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Public Employees for Environmental Responsibility
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HR 524: To amend the Coastal Barrier Resources Act to create an exemption for certain shoreline borrow

Summary

Public Employees for Environmental Responsibility (PEER) opposes HR 524, which would amend Section 6 of CBRA by adding a new subsection to allow federal funds to be used to mine a CBRS area “if such a site has been in use as a borrow site by a coastal storm risk management project for a period of more than 15 years.”

The CBRA is an economic and environmental success story because it saves taxpayers money, protects property values, supports the outdoor recreation industries, and conserves essential wildlife habitat. We oppose HR 524 because it would allow sand mining in CBRS areas, cost taxpayers millions of dollars, harm critical coastal habitats, and reduce resiliency in coastal communities. For communities that need sediment placement on their beaches and coastlines, there are alternatives to receiving federal subsidies to use sand mined in CBRA areas.

Background: The CBRA

The CBRA established the Coastal Barrier Resources System that now encompasses about 3.5 million acres along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts.

CBRA prohibits most new federal expenditures and financial assistance for projects and activities within the CBRS, including projects to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area (16 U.S.C. 3504(a)(3)). The law does not restrict the use of private, state, or local funds or limit the issuance of federal permits within the CBRS.

The CBRA approach to conservation does not prevent development and imposes no restrictions on development conducted with nonfederal funds. CBRS units may be developed, but federal taxpayers largely do not underwrite the investments. The law aims to protect natural resources, save taxpayer money, and keep people out of harm's way by removing the federal incentive to develop ecologically sensitive and storm-prone coastal barriers. These areas provide important habitats for wildlife, including fish and shellfish, that support the nation's multi-billion-dollar fishing industry.



The CBRA is an economic and environmental success story.

The CBRA has saved billions of taxpayer dollars. For example, a 2019 economic analysis by professors at Western Carolina University and Appalachian State University estimates that the CBRA reduced federal coastal disaster expenditures by \$9.5 billion between 1989 and 2013 and will save an additional \$11-108 billion by 2068.¹

These savings primarily come about because CBRA areas provide vital natural resources and ecological functions. For example, the CBRA System protects barrier islands and inlets that, in turn, protect coastal wetlands. Nationwide, coastal wetlands provide over \$23 billion in storm protection services.² The National Audubon Society reports that a 2.5-acre decrease in wetlands corresponds to a \$33,000 increase in storm damage.³ Undeveloped coastal areas along the mid-Atlantic coast helped to prevent more than \$625 million worth of additional damage from the 2012 Hurricane Sandy.

CBRA areas also provide vital and increasingly rare habitats for fish birds. Nationwide, bird watching is a \$107 billion a year industry that positively impacts 47 million people per year and⁴ \$6.5 billion is spent on bird hunting each year.⁵ Coastal wetlands and estuaries support commercial and recreational fisheries, which provide 1.7 million jobs, generate \$238 billion in sales, and provide \$108 billion in value-added services.⁶ In South Carolina, the commercial saltwater fishing industry lands more than 9.7 million pounds of fish, contributing more than \$26 million annually to the state's economy. Recreational fishing lands another 8 million pounds of fish.⁷

¹ https://shoreline.wcu.edu/Andy/Coburn&Whitehead_2019_JCR.pdf

² NOAA, “Fast Facts: Natural Infrastructure.” <https://coast.noaa.gov/states/fast-facts/natural-infrastructure.html#:~:text=Coastal%20wetlands%20in%20the%20U.S.,storm%20protecti on%20services%20every%20year>.

³ National Audubon Society, “Natural Infrastructure Report: How natural infrastructure can shape a more resilient coast for birds and for people.” January 2018. P. 3. https://nas-national-prod.s3.amazonaws.com/audubon_infrastructure_jan192018.pdf

⁴ U.S. North American Bird Conservation Initiative Committee, “Clean Air And Water, Human Health, And Economic Benefits Go Hand-In-Hand With Bird Conservation.” <https://nabci-us.org/wp-content/uploads/2020/01/NABCI-linking-bird-conservation-to-human-benefits-3.pdf>

⁵ Ibid.

