

Mr. HUFFMAN. Would you support the bill without it, though?

Mr. SCHMITZ. Congressman, we feel it is important to include that.

Mr. HUFFMAN. But would you support the bill without it?

Mr. SCHMITZ. We feel it is important to keep that piece—

Mr. HUFFMAN. We are going around and around. All right.

Moving on, Mr. Guertin, I want to come back to the BIDEH rule. You have said many of these things before and my hope would be maybe, if you said it one more time, some people might hear it and listen to it. But does the proposed rule affect hunting or fishing in the refuge system at all?

Mr. GUERTIN. No, Congressman, it would not.

Mr. HUFFMAN. Thank you. Does Fish and Wildlife anticipate any changes to the Cooperative Agriculture or Water Rights program if the proposed rule is finalized in its current form?

Mr. GUERTIN. If it was finalized in its current form? No, sir. It would continue those programs.

Mr. HUFFMAN. And once finalized, will this rule give Fish and Wildlife Service any authority to ignore the role of states in managing wildlife populations?

Mr. GUERTIN. No, sir.

Mr. HUFFMAN. All right. Does this rule, however, help the Fish and Wildlife Service carry out the directive that Congress gave you in 1997, when it passed the Refuge Improvement Act telling you to make sure to ensure the biological integrity, diversity, and environmental health of the refuge system?

Mr. GUERTIN. Yes, sir. We believe it would give us a stronger framework going forward. It would empower our refuge managers to make sound, science-based decisions, and give them a lot of flexibility to deliver the mission out there.

Mr. HUFFMAN. All right. Very good.

Thanks, I yield back.

Mr. BENTZ. Chair Westerman is recognized for 5 minutes.

Mr. WESTERMAN. Thank you, Chairman Bentz, and thank you to the witnesses today.

Mr. Schmitz, in your testimony you mentioned that CFS strongly supports the Zinke legislation on corridors because it respects state and tribal wildlife management authority and private landowners. Can you speak to the importance of these protections in more detail?

Mr. SCHMITZ. Congressman, thank you for that important question.

On the state side of that question, state wildlife agencies are the primary managers of wildlife in the country. They are the ones that have the boots on the ground. They know the local conservation challenges, and they are able to tailor conservation measures accordingly.

On the private landowners piece, as you know, private landowners are some of the best conservationists in this country. We feel that any piece of legislation that tries to deliver conservation on the ground needs to respect private landowners in a voluntary, non-regulatory manner.

We feel very strongly that the savings language contained in this bill, particularly in Section 10, makes it clear that any conservation actions made available through this bill will be done in a voluntary, non-regulatory manner. And we appreciate Congressman Zinke and Congressman Beyer working very closely to develop Section 10.

Mr. WESTERMAN. Thank you. Also, Mr. Schmitz, Representative Moore's Tax Stamp Revenue Transfer for Wildlife and Recreation Act requires that a portion of the Pittman-Robertson Act allocation be set aside specifically for the maintenance, construction, and renovation of target shooting ranges. Elaborate on why this set-aside is so important.

Mr. SCHMITZ. Congressman, that set-aside is important because recreational shooting is one of the fastest-growing sports across the country. And the reason is because all individuals can enjoy it, regardless of age, income, background.

Additionally, because of how fast recreational shooting is growing across the country, it is critical to provide additional access to opportunities for sportsmen and women. I mentioned that recreational shooting can be enjoyed by folks regardless of income, but if you don't have private property or somewhere to shoot, you can be limited. So, we find it critical to build public shooting ranges for individuals to go out and safely practice recreational target shooting across the country.

Mr. WESTERMAN. Thank you.

Mr. Guertin, in April, when the Subcommittee held an oversight hearing on the BIDEH proposal, Representative Graves asked you if sportsmen's organizations were engaged in the development of BIDEH, and you answered no. I have another question. Did U.S. Fish and Wildlife consult with any animal rights organizations when drafting the proposal, or did you have input from other organizations when drafting the proposal?

Mr. GUERTIN. Thank you for your question, Mr. Chairman.

While we were drafting with the proposal, we only reached with two entities, our colleagues in the state fish and game agencies and folks in tribal fish and wildlife agencies. We did not engage during the proposal process with any outside entities, NGOs, advocacy groups, or others, sir.

Mr. WESTERMAN. Do you realize that the Humane Society issued a detailed press release less than an hour after the proposal was made available to the public? Maybe they are just on their game.

Mr. GUERTIN. I understand they did, sir. I can only speculate some of these groups prepare several of these canned announcements in advance. But I can assure you we did not do any outreach to that group prior to releasing the proposed rule.

Mr. WESTERMAN. All right, thank you.

I yield back, Mr. Chairman.

Mr. BENTZ. Thank you. The Chair recognizes Congressman LaMalfa for 5 minutes.

Mr. LAMALFA. Thank you, Mr. Chairman.

U.S. Fish and Wildlife Service Deputy Director Guertin, I am curious as to how closely are you monitoring the situation on the Klamath River after the destruction of the four dams and the amount of silt and effluent and all sorts of other things that are going down the river and have destroyed the entire fish and other wildlife population within the river and a lot of the other wildlife next to the river that has been either stuck in silt and muck and things like that?

And was this part of the plan, with the destruction of those hydroelectric dams, that the river would be like this, someone gave me a sample the other day in a water bottle that looked like one of those green, healthy drinks, or something like that. It was so full of stuff, just as a random sample as well as the temperature readings, which are running from 68 to 72 degrees in that river. How is that ideal habitat for salmon or any other fish?

And was this part of the thinking when your organization, as well as others, were supporting the dam removal, that this would do this to the river for who knows how many years?

Mr. GUERTIN. Thank you for your question, Congressman. I have been following it weekly, getting some updates from our counterparts out there at the operational level.

My understanding is this was built into the planning. It is very common when some of these big control structures or dams come out. There will be sediment and silt initially that gets flushed out over time. And we are seeing in the long term stronger response and stronger returns of many of the aquatic species. Sometimes nature will take a little bit longer for equilibrium out there, but it is something we are monitoring.

I get reports every week, but we are glad to keep you and your staff more further updated if some additional details would be helpful.

Mr. LAMALFA. If it is a 7- to 10-year timeline and the life cycle of the salmon they are purportedly trying to save is 3 years, how are we not going to wipe out the entire run, the entire cohort over a 7- to 10-year period?

Mr. GUERTIN. Sir, I am not an expert on the physiology of the salmon and their return. But in very general terms, sometimes

these things take a few weeks to clear out, sometimes a few months. I would be glad to track down some additional specific updates for your office on that point.

Mr. LAMALFA. So, 20 million cubic yards of silt stretched over at least 150 miles of river might just take a few weeks or so, instead of the 7 to 10 years that is being rumored, which nobody was talking about before this happened of, oh, it might be 7 to 10 years or more.

Mr. GUERTIN. Sir, this was factored into the conversations and the planning. Again, I am not a salmon or a river restoration specialist. I would be glad to set up some briefings. But these kinds of things are looked at when we looked at the long-term restoration plan for those—

Mr. LAMALFA. Are the things looked at that affect the people along the river, such as the water wells that people have near there are now depleted, and that they are getting water trucked in, and sometimes the water doesn't get trucked into the homes?

One time a worker there had a 5-gallon bucket of water and he gave it to a lady there, so that basically now you have people living Third World along the river there with all the sloughing and such. Is anything being done to mitigate that for the people that have been living along there, as well as the possible loss of their homes and things like that?

Mr. GUERTIN. Congressman, I am just not personally aware of some of those circumstances. We will do what we can to help those folks, and I would be glad to, after this hearing, follow up and get you a more fulsome update of some of these impacts to citizens out there.

Mr. LAMALFA. Mr. Spinrad from the NOAA, do you have any comment on the questions I just asked in that regard?

Is this an acceptable loss of all the wildlife along the river for the 7- to 10-year period that it would take to perhaps flush this out?

VOICE. Mr. Spinrad is not here.

Mr. LAMALFA. OK. I got in late, sorry.

Well, why don't we have Mr. Leahy jump in on that question.

Mr. LEAHY. Could you repeat the question, please?

Mr. LAMALFA. Is this an acceptable loss of all the wildlife within the river, and much of it along the edges for the 7- to 10-year period in order to have this holy grail of the dam removal succeed?

