

**Testimony of Matthew J. Strickler,
Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior,
Before the House Committee on Natural Resources,
Subcommittee on Water, Wildlife, and Fisheries**

On

H.R. 524, To amend the Coastal Barrier Resources Act to create an exemption for certain shoreline borrow sites; H.R. 615, Protecting Access for Hunters and Anglers Act of 2023; H.R. 2689, Trust in Government Act of 2023; and H.R. 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.

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Introduction

Good morning, Chairman Bentz, Ranking Member Huffman, and Members of the Subcommittee. I am Matthew J. Strickler, Deputy Assistant Secretary for Fish and Wildlife and Parks within the Department of the Interior (Department). I appreciate the opportunity to testify before you today on four bills regarding wildlife conservation, hunting and fishing, and delivery of government services.

The mission of the U.S. Fish and Wildlife Service (Service) is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. The Service's efforts to achieve this mission span a wide variety of programs, including those established to conserve coastal resources, wildlife species and habitat, and migratory waterfowl. A number of those programs are relevant to the legislation before the Subcommittee today.

Coastal Barrier Resources Act

Established by the Coastal Barrier Resources Act (CBRA) of 1982, the Coastal Barrier Resources System (CBRS) consists of geographic units that were relatively undeveloped at the time they were designated under CBRA. In general, undeveloped coastal barriers and their associated aquatic habitat provide a number of benefits to the economy and society. These lands and waters serve as natural storm buffers; provide habitat for countless fish and wildlife species, including many at-risk species; support recreationally- and commercially-important fisheries; improve water quality; and create tourism opportunities that help support local economies. The CBRS encompasses approximately 3.5 million acres along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. The Service is responsible for administering CBRA, which includes maintaining and updating the official maps of the CBRS and consulting with federal agencies that propose to spend funds or provide financial assistance within the CBRS.

The National Wildlife Refuge System

The National Wildlife Refuge System (Refuge System) plays a fundamental role in conserving many of our nation's species and their habitats, particularly migratory birds. The Refuge System's mission 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 the habitats within the United States for the benefit of present and future generations of Americans. Today, the Refuge System spans nearly 100 million acres of lands and waters. It includes 568 national wildlife refuges, 38 wetland management districts, 49 coordination areas, and five national marine monuments (that cover an additional 760 million acres of submerged lands and waters). The Refuge System includes a diversity of ecosystems and species, and provides wildlife dependent recreational opportunities to millions of Americans each year.

Migratory Bird Hunting and Conservation Stamp

Since 1934, waterfowl hunters 16 years of age or older have been required by the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718(a) et al.) to purchase and possess a valid Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) to hunt migratory waterfowl such as ducks. Ninety-eight percent of the receipts from stamp sales go to the Migratory Bird Conservation Fund, which the Service uses to acquire and conserve migratory bird habitat, including land for the Refuge System. Over the course of almost ninety years, Federal Duck Stamps have raised more than \$1.1 billion dollars to support the conservation of over six million acres of valuable habitat.

Federal Duck Stamp sales are critical for waterfowl and habitat conservation, which in turn ensures sustainable populations of waterfowl for hunters and recreational bird enthusiasts alike. In this way, hunters are contributing directly to conservation. In addition, many non-hunters also voluntarily purchase the stamp to contribute to migratory bird and habitat conservation, and others purchase Duck Stamps for free entry into national wildlife refuges that charge a fee. The Service's Federal Duck Stamp Program is also valued among artists and stamp collectors, with thousands of adult and junior artists competing annually for their original artwork to grace the stamps.

We appreciate the Subcommittee's interest in the Service's mission. We offer the following comments on the four bills under consideration today and look forward to discussing our views with the Subcommittee.

H.R. 524, To amend the Coastal Barrier Resources Act to create an exemption for certain shoreline borrow sites

The Administration opposes H.R. 524, which would amend CBRA to create an exemption allowing federal expenditures or financial assistance for certain projects that would dredge sand from CBRS units to renourish beaches outside the CBRS.

