



# Congressional Sportsmen's Foundation

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## Federal Issue Briefs

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# Access to Cape Hatteras National Seashore

## Summary

Accessibility is one of the biggest issues facing anglers and sportsmen in North Carolina. Off-road vehicles (ORVs), particularly in North Carolina's storied Outer Banks, remain the primary means for sportsmen and women to access public-trust resources and surf fishing opportunities. Unfortunately, the National Park Service is continuing to push ill-conceived regulations for ORVs to culturally significant and recreationally important areas that negatively impact local economies which depend upon recreation and tourism. As seen with Cape Hatteras National Seashore, undue large closures to traditionally accessible beach areas can have a devastating impact on the local economy and small, family-owned businesses. In the 113th Congress, members of the Congressional Sportsmen's Caucus (CSC) sponsored legislation before both chambers of Congress that promote a more balanced strategy, improving access to public lands and conserving wildlife.

## Background

This national park, located along the Outer Banks in North Carolina, is one of the premier surf fishing locations in the United States attracting over 2 million visitors each year. Off-road vehicle (ORV) access to the park is essential for surf fishing from the beaches, as well as many other recreational activities.

**Executive Order 11644** of 1972 mandated that federal agencies allowing ORV use must make regulations for such use. In response to the executive order, NPS developed an Interim Protected Species Management Strategy (Interim Strategy) in 2007 as a temporary compromise until an ORV management plan could be finalized. The Interim Strategy provided necessary protections for wildlife while still allowing access to some of the most popular recreation areas in the park. However, this reasonable, science-based plan was cast aside when NPS approved a much more restrictive ORV plan that went into effect on February 15, 2012.

The new plan closes extensive areas of the seashore to the public and severely limits ORV access, far outweighing what is needed to address resource protection. Not only does the plan threaten access for sportfishing and other recreational activities, but also the seashore's local recreation industry which employs over 2,600 people.

## Recent Activity

The **Preserving Access to Cape Hatteras National Seashore Recreational Area Act** (H.R. 819) was introduced on February 26, 2013 by Congressional Sportsmen's Caucus member Representative Walter Jones Jr. (NC-3) and reported to the House on July 9, 2013 following approval from the House Natural Resources Committee. The act reinstates the 2007 Interim Management Strategy, restoring reasonable ORV and pedestrian access to Cape Hatteras National Seashore Recreational Area while providing appropriate shorebird and resource protection. It prohibits additional restrictions on pedestrian or vehicular access unless science-based evidence indicates a restriction is needed to protect endangered species. The bill was placed on the legislative calendar and awaits further action.

Senate Bill 486, titled the Preserving Public Access to Cape Hatteras Beaches Act requires a review of wildlife buffers in the area by the Secretary of the Interior. Through this bill, buffers must be as small as necessary to protect a species and requires corridors around wildlife buffers to allow access to unprotected areas. This amended version of the legislation does not specifically benefit access to the beaches of the Cape Hatteras National Seashore Recreation Area, and fails to specifically address the current access issues in the park. However, it is still an improvement over the current situation for sportsmen should this legislation move forward in Congress. Introduced by CSC member Senator Richard Burr on March 7, 2013, an amended version of the legislation was unanimously approved by the Committee on Energy and Natural Resources on June 18, 2013.

On December 19, 2014, President Obama signed the "Preserving Public Access to Cape Hatteras Beaches Act," along with 43 other public lands measures, as part of the National Defense Authorization Act for Fiscal Year 2015. After almost three years of the National Park Service restricting off-road vehicles (ORVs) across extensive areas on the National Seashore, residents and visitors alike, especially sportfishing enthusiasts, should welcome the passage of this legislation and continue to engage in the process to ensure that a balanced science-based strategy with proper access is promoted moving forward.

The Act mandates modifications using peer-reviewed data to ensure that only the smallest areas and shortest duration for wildlife buffers are implemented and that closed areas utilize corridors to allow access to surrounding open areas. Specifically, the Secretary of Interior, through a public process, is required to consider lifting unreasonable night driving restrictions, extending seasonal ORV routes, modifying the size and location of vehicle-free areas, and constructing new vehicle access sites.

While the passage of the Act is certainly a major step in the right direction, the language leaves significant discretion to the Secretary of the Interior. Moving forward, the recreational angling community should remain diligent in monitoring and engaging in the process to ensure recreational pursuits and access are properly balanced with resource management.

# Biscayne National Park

## Summary

Situated outside of Miami, Florida, Biscayne National Park (BNP) is the largest marine park in the National Park System and draws approximately 10 million fishing trips every year. The marine park's significance to the fishing community has been threatened since 2011 by the National Park Service's proposed General Management Plan (GMP), which presented extreme measures in the preferred alternatives that would be detrimental to recreational angling and access. Unfortunately, on June 5, 2015, the National Park Service announced its final GMP for Biscayne National Park significantly restricted access to BNP. Despite commitments made by Biscayne National Park officials to work with stakeholders and the state of Florida to explore less restrictive options, the GMP includes a marine reserve, eliminating fishing and severely restricting boating in over 10,000 acres of the park's most popular and productive marine waters.

## Background

BNP offers a unique experience. It features the longest undeveloped mangrove shoreline on Florida's East coast and 164,000 acres of marine environment ideal for fishing and outdoor recreation.

Officials announced in August 2011 their intent to release a new **General Management Plan (GMP)**, replacing the **current plan** which was last updated in 1983. Prior to the October 31 deadline, members of the recreational fishing community submitted **formal comments** for the draft GMP of BNP. Rather than closures, these comments included recommendations from the community for alternative management methods, more restrictive fishing regulations, species-specific spawning closures, and a mechanism to pay for improved enforcement and education of park rules and regulations. Despite expressed opposition and recommendations from the sportfishing industry and, importantly, the Florida Fish and Wildlife Conservation Commission (FWC), the NPS released a draft GMP that results in de-facto closures for some of the best fishing areas. Furthermore, the plan included establishment of a 10,522 acre no-take marine reserve and several "no combustion engine zones" within BNP.