⁶ NOAA Fisheries, “Fisheries Economics of the United States.” <https://www.fisheries.noaa.gov/national/sustainable-fisheries/fisheries-economics-united-states> https://nas-national-prod.s3.amazonaws.com/audubon_infrastructure_jan192018.pdf

⁷ NOAA Fisheries, “Landings.”



This proposed amendment would undermine this success.

Allowing taxpayer-funded sand mining in CBRS areas would put a financial burden on taxpayers around the country to fund enormously costly sand mining operations. Sand mining in nearshore areas, like inlets, has been shown to disrupt sand supplies to downdrift communities, making them more vulnerable to hurricanes, storms, and erosion. A 2021 report by the USGS & F.W.S. documented harm to downdrift communities from sand mining, which impacts short- and long-term coastal resilience. Sea level rise is compounding these impacts.⁸ A study on beach renourishment projects for Folly Beach, SC, and Wrightsville Beach, NC, found that "significant quantities" of sand migrate offshore and do not re-enter the near coastal environment.⁹

In addition, sand mining in nearshore areas has been shown to harm the environment in the short- and long term. Sand mining in nearshore areas can harm habitats vital to overwintering and migrating shore- and waterbirds, with harm to the food chain persisting for months to several years.¹⁰ In South Carolina, the Corps reported that sand mining in CBRS units by Folly Beach, SC, destroyed bottom-living organisms that form the base of the food chain for shorebirds and fish. These CBRS areas are crucial to imperiled shorebirds like Least Terns and American Oystercatchers.¹¹ In North Carolina, the Corps reported that sand mining in CBRA units in Masonboro Inlet/Banks Channel reduced down drift sediments reaching Masonboro Island, contributing to erosion of the island, which is vitally important to sea turtles and shorebirds like the American Oystercatcher and Wilson's Plovers.¹²

<https://www.fisheries.noaa.gov/foss/f?p=215:200:2611030725916::NO:RP::>

⁸ United States Geological Survey & United States Fish and Wildlife Service, "Impacts of Sediment Removal from and Placement in Coastal Barrier Island Ecosystems." June 2021. <https://pubs.usgs.gov/of/2021/1062/ofr20211062.pdf>

⁹ Thieler, E. Robert, Gayes, Paul T., et al., "Tracing Sediment Dispersal on Nourished Beaches: Two Case Studies," in *Coastal Sediments '99*. New York, ASCE, pp. 2118-2136.

¹⁰ USGS & F.W.S. Report, op cit.

¹¹ U.S. Army Corps of Engineers, Wilmington (N.C.) District. *Draft Integrated General Reevaluation Report and Environmental Assessment for Coastal Storm Risk Management, Folly Beach, Charleston County, South Carolina, October 2020*. Pp. 61-63.

¹² U.S. Army Corps of Engineers, Wilmington (N.C.) District. *Wrightsville Beach, NC, Draft Validation Study*. June 2019. P.62. Also North Carolina Department of Environmental Quality, "Masonboro Island Reserve."

<https://deq.nc.gov/about/divisions/coastal-management/nc-coastal-reserve/reserve-sites/masonboro-island-reserve>



There are alternatives to using federal funds to mine for sand in CBRS areas.

In Wrightsville Beach, NC, the Corps reported that the CBRS areas in Masonboro Inlet/Banks Channel cannot provide enough sand for Wrightsville Beach's renourishment project. The "volume of sand available from Masonboro Inlet and Banks Channel is declining, and the inlet is not recharging sufficiently to meet the long-term demands of the beach renourishment project." Therefore, the Corps identified a potential offshore area outside a CBRS unit with 70 million cubic yards of usable sand.¹³

In Carolina Beach, NC, The Corps reported an existing offshore borrow site not located within a CBRS area that can be mined for sand, removing the need to mine sand in CBRA areas.¹⁴

In Folly Beach, SC, the Corps reported that 8.1 million cubic yards of sand would be needed to renourish Folly Beach through 2060. The Corps has already identified four offshore, non-CBRS sand borrow sites containing 7.34 million cubic yards of beach-compatible sand. The CBRS sites near Folly Beach have only 2-3 million cubic yards.¹⁵

HR 524 is the Wrong Approach Financially

CBRA is the only federal law designed to reduce coastal development by prohibiting most federal expenditures that support and fund coastal development. This is an important public policy to protect as coastal development costs are skyrocketing and threatening the U.S. Treasury, with sea level rise and increased hurricane damages driving the costs even higher.