CBRA removes federal financial incentives for risky development along our coasts. This free-market approach saves taxpayer dollars, saves lives, and conserves coastal ecosystems because

removing federal subsidies reduces development pressure in dynamic coastal areas. In his 1982 signing statement, President Reagan stated that CBRA “simply adopts the sensible approach that risk associated with new private development in these sensitive areas should be borne by the private sector, not underwritten by the American taxpayer.” CBRA has been highly successful in its 40-year history by reducing the intensity of development on these important coastal barriers. Prohibiting federal subsidies in designated CBRA areas has resulted in over \$9.5 billion in savings to the federal government. Cost savings are projected to grow in the future as the impacts of climate change increase along our coasts.¹

CBRA prohibits most new federal expenditures and financial assistance within the CBRS, but does not restrict the use of private, state, or local funds or limit the issuance of federal permits. The Service is responsible for administering this law, which includes consulting with federal agencies that propose expenditures within the CBRS. Federal agencies, after consultation with the Service, may make expenditures only for activities that meet one of the exceptions under CBRA. The responsibility for complying with CBRA and the final decision regarding the expenditure of funds for a particular action or project rests with the federal funding agency.

In relation to federal sand dredging projects, federal funding for dredging *within* the CBRS to nourish beaches *outside* of the CBRS is considered counter to CBRA’s purposes. Consistent with CBRA’s plain language, structure, and legislative history, such federally funded dredging does not fall within the CBRA exception at 16 U.S.C. § 3505(a)(6)(G) for “nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.”

The Administration opposes H.R. 524, which would amend CBRA to create a new exemption in the law. This bill would allow the use of federal funds for borrow sites located within the CBRS that have been in use as a borrow site by a coastal storm risk management project, including those outside the CBRS, for more than 15 years.

CBRA seeks to discourage federal projects within the CBRS that may be damaging to these sensitive ecosystems. Dredging can significantly alter the natural coastal processes and habitats that many species depend upon. Sand removal upsets the natural equilibrium and may reduce the system’s ability to maintain a full suite of inlet habitats as sea level continues to rise. The affected inlets are important habitat areas for many breeding and migratory shorebirds, including the piping plover and the rufa red knot, both listed as threatened species under the Endangered Species Act. Benthic habitats, and the organisms that live in and on the seabed, are also directly and immediately impacted by sediment removal. While some of the sand taken from CBRS units for beach renourishment activities may return to the unit over time, the overall impacts of dredging in these areas protected by CBRA are detrimental to coastal species and their habitats.

Sediment placement is often, by design, a short-term strategy that can help protect coastal infrastructure and critical habitats from storm inundation. While beach nourishment can lead to improved sea turtle and shorebird use by widening severely eroded beaches, these projects may

¹ Coburn, A.S. and Whitehead, J.C., 2019. An analysis of federal expenditures related to the Coastal Barrier Resources Act (CBRA) of 1982. *Journal of Coastal Research*, 35(6), 1358–1361. Coconut Creek (Florida), ISSN 0749-0208.

attract further development in vulnerable areas, thus requiring greater need for future sand replenishment, or more drastic stabilization measures.

Furthermore, unlike most CBRA exceptions, H.R. 524 would not require consultation between the action agency and the Service. The consultation process allows other federal agencies to utilize the Service's biological expertise to evaluate the anticipated effects on fish and wildlife, review the project for consistency with the purposes of CBRA, and identify conservation measures that can minimize damage to these important resources.

As the nation prepares for more severe coastal flooding, erosion, and other anticipated effects associated with climate change and sea level rise, the foresight of Congress and President Reagan over 40 years ago is thoroughly confirmed. Taxpayers bear a burden in constructing, maintaining, and repeatedly rebuilding infrastructure and privately owned structures in increasingly vulnerable and unstable areas along our coasts. But within the CBRS, these taxpayer expenditures are avoided. The purposes of CBRA to save taxpayers' money, keep people out of harm's way, and remove federal incentives to develop environmentally important coastal barriers remain as important and far-reaching today as they were 40 years ago.

