



Date: 16 December 2019

To: United States Senate Committee on Environment and Public Works

RE: Committee Business Meeting on S. 3051

From: The Congressional Sportsmen's Foundation
Jeffrey S. Crane
President

Dear Chairman Barrasso, Ranking Member Carper, and Members of the Committee:

The Congressional Sportsmen's Foundation (CSF) would like to express strong support for S. 3051, the America's Conservation Enhancement Act, and for the Committee's swift efforts to hold a markup on this legislation shortly after introduction. CSF would also like to express gratitude for the Committee's continued commitment to America's sportsmen and women.

Established in 1989, CSF works with the Congressional Sportsmen's Caucus (CSC), the largest, most active bipartisan caucus on Capitol Hill. With approximately 250 Members of Congress from both the House and Senate, current Senate CSC Co-Chairs are Senators Deb Fischer (NE) and Martin Heinrich (NM) and Vice-Chairs are Senators John Boozman (AR) and Joe Manchin (WV).

S. 3051 includes many strong provisions that will conserve fish and wildlife habitat, help combat wildlife disease, and increase public access for hunting, fishing, and other outdoor dependent recreation. While CSF strongly supports S. 3051 in its entirety, we would like to draw particular attention to a number of longstanding priorities for the Congressional Sportsmen's Foundation, including:

Title I – Wildlife Enhancement, Disease, and Predation

Sec. 104: Chronic Wasting Disease Task Force

Section 104 of S. 3051 establishes a task force within the U.S. Fish and Wildlife Service (Service) to combat Chronic Wasting Disease (CWD).

CWD is a progressive, degenerative, and always-fatal neurological disease affecting both farmed and free-ranging cervids. Since first identified in 1967, CWD has been detected in wild and/or farmed cervid populations in 26 states and several Canadian provinces, and has recently been detected in areas and facilities that had previously been CWD-free. Because of the lengthy incubation period of the disease, infected deer, elk, and moose may not present visible symptoms

until years after the time of infection. Even as visible symptoms, such as weight loss, stumbling and tremors, become observable, the commonality of these symptoms among cervid maladies, such as epizootic hemorrhagic disease (EHD), prevents CWD from being readily diagnosed. As it currently stands, there is no way to conclusively identify the presence of CWD within an animal until a necropsy has been performed. With no known treatment or vaccine available, CWD continues to prove fatal in all documented cases.

Therefore, the number one objective in the management of CWD must be to prevent its spread into areas that are presently CWD-free. However, a lack of reliable information about the disease and its transmission pathways presents this objective as an arduous task.

Specifically, the task force proposed in Section 104 will consist of a representative from the Service, the U.S. Geological Service, the U.S. Department of Agriculture, and representatives from state agencies that are currently tasked with combatting CWD in both farmed and free-ranging cervids. The task force will be required to submit a study to the Secretaries of Agriculture and the Interior that will help provide a better understanding of CWD. The report will include information regarding the pathways and mechanisms of CWD transmission, infection rates for each identified pathway and transportation mechanism, the frequency of transmission of each pathway and mechanism, among others, all of which seek to address this disease.

Section 104 is an innovative, non-controversial provision that could pay dividends in terms of informing strategies to effectively manage CWD and providing a better understanding of the disease.

Sec. 106: North American Wetlands Conservation Act

Section 106 of S. 3051, the North American Wetlands Conservation Act (NAWCA), is an important program that would authorize funding to ensure the conservation of critical wetland habitat. Sec. 106 authorizes \$60 million for each fiscal year from 2021-2025 to conduct on-the-ground, long lasting wetland conservation projects. Originally passed in 1989, NAWCA helps support the conservation efforts of the North American Waterfowl Management Plan by providing financial resources to carry out wetland conservation projects in the United States, Canada, and Mexico. Now in its 30th year, NAWCA has completed more than 2,833 on-the-ground conservation projects while conserving more than 29.8 million acres in all 50 states, Canada, and Mexico.

NAWCA requires that for every federal dollar contributed to the program, a non-federal source must equally match the federal contribution. However, the program is often matched at a rate of \$3 of non-federal money for every \$1 of federal money, a sign that conservation groups, including sportsmen and women, are willing to have skin in the game. In the last 30 years, NAWCA has received over \$1.6 billion in federal funds while being leveraged with more than \$4.68 billion in non-federal funds.

NAWCA was originally enacted in 1989, in part, to support the North American Waterfowl Management Plan, signed in 1986 by the United States and Canada, and in 1994 by Mexico. This

plan serves as the blueprint for wetland conservation across North America. Prior to distribution, the funds provided through NAWCA must be approved by the Migratory Bird Conservation Commission, which is currently Chaired by Secretary of the Interior David Bernhardt, and made up of CSC Vice-Chairs Senators John Boozman (AR) and Martin Heinrich (NM), CSC Members Representatives Rob Wittman (VA) and Mike Thompson (CA) as well as the Secretary of Agriculture Sonny Perdue and Environmental Protection Agency Administrator Andrew Wheeler.

A recent publication on September 19, 2019 in the Journal Science reported the United States and Canada have lost nearly 3 billion birds, or 29 percent of the entire population since 1970. However in the same time, waterfowl species, which rely on wetlands for their habitat needs, have increased by 56 percent, a sign that wetland programs such as NAWCA are some of the most effective conservation programs our nation's fish and wildlife managers have in their toolboxes. Additionally, passage of this authorization as part of S. 3051 will help improve flood mitigation in addition to air and water quality as wetlands serve as a critical tool to filter toxins coming off the land and air.