On November 15, 2013, the National Park Service released the **supplemental GMP** with two new alternatives. The alternatives mark an improvement on the proposed 16 square-mile no-take marine reserve in 2011. The new preferred alternative, Alternative 6, identifies a 14,585 acre special recreation zone that allows fishing year round with a special permit, and includes no-wake zones as opposed to non-combustion engine zones originally proposed along the coastline. The plan calls for the permitting system to be administered by the Florida Fish and Wildlife Conservation Commission and to include 500 total annual permits, with 430 for recreational anglers and 70 for licensed guides.

While the preferred alternative plan is a welcomed sign, it is also a new approach to balancing resource management priorities and recreational pursuits on NPS waters. The potential precedent it would set for future recreational angling on NPS waters is unclear. Additionally, the permitting system is not without faults. Specifically, stakeholders have expressed concerns over moorings in the special recreation zone, the number of permits issued, the potential need for limited-use permits, and a "use it or lose it" requirement with the permit.

In July 2013, CSF along with the American Sportfishing Association, the International Game Fish Association, the Center for Coastal Conservation, and the National Marine Manufacturers Association sent a **letter** to Florida Senators Bill Nelson and Marco Rubio asking for their continued input to the NPS decision-making process. In addition to noting the overly restrictive nature of marine reserves for anglers and boaters, the letter commended the steps taken in the supplemental GMP to balance resource conservation and reasonable public access. The correspondence further acknowledged the necessary cooperation between NPS and the FWC to ensure continued access in the proposed preferred alternative and also suggested potential improvements moving forward.

The Florida Legislative Sportsmen's Caucus submitted **public comments** to National Park Service in support of the most recent supplemental GMP for Biscayne Bay National Park on February 20, 2014. In addition to noting support for Alternative 6, the Caucus also suggested several areas for consideration and improvements in balancing resource management priorities and recreational pursuits in National Park Service waters. The Caucus noted that maximizing the number and use of permits, allowing temporary permits for tourists, and phasing in the prohibition on anchoring as mooring buoys are installed are all important considerations moving forward.

In May 2014, the Sport Fishing and Boating Partnership Council (SFBPC) sent a **letter** to NPS Director Jon Jarvis and Florida Fish and Wildlife Conservation Commission (FWC) Executive Director Nick Wiley in support of Alternative 6. The SFBPC stressed the GMP's impact on recreational anglers, boaters, and related businesses as well as the importance of maintaining public access while ensuring resource conservation. The letter further stated that Alternative 6 represents a promising improvement over the original plan to establish a marine reserve; however, future improvements will be needed to maintain progress.

CSF's Gary Kania, American Sportfishing Association's Mike Nussman, Mike Leonard and George Cooper, National Marine Manufacturers Association's Nicole Vasilaros, and Boat U.S.'s Margaret Podlich and David Kennedy met with NPS Director Jon Jarvis to discuss the current issues regarding Biscayne Bay National Park in June 2014. Specific points included: the sportfishing community's continued concern that a marine reserve is too restrictive, continued support for the plan's Preferred Alternative 6 along with suggested improvements such as more permits.

CSF and seven other recreational fishing organizations wrote a **letter** to BNP Superintendent Brian Carlstrom in regards to finalizing the park's GMP on October 10, 2014. They noted the recreational boating and fishing community's opposition to GMP alternatives which involve closures. Permitting and seasonal closures were mentioned as two of the many management tools that would be superior marine reserves, balancing a healthy fishery with public access.

Unfortunately, on June 5, 2015, the National Park Service announced its final GMP for Biscayne National Park. Despite commitments made by Biscayne National Park officials to work with stakeholders and the state of Florida to explore less restrictive options, the GMP includes a marine reserve, eliminating fishing and severely restricting boating in over 10,000 acres of the park's most popular and productive marine waters.

On June 26, 2015, Florida Representatives Carlos Curbelo, Ileana Ros-Lehtinen, and Mario Diaz-Balart sent a letter to the House Committees on Natural Resources and Small Business requesting an oversight hearing be held on the National Park Service's GMP and Fisheries Management Plan for Biscayne National Park. The joint oversight congressional hearing was ultimately held on August 3, 2015 in Homestead, FL and was entitled "Restricted Access at Biscayne National Park and Implications for Fishermen, Small Businesses, the Local Economy and Environment". The hearing explored concerns from the recreational fishing community at large surrounding the undue closure of over 10,000 acres within the BNP despite objections from, most notably, the Florida Fish and Wildlife Conservation Commission as well as many recreational angling advocacy groups.

Shortly before the joint oversight hearing, H.R. 3310 ("Preserving Public Access to Public Waters Act") was introduced on July 30, 2015. Sponsored by Reps. Ileana Ros-Lehtinen (FL), Mario Diaz-Balart (FL), Carlos Curbelo (FL), and 35 other original sponsors the legislation was a direct result of the BNP GMP marine reserve which completely ignored the FWC comments, concerns, and fishery management expertise. The legislation would require the National Park Service and Office of National Marine Sanctuaries to have approval from state fish and wildlife agencies before closing state waters to recreational or commercial fishing.

Ultimately, the exact language within H.R. 3310 was included within the House Sportsmen's Package which passed the U.S House of Representatives within the Sportsmen's Heritage and Recreational Enhancement (SHARE) Act on February 26, 2016.

Similar efforts to protect the authority and primacy of state management authority were spearheaded on the Senate side by Senators Bill Cassidy (LA) and Marco Rubio (FL) as well as Bill Nelson (FL). On April 18, 2016, S. 2807 (also entitled "Preserving Public Access to Public Waters Act") was introduced and also aimed to ensure that any federal proposals concerning fishing access restrictions were "developed in coordination with, and approved by, the fish and wildlife management agency of the State or territory that has fisheries management authority over the marine waters" Additionally, S. 3099, introduced by Florida Senators Marco Rubio and Bill Nelson entitled "The Access for Sportfishing Act of 2016" included a provision that would prevent unnecessary fishing closures in Biscayne National Park by requiring the use of the least restrictive measure and ensuring sound fisheries management and the state's science were prioritized.

