



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members
From: House Committee on Natural Resources Republican Staff
Date: Wednesday, June 21, 2023
Subject: Markup of 6 bills

The House Committee on Natural Resources will hold a markup on **Wednesday, June 21, 2023, at 10:15 a.m.** in room 1324 Longworth House Office Building. The bills to be considered include H.R. 615 (Rep. Wittman), H.R. 3397 (Rep. Curtis), H.R. 1380 (Rep. Curtis), H.R. 1726 (Rep. Tokuda), H.R. 2872 (Rep. Graves of Louisiana), and H.R. 3324 (Rep. Huffman).

Member offices are requested to notify Madeline Bryant (Madeline.Bryant@mail.house.gov) by 4:30 p.m. on Tuesday, June 20, 2023, to confirm their Member's attendance at the mark-up.

I. KEY MESSAGES & TOP LINE ACTIONS

- Bills expected to move by regular order: H.R. 615 (Rep. Wittman), "*Protecting Access for Hunters and Anglers Act of 2023*"; and H.R. 3397 (Rep. Curtis), To require the Director of the Bureau of Land Management to withdraw a rule of the Bureau of Land Management relating to conservation and landscape health. Both H.R. 615 and H.R. 3397 have an amendment in the nature of a substitute (ANS). Members are advised to draft any amendments to the appropriate ANS.
- Bills expected to move by unanimous consent: H.R. 1380 (Rep. Curtis), "*Protecting America's Rock Climbing Act*"; H.R. 1726 (Rep. Tokuda), "*Continued Rapid Ohio Death Response Act of 2023*"; H.R. 2872 (Rep. Graves of Louisiana), To amend the Permanent Electronic Duck Stamp Act of 2013 to allow States to issue electronic stamps under such Act, and for other purposes; and H.R. 3324 (Rep. Huffman), To extend the authority to collect Shasta-Trinity Marina fees through fiscal year 2029.

II. EXPECTED LEGISLATION

[H.R. 615](#) (Rep. Wittman), "*Protecting Access for Hunters and Anglers Act of 2023*"

H.R. 615 would prohibit the Secretaries of the Interior and Agriculture from banning the use of lead ammunition or tackle on federal land or water that is under their jurisdiction and made available for hunting or fishing activities. In addition, the Secretaries may not issue regulations relating to the level of lead in ammunition or tackle to be used on Federal land or water. The bill allows the Secretaries to prohibit the use of lead in a particular unit of federal land or water if the relevant Secretary determines a decline in wildlife population at that specific unit is primarily

caused by the use of lead in ammunition or tackle, and the prohibition is consistent with state law, or state fish and wildlife policy or regulations governing that unit.

According to the U.S. Fish and Wildlife Service, “as practiced on refuges, hunting does not pose a threat to the wildlife populations – and in some instances it is necessary for sound wildlife management.”¹ In addition, revenues generated from hunting and fishing activities result in billions of dollars in conservation funding each year. The Pittman-Robertson Wildlife Restoration Act of 1937 (Pittman-Robertson) requires that the sale of hunting materials, such as firearms, ammunition, and archery equipment, have an excise tax attached to it that is paid by manufacturers and, ultimately, consumers. In 2021, the National Shooting Sports Foundation concluded that lead-free hunting ammunition is on average 24.66 percent more expensive than lead ammunition.² Increasing costs on consumers could result in a substantial decrease in hunting and fishing participation, which increased substantially during the pandemic after years of decline.

H.R. 615 is cosponsored by 46 Republican members. A Senate companion has been introduced by U.S. Senator Steve Daines (R-MT) and is cosponsored by 28 Republican Senators.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contacts: Doug Levine (Doug.Levine@mail.house.gov) and Annick Miller (Annick.Miller@mail.house.gov)

[H.R. 3397](#) (Rep. Curtis), To require the Director of the Bureau of Land Management to withdraw a rule of the Bureau of Land Management relating to conservation and landscape health.