Mr. LEAHY. I am not prepared to opine on that, but I do think that we feel like the long-term benefits of this will be really good.

Mr. LAMALFA. And to the people along there that no longer have water for their homes because the water table has been depleted.

Mr. LEAHY. I don't personally have any knowledge of that, I am sorry.

Mr. LAMALFA. A lot don't, do they? It is pretty convenient.

I yield back, Mr. Chairman.

Mr. BENTZ. The Chair recognizes Congressman Carl for 5 minutes.

Mr. CARL. Thank you, Mr. Chairman, and thank each one of you gentlemen for joining us today. I know you have to structure your schedule around us, and I apologize for being a little bit late, but I just want to start off by saying that Congressman Graves and I,

we see eye to eye on the urgent need for coastal registration, pardon me on that word, especially given our shared work on the GOMESA funds and others to protect the Gulf.

I want to thank you for the critical legislation that he has put together. It is a big step forward in securing our resources needed to preserve our coastal and protect our industries and our communities that depend on it.

Given the urgencies of these issues and the national significance of the Gulf wetlands, ports, and energy production, this legislation presents a strategy approach to boosting ongoing efforts. The proposed Federal grant program from the National Marine Fisheries Services in the bill advocates \$500 million, highlighting the scale of the investment required to protect these vital resources.

With that said, Mr. Cochran, \$500 million is no small figure. Given the many funding priorities facing our nation today as we have been scrambling with this for months now, can you help explain why this level of investment is critical for the coastal restoration across the Gulf Coast?

Mr. COCHRAN. The testimony was to make clear that it is not just about the people of Louisiana, although they are at great risk, that it has to do with priorities for America having to do with energy production and distribution, having to do with fisheries and feeding people, having to do with our ability to even stay in place along the bottom of the Mississippi River.

So, it is that serious. Sometimes from a distance it is hard to know that. If you go to New Orleans and have a good time and go home, you don't really see much of what is going on around it. And, in fact, we are losing, as I said, somewhere between 25 and 35 square miles every year to the Gulf of Mexico. If we don't interrupt that, we need to start moving about 2 million people from the coast of Louisiana. It is just really not more complicated than that in terms of the big picture. And if you think that is not a drain on the Federal coffers, wait until we try to do that. It is serious to spend money ahead of time, rather than to wait until we are reacting to that.

Mr. CARL. I agree with you. What long-term benefits will the bill provide for the region, and how might these outcomes affect the broader national landscape?

Mr. COCHRAN. It is fundamental to the, let's say, farmers of America. Let's start there. If we don't have the ability to use the ports of south Louisiana to distribute the things that we grow in this country and ship around the world, everybody suffers as a result of that. Farm prices suffer. Food prices suffer. People who make a living providing that for the world suffer. And it is black and white. It is a very large export center. That is why Thomas Jefferson wanted to own it in the first place, so that we could have that access to the rest of the world.

Chemical products, many of which are manufactured in Louisiana, most of which are shipped out of that around the world, all of those things involve both the economy of Louisiana, but the economy of the nation and the process of moving forward.

Energy distribution, most of the pipelines that literally take oil and gas from offshore and run it to the rest of the country run through wetlands. And they were built assuming land would stay

in place. As the land goes away, all of those pipelines are at risk. So, the energy of America and the use of energy across America under the traditional circumstances are also directly at risk as a result of what we are facing down there.

Mr. CARL. Thank you, sir. I appreciate that.

Mr. Chairman, I yield my time back.

Mr. BENTZ. Thank you. The Chair recognizes Ms. Hageman for 5 minutes.

Ms. HAGEMAN. Thank you, and thank the witnesses for being here today.

Deputy Director Guertin, before I get into some of the important bills in front of us today I would like to follow up with you on our last conversation. You told me in July that by the end of the month the Fish and Wildlife Service would release its 12-month finding on the Greater Yellowstone Ecosystem grizzly bear. And you also stated at that time, or agreed with me at that time, that if we had the number of bears in 1975 that we do today, which is about 1,100 head, they never would have been listed in the first place, meaning that the grizzly bear is in fact fully recovered.

However, not only did the Service fail to come through with the release of its 12-month finding at the end of July, you actually delayed any decision until January 2025. Director Guertin, as I am sure you are aware, the Service is already in violation of the law by a long shot, by a year and a half or more, in fact, in terms of the amount of time under the Endangered Species Act.

As you are sitting here today, the Fish and Wildlife Service is violating the Endangered Species Act with regard to the Greater Yellowstone Ecosystem grizzly bear. It is unclear to me what changed in the 2 weeks between the July hearing and the announcement to postpone the 12-month finding to justify such an action. What happened?

Mr. GUERTIN. Thank you for your question, Congresswoman.

When I provided the testimony on July 10, my goal is always to provide the latest factual update information to members of the Committee. The very next day, on July 11, we received a notice of intent to sue from the state of Montana. So, over the intervening 2 weeks, the decision was made by the Department and the Service that we needed to address all three of the pending cases for the DPS for Greater Yellowstone.

Ms. HAGEMAN. But the notice of intent to sue was not for the Greater Yellowstone Ecosystem.

Mr. GUERTIN. Agreed, but we have to do an analysis of the DPS and the Lower 48—

Ms. HAGEMAN. No, our 12-month review was ahead of that. You have to follow the Endangered Species Act, and you were required to issue a decision within 12 months after receiving Wyoming's petition. Isn't that correct?

Mr. GUERTIN. That is the statutory requirement. Yes, Congresswoman.

Ms. HAGEMAN. And, in fact, Montana is not suing over the Greater Yellowstone Ecosystem grizzly bear.

Mr. GUERTIN. We filed a notice of intent for our failure to meet the determination for the DPS in the Northern Continental Divide Ecosystem.

Ms. HAGEMAN. So, what do we do? Who goes to jail? Who is fined at the Fish and Wildlife Service for violating the law? Who gets held accountable for this? Do you? Who gets held accountable?

Mr. GUERTIN. Our stance at this point, Congresswoman, is that we are, and we have published a declaration given to the court that is available on our website, we are linking the three of these, and planning by January 31 to issue these findings for the Northern Continental Divide, for the Greater Yellowstone, and for the delisting that was petitioned for the Lower 48.

Ms. HAGEMAN. But that is not what the recovery plan required.

Mr. GUERTIN. A recovery plan is a planning document. It is a blueprint. It is an aspirational document.

Ms. HAGEMAN. But you are agreeing that that is not what the recovery plan required, aren't you?

Mr. GUERTIN. Yes, ma'am.

Ms. HAGEMAN. I would like to talk to you very briefly about the BIDEH rule. It creates a default position for the National Wildlife Refuge System by prohibiting certain practices unless the refuge managers conduct a full-blown NEPA analysis. Refuge managers would be required to complete an analysis to justify utilizing existing management practices that are necessary to meet statutory responsibilities and to maintain the health of the environment.

Deputy Director Guertin, the Service states that the intended goal of this rulemaking is to promote management flexibility and empower refuge managers. How does prohibiting important agricultural practices prohibiting predator control, prohibiting the utilization of genetically modified crops, and prohibiting the utilization of pesticides provide greater flexibility for refuge managers?

Mr. GUERTIN. Congresswoman, I guess your question is getting to the default language that is in the proposed rule that an action is prohibited unless we do our homework, we do the science, we show our work.

We believe that many of those practices, particularly agriculture, will continue because they are used to mimic a lot of natural functions.

Ms. HAGEMAN. But that is not the default position, is it?

Mr. GUERTIN. No, I am not disagreeing with that. I am saying we are still going to go through this homework, and then allow agriculture to—

Ms. HAGEMAN. How does requiring a full-blown NEPA analysis for existing practices provide additional flexibility?

Mr. GUERTIN. Well, the BIDEH proposal, in and of itself, is not requiring a full-blown NEPA analysis. We rely on the existing and underlying analyses that are in place. The same with the Cooperative Agriculture Agreements. We will address those when they are up next time, 5 years, 6 years, and address them at that time. I would be glad to follow up with your office for some more—

Ms. HAGEMAN. Well, I would like you to follow up with my office. In fact, I really would have appreciated had you followed up with my office the next day after the hearing, when you assured me that we would have a 12-month finding related to the Greater Yellowstone Ecosystem. And I am actually very surprised that you failed to notify my office of that when you were going to take a different

route, having, in fact, testified to something different the day before.