**Recent Activity**

Currently, the overly restrictive GMP for BNP has been implemented and Congressional efforts to protect the authority and primacy of state management authority are still being pursued to ensure this type of federal overreach is avoided in the future. Recreational angling stakeholders and state agencies should remain aware and vigilant during updates to GMPs in order to protect access for sportsmen and women.”

# Chronic Wasting Disease Management Act/Support for States Act

## Summary

Chronic Wasting Disease (CWD) is an always-fatal, progressive, degenerative neurological disease occurring in farmed and free-ranging deer, elk, and moose that is classified to the family of diseases called transmissible spongiform encephalopathies. Presently, state fish and wildlife agencies are forced to divert funds from other conservation projects to perform surveillance and monitoring of CWD within their jurisdictions. To provide relief for these agencies and to further research into the disease itself, Congressional Sportsmen's Caucus members have introduced the Chronic Wasting Disease Support for States Act (S.2252) and the Chronic Wasting Disease Management Act (H.R.4454). These bills lay out a multi-agency approach to provide additional funding for state and tribal fish and wildlife agencies to assist in the surveillance and monitoring of this disease and to support applied research.

## Background

First recognized in 1967 as a clinical 'wasting' syndrome among captive mule deer in Colorado, CWD remains a considerable threat to cervid populations across the country. CWD belongs to the family of diseases known as transmissible spongiform encephalopathies (TSEs). TSEs include a number of different diseases affecting animals or humans including bovine spongiform encephalopathy (commonly known as *mad cow disease*) in cattle, scrapie in sheep and goats, and Creutzfeldt-Jakob disease in humans. Although CWD shares certain features with other TSEs, it is a distinct disease affecting only deer, elk, and moose.

CWD is a slow and progressive disease with a lengthy incubation period. Because of this, infected deer, elk, and moose may not present visible symptoms of the disease 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.

The agent that causes CWD and other TSEs has not been completely characterized. However, the theory supported by most scientists is that TSE diseases are caused by abnormal forms of proteins, known as prions. The exact mechanism of transmission is unclear, although evidence suggests CWD is transmitted directly from one animal to another through bodily fluids and tissues. Further research also indicates that CWD-causing prions can persist in soil for several years, potentially binding to plant life in the area. As the list of means of transmission expands, CWD is of increasing concern for wildlife managers across North America.

Since first identified, CWD has been documented in both wild and captive cervid populations throughout 23 states and two Canadian provinces. Where present, localized infection rates among wild and captive cervids can reach upwards of 25 and 79 percent, respectively. The lack of definitive information regarding CWD, coupled with the disease's potential to decimate large portions of North America's cervid population, establishes a critical need for combative action to be taken against CWD. As it currently stands, state fish and wildlife agencies are forced to divert funding from various crucial conservation projects in order to address the threat of CWD. As a result, initiatives to combat CWD are grossly underfunded at the expense of various other conservation efforts.

## Recent Activity

Bipartisan bills have been introduced in each house of Congress by Congressional Sportsmen's Caucus Members. Rep. Ron Kind (WI) introduced the Chronic Wasting Disease Management Act (H.R.4454) to the House of Representatives in November of 2017, while Senator Jon Tester (MT) introduced the Chronic Wasting Disease Support for States Act (S.2252) to the Senate in December of 2017. Each bill aims to appropriate \$35 million to support state efforts to manage and control CWD. From this, both intend to allocate \$20 million to States, \$5 million to tribal agencies, and \$10 million to be retained for the rapid response fund. Although the bills' additional appropriations to fund applied research differ, the intent and utility for progress remains consistent between the two. Through multi-agency cooperation between federal land management agencies and state and tribal agencies, these sister bills look to federally fund applied research that will aid with combatting CWD, while allowing for States to retain policy-making authority.



# The Farm Bill

## Summary

The most recent Farm Bill, also known as the Agricultural Act of 2014, was passed by Congress in February 2014. Through the efforts of numerous Congressional Sportsmen's Caucus (CSC) members, the 2014 Farm Bill provided several protections for fish and wildlife habitat and benefits to hunters and anglers. Of particular note, the consolidation of conservation easement programs into the Agricultural Conservation Easement Program, renewal of the Conservation Reserve Program, renewal of wetlands protections by re-coupling crop insurance and conservation compliance, the creation of a Sodsaver program to protect the nation's grasslands, and the expansion of public access to private lands through the Voluntary Public Access and Habitat Incentive Program. With the current Farm Bill due to expire in September 2018, efforts to reauthorize this important legislation have begun. CSF and CSC members are again working to implement strong measures to safeguard conservation and access opportunities for sportsmen and women.

## Background

Every five years, Congress passes a bundle of legislation that sets national agriculture, nutrition, forestry, and conservation policy, commonly referred to as the "Farm Bill." A long-standing priority of the CSC, the bipartisan Farm Bill enhances and strengthens vital policies important to hunters and anglers across the United States. Working alongside the CSC, CSF staff host Breakfast Briefings and other policy events focused on the Farm Bill in the 115<sup>th</sup> Congress and the important suite of programs associated with the legislation that support soil, water, and fish and wildlife conservation on America's farms, ranches, and forests. Some of the key conservation provisions contained in the Farm Bill include:

### Renewed Wetland Protections

The 1996 Farm bill de-coupled conservation compliance from federal crop insurance. This policy, reinstated in 2014, satisfies both the goals of providing a safety net for the nation's farmers along with conserving habitat for fish and wildlife. The United States Department of Agriculture estimates this policy has saved over 3 million acres of wetlands and reduces nearly 300 million tons of soil erosion each year. Restoring the relationship between conservation and crop insurance generates widespread benefits beyond the agriculture and conservation communities. However, there is concern that the conservation requirements to be eligible for crop insurance is not being effectively enforced, and this provision may need additional guidance in the next iteration of the Farm Bill.