H.R. 3397 would require the Director of the Bureau of Land Management (BLM) to withdraw the agency’s proposed “Conservation and Landscape Health” Rule (Rule). The bill also prevents the BLM from issuing a substantially similar rule in the future. H.R. 3397 has 19 cosponsors and Senator Barrasso (R-WY) is leading an identical bill in the Senate, S. 1435, with 12 cosponsors. Representative Curtis will offer an ANS to the bill that (1) re-names the legislation the “Western Economic Security Today (WEST) Act of 2023” and (2) dictates that the BLM Director shall not issue a substantially similar rule once it is withdrawn.

On April 3, 2023, the BLM published in the Federal Register a proposed rule, “Conservation and Landscape Health,” with a 75-day comment period. During the legislative hearing on H.R. 3397, BLM announced they would extend the comment period by a mere 15 days to July 5, 2023, far short of the 75-day minimum extension Members of the House Committee on Natural Resources requested.³ The Rule would broadly allow the BLM to lease lands under new and vaguely defined conservation leases, incorporate new standards when evaluating traditional multiple use

¹ “Why Hunting is Allowed on National Wildlife Refuges.” U.S. Fish and Wildlife Service. Why Hunting Is Allowed on Refuges | <https://www.fws.gov/story/why-hunting-allowed-refuges>

² “2021 Economic Impact of Ban on Traditional Ammunition in the United States.” National Shooting Sports Foundation. https://naturalresources.house.gov/uploadedfiles/2021_economic_impact_banning_traditional_ammunition_united_states_pdf.pdf

³ Letter available at: https://naturalresources.house.gov/uploadedfiles/blm_rule_-_letter_on_extending_comment_period.pdf.

decisions, expedite designations of new Areas of Critical Environmental Concern (ACECs), and apply land health standards to all public lands. The administration’s proposal would have considerable implications, fundamentally changing the way the BLM carries out its multiple use and sustained yield mandate under the Federal Land Policy and Management Act of 1976 (FLPMA). Overall, the Rule poses many concerns. In the Rule, BLM cites increases in “authorized uses” currently happening on BLM lands as the reason for the Rule. This suggests the intent of this Rule is to fundamentally disrupt the balance of multiple use.

The BLM proposed Rule is a seismic shift in public land management and presents a fundamental threat to rural communities across the West. Thousands of rural economies depend on access to BLM lands for energy and mineral development, recreation, grazing, timber production, and enjoyment. These uses often overlap on BLM land and co-exist with each other. Meaningful conservation work continues to occur simultaneously with, and often to the benefit of, these other uses. If the uses of public lands are prohibited, family and small businesses, multi-generation ranches, local communities, and schools will suffer from lack of economic development, access, and tax revenue. Several outstanding concerns remain including: lack of stakeholder engagement and public input; usurping Congressional authority by redefining the intent of FLPMA without Congressional authorization; endangering rural economies by cutting off multiple uses without conducting a thorough economic analysis; endangering national security by allowing potential foreign adversaries to lease public lands; removing transparency and accountability from BLM decision making regarding restrictive land-use designations; and locking up lands from grazing, mineral and energy development, timber production, and recreation and access.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

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[H.R. 1380](#) (Rep. Curtis), “*Protecting America’s Rock Climbing Act*”

There are over 8 million climbers in the U.S.⁴ In 2017, climbing contributed \$12.45 billion to the economy.⁵ Climbing is an incredibly important recreational activity on public lands, with the federal land management agencies managing approximately 60 percent of the nation’s climbing areas encompassing “20,000 discrete cliffs, boulders and alpine objectives inside and outside of designated wilderness.”⁶ Some of the most iconic climbing destinations in the country are within wilderness areas, such as El Capitan in Yosemite National Park, Joshua Tree’s Wonderland of Rocks, the White Mountains National Forest, and Red Rock Canyon National Recreation Area.⁷

⁴ Access Fund, “BREAKING: Protect America’s Rock Climbing Act Introduced into Congress,” Mar. 8, 2023, <https://www.accessfund.org/latest-news/breaking-news-protect-americas-rock-climbing-act-introduced-into-congress>.

⁵ American Alpine Club, “State of Climbing” Report, 2019, https://aac-publications.s3.amazonaws.com/articles/State_of_Climbing_Report_2019_Web.pdf.