H.R. 615, Protecting Access for Hunters and Anglers Act of 2023

The Administration opposes H.R. 615. This bill prohibits the Departments of the Interior and Agriculture from banning or regulating the use of lead ammunition or fishing tackle on federal lands and waters that are under the jurisdiction of the Service, Bureau of Land Management, or U.S. Forest Service and are open to hunting or fishing. The legislation provides an exception for lead prohibitions or regulations that are limited to a specific unit of federal land or water, provided that the applicable Secretary can demonstrate with field data that lead ammunition or tackle is driving a decline in a wildlife population at that unit. H.R. 615 requires that such unit-specific lead regulations be consistent with state law or policy or approved by the applicable state fish and wildlife agency. This legislation also provides an exception for existing regulations that prohibit the use of lead shot for waterfowl hunting.

The Service recognizes the important role that sportsmen and women play in protecting and sustainably managing our nation's wildlife resources. From generating funding for wetland habitat conservation through Federal Duck Stamp purchases to supporting state wildlife conservation programs through excise taxes on hunting and fishing equipment, hunters and anglers are key partners in helping the Service achieve its conservation mission.

We pride ourselves in offering high-quality and accessible hunting and fishing opportunities on the Refuge System and National Fish Hatchery System, where compatible with our wildlife conservation mission. Nearly 80 percent of Service stations currently offer hunting and/or fishing opportunities. We continue to seek opportunities to expand hunting and fishing access, including through our annual Station-Specific Hunting and Sport-Fishing regulations. In the past five years alone, we have opened or expanded hunting and fishing opportunities on nearly 6.1 million acres of Service lands and waters.

While providing access for wildlife-dependent recreation on the Refuge System is a priority for the Service, our primary mission in administering this national network of lands and waters is conserving, managing, and, restoring fish, wildlife, and plants, and their habitats for current and future generations. Under the National Wildlife Refuge System Improvement Act of 1997, we must ensure that any proposed public use of a national wildlife refuge – including hunting and fishing – is compatible with the Refuge System’s conservation mission and the wildlife purposes for which an individual refuge was established.

This “wildlife first” mission makes the Refuge System distinct from other public lands. It also makes the Refuge System a uniquely important place for our nation’s fish and wildlife species, particularly as they face mounting threats from climate change, habitat loss, disease, and other stressors.

The impact of lead ammunition and fishing tackle on fish and wildlife health is one such threat that we are closely tracking. The Service has long known that lead presents risk to wildlife and human health. In the 1970s and 1980s, scientific evidence linked the use of lead shot for waterfowl hunting to declines in several waterfowl species. This prompted the Service to implement a nationwide, phased-in requirement for the use of non-lead ammunition for waterfowl hunting. Since 1991, hunters have been required to use non-lead shot to hunt waterfowl on federal, state, and private lands.

Over the past several decades, evidence of the negative effects of lead on fish and wildlife has only grown stronger. Peer-reviewed science indicates that lead ammunition and tackle negatively affect a range of fish and wildlife species, including shorebirds, loons, and raptors. Some species, such as common loons, may directly ingest lead tackle or ammunition while foraging for food. Others, such as bald eagles, may ingest lead secondhand when scavenging for animals shot with lead ammunition. Studies demonstrate that both direct and indirect lead ammunition and tackle consumption results in individual and population-level impacts to wildlife.