### Agricultural Conservation Easement Program

The continental United States has lost more than 50 percent of its wetlands. This rapid decline of wetland habitat in the United States presents a serious challenge to conservation. Historically, the Farm Bill has used a series of conservation easement programs to combat this issue. In 2014, several of these programs were combined to create the Agricultural Conservation Easement Program (ACEP) which is now the largest federal wetlands conservation program. Farmers are given the opportunity to enroll marginal cropland in conservation easement programs. Similar to conservation compliance, ACEP's benefits are widely distributed through reducing flood damage and conserving fish and wildlife habitat.

### Conservation Reserve Program

The Conservation Reserve Program administered by the USDA's Farm Service Agency provides farmers an opportunity to re-allocate marginal farmland towards conservation. The program offers incentives in the form of annual rent payments and cost-sharing. Notably, CRP is credited with adding 25.7 million ducks to the fall migration from 1992-2003. Waterfowl numbers have continued to rise with breeding numbers for 2016 approaching 50 million ducks. Despite the observed benefits to wildlife, the 2014 Farm Bill decreased the statutory mandated acreage cap from 32 million acres to 24 million acres over five years. The sportsmen's community would like to see that cap increased in the next Farm Bill, as there are far more applications for CRP enrollment than available funds.

### Sodsaver

The Prairie Pothole Region, an area crucial to migratory waterfowl and other wildlife, has experienced a rate of grassland loss outpacing protection by at least 500 percent. Key among the 2014 provisions of the Farm Bill, the Sodsaver provision combats the grassland conversion to farmland in the Prairie Pothole Region in Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota. The Sodsaver provision does not outlaw grassland conversion; however, it eliminates

half of the insurance premium subsidies available to farmers during the four years following conversion. This way, farmers have less of an incentive to break ground on native sod when crop prices rise and taxpayers bear less of the insurance risk on this land.

### **Voluntary Public Access and Habitat Incentive Program**

First authorized in the 2008 Farm Bill, the voluntary public access and habitat incentive program (VPA-HIP) is a competitive grants program that helps state and tribal governments increase public access to private lands for hunting, fishing, and other wildlife dependent recreation activities. Grants provided through VPA-HIP help states start or expand public access to private lands programs, conserve and improve public habitat, and increase opportunities for hunting and angling.

### **Recent Activity**

The effort to reauthorize the Farm Bill is underway, as several ideas for improving this important legislation have already been suggested through various marker bills, including:

- Conservation Program Improvement Act (S.909) – Introduced by CSC member Senator John Thune (SD), the bill increases CRP Acreage cap to 30 million acres, sets state acreage targets, and expands allowable vegetative management practices on CRP lands.
- American Prairie Conservation Act (H.R.3939/S.1913) – Introduced by CSC members Senator John Thune (SD), Senator Amy Klobachur (MN), Senator Mike Rounds (SD), Senator Michael Bennet (CO), Representative Kristi Noem (SD), and Representative Tim Walz (MN) in October 2017, the bill expands the Sodsaver program nationwide and closes a loophole in the current Sodsaver rules.
- Voluntary Public Access Improvement Act (S.2243) – Introduced by CSC members Senator Steve Daines (MT) and Senator Michael Bennet (CO) in December 2017, the bill reauthorizes VPA-HIP at \$150 million over five years.

Additionally, CSF hosted a Breakfast Briefing on June 28, 2017, where hunting conservation organizations spoke to the successes and shortcomings of the 2014 Farm Bill, and provided their thoughts on how to improve upon the last version of the bill. CSF and the CSC continue to work with the sportsmen's community to ensure that essential conservation provisions are included in the 2018 Farm Bill.

# Hearing Protection Act

## Summary

Suppressors are the hearing protection of the 21<sup>st</sup> century sportsman and woman. Noise-induced hearing loss and tinnitus are two of the most common afflictions for recreational shooters and hunters in the United States. Suppressors serve as mufflers for firearms, which function by trapping the expanding gasses at the muzzle and reducing the noise to a less harmful decibel level. Despite common misconceptions perpetuated by Hollywood, suppressors are unable to render gunfire silent. Firearm suppressors not only protect the hearing of the millions of sportsmen and women, but also protect the hearing of those around them, and their hunting dogs. The Hearing Protection Act would streamline the process for purchasing firearm suppressors so that more sportsmen and women can take advantage of this hearing-protective technology.

## Background

Unsuppressed gunshots regularly exceed 140 decibels (dB); the threshold at which impulse noises cause permanent hearing damage. On average, suppressors reduce the noise of a gunshot by 20-35 decibels, roughly the same protection that is provided by ear plugs or ear muffs. However, several recent studies indicate that between 70-80% of hunters don't wear hearing protection while afield so they can maintain their situational awareness. The most effective suppressors on the market on the smallest calibers, such as a .22 LR, can only reduce the peak sound level to around 110-120 decibels, or roughly as loud as a jackhammer (110 dB) or an ambulance siren (120 dB) according to the National Institute for Occupational Safety and Health (NIOSH).

Currently, suppressors are legal to own in 42 states, 40 of which allow their use by hunters. Despite suppressor ownership being legal in over 80% of the country, suppressors are heavily regulated under the National Firearms Act of 1934 (NFA). Under the NFA, suppressor ownership requires a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Form 4 application, a \$200 transfer fee per suppressor, and undergo the same background check that is required to purchase a machine gun. In addition to this already onerous process, the prospective buyer must wait months, sometimes up to a year, for the ATF to process the required paperwork.

Contrary to the United States, many European Countries place almost no regulations on the purchase, possession, or use of suppressors. For example, in the United Kingdom and Norway, their use is nearly mandated as means to reduce hearing-related injuries for sportsmen and women, their hunting dogs, and the general public.

## Recent Activity

The Hearing Protection Act (H.R. 367/S.59) was introduced in the United States House of Representatives by Congressional Sportsmen's Caucus (CSC) Co-Chair Jeff Duncan (SC) and CSC Member Congressman John Carter (TX) on January 9, 2017. On the same day, CSC Member Senator Mike Crapo (ID) introduced the Senate companion. The Hearing Protection Act will remove firearm suppressors from the purview of the National Firearms Act, and replace the antiquated federal transfer process with a National Instant Criminal Background Check System (NICS) check at the point of sale. In addition to removing suppressors from the NFA, the Hearing Protection Act will refund the \$200 transfer tax to applicants who have purchased a suppressor after the original introduction date. As of June 30, 2017 the House bill has 154 bipartisan cosponsors, and the Senate version has 17 cosponsors.