⁶ Access Fund et al., Letter in support of the Protecting America’s Rock Climbing Act, Mar. 22, 2023, <https://static1.squarespace.com/static/638927954320c12d8056bbbd/t/641b285e73dcac627ce41eca/1679501406863/Sign-on+Letter+Supporting+Protect+America%27s+Rock+Climbing+Act-03222023-1000MT.pdf>.

⁷ *Id.*

In order to climb properly and ensure safety, permanent bolts and fixed anchors are placed and maintained along routes, including in wilderness areas.⁸

Unfortunately, the use of fixed anchors and other climbing equipment in wilderness areas is now being challenged by federal agencies. The Wilderness Act of 1964 established the National Wilderness Preservation System as undeveloped federal lands protected and managed to preserve their natural condition with “no structure or installation within any such area.”⁹ The Forest Service and the National Park Service are considering implementing new guidance that would consider fixed anchors as prohibited “installations” in wilderness areas.¹⁰ This would reverse long-standing precedent that has allowed the conditional use of fixed anchors on federally managed lands since the 1930s.¹¹ In addition to creating uncertainty within many local communities that depend on rock climbing revenues, this potential decision could create confusion by creating different, conflicting standards within the federal land management agencies on the appropriateness of fixed anchors. This would come at no benefit to the pristineness of wilderness areas, as “these tiny installations in rock, made of inert metals, have not been demonstrated to have any adverse impact on habitat or wildlife.”¹²

The “Protecting America’s Rock Climbing Act” (PARC Act) is a bipartisan bill that directs the Secretaries of Agriculture and the Interior to issue guidance recognizing the appropriateness of fixed anchors in wilderness areas on federal lands. The PARC Act would protect access to popular climbing spots in wilderness areas on federal lands while creating a uniform and predictable standard for the rock-climbing community. The bill is cosponsored by Representative Neguse. Similar language was recently passed unanimously out of the Senate Energy and Natural Resources Committee as part of the “America’s Outdoor Recreation Act of 2023.” An amendment is expected at markup to reflect technical assistance provided by the Department of the Interior.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contact: Aniela Butler (Aniela@mail.house.gov)

H.R. 1726 (Rep. Tokuda), “Continued Rapid Ohia Death Response Act of 2023”

Rapid Ohia’ Death (ROD) is a fungal disease devastating Hawaii’s Ohia’ tree population.¹³ ROD spreads rapidly and kills trees within a matter of weeks or months, causing significant ecological and economic impacts.¹⁴ The Ohia’ tree is a very important species in Hawaii, playing a vital role in the island’s ecosystems. It provides habitat for numerous endemic species, regulates water

⁸ *Id.*

⁹ Congressional Research Service, Wilderness: Issues and Legislation, Anne Riddle, et al., Oct. 12, 2022, <https://www.crs.gov/reports/pdf/R41610/R41610.pdf>.

¹⁰ *Id.*

¹¹ *Id.*

¹² Governor Polis, Letter to Secretaries Vilsack and Haaland, Nov. 29, 2022, https://static1.squarespace.com/static/638927954320c12d8056bbbd/t/64054f4f65d36f6d04fe6c56/1678069583277/DOI+_USFS+Fixed+Anchors+Wilderness+Policy+Letter.docx.pdf.

¹³ National Park Service, “Rapid ‘Ohia’ Death” Mar. 24, 2023, <https://www.nps.gov/havo/learn/nature/rapid-ohia-death.htm>.

¹⁴ *Id.*

flow, and helps prevent soil erosion. The loss of Ohia trees can also have significant economic impacts, including loss of tourism revenue and increased costs for water treatment and erosion control.¹⁵ Efforts are underway to contain the spread of ROD through a combination of measures, including restricting the movement of potentially infected plant material and implementing sanitation protocols. Unfortunately, there is currently no cure for trees which have been infected.¹⁶

H.R. 1726, the “*Continued Rapid Ohia Death Response Act of 2023*”, introduced by Representative Tokuda, requires the Secretary of the Interior to partner and collaborate with the Secretary of Agriculture and the State of Hawaii to address Rapid Ohia Death. It also directs continued detection, prevention, and restoration efforts to combat Rapid Ohia Death, including financial assistance and staff for the necessary research. An amendment will be offered at markup to make technical corrections to the bill and strike the findings and authorization of appropriations.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contact: Aniela Butler (Aniela@mail.house.gov)

H.R. 2872 (Rep. Graves of Louisiana), To amend the Permanent Electronic Duck Stamp Act of 2013 to allow States to issue electronic stamps under such Act, and for other purposes.