Mr. GUERTIN. Well, I certainly apologize for any confusion. Not to argue with you, I understand your office was contacted later in the month, but we can certainly do a better job, I am sorry, I can't see you over the gentleman there, we can do a better job reaching out to you in the future and giving you more fulsome updates as they come along.

Ms. HAGEMAN. Please do.

Mr. GUERTIN. We would be glad to. Yes, ma'am.

Mr. BENTZ. Thank you. Congressman Grothman is recognized for 5 minutes.

Mr. GROTHMAN. Mr. Guertin, under the Service's proposed biological integrity, diversity, and environmental health rule would a refuge manager be able to determine that hunting was not compatible with biological integrity, diversity, environmental health, and shut it down?

Mr. GUERTIN. Hunting is, for lack of a better term, enshrined in our underlying organic statute, the Refuge Improvement Act. And it is one of our premier uses on the refuge system. We do not believe the BIDEH proposal would shut down any hunting opportunities. If anything, they are subject to a standalone process.

Mr. GROTHMAN. Is that a blanket no?

Mr. GUERTIN. No, it wouldn't shut it down.

Mr. GROTHMAN. OK. Under no circumstances. OK.

The Association of Fish and Wildlife Agencies met with the Service prior to publication of the rule and expressed concern that it would limit hunting and limit states' ability to manage fish and wildlife. Why are AFWA's comments and concerns on the rule not incorporated or referenced?

Mr. GUERTIN. As I mentioned in response to the Congresswoman from Wyoming's question, or I am sorry, Chairman Westerman's questions, we worked very closely with the Association of Fish and Wildlife Agencies, our state fish and game partners during the proposed rule stage. We tried to address as many of their comments as we could. In the end, if we didn't, there was probably a professional agreement there. But the goal is always to turn to our colleagues in the state fish and game agencies first.

And now we have gotten comments from them from this open comment period. We have had some follow-up meetings with them, and those are the kind of things we are working through now to try to get to the bottom of some of what their concerns were to us.

Mr. GROTHMAN. So, do you think there will be changes made eventually in the rule?

Mr. GUERTIN. I can't speculate because it is still, with 200,000 comments that came in in these follow-up meetings, a lot to chew through. But our director has charged us with hearing people out, doing some follow-up with them, and trying our best to incorporate those at a future point.

Mr. GROTHMAN. OK, I will go back to my last question. I mentioned hunting. How about fishing? Could you see any restrictions on fishing?

Mr. GUERTIN. Congressman, none whatsoever. We allow fishing on hundreds of our refuges. I am an avid angler myself, and will keep an eye on that for myself.

Mr. GROTHMAN. So, categorically, that could never happen under this rule?

Mr. GUERTIN. I don't believe there is a very strong chance of it being barred because of BIDEH. No, sir.

Mr. GROTHMAN. So, probably not.

Mr. GUERTIN. Yes, sir.

Mr. GROTHMAN. OK. Would you please describe the services and cooperation of cooperative agriculture when drafting the changes made to BIDEH?

Mr. GUERTIN. You want a clarification on how we are working with Cooperative Agriculture Agreements?

Mr. GROTHMAN. Well, your incorporation of cooperative agriculture when drafting the changes.

Mr. GUERTIN. I have some statistics here for you. We currently have over 1,700, almost 1,800, Cooperative Agricultural Agreements with some 90,000 acres that we are working with. We use a lot of these for row crops and others. It helps us meet our duck energy production targets for waterfowl management purposes.

If a producer or farmer had just signed a CAA with us in the last couple of years, they have a 5-year duration. The next time that we will talk to them about what that means under our proposed new BIDEH regulation would be at that point when it is up for renewal. We are just embracing everything coming forward.

But we do use haying, grazing, agriculture significantly to help us meet our wildlife management objectives. And we believe, if adopted and finalized, the BIDEH regulations would allow us to continue that partnership. It is good for conservation, good for wildlife, and it benefits many of our partners on those landscapes.

Mr. GROTHMAN. Can you clarify what entails the definition of a native predator as included in the updated BIDEH regulation?

Mr. GUERTIN. We did a lot of work with the state fish and game agencies on that. There was a lot of concern because it is in a lot of state statutes, Federal regulations, and others. We went with a simplistic approach: an animal that eats others or preys on others.

And we also got a lot of feedback, particularly from the states and from our colleagues up in Alaska. There is a lot of concern about predator control, and people hunt for predators, too. So, we made sure that that would be allowed to continue, and not tying it into some of the more controversial predator control.

Mr. GROTHMAN. I will ask you this, the thing I have a problem with. In Wisconsin, like I said, we have a really good conservation system. We come up with all our own rules. Nobody accuses our DNR of being conservative, I don't think. Generally, the opposite. Nevertheless, it seems to work well.

Could you explain why you feel that you are going to be better than a State DNR, Department of Natural Resources, when it comes to things like determining whether or not you can take predators?

Mr. GUERTIN. Sir, we don't think it is a turf battle. We defer to our state colleagues on many cases.

Mr. GROTHMAN. Well, many cases. The concern is on some you won't.

Mr. GUERTIN. Sure. I think we are going to run out of time here, but we would be glad to follow up with you or your staff here in DC or your district to finish answering your question.

Mr. GROTHMAN. Do you feel there are problems, like the Wisconsin DNR is doing anything wrong today that you feel that you have to come up with this big rule?

Mr. GUERTIN. No, sir, not at all.

Mr. GROTHMAN. Any other place around the country you feel that—

Mr. BENTZ. The gentleman's time has expired. One last question.

Mr. GROTHMAN. Yes. Is there anywhere around the country you can give us an example why you feel this new power should be exercised?

Mr. GUERTIN. We don't view it as a power, sir. We provide consistent guidance to our refuge managers to work with their partners in their geography going forward.

And, again, we would be glad to follow up with you or your staff here to work through some of your concerns, if I can finish.

Mr. BENTZ. Thank you. The Chair recognizes Congressman Beyer for 5 minutes.

Mr. BEYER. Mr. Chairman and Ranking Member, thank you very much, and thank you for allowing me to waive on.

I thought former Secretary and Congressman Zinke did a great job describing the wildlife corridors bill before us. I wanted to add two things.

First, I came to that from the perspective of the Endangered Species Act and our working group on endangered species, and I am particularly inspired by professor E.O. Wilson, who is the great ant entomologist who had written a number of books. But he was the one who came up with the idea of biodiversity. And biodiversity fails when animals can't procreate together. And the whole notion of being able to take pockets of endangered species and allow them to come together, whether they are Florida panthers, or monarch butterflies, or grizzly bears, is really quite incredible.

The other perspective is I was a car dealer for 46 years. It is amazing, the number of automobile accidents in Virginia that are cars hitting deer, primarily, and bears, a couple recently in northern Virginia. The body shop profits that are made on the basis of not having wildlife corridors is very significant. So, thank you for being part of this.

Mr. Leahy, you highlighted that many species, especially big game species, serve to benefit from these investments in wildlife habitat connectivity. Could you just further describe how you see it affecting things like Florida panthers?

And do we have enough adequate resources at the state and local government to do this?

Mr. LEAHY. Thank you, Congressman Beyer, and thank you for your leadership on this bill and this issue over many years.

The one aspect of the Wildlife Movement Through Partnerships bill is that it does open up these processes in the bill to all states, all vertebrate wildlife. It is focused on terrestrial migrations and movements. So, a species like the Florida panther or other species

in other states, proposals could be put in to do projects in support of those species.

But I think the partnership aspect of the bill is important here, because it would still be proposals that are supported by the state or the relevant tribe, and are done in partnership and through collaboration. But it has taken some of these models that have worked really well for big game in the West and applying them to more species.

I do not think there are nearly enough resources at the state or local level, or the Federal level for that matter, to address this. But as far as the grant program, these will be proposals and applications. So, there is opportunity to spread the wealth around a little bit.

Mr. BEYER. And I appreciate your comment and Mr. Zinke's, too, about the light touch, that we are not trying to mandate where these corridors should be, that we leave these up to the local governments, the state governments that understand the species.

And Mr. Schmitz, I am really thankful for the Congressional Sportsmen Foundation's endorsement. It is very helpful. Can you speak about the current collaborations between localities and the USGS corridor mapping team regarding the protection of sensitive data?