Most recently, the Hearing Protection Act has been included in the discussion draft of the Sportsmen's Heritage and Recreational Enhancement (SHARE) Act in the House of Representatives. The SHARE Act enhances hunting, angling, recreational shooting, and trapping by expanding access to public lands and the ability for sportsmen and women to pursue outdoor recreation traditions.

# Investing in Infrastructure that Benefits Sportsmen, Fish and Wildlife

## Summary

Infrastructure includes the nation's system of public works and the resources such as personnel, structures or equipment required for various activities. While many correctly equate infrastructure to public works projects such as roads, bridges, water and wastewater systems and other utilities, there are other elements of the country's infrastructure that have a direct impact on fish, wildlife, public recreation areas and by extension, sportsmen and women. Consequently, as decision makers consider proposals to address the nation's infrastructure needs, it is critically important that programs supporting projects that range from wetland restoration-associated flood control to shooting range construction are included in these conversations.

## Background

Since the passage of the Pittman-Robertson and Dingell-Johnson excise taxes, hunters, shooters, anglers and boaters have generated billions for fish and wildlife conservation through the purchase of firearms and ammunition, fishing tackle and motorboat fuel. However, Function 300, which forms the core of conservation funding for the federal government, accounts for approximately 1 percent of total federal expenditures. In another measure of conservation spending, federal spending overall grew more than 130 percent from 1980 to 2009, but conservation spending went up by only 2.15 percent during this same period. In addition, the nation's four major federal land management agencies – the Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service and U.S. Forest Service now have a combined deferred maintenance backlog upwards of \$18 billion (FY 2016 figures).

As discussions surrounding the best way to confront these problems in a comprehensive fashion take place on Capitol Hill, CSF has identified a set of sportsmen's priorities that could help address the nation's needs as part of a broader infrastructure package. These include:

- **Recovering America's Wildlife Act (H.R. 4647)** – Annually redirects \$1.3 billion of existing royalty revenue from offshore and onshore oil and gas leases to state-led wildlife conservation efforts, effectively allowing the states to more fully implement their State Wildlife Action Plans. The money will largely be spent on efforts such as restoring habitats, reintroducing native wildlife, fighting invasive species, monitoring emerging diseases, educational programs and trail improvements.
- **Modernizing Pittman-Robertson Fund For Tomorrow's Needs Act (H.R. 2591/S.1613)** – Clarifies that a purpose of the Pittman-Robertson fund is to extend assistance to the states for the promotion of hunting and recreational shooting, and that state expenditures may include enhancing access for hunting and recreational shooting, including through shooting range construction.
- **Target Practice and Marksmanship Training Support Act (H.R. 788/S.593)** – Extends and increases states' authority to allocate Pittman-Robertson funding for acquiring land for, expanding, or constructing public shooting ranges, provides liability protection to public ranges, and encourages federal land agencies to cooperate with state and local governments to maintain shooting ranges.
- **Federal Land Transaction Facilitation (FLTFA) Act (H.R. 3668, Title XVII/S.2185)** – Reauthorizes FLTFA, enabling the government to sell public land for ranching, community development, and other projects. The revenue allows federal agencies to acquire high-priority in-holdings from willing sellers.
- **Making Public Lands Public (H.R. 2950)** – amends the Land and Water Conservation Fund to increase public access to federal lands through strategic acquisitions from willing sellers to provide access to "landlocked" public lands and by making funds available to support maintaining and restoring existing roads, trails, and rights of way.
- **HUNT Act (S. 733, Sec. 206)** – requires federal land management agencies to identify public lands that lack public access routes, develop a plan to provide access routes to those lands that have significant potential for recreational use, and direct 1.5 percent in funds from the Land and Water Conservation Fund each year to purchase road and trail easements and rights-of-way from willing sellers who own private land adjacent to inaccessible public lands. Requires public land agencies to identify roads that act as primary access routes for lands under their management, which will help the counties and states that manage these roads to make more informed decisions about maintenance and closures.
- **North American Wetlands Conservation Act Reauthorization (H.R. 1099)** – Reauthorizes a voluntary, competitive matching grants program that is non-regulatory and based on public-private funding. Provides matching grants to organizations and individuals who have developed partnerships to carry out wetlands

conservation projects (i.e. shovel ready wetlands construction projects) in the United States, Canada, and Mexico for the benefit of wetlands-associated migratory birds and other wildlife. Requires a match of at least one dollar in non-Federal funds for every NAWCA dollar awarded. Supports projects that protect, restore, and enhance wetlands and associated upland habitats on public and private lands.

- **National Fish Habitat Conservation Through Partnerships (S.1436)** – leverages public-private partnerships by authorizing the appropriation of \$7.2 million annually for fish habitat restoration and protection projects that are supported by regional Fish Habitat Partnerships and codifies the National Fish Habitat Action Plan.
- **Recreational Fishing & Hunting Heritage Opportunities (Title IV/H.R. 3668, Sec 202, Title II/S.733, Sec. 8102, Title VIII/S.1460)** – Ensures that BLM and USFS lands are “open to fishing, hunting and shooting until closed” by specific agency action. Clarifies and gives permanency to existing practices, forestalls unnecessary litigation challenges to these traditional activities by anti-hunting and fishing interests, creates greater administrative efficiency and reduces agency expenses, follows a successful 35-year model governing lands in Alaska.
- **Highway Wildlife Crossings** – Sportsmen recognize the need to conserve migration corridors, stopover areas and winter range habitats that are critical for the long-term viability of big game species that provide hunting opportunity, particularly in the West. Consistent with this goal are wildlife crossings that include structures such as underpass tunnels, viaducts, and overpasses that allow animals to cross human-made barriers, such as highways, safely. While planning for conservation of these landscape features is consistent with [Secretarial Order 3362](#) (Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors), issued by Interior Secretary Ryan Zinke in February 2018, discussions surrounding a broader infrastructure package may provide opportunities to help identify additional resources to achieve these goals.