Given this growing body of evidence, the Service remains concerned about the use of lead ammunition and tackle on the Refuge System. Many partners and stakeholders share these concerns. In addition to the federal regulations requiring the use of non-lead shot for waterfowl hunting, at least 38 states currently have some non-lead hunting or fishing requirements in place. The state of California fully banned the use of lead ammunition for all hunting activities in 2019. Further, we received thousands of public comments on our 2022-2023 Station-Specific Hunting and Sport Fishing Rule supporting a Refuge System-wide ban on lead ammunition and tackle use.

Other partners and stakeholders have different perspectives on this issue. Many stakeholders, including some hunters and anglers, are concerned about the impacts of non-lead regulations on hunters’ access, as well as impacts on the effectiveness and affordability of hunting and fishing.

We recognize this is a significant issue for many stakeholders, and we want to better understand these diverse perspectives. While it is not yet clear how we will address the long-term use of lead on the Refuge System, one thing is for certain: any decision we make will not be made in a

vacuum. The Service is fully committed to facilitating an open, transparent, and inclusive public process to inform future policy decisions.

We are advancing these dialogues with partners and stakeholders through two primary venues. First, we are working with state partners through the Association of Fish and Wildlife Agencies, where we recently stood up a team of State Directors and Service leadership to work together on this issue. This team is providing the Service and states with a forum to exchange information and perspectives on the use of lead, including potential recommendations moving forward.

We are also seeking input from the Hunting and Wildlife Conservation Council (HWCC), a Federal Advisory Council, whose members represent diverse wildlife conservation and outdoor recreation constituencies. Lead was a key topic of discussion at the HWCC's inaugural meeting in December 2022, and we anticipate that a newly formed subcommittee on wildlife health will provide the Secretaries of the Interior and Agriculture with advice on this issue.

As we work through this issue, we are taking a cautionary approach to the expansion of hunting and fishing opportunities on the Refuge System. We do not intend to propose any hunting or fishing opportunities that would increase the use of lead on Service lands and waters.

While we appreciate and share the sponsor's interest in ensuring accessible hunting and fishing opportunities on public lands, the Administration opposes H.R. 615. Where the best available science indicates a need for Service regulations on lead use, it is imperative that the Service has the flexibility to manage recreational activities to support our wildlife conservation mission and statutory obligations. This legislation would categorically prevent us from taking action to achieve that mission in response to new science, changing environmental conditions, and evolving threats.

Although H.R. 615 provides an exception for unit-specific lead regulations, the legislation requires those regulations to align with state law or policy or be approved by the State fish and wildlife agency. Although we strive to adopt hunting and fishing regulations on Service lands and waters that align with state regulations, our statutory management responsibilities sometimes necessitate more restrictive federal regulations. Imposing a statutory obligation on the Service to seek state approval to protect wildlife would hinder our ability to effectively manage the Federal lands and waters under our jurisdiction to achieve our conservation mission.

Finally, while states are key partners in discussions regarding hunting and fishing regulations on the Refuge System, so too are Tribes, external stakeholders, and the general public. The Service solicits public comment at the national and local levels through the rulemaking process whenever we seek to open new or expand existing hunting and fishing opportunities or modify regulations. This legislation narrowly focuses on ensuring state engagement and input on refuge-specific regulations at the expense of broader public engagement.

We look forward to continued dialogue with Congress, States, Tribes, and all interested stakeholders as we chart a path forward together on the future of lead ammunition and tackle in the Refuge System.

H.R. 2689, Trust in Government Act of 2023

H.R. 2689 includes provisions related to the processes, functions, and systems for the delivery of services by numerous federal agencies. Section 2(b)(1)(C) of H.R. 2689 directs the Secretary of the Interior to design and deliver a centralized, modernized electronic permitting system to accept and process applications for permits.

As a federal agency, the U.S. Fish and Wildlife Service is committed to continually improving our service delivery and the public's trust in the federal government. In Fiscal Year 2020, the Service began creating a centralized, electronic system for permits called ePermits. Since then, we have been incrementally improving the system and increasing its capacity. Continued development of ePermits is planned through 2028. Currently, ePermits has over 50,000 user accounts across 85 different permit application forms and feedback has been positive overall. Examples of permits currently available on ePermits include Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permits, Endangered Species Act incidental take permits, and Migratory Bird Treaty Act depredation permits. At full capacity, ePermits will provide an easy to use, modern, and secure system that streamlines the permitting process for Service stakeholders.