I am particularly concerned about safeguards in the publicized ungulate migrations of the western U.S. maps.

Mr. SCHMITZ. Congressman, thank you very much for that question, and thank you, as well, for your leadership on this important effort.

One of the important ways that USGS has gone about the mapping piece is it has all been done in a voluntary, non-regulatory manner. USGS has a lot of these capabilities and the staff here in DC and across the country, and they have been able to leverage the on-the-ground expertise with state agencies, and have been able to develop agreements with state agencies and allow the states to dictate the terms of what information can and cannot be shared. And USGS has done a tremendous job respecting that, and we appreciate their commitment to do that.

Mr. BEYER. Great, thank you very much.

Deputy Director Guertin, you are obviously ground zero. What is your perspective on wildlife corridors and how it complements what you do at U.S. Fish and Wildlife?

Mr. GUERTIN. It complements, it drives a lot of our mission, Congressman. It is all about connectivity and corridors. We do this work both under Secretary Zinke's vision and leadership with big game, but we also do it with migratory birds. We do it with pollinators and butterflies. We do it with waterfowl.

And I know you just had the Migratory Bird Commission meeting this morning to talk about the stepping stone necklace of refuges that birds go through to get their duck energy day fulfilled every day so they can continue the migration. It is a cornerstone of biology and conservation, and our Partners for Fish and Wildlife program and Coastal Program and others are our ground zero for delivering that mission with the support of Congress here.

Mr. BEYER. Great. Thank you very much.

Mr. Chairman, I yield back.

Mr. BENTZ. The Chair recognizes Congressman Smith for 5 minutes.

Mr. SMITH. Thank you, Chairman Bentz, and for the opportunity to join all of you in committee here today, the Natural Resources Committee, as we consider important pieces of legislation.

I would also like to thank County Board Chair from Hitchcock County, Nebraska, Paul Nichols, for taking the time to join us here on the panel.

I am proud to represent the 3rd district of Nebraska, which is home to the reservoirs under discussion today. This is an issue which impacts constituents in my district and beyond. My bill, the Swanson and Hugh Butler Reservoirs Land Conveyances Act, would provide long-term certainty for those who have spent generations building a "home away from home," also the businesses which depend on the revenue brought in from visitors and certainly locals who enjoy recreational activities on the reservoirs.

Mr. Nichols, can you discuss the relationship that Frontier and Hitchcock Counties have with the concessionaires, impacted businesses and local owners, and how have you worked together on this issue?

And if you could turn on your microphone there so we can all hear you, even though most everyone has already heard from you.

[Laughter.]

Mr. NICHOLS. Dawna Vap came to us 2 years ago, and said that the Bureau was looking at closing executive use of the concessionaire and stuff, and wanted to know if there was anything we could do to help. So, we had public meetings. We met with the Bureau and invited them to come down and explain everything to us. And they told us that we needed to work with our Senators or Nebraska delegates to develop a bill that they could transfer ownership of the land to another government entity. And we had a lot of public meetings about it and everything.

We had no opposition. This is something that is vital to our area. Like at Swanson, most of my reference is going to be Swanson, because that is where we are from, 110 trailers there, so that put us somewhere around probably 500 people in the summer, and like Culberson and Trenton, Trenton has 300 and some, I think it is, and Culberson has 500. So, it is very beneficial to our area for the economy and stuff. And they pay taxes, which is beneficial to the schools and everything, and that is why we are here today is because the Bureau said they want to do a transfer and stuff.

Mr. SMITH. It seems like a well-vetted approach with input from stakeholders at all levels. So, I certainly appreciate that.

Can you attest to Frontier and Hitchcock Counties having the means and ability to take ownership of the land and to manage it?

Mr. NICHOLS. Yes. We are going to receive money from rent to the concessionaires and stuff, so that will help for payment. But we have also had people come forward that are willing to donate the money. There will be no tax money used, it will all be individual money to pay for the land. We have to have it assessed by a Federal inspector or Federal appraiser, and they will set the value, and then the Bureau will be paid for that amount.

And we are only talking small acreages, a total of 77 acres and that is less than 0.05 percent of the land. And it will still remain

used for the public. It will be open. The concessionaire has a café, they sell the fishing equipment and stuff for the lake, and permits and everything, and it is going to be open for the public. As it has been for the last 40-some years.

Mr. SMITH. And just for the purpose of awareness, Hitchcock County, the population in 2022 was 2,598. That is county-wide, right?

Mr. NICHOLS. Right.

Mr. SMITH. That is not just at the lake or in a neighborhood.

Mr. NICHOLS. Right, and actually, the lake does not fall into that county because that is off the census. And those people at the lake mostly live in other areas and stuff.

Mr. SMITH. So, your handout here that states there are three restaurants in the entire county, is that right?

Mr. NICHOLS. Yes.

Mr. SMITH. And if you lost this one at the lake, that would reduce that to two?

Mr. NICHOLS. To two.

Mr. SMITH. Right. And then, for Frontier County, a similar population county-wide, although 30 percent more restaurants, with four instead of three.

[Laughter.]

Mr. SMITH. Anyway, I jest, but certainly I really appreciate the whole process here that the community has gone through out of concern for one another, out of concern for our local communities and economies, and certainly, the handout here points out not just the restaurants, but other parts of the local economy, including property taxes, but the marinas, the repair shops perhaps, the farmers co-op. The list is quite long of those who would be negatively impacted if the Bureau's original plan were to go through.

But I appreciate what seems to be cooperation at many levels, and I look forward hopefully to this being resolved soon, and certainly appreciate the indulgence of the Committee to not only hear me out, but to also take up the legislation.

Thank you, I yield back.

Mr. BENTZ. Thank you. The Chair recognizes himself for 5 minutes.

Mr. Nichols, I recognize your community. It is just like mine. I remember attending a town hall meeting one time, and there were a couple of folks running for county commissioner, I think, and someone during the question and answer period asked one of the ladies who was running, "If you are elected, who is going to be our cook at the local restaurant?" The concern was in a small community you have to have these things, and there are very few people to replace them.

But I digress. I need to ask some questions, as opposed to just comment. So, let me ask this question of you, Mr. Cochran.

The amount of money that is necessary is a lot. I think I saw \$50 billion, maybe \$100 billion to take care of the situation that is ongoing because, of course, that is the way a river works. If we go ahead and make this investment, aren't we really setting the stage for having to make the next one? Because if we don't, don't we run the risk of losing the investment we have just made?

Mr. COCHRAN. Well, there are two risks there. I will try to parse it between the two.

Mr. BENTZ. Keep it very short, because I have to get to Mr. Guertin. I have some really tough questions for him. He deserves them.

Go ahead, short.

Mr. COCHRAN. If we don't, yes, we risk losing what we have invested. If we do, we have the opportunity to maintain not just that part of the world, but all of the benefits that are associated with it. Because if we don't, we don't just lose the investment, we lose all of the benefits that exist today, as they go away.

Mr. BENTZ. Right, and it would be helpful if you did. Everyone that is supportive of this, and I am, I was one of the people risking my life in the helicopter a couple of weeks ago as we flew over miles, and miles, and miles of what used to be land and now is not, so I get it. So, if I could have those existing investments that are at risk, I would like to see the list. And I certainly listened to Congressman Graves, but the written summary would be welcome.

Mr. Guertin, the Malheur National Wildlife Refuge is in my district back in Oregon. And for many, many years cattle grazed upon it in a cooperative way. And there was zero doubt that the presence of cattle, when appropriately managed, helped with the birds that use that refuge. Correct or not?

In other words, I have in front of me, of course, any number of studies that indicate that appropriately managed grazing helps with birds. So, just tell me, do I have this right?

Mr. GUERTIN. Yes, Mr. Chairman, we would agree with that. Appropriately managed grazing does benefit many types of habitat and benefits wildlife. That is why we have 1.9 million acres of grazing with partners on the refuge system. It helps us meet our mission, but we do the homework to make sure it will be compatible with—

Mr. BENTZ. You do the homework, and that is why the rule is so problematic. You have always done the homework, and yet this rule imposes a higher burden upon you than already existed since 2001. So, why the bias? Why the bias suddenly against cooperative Ag and natural predator management? I don't get it. Why has this higher barrier been raised when we all know these types of things were working?