The National Flood Insurance Program is in massive debt, owing more than \$20.5 billion to the U.S. Treasury. The majority of flood insurance policies are for coastal properties. The federal taxpayer has repeatedly bailed out the NFIP.¹⁶

¹³ U.S. Army Corps of Engineers, Wilmington (N.C.) District. *Wrightsville Beach, NC, Validation Study Appendices*. June 2019. Appendix B-i and B-33.

¹⁴ U.S. Army Corps of Engineers, Wilmington (N.C.) District. *Carolina Beach NC Beach Renourishment Evaluation Report*. June 2019. P. ii.

¹⁵ U.S. Army Corps of Engineers, Wilmington (S.C.) District. *Draft Integrated General Reevaluation Report and Environmental Assessment for Coastal Storm Risk Management, Folly Beach, Charleston, County, South Carolina*. October 2020. Pp, 106-113.

¹⁶ Congressional Research Service, "Introduction to the National Flood Insurance Program (NFIP)." November 19, 2021. <https://sgp.fas.org/crs/homesecc/R44593.pdf>
<https://sgp.fas.org/crs/homesecc/R44593.pdf>



Beach renourishment projects around the country have cost more than \$11 billion to date.¹⁷ The federal taxpayer typically pays 65% of the projects, placing the U.S. taxpayer on the hook for billions of dollars to place sand on beaches that hurricanes, storms, erosion, and sea level rise often wash away.

HR 615: Protecting Access for Hunters and Anglers Act of 2023

Summary

Public Employees for Environmental Responsibility (PEER) strongly opposes HR 615, which, with very limited exceptions, bars the Department of the Interior and the Department of Agriculture from prohibiting or regulating the use of lead ammunition or tackle on federal land or water that is under the jurisdiction of such departments and made available for hunting or fishing.

Reasons for Our Opposition

HR 615 would effectively bar the Secretaries from being able to protect and steward the lands and wildlife under their purview. This is because HR 615 would bar the Secretaries from prohibiting the use of lead and ammunition of tackle on federal land or water or issuing regulations related to lead levels in ammunition or tackle unless the applicable Secretary determines that a decline in wildlife populations is primarily caused by the use of lead ammunition or tackle in that unit based on data from that unit, and is consistent with state laws and the Secretary's actions are approved by the state.

We know there are virtually no safe lead levels in the human body and in wildlife. It is well documented how lead ammunition and tackle used in other forms of hunting and fishing poisons the birds and other wildlife that ingest it—either swallowing it like waterfowl or scavenging on carcasses and gut piles containing embedded lead shot or fragments of lead ammunition.

The ecological stakes are profound. Wildlife species are exposed to or killed by ingesting lead or prey contaminated with lead. For example:

- Lead is a leading threat to birdlife, especially bald eagles, hawks, and other raptors, as well as other birds from loons to condors;
- Lead fragments from spent shells remain lodged throughout the wildlife food chain; and
- Lost lead fishing tackle leads to elevated levels of lead in fish and amphibians.

¹⁷ Program for the Study of Developed Shorelines, Western Carolina University. *Beach Nourishment Viewer*. <https://beachnourishment.wcu.edu/>



Beyond the harm to wildlife, human consumption of lead-shot game poses significant health risks. The public now has a much better understanding that lead exposure is a significant public health concern due to its persistence in the environment and places where we work and recreate, its presence in our communities and homes, and that lead poisoning can affect children, especially in underserved communities. We are also concerned that children in underserved communities may be consuming wild game contaminated with lead or possibly be exposed during fishing activities.

The reasons for our opposition to HR 615 are further spelled out in a letter that PEER and nine other organizations have submitted to this committee. The attached letter is below as part of PEER's testimony.