Sec. 108: Modification of Definition of Sport Fishing Equipment under Toxic Substances Control Act

Section 108 would amend the Toxic Substance Control Act (TSCA) to clarify that an existing exemption from TSCA regulation for sport fishing equipment as defined in the IRS Code, would be made permanent. Congress has already approved permanent protections to traditional ammunition, so this title would create a similar exemption for articles of fishing tackle subject to Wallop-Breaux and Dingell-Johnson excise taxes.

Anti-hunting and fishing interests have petitioned the Environmental Protection Agency (EPA) to force the agency to expand its TSCA authority in order to regulate traditional ammunition and recreational fishing tackle. These organizations assert that this is necessary to address significant impacts to wildlife populations that are resulting nationwide from the use of traditional tackle and ammunition. These exaggerations are little more than misleading scare tactics with no credible supporting science. Our state natural resource professionals already have the necessary tools to address and mitigate any localized issues that might arise without the unwarranted involvement of the EPA and TSCA.

Moreover, EPA's exercise of TSCA authority over recreational fishing tackle would likely result in significant increases in the price of tackle for sportsmen and women due to the exponentially higher raw materials and manufacturing costs associated with using alternative metals. Not only would this result in the loss of anglers, but it would also have detrimental impacts on the fishing tackle industry and would ultimately reduce the excise taxes sport fishing manufacturers pay on their products as a means of funding habitat conservation and boating safety throughout the country. In fact, much of our country's fish and wildlife habitat exists solely as the result of these contributions.

Section 108 would amend TSCA in a manner that serves to protect and enhance our fishing heritage while concurrently facilitating the important benefits that the recreational fishing industries contribute to the betterment of our nation's economy and treasured natural resources.

Title II – Modernizing the Pittman-Robertson Fund for Tomorrow's Needs

This provision will clarify that one of the purposes of the Pittman-Robertson Fund is to provide and extend financial and technical assistance to the states for hunter and recreational shooter recruitment efforts in order to ensure the future of America's conservationists and next generation of sportsmen and women.

The Pittman-Robertson Act directs existing excise taxes on firearms, ammunition, and archery equipment to state wildlife agencies for wildlife management, species and habitat conservation, scientific research, population monitoring, hunter education and hunting and target shooting access. Through these excise taxes and associated purchases of hunting licenses, archery enthusiasts, hunters, and recreational shooters are the nation's primary funders of wildlife conservation. Unfortunately, this "user-pays, public-benefits" system of conservation funding that benefits all citizens is in jeopardy.

In 1978, 16.2 million of the nation's 222 million citizens purchased a hunting license, representing 7% of the U.S. population. Now, there are over 328 million people in the United States, 13.3 million of which are certified hunting license holders, or less than 4% of the nation's population. This steady decline in participation over the past four decades threatens not only America's hunting heritage, but also represents a fundamental challenge to maintaining funding streams that are vital to state-based wildlife conservation.

To confront this challenge, state wildlife agencies need added flexibility to use Pittman-Robertson funds to develop and implement strategies to recruit, retain, and reactivate (R3) the nation's next generation of hunters and target shooters, the primary objective of Title II. Doing so will ensure that America's sportsmen and women continue to serve as a crucial source of funding for wildlife conservation that benefits citizens in every state.

It is also worth noting that the U.S. Fish and Wildlife Service's Sport Fish Restoration program (Dingell-Johnson/Wallop-Breaux) already allows state agencies to use their apportioned funds for recruitment, education, and outreach of fishing and boating programs to the general public thanks to previous Congressional authorization. This legislation will provide parity for state agencies to use Pittman-Robertson Funds for R3-related activities as they are already doing on the fishing and boating side with Dingell-Johnson/Wallop-Breaux funds. This legislation does not mandate a state agency use their funds for R3 efforts, but simply provides them the flexibility to do so as they judiciously see fit.

Title III – National Fish Habitat Conservation through Partnerships

Title III of S. 3051 will statutorily authorize the National Fish Habitat Partnership (NFHP) concept, which was first developed in 2006 by the Sport Fishing and Boating Partnership Council to enhance public-private partnerships for fisheries conservation efforts. This title will

provide Congressional oversight of NFHP by authorizing the current level of \$7.2 million in funding for this important conservation program.

Today, the NFHP has grown to 20 partnerships with numerous stakeholders, including federal, state, and local agencies; conservation and other sportsmen's groups; private land and riparian owners; and businesses. Working together, the partnership's mission is to implement the National Fish Habitat Action Plan, protect and restore fish populations and enhance recreational fishing opportunities. To date, more than 840 projects in 50 states have been completed, and non-federal dollars have been leveraged at a 2:1 ratio for every federal dollar spent.

It is important to note that this legislation does not seek to establish a new program, but rather ensure the existing program and partnerships remain state and locally driven through a bottom up, grassroots approach. Congressional authorization of NFHP through this legislation would codify the roles of involved parties and help secure an avenue for consistent funding for on-the-ground fish and aquatic habitat conservation in the states. Providing Congressional oversight over the financial resources will also help ensure long term, dedicated funding is provided to the Partnership.

Summary

In closing, S. 3051 is a common sense, non-controversial piece of legislation that would have a significant impact on the conservation of America's fish and wildlife as well as our nation's sportsmen and women. These provisions are good for the American economy, our treasured lands and waters, and our nation's fish and wildlife.

CSF would like to thank Chairman Barrasso, Ranking Member Carper, and the members of the Committee for holding a markup on this critically important piece of legislation. We look forward to working with you to pass this package out of Committee, out of the Senate, and enacted into law. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Jeff Crane". The signature is fluid and cursive, with "Jeff" on top and "Crane" below it, both ending in a flourish.

Jeffrey S. Crane
President