One consideration is that the Service's permitting processes vary greatly between programs, a difference that is only wider across bureaus within the Department of the Interior. Any system or systems would need to be designed to facilitate permitting decisions that are made in accordance with different regulatory, statutory, and treaty requirements. Working with Congress on solutions to develop a system that addresses ranging programmatic needs and aligns with authorities for permitting decisions will be important for successful implementation.

The Service notes that H.R. 2689 aligns with many of the provisions contained in the President's December 13, 2021, Executive Order on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government. The Service is making progress on compliance with the EO through the Service's ePermits system. We look forward to working with the sponsor and the Subcommittee to learn more about H.R. 2689 and how the Service can contribute to increased trust in government.

H.R. 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

The Administration supports the goals of H.R. 2872, and with certain changes, as described below, we would support the bill. H.R. 2872 would amend the Permanent Electronic Duck Stamp Act of 2013 to allow States to issue electronic Federal Duck Stamps for the entire hunting season. The bill would remove the 45-day limit on current electronic Federal Duck Stamps and make valid any electronic stamps sold for the entirety of the stamp year, which runs from July 1 in the preceding year to June 30 of the following year. H.R. 2872 would also amend the Migratory Bird Hunting and Conservation Stamp Act of 1934, by making it an option to either have an electronic stamp or a physical signed stamp as the license required for hunting waterfowl.

The Electronic Duck Stamp Act of 2005 directed the Secretary to conduct and evaluate a pilot program of electronic stamps, which the Service started in 2007 in partnership with the eight States of Arkansas, Colorado, Florida, Idaho, Maryland, Minnesota, Texas, and Wisconsin. After the pilot concluded in 2010, Congress later passed the Permanent Electronic Duck Stamp Act of 2013, authorizing the Service to allow any eligible State to provide electronic Federal Duck Stamps. The Service currently partners with 29 States to offer electronic stamps, which are valid for up to 45 days.

The Service supports the goals of H.R. 2872 to improve the hunter experience and access to waterfowl hunting, which in turn support waterfowl conservation. We recognize that many States have already, or may in the future, transition to electronic licensing. Electronic stamps, including via e-wallets, are a practical method for hunters to obtain and carry their permit. The Service recognizes that some hunters may find the current 45-day period for electronic stamps confusing. Making the electronic stamp valid through the entire hunting season would provide greater clarity and certainty to hunters and law enforcement regarding the permit requirements.

The Service would welcome the opportunity to work with the sponsor and the Subcommittee to address a few provisions of H.R. 2872. First, the Service would like to discuss the provision authorizing use of the image of the actual stamp on the electronic version. The Federal Duck Stamp and Duck Stamp artwork are copyrighted, and insufficient security measures may make the artwork vulnerable to copyright violations or result in lost royalties for the artist. Secondly, the Service notes that Federal Duck Stamps are considered accountable property and are secured at all times by the Service. We recommend giving authority to the Secretary for distribution of actual stamps, as States do not have access to the actual stamps and therefore would be unable to distribute them to purchasers. A successful transition to a permanent E-stamp will require additional resources beyond current capacity. Finally, it will be important for the Service to monitor the implementation of this action to evaluate purchases of electronic and physical stamps and determine whether a full-season electronic stamp has the potential to change stamp sales, and available conservation funding. The Administration would support H.R. 2872 if changes are made that address these issues.

Conclusion

We appreciate the Subcommittee's interest in wildlife conservation, hunting and fishing, and the delivery of government services. Thank you for your continued interest in the Service's mission and we look forward to working with you on these and future legislative efforts.