Mr. GUERTIN. Mr. Chairman, we earnestly and sincerely don't believe we are raising the bar or—

Mr. BENTZ. OK. If I may, let me just read this to you. It says the rule, if finalized, would make sweeping changes to the ability of refuge managers to utilize key management tools. Certain practices, such as native predator control and cooperative Ag, are prohibited unless refuge managers fully evaluate the potential environmental impacts of the management activity in accordance with NEPA.

So, why do you say that nothing has changed?

And why do we need the rule if nothing has changed?

Mr. GUERTIN. You are talking about the default provision that is in there, Mr. Chairman. We are following the law, the National Wildlife Refuge System Improvement Act. We have many things

that we are required to do in there. We allow a lot of compatible uses—

Mr. BENTZ. But are you saying the rule does not raise the bar for cooperative Ag?

Mr. GUERTIN. We don't believe it will add a new burden. These Cooperative Agriculture Agreements that are in place will just carry forward.

Mr. BENTZ. Then why do we need the rule?

Mr. GUERTIN. Because we are trying to be more consistent, Mr. Chairman, trying to give our refuge managers a larger goalpost to aim toward, and because the previous rule—

Mr. BENTZ. OK, I get it. So, what you are saying is some of your refuges were apparently allowing too much cooperative Ag. And you want consistency with the highest level or the lowest level?

Mr. GUERTIN. We want to empower them to make local decisions.

Mr. BENTZ. Well, you can't have consistency if you are going to empower each of them to do something different.

Mr. GUERTIN. Well, Mr. Chairman, there is also a consistency issue with the previous rule that had us try to manage toward historic conditions we could never achieve. And in the intervening 20 years we are addressing a lot more of climatic-related impacts, sea level rise. So, we need a more consistent approach, system-wide and for the refuges.

But we are glad to follow up with you and your staff, and we are taking to heart your comments. We have 200,000 of them, and we are working through them, sir.

Mr. BENTZ. And I appreciate (a) your patience, and (b) your work.

That concludes our questions, but I do want to ask unanimous consent that a letter of support for H.R. 6352 and H.R. 8836 from the Association of Fish and Wildlife Agencies be submitted into the record, and a letter of support on H.R. 8836 from 26 conservation organizations.

Without objection, so ordered.

[The information follows:]

**Statement for the Record**

**Charles F. Sykes, President  
Association of Fish & Wildlife Agencies**

**on H.R. 6352 and H.R. 8836**

The Association of Fish and Wildlife Agencies ("Association") is the professional organization that represents the collective voice of the fish and wildlife agencies in all 50 states, the U.S. Virgin Islands, and District of Columbia ("state agencies"). These agencies exercise primary statutory authority for management of fish and wildlife as public trust resources within their borders. We thank the Subcommittee on Water, Oceans, and Wildlife ("Subcommittee") for its ongoing leadership ensuring the ability of state agencies and their federal partners to manage the species and habitats they are entrusted to steward. We offer the following statement for consideration as deliberations continue on H.R. 6352, the Tax Stamp Revenue Transfer for Wildlife and Recreation Act and H.R. 8836, the Wildlife Movement Through Partnerships Act, and stand ready to assist on these or any other matters related to the responsible management of our nation's fish and wildlife.

### **H.R. 6352 the Tax Stamp Revenue Transfer for Wildlife and Recreation Act**

The Association strongly supports H.R. 6352, the Tax Stamp Revenue Transfer for Wildlife and Recreation Act. This legislation would significantly bolster the ability of state agencies to deliver on their mission as stewards of wildlife and habitats by allocating 85% of firearm suppressor tax stamp revenues to the Pittman-Robertson Wildlife Restoration Trust Fund (PR). The foundational pillar of the American System of Conservation Funding, PR apportions funds generated by excise taxes on firearms, ammunition, and archery equipment directly to State Fish and Wildlife Agencies to enable the scientific management of wildlife and habitats.

Thanks to these funds, over 35.5 million acres and 9,000 Wildlife Management Areas are maintained and operated, with research, monitoring, and inventory conducted for more than 500 species of birds and mammals. Pittman-Robertson not only ensures healthy habitats and abundant populations, but also fuels the “user pays—public benefits” cycle of success contributing to the \$563.7 billion outdoor economy that accounts for 2.2% of the nation’s Gross Domestic Product (GDP). With the addition of revenues from suppressor tax stamps, which are estimated to contribute between \$150 million to \$170 million annually if H.R. 6352 is enacted, Congress can build on and supercharge this enduring legacy of conservation.

Suppressors are increasingly popular accessories that improve ballistics, enhance accuracy, reduce recoil, and alleviate hearing impairment while reducing user conflicts. Suppressors are one of the most vital and effective tools to recruiting and retaining new demographics of hunters and shooters, particularly women and young people to shooting sports. Given their increased popularity and use within the hunting and shooting sport community, we urge Congress to pass this legislation so these funds can more appropriately go to fund the very conservation and shooting activities authorized under PR.

### **H.R. 8836 the Wildlife Movement Through Partnerships Act**

The Association strongly supports H.R. 8836, the Wildlife Movement Through Partnerships Act. Secretarial Order 3362 (SO 3362), Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors, has enabled significant and impactful conservation efforts that have improved the habitat for some of our nation’s most iconic wildlife species, including elk, mule deer, and pronghorn. The voluntary and collaborative approach directed in SO 3362 has proven to be a model of effective conservation that respects the rights of landowners and incorporates the roles and authorities of state agencies to ensure critical wildlife movement and migration areas are conserved and enhanced.

Under SO 3362, the Bureau of Land Management, in collaboration with state fish and wildlife agencies, Tribal governments, conservation organizations, landowners, and other stakeholders, has successfully removed or modified over 1,250 miles of fencing to facilitate the natural movement and migration of wildlife. This work has directly contributed to the improvement of over 3 million acres of big game habitat, including over 1 million acres located in state-identified migration corridors. These accomplishments represent real, tangible improvements to the ecosystems that sustain these species and, by extension, the outdoor heritage that is so deeply valued by Americans across the country.

State fish and wildlife agencies have been integral to these efforts, contributing their local expertise and ensuring that habitat improvement projects are concentrated in the areas where they are most needed, particularly those identified in State Wildlife Action Plans. The results have been remarkable: approximately 2.9 million acres of habitat have been enhanced for mule deer, 1.7 million acres for elk, and 1.9 million acres for pronghorn. Beyond the numbers, these efforts have also led to improved ecosystem health, benefiting not just big game, but also the diverse plant, animal, and fish species that share these habitats.

Connectivity and migration work is of course already being conducted across the states for more than just big game species. For example, Florida’s connectivity efforts have improved habitats relied upon by federally listed species and state Species of Greatest Conservation need including the Florida panther, the population of which has rebounded twentyfold since it was originally listed, and the red-cockaded woodpecker, which the U.S. Fish and Wildlife Service has proposed to reclassify from endangered to threatened. The success of these initiatives underscores the importance of complementary programs such as the Wildlife Crossings Pilot Program administered by the Department of Transportation, and the need for continuing and expanding the voluntary, grassroots approach to conservation of SO 3362 to the rest of the country.

This is a winning strategy for both conservation and the economy. By expanding these projects, we are not only safeguarding our natural resources but also

supporting the outdoor recreation economy, which is vital to Americans and their local communities. We urge Congress to support H.R. 8836 and to provide the necessary resources to build on the successes state, federal, tribal, and private partners have already achieved.

We again thank the Subcommittee for its consideration of the perspectives of state agencies and the expertise of on-the-ground natural resource managers, and we are glad to offer our assistance on these or any other matters relevant to the management of our nation's fish and wildlife resources.

---

September 10, 2024

Hon. Bruce Westerman, Chair  
 Hon. Raúl Grijalva, Ranking Member  
 House Natural Resources Committee  
 1324 Longworth House Office Building  
 Washington, DC 20515

Re: Support for H.R. 8836—the Wildlife Movement Through Partnerships Act

Dear Chair Westerman and Ranking Member Grijalva:

On behalf of the millions of hunters, recreational shooters, and natural resource management professionals we collectively represent, we write to express our strong support for the Wildlife Movement Through Partnerships Act. This bipartisan legislation supports proven approaches to effectively and strategically apply conservation activities that improve the ability for wildlife to make necessary life-sustaining movements.