H.R. 2872 would grant hunters the option to purchase an electronic Bird Hunting Stamp (also known as a “Duck Stamp”) to use throughout the migratory bird season. Current law requires that a physical Duck Stamp be sent to the purchaser within a 45-day period. H.R. 2872 instead allows the physical Duck Stamp to be sent after the migratory bird seasons end within that state. In the interim, the electronic purchase counts as proof-of-purchase.

The Duck Stamp was created in 1934 when President Franklin Delano Roosevelt signed the Migratory Bird Hunting Stamp Act (16 USC 718). That law required waterfowl and other migratory bird hunters, ages 16 and over, to purchase and possess a valid Duck Stamp prior to taking migratory waterfowl. The Duck Stamp is national in scope and can be used to hunt in multiple states. Receipts from the sales are deposited into the Migratory Bird Conservation Fund and are not subject to further appropriations. Ninety-eight percent of the proceeds are used to “help acquire and protect the wetland habitat and purchase conservation easements”.¹⁷

H.R. 2872 has two cosponsors, Rep. Mike Thompson (D-CA) and Rep. John Duarte (R-CA). The Senate version, S. 788, also has bipartisan support. H.R. 2872 is expected to move by unanimous consent and will have an amendment that clarifies the Secretary of the Interior has the authority to issue the physical Duck Stamps after the migratory bird season end in that state.

¹⁵ *Id.*

¹⁶ College of Tropical Agriculture and Human Resources, University of Hawai‘i at Manoa, “Frequently Asked Questions” <https://cms.ctahr.hawaii.edu/rod/THE-DISEASE/FREQUENTLY-ASKED-QUESTIONS>.

¹⁷ U.S. Fish and Wildlife Service, Federal Duck Stamp. <https://www.fws.gov/service/duck-stamps>

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

Staff contacts: Doug Levine (Doug.Levine@mail.house.gov) and Annick Miller (Annick.Miller@mail.house.gov)

[H.R. 3324](#) (Rep. Huffman), To extend the authority to collect Shasta-Trinity Marina fees through fiscal year 2029.

The Whiskeytown-Shasta-Trinity National Recreation Area in Northern California is made up of 246,087 acres split between two separate areas: Whiskeytown (42,500 acres) and the Shasta and Trinity units (203,587 acres).¹⁸ The National Park Service manages the Whiskeytown National Recreation Area and the U.S. Forest Service (USFS) manages the Shasta and Trinity National Recreation Area within the Shasta-Trinity National Forest. Each of these units encompass separate large reservoirs and the proximity to these man-made lakes, along with an abundance of mountainous terrain, make these recreation areas very popular with hunters, anglers, and outdoor recreationists.

H.R. 3324 would extend the authority of the Shasta-Trinity National Forest to collect and retain existing marina fees to enhance recreation and improve access at the Shasta-Trinity National Recreation Area. This authority to collect and retain these fees expired in 2019 but has been temporarily extended through appropriations legislation.¹⁹ The marina fees retained by USFS are spent on recreation enhancement projects such as boat ramp improvements, lake cleanup efforts, maintaining recreational facilities, and educational programs.²⁰ This bill would not increase or otherwise effect the price of the current marina fees. This effort is being co-led by Congressman Doug LaMalfa (R-CA-01), whose district also includes parts of the Shasta-Trinity National Recreation Area.

Hearing information, including testimony, may be viewed [here](#) and the hearing memo may be viewed [here](#).

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III. CBO SCORES

None available.

IV. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 2872](#)

[H.R. 3324](#)

¹⁸ Shasta-Trinity National Forest - About the Forest. https://www.fs.usda.gov/detail/stnf/about-forest/?cid=fsm9_008651.

¹⁹ H.R. 7608 (116th Congress) <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-116HR7608-RCP116-59.pdf>.

²⁰ United States Forest Service. "Shasta-Trinity National Recreation Area frequently asked questions" https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5122791.pdf.