



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Committee on Natural Resources Republican Members
From: Committee on Natural Resources staff: Annick Miller, x58331
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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 2:00 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.”¹ 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.² 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 towards 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.

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

² “Final Apportionment of Pittman-Robertson Wildlife Restoration Funding for Fiscal Year 2024.” U.S. Fish and Wildlife Service. [FY24 WR Appportionments \(fws.gov\)](https://www.fws.gov/fy24-wr-appportionments) and “Amended Final Apportionment of Dingell-Johnson Sports Fish Restoration Funding for Fiscal 2024.” U.S. Fish and Wildlife Service. [FY24 SFR Appportionments \(fws.gov\)](https://www.fws.gov/fy24-sfr-appportionments)

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 towards wildlife conservation, hunter education, and other activities set out in the underlying Pittman-Robertson 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.

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 1944.³ The Hugh Butler Reservoir was created by the construction of the Red Willow Dam and holds 86,630 acre-feet (AF) of water.⁴ The Swanson Reservoir was created by the construction of the Trenton Dam between 1949 and 1953 and is capable of storing 216,291 AF.^{5,6} 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.⁷

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.⁸ The disagreement stemmed from a Bureau of Reclamation decision to require the removal of mobile homes parks surrounding the reservoirs

³ 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>

⁴ 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&groupN](https://web.archive.org/web/20120927153103/http://www.usbr.gov/projects/Facility.jsp?fac_Name=Red+Willow+Dam&groupName=Overview)

⁵ Frenchman-Cambridge Division. USBR. 9/1/2022.

[https://web.archive.org/web/20120925124356/http://www.usbr.gov/projects/Project.jsp?proj_Name=Frenchman-](https://web.archive.org/web/20120925124356/http://www.usbr.gov/projects/Project.jsp?proj_Name=Frenchman-Cambridge%20Division)
[Cambridge%20Division](https://web.archive.org/web/20120925124356/http://www.usbr.gov/projects/Project.jsp?proj_Name=Frenchman-Cambridge%20Division)

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

⁷ *Id.*

⁸ 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>

by November 1, 2024 as a precondition to resign concessionaire contracts.⁹ 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.¹⁰ 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).¹¹ In addition, refuge managers would 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.”¹²

Central to the issue with the proposed rule is that the System’s new “default position” on key management practices is “they are prohibited.”¹³ This does not accomplish the USFWS’ intended goal of the rulemaking, which is to promote “management flexibility” and “empower refuge managers.”¹⁴ Instead, the proposed rule ties the hands of refuge managers from making

⁹ “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](#)

¹⁰ *Id.*

¹¹ [89 FR 7345. at 7348](#)

¹² *Id.*

¹³ *Id.* [at 7352](#)

¹⁴ *Id.* [at 7348](#)

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 towards 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,” which was signed by Rep. Zinke in 2018 when he was Secretary of the Interior.¹⁵ 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.¹⁶ 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.¹⁷ 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.¹⁸ 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.¹⁹ 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.²⁰

H.R. 8836 would carry-on this work by requiring the Secretary to develop a nonregulatory “Wildlife Movement and Movement Area Grant Program.” This program would fund projects

¹⁵ Secretarial Order 3362. U.S. Department of the Interior. 2/9/2018. [so 3362 migration.pdf \(doi.gov\)](#)

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

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 towards 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.

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.²¹ 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,²² due to various factors, including river levees, navigation channels, hurricanes, and subsidence.²³ 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

²¹ “H.R. 5009 – WILD Act.” [Actions - H.R.5009 - 118th Congress \(2023-2024\): WILD Act | Congress.gov | Library of Congress](#)

²² 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>

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

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 not significantly affect the quality of the human environment.”²⁴ 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), “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), “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.

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

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 towards 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.

Discussion Draft (Rep. Graves), 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 ten years that the program is in place.

V. EFFECT ON CURRENT LAW

H.R. 6352

H.R. 8836