Secretarial Order 3362 (Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors) has been a tremendously successful effort and is well supported by a wide diversity of organizations and individuals. Importantly, implementation of the Order provided a template for how to conduct true collaboration between the federal government, states, conservation organizations, and other stakeholders. To ensure continued success, the Wildlife Movement Through Partnerships Act seeks to codifying the Order by making into law and strengthen it by expanding the focus beyond three species and 11 western states. H.R. 8836 incorporates the expertise of state, tribal, federal, non-profit, and private individuals and agencies, which ensures that public funds are used efficiently and effectively, by formalizing the voluntary and non-regulatory conservation approach of Secretarial Order 3362. H.R. 8836 supports wildlife conservation while respecting the rights of property owners, state wildlife management authority, tribal sovereignty and embraces the multiple-use management of federal lands.

As organizations committed to the stewardship of our natural resources in the most practical and effective manner, we understand that the health of our ecosystems, and ultimately human populations, is closely tied to the survival and well-being of big game (i.e. elk, deer, pronghorn, moose, wild sheep) and other wildlife species. Ensuring the conservation and enhancement of habitats along, and connected by, movement routes is essential to maintain the functionality of entire ecosystems across this country.

We urge your committee to swiftly mark up and pass the Wildlife Movement Through Partnerships Act.

Sincerely,

Association of Fish and Wildlife  
 Agencies

National Wildlife Federation

Backcountry Hunters & Anglers

North American Grouse Partnership

Boone and Crockett Club

Pheasants Forever

Camp Fire Club of America

Quail Forever

Catch-A-Dream Foundation

Rocky Mountain Elk Foundation

Congressional Sportsmen's Foundation	Safari Club International
Dallas Safari Club	Sportsmen's Alliance
Houston Safari Club	The Wildlife Society
Masters of Foxhounds Association	Theodore Roosevelt Conservation Partnership
Mule Deer Foundation	Whitetails Unlimited
National Association of Forest Service Retirees	Wild Sheep Foundation
National Bobwhite & Grassland Initiative Foundation	Wildlife Forever
National Deer Association	Wildlife Management Institute

---

Mr. BENTZ. With that, I want to thank the witnesses for their testimony and the Members for their questions.

The members of the Committee may have some additional questions for the witnesses, and we will ask you to respond to these in writing. Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. Eastern Time on Friday, September 13. The hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 4:05 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

**Statement for the Record**  
**Bureau of Reclamation**  
**U.S. Department of the Interior**  
**on H.R. 8413**

Reclamation plays an important role in meeting the increasing public demand for water-based outdoor recreation facilities and opportunities. The recreation areas developed as a result of Reclamation water projects provide approximately 6.5 million acres of land and water that is largely available for public outdoor recreation. Among these expansive public resources are several facilities in Nebraska where Reclamation has worked to improve the use of and access to recreation for the benefit of the public. In 2023, this included efforts to begin implementing improvement plans for the Swanson and Red Willow Reservoir concession areas. The proposed improvements are intended to support a blend of dispersed camping and developed facilities such as camper hookups, tiny house cabin sites, shower houses and trails that add to the diversity of recreation opportunities and experiences at the two sites.

The redevelopment plans have been in the making for more than 23 years and are intended to address several hazards concerning life safety and utility compliance with federal, state, and local regulations at the concession areas. Reclamation's proposed improvements to the sites were intended to increase public access to the requested recreation facilities.

However, these proposed changes resulted in some concerns from the local communities that currently make use of some existing private exclusive use legacy cabin facilities and who wish to continue to do so under the present arrangement, despite the age and condition of several of these facilities. In response to these concerns, the Nebraska delegation requested time to work with Reclamation and local parties to find a different long-term solution that accommodates the current residents' desires. That effort has resulted in H.R. 8413 the Swanson and Hugh Butler Reservoirs Land Conveyances Act. Absent enactment of this legislation, Reclamation intends to continue with its original redevelopment plans in 2025.

The facilities to be conveyed under H.R. 8413 are counted among the numerous dams, canals, and hydropower plants constructed by Reclamation that provide water and power across the 17 western states. For most of these project facilities, Reclamation has transferred all or part of the responsibility for operation, maintenance, and replacement to a project beneficiary. Title, or ownership, to Reclamation facilities, however, remains with the United States Government unless Congress passes legislation directing otherwise.

The transfer of title divests Reclamation of responsibility for the operation, maintenance, replacement, management, regulation of, and most of the liability for Federal interests in lands and project facilities, while providing non-Federal entities with greater autonomy and flexibility to manage the facilities.

In 2019 the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9) was signed into law. Title VIII of this Act provides Reclamation with authority to transfer title to certain eligible facilities to qualifying entities without separate and individual acts of Congress. However, P.L. 116-9 outlined provisions that excluded title transfer authority for certain facilities. Reclamation has determined that this exclusion applies to the transfer of the recreational land at Swanson Reservoir and Hugh Butler Reservoir in the State of Nebraska in lieu of site-specific legislation. H.R. 8413 would then provide Reclamation with the necessary authority to convey title to land at both reservoirs, subject to its various conditions.

In general, the intent of H.R. 8413 is to provide a path for Frontier and Hitchcock Counties in Nebraska to take ownership of certain Federal lands that would otherwise be redeveloped for public recreation use. H.R. 8413 enables local management of the recreational lands and alleviates Reclamation's administrative oversight and management responsibilities of the land. Section 3 of H.R. 8413 would provide for the transfer of requested lands at Swanson Reservoir to Hitchcock County. This includes a 20-acre public concession, a 21.5-acre private concession, and 11 private cabin lots totaling approximately 6-acres. Section 4 of H.R. 8413 would similarly provide for the transfer of lands at Red Willow Reservoir to Frontier County. This includes a 23-acre public concession and 8 private cabin lots totaling approximately 6.5-acres.

The sequence for transfer under H.R. 8413 largely follows Reclamation's standard process for title transfer as included within Reclamation Manual Directives and Standards, CMP 11-01. For each potential transfer, H.R. 8413 includes several stipulations. These include: that the transfer for each requested site proceeds in whole and is not subdivided; that each area continues to be managed for substantially the same current purpose; that the final transfer contains the necessary leases, permits, rights-of-way, easements, and terms necessary to ensure the title transfer would not result in an adverse impact on existing water or power delivery obligations; and that the transfer complies with all applicable federal and state laws.

For each transfer, H.R. 8413 directs Reclamation to make an offer of conveyance and enter into a memorandum of agreement to effectuate the transfer, resulting in a title transfer agreement finalized within three years after enactment. As part of the memorandum of agreement, the Counties must demonstrate their capability to operate and maintain the land, satisfy financial obligations, and to address any issues of non-compliance with applicable State fire, safety, and health codes and standards not later than 2 years after the date of the conveyance.

Additionally, H.R. 8413 would require that the counties provide, as compensation for the transfer, the fair market value of the lands, to ensure that conveyance of this land does not convey unauthorized benefits and is in the financial interest of the United States. The determination of fair market value must be completed in accordance with the Uniform Standards of Professional Appraisal Practice. Further, consistent with Reclamation's standard policy, H.R. 8413 would require that each county provide funding, in advance, for the estimated costs to be incurred by Reclamation to process the conveyance request. Finally, H.R. 8413 would ensure that any subsequent transfer would be at no cost, with the same terms as this proposed transfer, and would be conveyed to another State or public entity to ensure that the lands would remain in the public domain.

Reclamation is committed to ensuring that the recreation facilities at both Red Willow and Swanson Reservoirs are available for public enjoyment and are compliant with all relevant federal, state, and local regulations. H.R. 8413 will legislatively preserve the status-quo of private exclusive use of the requested lands, subject to each County's discretion moving forward, and discontinues Reclamation's redevelopment plans.

If enacted, we encourage each County to look for opportunities to improve public access to these recreational facilities. Reclamation is hopeful that the local authorities, to whom H.R. 8413 transfers title, will ensure that the requested lands be used to meet the outdoor recreation needs of the public and is supportive of their efforts to do so, whether accomplished through H.R. 8413 or through Reclamation's redevelopment plans.