### **Recent Activity**

In February 2018, President Donald Trump released his Administration’s [Legislative Outline for Rebuilding Infrastructure in America](#). In his message to Congress, the President expressed his desire to work with legislators to address infrastructure needs throughout the nation. As Congress considers the proposal and develops legislation to meet these needs, CSF will continue working with members of the Congressional Sportsmen’s Caucus to highlight the needs of the sportsmen’s community and advance infrastructure priorities that support hunting, fishing, recreational shooting as well as fish, wildlife and their habitats.

# Magnuson-Stevens Fishery Conservation and Management Act

## Summary

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the primary statute governing fishing activities in federal waters. Last reauthorized in 2007, the Act expired at the end of fiscal year 2013 and is currently undergoing reauthorization. While the Act has made considerable headway in ending overfishing, the commercial model of management on which the Act is based is unnecessarily restrictive for recreational anglers. Since the last reauthorization, the Congressional Sportsmen's Foundation and Congressional Sportsmen's Caucus Members have stressed the importance of recreational angling and the need for managing the recreational sector in a way that is more appropriate and effective based on the available data in the next reauthorization of MSA.

## Background

MSA is implemented by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service through the Regional Fishery Management Councils. In 2007, MSA was reauthorized and amended to require implementation of annual catch limits (ACLs) and accountability measures (AMs) on every NOAA managed fishery by December 31, 2011.

Although these provisions were intended to end overfishing and improve fisheries management, because NOAA did not collect the necessary fisheries data on the majority of the fish stocks it manages, the arbitrary 12/31/11 deadline ultimately forced NOAA to set hundreds of strict catch limits based on inadequate data. On May 21, 2013 Chris Horton, Midwestern States Director for the Congressional Sportsmen's Foundation (CSF), testified before a House Natural Resources Subcommittee during an oversight hearing on **“Data collection issues in relation to the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act”**. The focal point of Horton's testimony before the subcommittee was twofold: recreational saltwater anglers are an important and significant component of our nation's marine fisheries, and that commercial and recreational fisheries are fundamentally different activities, with dissimilar harvest data collection systems and thus require different management approaches.

Another fundamental problem is the way NOAA Fisheries interprets the ACL's and AM's required by MSA, which is to design fisheries management plans around poundage quotas. For a commercial fishery, this system is sensible. The number of commercial fishermen and their ports of call are limited and their catch can be counted with certainty. Actual recreational harvest in pounds; however, is difficult to determine. Because of the uncertainty of the data when estimating angler harvest and the tendency to overestimate angler harvest as a precaution, seasons the following year can be unnecessarily short. For example, the Gulf of Mexico red snapper season was originally scheduled to be limited to only three days in 2017, despite the healthiest population of red snapper in recorded history, further indicating that managing recreational anglers on a commercial-based system is not only ineffective, but punitive.

In January 2014, a report called “A Vision for Managing America's Saltwater Recreational Fisheries,” was released by the Johnny Morris-Scott Deal Commission. The report addresses the needs of anglers and the industry, while enhancing the full-range of economic, social and conservation benefits recreational angling provides to the nation.

## Recent Activity

MSA is currently in the reauthorization process, and the recreational community worked diligently to have the following provisions included in the Modernizing Recreational Fisheries Management Act of 2017 (H.R. 2023 /S. 1520 ). These bills would amend antiquated provisions of MSA to enhance recreational fisheries management and access while also improving conservation measures. Notable provisions within these bills include:

- Alternative Recreational Fisheries Management – Although the current version of MSA does not preclude a different management approach, the reauthorized version should specifically direct NMFS and the Regional Fisheries Management Councils to consider managing recreational anglers based on harvest rates (similar to inland fisheries management), rather than a hard poundage quota, for recreationally valuable fish stocks.
- Allocations – In many mixed-sector fisheries, allocations between commercial and recreational fisheries are often decades old and do not reflect current social, economic or environmental conditions. A mechanism and procedural guidelines for periodic allocation assessments between the recreational and commercial sectors needs to be specified in MSA in order to maximize the value of our nation's fishery resources.

- Annual Catch Limits (ACL's) - MSA currently requires an ACL for every species regardless of whether there is good science or an adequate monitoring system in place to support the catch limit. This section would provide modest but important exemptions for ACLs to better align this requirement with available recreational data.
- Rebuilding Timeframe Adjustment – The timeframe for rebuilding should be changed from an arbitrarily selected 10-years to a more species-appropriate, science-based timeframe, to avoid unnecessary closures.
- Limited Access Privilege Programs (LAPP's) – LAPPs, or catch shares, are intended to reduce capacity and participation in a fishery. While this model has applicability in purely commercial fisheries, it has created significant user conflicts in fisheries pursued by both recreational and commercial fishermen. There should be a moratorium on future catch shares until procedural guidelines are developed to guide the councils and NMFS through the process.

# **Making Public Lands Public Access Initiative**

## **Summary**

Federal public lands are an important destination for many Americans, including those that hunt and fish. Despite their popularity, many federal lands are currently unavailable to the public due to land ownership patterns that preclude hunters, anglers and others from gaining access to areas that could support fish and wildlife-dependent recreation. In response to this problem, CSF developed the “Making Public Lands Public” concept in 2006 to advance solutions that provide hunting and fishing opportunities on “landlocked” federal lands. Subsequently, Congressional Sportsmen’s Caucus members have introduced several pieces of legislation aimed at improving access to public lands for hunting, fishing, and outdoor recreation.

## **Background**

Nearly half of all hunters conduct a portion of their hunting activity on public lands. In western states that feature millions of acres of public land managed by agencies such as the Bureau of Land Management (BLM), U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (FWS), hunters’ dependence on public land is even higher with more than 70% spending the majority of their hunting days on public ground in all states except California. However, numerous reports suggest that access to Federal land is problematic in a number of areas. In fact, a 2004 report to the House Appropriations Committee concluded that more than 35 million acres of BLM and USFS land have inadequate access. Lack of access to hunting lands is cited as a primary reason that hunters stop participating in this traditional sport.