Attachment

29 March 2023

Subject: Organizations Oppose H.R. 615, Support Sportspeople-Led Conservation and Secretarial Land Stewardship

Dear Representative,

The undersigned conservation groups are writing in staunch opposition to H.R. 615 – Protecting Access for Hunters and Anglers Act of 2023.¹ H.R. 615 would prohibit the Secretaries of Interior and Agriculture from regulating the use of lead ammunition or tackle on certain Federal land or water under their jurisdiction. In short, it would bar the Secretaries from being able to protect and steward the lands and wildlife under their purview, and protect hunters and anglers from dangerous lead ammunition and fishing tackle.

The title of H.R. 615 wrongly creates the illusion that it protects access for hunters and anglers on Federal lands, but in reality, it restricts the ability to replace lead ammunition with commonly used non-lead ammunition.

Moreover, hampering the authority of the Secretaries to carry out their duties could put endangered species such as the California Condor, and protected species such as Bald and Golden Eagles at risk.

Lead has been banned from our gasoline, paint, and pipes. Millions of dollars are spent annually combatting its effects in our homes and businesses. In 1991 the U.S. Fish & Wildlife Service banned the use of lead ammunition for hunting waterfowl nationwide, preventing the unnecessary killing of millions of waterfowl, which ingest spent ammunition alongside the pebbles they swallow to aid digestion. Lead ammunition and tackle used in other forms of hunting and fishing still poisons the birds and other wildlife



that ingest it—either swallowing it like waterfowl or scavenging on carcasses and gut piles containing embedded lead shot or fragments of lead ammunition.

The bill does carve out an exception for declines in wildlife populations on a specific unit of land caused discretely by lead ammunition or tackle. However, this is an impossible standard to meet as population monitoring data is not available at the unit scale in most cases.

The bill also allows for the handful of actions taken by a State wildlife agency to control lead ammunition and tackle to continue. However, State wildlife agencies have historically not taken adequate measures to protect wildlife or educate sportspeople about lead alternatives (with a very few notable exceptions). State wildlife agencies, however, have no jurisdiction over National Parks, National Forests, the National Landscape Conservation System, the Public Lands System, or National Wildlife Refuges – it is an inherently federal responsibility to manage and conserve these areas.

- In a survey of all 50 State wildlife agency websites in 2022, only 8 had easily accessible information about lead toxicity and alternatives
- The National Parks Service lists lead ammunition as the greatest threat to the California Condor²
- The United States Geological Survey lists lead ammunition as a population-level threat to Bald and Golden Eagles³
- Lead has been shown to impair the recovery of the still-fragile Bald Eagle⁴
- Lead poisoning affects over 75 species of bird annually⁵
- An estimated 16 million US birds are killed annually by lead poisoning (though this figure is likely an underrepresentation)
- Mammalian carnivores are also at risk; poisonings are documented in Black Bears, Grizzly Bears, Cougars among many others⁶

The Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence- Based Policymaking directs the heads of all departments and agencies to “make evidence-based decisions guided by the best available science and data.”⁷ The best available science and data are clear; lead poisoning is a major threat for wildlife. We urge you to defer to the expertise of the government scientists and experts that are enmeshed in the issue.

Non-toxic steel, copper, and alloy bullets and non-lead fishing tackle are affordable and available in all 50 states. Hunters and anglers in states and areas that have restrictions or have already banned lead have made successful transitions to non-toxic ammunition and tackle. Over a dozen manufacturers of bullets have designed and now market many varieties of non-lead, non-toxic bullets and shot with satisfactory to superior ballistic



characteristics. Moreover, sportspeople that use non-lead ammunition carry on the proud tradition of wildlife conservation by preventing animals from being exposed to lead.

We believe the pathway to less-toxic environments and fewer wildlife poisonings is paved with more sportsperson education, widely accessible non-toxic ammunition and tackle exchange programs, informed decisions by individuals and communities, and regulatory action where applicable.

Decisions on public lands lead prohibitions fall squarely within the responsibilities of the Secretaries of Interior and Agriculture. H.R. 615 is not a bill which would protect sportspeople; it is legislation which encumbers conservation personnel and comes at the cost of millions of needless wildlife poisonings every year. The Citizens, State Wildlife Agencies, States, and Federal Agencies of America should all act within the best interests of wildlife health. H.R. 615 is not in service of any of them.