---

**Statement for the Record****National Oceanic and Atmospheric Administration  
U.S. Department of Commerce**

The National Oceanic and Atmospheric Administration (NOAA) is responsible for the stewardship of the nation's living marine resources and their habitat. NOAA's Office of Habitat Conservation protects and restores habitat to sustain fisheries, recover protected species, and maintain resilient coastal ecosystems and communities. For decades, NOAA has engaged with our partners on significant habitat restoration initiatives in coastal communities across the country, including in the Gulf of Mexico. These efforts include our work through the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) to restore Louisiana coastal habitat, our Damage Assessment, Restoration and Remediation Program (DARRP) including restoration addressing the Deepwater Horizon (DWH) oil spill, and our Community-based Restoration Program (CRP). NOAA appreciates Representative Grave's and the Committee's attention to coastal restoration needs in support of fisheries and coastal communities in Louisiana.

**Importance of our Coastal Habitats in the Gulf of Mexico**

The Gulf of Mexico region is one of the most ecologically and economically productive ecosystems in the world. Recreation, leisure, and tourism industries contribute significantly to the Gulf economy employing millions of people. The Gulf of Mexico supports some of the largest recreational and valuable commercial fisheries in the nation with commercial landings of approximately 1.6 billion pounds in 2015<sup>1</sup> (NOAA, 2024). Unfortunately, the Gulf of Mexico region is also experiencing one of the highest rates of coastal land loss, mostly wetlands, in the world. In addition to the ecological impacts, the loss of coastal wetlands reduces coastal resilience for millions of U.S. citizens facing threats of sea level rise and increasing intensity of hurricanes. Many of these populations are in underserved or socially vulnerable communities.

**Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA)**

Under CWPPRA, the Louisiana Coastal Wetlands Conservation and Restoration Task Force (an interagency task force consisting of NOAA, the Army Corps of Engineers, the Environmental Protection Agency, the Fish and Wildlife Service, the Natural Resources Conservation Service, the National Marine Fisheries Service, and the State of Louisiana) is helping to restore Louisiana's coastal habitat. Since 1990, the CWPPRA Program has served as the primary means for responding to coastal wetland loss in Louisiana. CWPPRA's roughly \$80 million annual construction budget typically supports two projects per year. Through this task force, NOAA works with its state and federal partners and landowners to fund and implement restoration projects. To date, NOAA has been the federal sponsor for 29 constructed CWPPRA wetland restoration projects with an estimated cost of approximately \$474 million, restoring more than 13,707 acres of vulnerable coastline. NOAA is engaged in the active design and construction of additional projects, with the goal of restoring 2,500 acres of habitat.

**Damage Assessment, Restoration and Remediation Program (DARRP)  
including the Deepwater Horizon (DWH) Oil Spill**

For over 30 years through the DARRP, NOAA has assessed and restored coastal environments damaged by oil spills, hazardous waste releases, and vessel groundings. Working with partners from state, tribal, and federal agencies and industry, we have recovered over \$10 billion dollars to restore a wide variety of critical habitats and resources nationwide. In the Gulf of Mexico, NOAA and co-trustees have resolved nearly 40 pollution events (excluding Deepwater Horizon) with a restoration value of approximately \$151 million. Associated restoration actions improved coastal resilience, enhanced recreational uses such as fishing, and employed local contractors for engineering and construction.

Working with federal and state partners, NOAA played key roles from the earliest moments after the DWH spill—responding to the spill, assessing the damage, developing restoration plans, and implementing on-the-ground restoration projects. Since the spill, NOAA has been working with our partners and affected communities to plan, implement, and evaluate activities to restore natural resources injured as a result of the spill. This work is driving hundreds of restoration projects across the

<sup>1</sup> [https://www.aoml.noaa.gov/ocdweb/ESR\\_GOMIEA/](https://www.aoml.noaa.gov/ocdweb/ESR_GOMIEA/)

Gulf. NOAA's restoration work is focused on fish, marine mammals, sea turtles, Gulf sturgeon, marine and coastal habitats, and deep-Gulf ecosystems. To date, NOAA and the other federal and state Trustees have committed over \$5 billion to almost 300 restoration projects and activities.

#### **Community-based Restoration Program (CRP)**

Since 1996, CRP has conducted habitat restoration by executing large-scale competitive funding opportunities and providing expert technical assistance. Projects awarded range from improving access to habitat by removing dams and other barriers, to restoring coral and oyster reefs, to rebuilding coastal wetlands. The program is currently executing historic levels of funding provided through the Bipartisan Infrastructure Law and Inflation Reduction Act, including over \$120 million invested in projects located in the Gulf of Mexico.

#### **Supporting our Partners through Technical Assistance**

Through all of these different programs, NOAA's Office of Habitat Conservation plays an integral role in restoration efforts by providing support through the entire restoration process. In collaboration with partners, our team provides technical expertise on project planning, engineering and design, grants administration, regulatory requirements and project management. We also provide support through engagement and outreach, relationship-building, and sharing lessons learned and best practices. Because many of them live and work in the coastal communities we serve, including five locations across the Gulf of Mexico, they are uniquely positioned to engage in a way that is tailored to the needs of each community and ecosystem, and to help navigate hurdles that may arise.

#### **Conclusion**

In conclusion, NOAA values the opportunity to continue working with Representative Graves and this Committee on this important issue and supports additional habitat restoration in the Gulf of Mexico. NOAA will continue to invest and support our partners working in this important area. Thank you and your staff for your work to support NOAA and restoration in Louisiana and the Gulf of Mexico.

---

**Submissions for the Record by Rep. Zinke**

**Western Governors' Association  
Denver, CO**

September 10, 2024

Hon. Cliff Bentz, Chairman  
Hon. Jared Huffman, Ranking Member  
Subcommittee on Water, Wildlife and Fisheries  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Bentz and Ranking Member Huffman:

In light of the Subcommittee's September 10, 2024, Legislative Hearing on H.R. 6352, H.R. 8413, H.R. 8632, and H.R. 8836, please find attached Western Governors' Association (WGA) Policy Resolution 2024-03, Species Conservation and the Endangered Species Act. The resolution recommends supporting voluntary and locally-led conservation activities to conserve wildlife migration corridors, habitat, and species populations.

I request that you include this document in the permanent record of the hearing, as it articulates Western Governors' collective and bipartisan policy positions and recommendations on the issues addressed by H.R. 8836.

Thank you for your consideration of this request. Please contact me if you have any questions or require further information.

Sincerely,

JACK WALDORF,  
*Executive Director*

Attachment

---

**WESTERN GOVERNORS' ASSOCIATION**  
**Policy Resolution 2024-03**  
**Species Conservation and the Endangered Species Act**

**A. BACKGROUND**

1. Through broad trustee, statutory, and police powers, states have primary management authority over fish and wildlife. This system of wildlife and habitat management is grounded in the North American Model of Wildlife Conservation and has enabled western states to become leaders in the conservation and recovery of numerous threatened, endangered, and species of concern. Continued cooperative relationships between federal, state, and tribal governments, nonprofit organizations, and private stakeholders are essential to the successful management of all species and their habitats. Where voluntary, incentive-based conservation activities have been effective, they have precluded the need to list species under the Endangered Species Act (ESA). Western Governors have a vested interest in utilizing these tools to effectively manage wildlife and habitat for a balance of uses.

**B. GOVERNORS' POLICY STATEMENT**

***Species Conservation***

1. Western Governors support all reasonable proactive management efforts to conserve species and the ecosystems upon which they depend to sustain populations of diverse wildlife and habitats, recover species before they are so imperiled they need ESA protection, and retain the West's wildlife legacy for future generations. Western Governors also support initiatives that engage state and tribal governments as well as stakeholders to develop incentives for early, voluntary conservation measures to address multiple threats to species while preserving and enhancing western working landscapes.
2. Western Governors believe states should be full partners in listing, critical habitat designations, recovery planning, recovery efforts, and delisting decisions. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) (collectively, the Services), working with the states, should establish consistent criteria to assess modeling related to projected scientific information and other factors in their scientific review. In these circumstances, federal agencies should partner with states and management authorities with expertise over the given model to develop and utilize mutually acceptable predictive techniques and consensus-based metrics that are grounded in science and measurable outcomes.
3. Western Governors believe that ESA decisions should be based on the best available science. State agencies often have the best available science, expertise and other scientific and institutional resources such as mapping capabilities, biological inventories, biological management goals, state wildlife action plans and other important data. The Services should utilize state expertise and resources whenever possible. All listing, recovery, and delisting decisions should utilize objective, peer-reviewed scientific literature, and scientific observations. When making a listing decision for a species where state or multi-state conservation plans employing the best available science have been primarily used in the management of that species, upon review, consultation, and endorsement, the Services should give careful consideration to those management activities. A review of the scientific and management provisions contained within listing, recovery, and de-listing decisions by acknowledged independent experts is important to ensure the public that decisions are well-reasoned and scientifically based. Scientific and management review committees, as well as the scope and extent of the appropriate scientific and management review, should be agreed upon by the Services and the affected states. Federal agencies should, when appropriate, delegate their responsibility to name these review committees and determine the scope of review to states in order to enhance state ownership of the committee's decision.
4. Western Governors believe that states need clear, concrete guidance from the Services about the requirements of state and multi-state conservation plans in meeting species and habitat conservation goals and objectives that would lead to stable or increasing populations, address perceived threats to the species, and eliminate the need for listing. Western Governors also encourage

the pursuit of all efforts to reduce regulatory burdens on state and tribal governments as well as stakeholders that are not necessary to achieve species conservation and biodiversity goals and objectives.