For over a decade, CSF has been at the forefront of documenting the issue of inaccessibility to significant portions of federal public lands. As a result, CSF began the ‘Making Public Lands Public’ initiative with the support and cooperation of allies in the American Wildlife Conservation Partners (AWCP), a group of nearly 50 non-governmental organizations representing millions of hunter conservationists. AWCP requested that an access category be created within the Land and Water Conservation Fund (LWCF) to be used by the USFS, BLM, USFWS, and the National Park Service (NPS) to open or improve access to existing federal lands for hunting, angling and other recreational activities.

## **Recent Activity**

In March 2017, Congressional Sportsmen’s Caucus (CSC) Members Senator Lisa Murkowski (AK) and Martin Heinrich (NM) introduced S. 733, the Sportsmen’s Act. Amongst other bipartisan provisions aimed at furthering our nation’s outdoor heritage, the bill includes language that would require the BLM, NPS, USFS, and FWS to each develop a priority list of public lands where hunting and fishing are authorized under state and federal law but access to the land is either severely restricted or altogether nonexistent.

In June 2017, CSC member Congressman Steve Pearce (NM) introduced H.R. 2950, the Making Public Lands Public Act. The bill requires the Departments of the Interior and Agriculture to ensure that 3% or \$20 million (whichever is greater) of funds appropriated to the Land and Water Conservation Fund are made available each fiscal year for projects to maintain or increase public access to existing federal public land for hunting, fishing, or recreational shooting or enhance, maintain, or restore access on existing roads, trails, or rights-of-way that provide opportunities for the public to participate in these activities. The legislation would also require federal agencies to annually develop a list of priority projects that would guide the use of available funds for these purposes.

In August 2017, Senator Murkowski introduced S. 1460, the Energy and Natural Resources Act of 2017 which includes a provision that would dedicate not less than 1.5 percent or \$10 million (whichever is greater) of funds appropriated to LWCF to projects that secure recreational public access to federal public land for hunting, fishing, or other recreational purposes.



# Marine Protected Areas and Recreational Angling

## Summary

Marine Protected Areas (MPAs) are marine environments reserved to protect natural resources. Over 1,600 MPAs are located within the boundaries of the United States across a wide range of habitats. Management strategies for MPAs vary considerably and sometimes result in marine reserves that are “no fishing zones”, which are detrimental to the recreational angling community. Due to the availability of alternative management tools, no-take marine reserves should only be used as a last resort for resource protection when other tools are exhausted.

## Background

Some people interpret MPAs to mean areas closed to all human activities. Others interpret them as special areas set aside for cultural or natural resource purposes. In reality, “marine protected area” is a term that encompasses a variety of conservation and management methods in the United States.

The official federal definition of a “marine protected area” or MPA is: “any area of the marine environment that has been reserved by federal, state, tribal, territorial, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein,” as stated in Executive Order 13158 (May 2000).

In practice, MPAs are defined areas where natural and/or cultural resources are given greater protection than the surrounding waters. In the U.S., MPAs span a range of habitats including the open ocean, coastal areas, inter-tidal zones, estuaries and the Great Lakes. They also vary widely in purpose, legal authority, management approach, level of protection and restrictions on human uses.

An MPA is not necessarily a “no fishing zone,” though the two terms are often erroneously used as though they were interchangeable. For example, in an MPA commercial activities may be restricted, while sportfishing, boating and other forms of recreation are permitted. Some environmental groups have called for highly restrictive MPAs, such as “ocean wilderness areas” and marine reserves, where recreational activities are excluded.

MPAs should be implemented only where they can be an effective management tool and should allow recreational fishing and boating access unless sound scientific evidence proves it is necessary for resource protection. In cases where recreational angling is restricted or closed, the areas should be reopened once fishery management goals are achieved.

## Economic Impact of Angling

The **American System of Conservation Funding** funds fisheries (and wildlife) management through fishing license sales and excise taxes on fishing equipment and motorboat fuel. License sales in 2017 amounted to \$708 million, while the excise taxes collected on the sale of fishing gear, boats and boat fuel added another \$340 million in support of conservation efforts carried out in each state. It’s a model that virtually powers itself.

This important System must be protected to ensure the funding for fisheries conservation is maintained. The very success of this sport depends on angler participation, interest and the opportunity to go fishing. Closing areas to angling hurts both the local and national economies and ultimately reduces funds available for fisheries conservation.

Recreational use of our public waters is compatible with – and in fact is essential to – sound conservation and natural resource stewardship, as is highlighted by contributions made to such successful conservation programs as the Sport Fish Restoration and Boating Trust Fund. Since 1950, recreational anglers and boaters have, through this unique user tax on motorboat fuel, fishing tackle, and other sportfishing equipment, generated nearly \$8.8 billion in funding for fishery conservation and enhancement, habitat restoration, clean water programs, and boating safety programs.

The billions of dollars generated from the “user-pays, public-benefits” system is used to conserve our aquatic ecosystems. Because angling provides conservation funding, significant social and economic benefits, and is structured to support the sustainable management of resources with regulations already in place to prevent overuse, these activities warrant special consideration as priority uses of our nation’s waters. For this reason, recreational users of our nation’s waters should have the presumption of access unless otherwise restricted based on sound scientific data.

## **Recent Updates**

On September 25, 2014, President Obama established the **Pacific Remote Islands Marine National Monument** “for the care and management of the historic and scientific objects therein.” According to the proclamation the Secretaries of the Interior and Commerce are responsible for the management of sustainable recreational fishing.

Leading up to the proclamation CSF and members of the recreational angling community met with White House staff to discuss what ramifications the expanded MPA might have for recreational angling and emphasized that any potential restrictions must be scientifically based. As a follow up to that meeting, the angling community **sent a letter** to the White House Council on Environmental Quality, the Director of the U.S. Fish and Wildlife Service and NOAA’s Undersecretary of Commerce for Oceans and Atmosphere, restating the importance of maintaining recreational angling access in the expanded MPA in the absence of any science-based justification for doing otherwise.