We strongly urge you to oppose H.R. 615 and consider any legislation or regulation which creates toxic ammunition and tackle exchange programs, sportsperson education initiatives, or decreases the likelihood of wildlife poisonings from lead.

Sincerely,

American Bird Conservancy Center for Biological Diversity Earthjustice

Hawk Migration Association of North America International Bird Rescue

National Wildlife Refuge Association National Wildlife Rehabilitators Association

Public Employees for Environmental Responsibility Sierra Club

HR 2689: Trust in Government Act of 2023

Public Employees for Environmental Responsibility (PEER) strongly supports HR 2689, which would, among other things, require the Secretary of the Interior to design and deliver a centralized, modernized electronic permitting system to accept and process permit applications.

HR 2689 also expresses Congress' intent that federal agencies shall improve the overall economy, efficiency, and management of government, operations, and activities, reduce the paperwork of agencies, and provide high-quality services to the public. It directs the Office of Management and Budget to provide oversight of these efforts by providing guidance to implement and achieve the purposes of this Act and by providing oversight of agency efforts to improve federal services and the customer experience.



Building trust in government is a multi-faceted and challenging task. This bill would address an essential part of this task – ensuring federal agencies continually work to improve the customer experience. According to recent research, as much as 67% of trust in government can be explained by customer experience.¹⁸ This means improving the public’s trust in government happens interaction by interaction.

Given the world’s rapidly changing technological landscape, the public expects federal agencies to keep up with the private sector in how it interacts with the public, such as how it provides the public with information and allows access to information, as well as how it accepts and receives information, such as permit applications, from the public.

The Fish and Wildlife Service has already done a significant amount of work to improve its customers' experience by updating its website and to make it more accessible. For example, the Services and Permits sections of their website have steadily improved over the past several years and provide a much better customer experience than existed not too long ago.

This work is based on the White House Executive Order on transforming the federal customer experience.¹⁹ This Executive Order also calls on the Fish and Wildlife Service to provide more of their transactions online, including for special use permits for National Wildlife Refuge System locations and several high-volume application forms required for businesses that import, export, or re-export animals, plants, and their products internationally. These transactions can take weeks or months to process and require multiple paper forms to be mailed.

We strongly support the Trust in Government Act because it focuses on improving the design and delivery of services, focusing on the actual experience of the people it is meant to serve.

HR 2872: To amend the Permanent Electronic Duck Stamp Act of 2013 to allow States to issue electronic stamps under such Act, and for other purposes

Public Employees for Environmental Responsibility (PEER) strongly supports HR 2872, which would allow more people to get Duck Stamps electronically.

Hunters have always played an integral part in conserving America's natural resources. The success of the Federal Duck Stamp Program illustrates this commitment. For nearly

¹⁸ <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/Customer-Experience-in-the-Public-Sector>

¹⁹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/12/13/executive-order-on-transforming-federal-customer-experience-and-service-delivery-to-rebuild-trust-in-government/>



90 years, by buying Duck Stamps, waterfowl hunters have supported the conservation of more than 6 million acres of strategic wetland habitat.

As the Fish and Wildlife Service notes on their website, while waterfowl hunters 16 years of age or older are required to purchase them, anyone can contribute to conservation by buying Duck Stamps. In addition to serving as a hunting license and conservation tool, a current Federal Duck Stamp is a free pass into any national wildlife refuge that charges an entry fee. Because nearly all the proceeds are used to conserve habitat for birds and other wildlife, birders, nature photographers, and other outdoor enthusiasts buy Duck Stamps to help ensure that they can always see wildlife at their favorite outdoor spots.

Allowing States to issue electronic duck stamps will make Duck Stamps more accessible to people and help raise revenue that will benefit hunters and wildlife.

About PEER

PEER is a national organization that supports current and former public employees seeking higher environmental ethics and scientific integrity within their agencies. We do this by shining the light on improper or illegal government actions, working to improve laws and regulations, defending whistleblowers, and supporting the work of other organizations.