

Testimony of

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Before the

House Natural Resources Committee
Subcommittee on Water, Wildlife and Fisheries
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Regarding

H.R. 6352, the Tax Stamp Revenue Transfer for Wildlife and Recreation Act
H.R. 8836, the Wildlife Movement Through Partnerships Act
H.R. 8632, the Biodiversity Oversight Scaled-back and Fully Erased Act

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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.

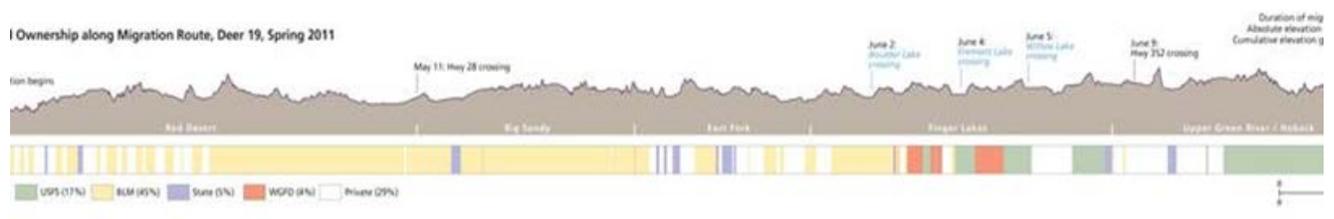
Across the nation, landscape connectivity and the habitat that is necessary to sustain a wide diversity of wildlife with ecologically sustainable populations continues to change at an expeditious pace due to a multitude of factors. For instance, anthropogenic modifications such as

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 withdrawal 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.