5. The Services should acknowledge that variability in state approaches for conservation of species is acceptable, particularly for species with a wide geographic range, as long as established conservation goals and objectives are met.
6. The Services should explore employment options, including revised Government Schedule requirements, expanded use of detail positions, and shared staff between nongovernmental partners, state agencies, and federal agencies to increase interagency coordination and familiarity with processes. These types of well-rounded personnel can then more effectively serve as conveners and facilitators for multiagency actions.
7. Governors support legislative initiatives, court rulings, petitions, or regulatory measures which allow local, state, federal and private conservation efforts adequate time to be implemented and demonstrate their efficacy while also avoiding excessive delay protecting and recovering imperiled species. Governors believe there should be no delays in delisting recovered species which meet statutory requirements for delisting due to excessive, costly and resource-intensive litigation. States can help local efforts achieve success by supporting them with tools for assessing and stabilizing priority habitats and species.
8. Western Governors believe funding and economic incentives for proactive, voluntary conservation efforts are essential. Such efforts may lead to rapid conservation outcomes and even obviate the need to list a species in the first instance. Additional incentives for willing private landowners to participate in voluntary conservation efforts are likely to achieve more efficient and cost-effective results. Funded and incentivized activities should include:
  - Restoration of native habitat on public and private lands;
  - Amelioration of threats to species populations;
  - Long-term management activities for conservation-reliant species;
  - Management of invasive species adversely affecting species and habitat, including research programs;
  - Management of public lands in a way that supports multiple uses, including the minimization of human-wildlife and livestock-wildlife conflict; and
  - Monitoring and enforcement to ensure species and habitat conservation goals and activities are being met.
9. Governors believe adequate post-listing funding of species management, monitoring, and conservation is necessary as state and federal agencies increasingly assume ESA management activities and embrace ecosystem and multi-species management strategies. Funding for ESA-related activities, especially recovery plans and recovery efforts, should be enhanced to address the growing list of threatened and endangered species. A broad range of programs, from the Farm Bill to the Water Resources Development Act, should be reviewed for opportunities to assist communities and landowners in their efforts to conserve listed species in a manner that respects water and property rights. The Cooperative Endangered Species Conservation Fund authorized under ESA Section 6 should also be funded and managed as a block grant, with state discretion on spending priorities.
10. Western Governors support funding for wildlife conservation education and recreation programs to help better connect people with their natural surroundings and experience wildlife in their natural habitat. Funding for educational and community-based programs can encourage younger generations to learn about fish and wildlife conservation early and obtain the skills to partake in outdoor activities themselves.
11. Western Governors support the North American Model of Wildlife Conservation and the associated user-pay structure that enables state agency management activities with funding from license sales. Western Governors also recognize that continued engagement in license-based activities is necessary for healthy wildlife populations and habitat. The recruitment, retention, and reactivation of hunters and anglers is essential to these goals,

and programs which support this engagement should be funded and delivered to all Americans.

***Wildlife Migration Corridors and Habitat***

12. Western Governors believe that federal land management agencies should allow states and tribes to lead in identifying key wildlife migration corridors and habitat in the West, acknowledge the value of multiple-use landscapes, and engage in early and substantive consultation with Governors prior to the promulgation of any policy pertaining to the management of wildlife corridors and habitat. Western Governors believe in applying the best-available state-led science and models for precise, data-driven decision making. Western Governors also encourage federal land management agencies to take proactive steps to ensure that management plans and projects are consistent with and supportive of state wildlife migration priorities, programs, and policies.
13. Western Governors urge federal land management agencies and non-governmental organizations—in coordination with state fish and wildlife agencies—to work with private landowners and local communities to identify monetary and non-monetary incentives to encourage voluntary corridor and habitat conservation efforts. Western Governors encourage dialogue among relevant partners in the West to identify collaborative solutions to wildlife corridor and habitat conservation across land ownerships.
14. Western Governors encourage Congress and the Executive Branch to maintain a financial investment in research and habitat improvement projects to conserve migration corridors through the National Fish and Wildlife Foundation's Improving Habitat Quality in Western Big Game and Migration Corridors Program and the USFWS Migratory Bird Program.
15. Western Governors commend the considerable efforts already underway to increase coordination between state fish and wildlife agencies and state departments of transportation to integrate consideration of wildlife corridors and habitat connectivity into transportation infrastructure planning and development. Western Governors urge the Department of the Interior and the U.S. Department of Transportation to cooperate in a similar manner on projects under their jurisdiction and support intra-state efforts when appropriate. The Governors also support development of best practices to expand federal and state agency coordination.
16. The Governors support proactive planning on public lands that seeks to direct future development actions with due consideration for large tracts of intact wildlife habitat and connectivity corridors.
17. Western Governors believe that any federal efforts to identify and conserve wildlife migration corridors through administrative or legislative action must rely upon proactive coordination and consultation with states and should advance voluntary, incentive-based, and locally driven initiatives to conserve key wildlife corridors and habitat. Governors further encourage Congress and the Administration to support collaborative and locally developed initiatives through financial and technical assistance.
18. Governors appreciate federal support for habitat connectivity and urge Congress to include long-term funding and provisions in its next reauthorization of federal surface transportation programs for state-supported transportation infrastructure projects that support fish and wildlife crossings and habitat connectivity.

**C. GOVERNORS' MANAGEMENT DIRECTIVE**

1. The Governors direct WGA staff to work with congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

*This resolution will expire in December 2026. Western Governors enact new policy resolutions and amend existing resolutions on a semiannual basis. Please consult <http://www.westgov.org/resolutions> for the most current copy of a resolution and a list of all current WGA policy resolutions.*

**National Audubon Society  
Washington, DC**

September 10, 2024

Hon. Bruce Westerman, Chair  
Hon. Raúl Grijalva, Ranking Member  
House Natural Resources Committee  
1324 Longworth House Office Building  
Washington, DC 20515

Re: Support for the Wildlife Movement Through Partnerships Act (H.R. 8836)

Dear Chair Westerman and Ranking Member Grijalva:

On behalf of the National Audubon Society and our 1.4 million members and supporters, we would like to express our support for the Wildlife Movement Through Partnerships Act (H.R. 8836) and urge the Committee to advance the bill to the House floor. As an organization dedicated to conservation, we acknowledge that healthy habitat is needed for healthy wildlife populations, including birds.

Birds are vital indicators of ecosystem health and play essential roles in maintaining balanced environments. Effective habitat connectivity is crucial for their survival, as it helps to ensure the availability of resources and provide stop-over areas and habitats for migration. By supporting this bill, we can significantly enhance these connections, benefiting countless bird species.

Additionally, birdwatching generates nearly \$100 billion in economic revenue annually, underscoring the importance of conserving and restoring habitats that support both bird populations and the economy. The Wildlife Movement Through Partnerships Act will provide essential resources for habitat connectivity projects, benefiting birds and big game species.

While progress has been made to conserve essential habitats for migrating species, more work remains to be done. This Act would encourage coordination across the federal agencies, enhance collaboration, and support States, Tribes, and private landowners in their efforts to improve habitat connectivity and migration corridors.

We urge the committee to promptly advance this critical legislation to conserve connected habitats.

Sincerely,

National Audubon Society