On September 15, 2016, President Obama declared the first fully protected area in the U.S. Atlantic Ocean on, designating 4,913 square miles off the New England coastline as a new marine national monument known as the Northeast Canyons and Seamounts Marine National Monument. CSF and members of the recreational fishing and boating community again worked with the White House to ensure that recreational angling was still an allowable use of the new monument.

# Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act of 2017

## Summary

The Pittman-Robertson Fund directs excise taxes on firearms, ammunition, and archery equipment to be used for wildlife conservation purposes. To date, this important piece of legislation has contributed nearly \$11 billion to wildlife conservation since enactment in 1937. Unfortunately, America's sportsmen and women are experiencing a lack of opportunities to participate in America's time-honored traditions of hunting and recreational shooting. The Congressional Sportsmen's Foundation, Congressional Sportsmen's Caucus Members, and sportsmen's conservation partners are working to ensure the future of this important system of wildlife conservation funding.

## Background

Enacted in 1937, the Federal Aid in Wildlife Restoration Act (Pittman-Robertson Act) redirected the existing excise taxes on firearms and ammunition to a dedicated fund to be used specifically for wildlife conservation purposes. In 1972, archery equipment was added to the Firearms and Ammunition Excise Tax (FAET). The excise tax is set at 10% of the wholesale price for pistols and revolvers, and 11% for other firearms, ammunition, and archery equipment. The excise tax on firearms and ammunition is collected by the Alcohol and Tobacco Tax and Trade Bureau, while the Internal Revenue Service collects the excises on archery products. Once collected, the Alcohol and Tobacco Tax and Trade Bureau and Internal Revenue Service deposit the excise taxes into the Wildlife Restoration Account, which is administered by the United States Fish and Wildlife Service (USFWS). Pittman-Robertson funds are typically allocated among four subsections:

- Basic Hunter Education ("Section 4(c)") – one half of the excise tax on pistols, revolvers, bows, and arrows is distributed to the states and territories. Section 4(c) may cover up to 75% of the costs of a hunter safety program, and the construction, operation, and maintenance of public target ranges.
- Enhanced Hunter Education ("Section 10") - \$8 million is allocated among the states and territories in the same way as Section 4(c) funds, but if a state has not spent all of its Section 4(c) funds on Basic Hunter Education, it is required to spend Section 10 funds on enhanced hunter education programs.
- Multistate Conservation Grants ("Section 11") - \$3 million is set aside for projects that involve cooperation among multiple states.
- Remainder of the Funds ("Section 4(b)") – Section 4(b) is the bulk of the Pittman-Robertson Program and is used for wildlife conservation. A small percent of this section is distributed to U.S. territories. The fund is then divided in half, with one half distributed to the states based on land mass, and the other half based on paid hunting licenses.

This "user-pays, public-benefits" system of conservation funding directly benefits consumptive and non-consumptive users alike. The ever increasing urbanization and suburbanization of our population has made it far more difficult for Americans to participate in hunting and recreational shooting than it was in 1937 when the Pittman-Robertson Act was enacted. Hunters, recreational shooters, and archery enthusiasts are the backbone of wildlife conservation in the United States.

## Recent Activity

Modernizing the Pittman-Robertson Fund for Tomorrow's Needs Act of 2017 ([H.R. 2591/S.1613](#)) was introduced in the United States House of Representatives by Congressional Sportsmen's Caucus (CSC) Vice-Chair Congressman Austin Scott along with both CSC Co-Chairs Congressmen Jeff Duncan and Gene Green, and fellow CSC Vice-Chair Congressman Marc Veasey on May 22, 2017. On July 20, 2017, CSC Senate Co-Chair Senator Jim Risch introduced S.1613 along with fellow Co-Chair Senator Joe Manchin, and CSC Vice-Chairs Senators Deb Fischer and Heidi Heitkamp.

Each bipartisan bill would clarify that one of the purposes of P-R is to extend financial and technical assistance to the states for the promotion of hunting and recreational shooting. Specifically, these bills would increase flexibility for state wildlife agencies and their use of P-R funds for the recruitment of hunters and recreational to continue P-R funding into the future. Without establishing any new taxes or fees, this legislation would increase flexibility for state wildlife agencies and their uses of P-R funds for the recruitment of hunters and recreational shooters by expanding the Multistate

Conservation Grant program through providing an additional \$5 million annually from archery related excise taxes. Additionally, this legislation would place a cap on the amount of funds that can be spent on hunter and recreational shooter recruitment to ensure that wildlife conservation remains the primary focus of P-R. Without a federal mandate or establishing any new taxes or fees, this legislation will ensure the future of this important wildlife conservation funding program.

# National Fish Habitat Conservation Act

## Summary

Beginning in 2001, the Sport Fishing and Boating Partnership Council explored the notion of developing a partnership effort for fish and aquatic resources similar in scale and design as the highly successful North American Waterfowl Management Plan. By 2006, a charter for the National Fish Habitat Board was established and partnerships began to develop around the concept. Today, there are 20 regional, taxonomically specific or system specific partnerships recognized by the board. These localized, “bottom-up” partnerships have proven successful in implementing much needed habitat improvement projects on the ground. Unfortunately, in recent years, much of the limited funding available for the partnerships has been consumed by the US Fish and Wildlife Service for program overhead or diverted to other programmatic areas, and the program has become much more of a “top-down” approach. Authorizing legislation to officially establish the National Fish Habitat Partnership is needed to clarify the roles of the partnerships, the NFHP Board and the Service, as well as to secure an avenue for consistent funding for on-the-ground fish and aquatic habitat conservation.

## Background

In 2004, the Association of Fish and Wildlife Agencies (AFWA) coordinated and partnered with federal agencies, non-governmental organizations, tribal interests, industry, and other interested stakeholders to create both a leadership team and a technical work group that would develop a fish habitat conservation model on a national scale. The genesis of this effort, and resulting National Fish Habitat Initiative (Initiative), was initially based on recommendations from the Sport Fishing and Boating Partnership Council.

In April 2006, this collaborative effort culminated in the release of the National Fish Habitat Action Plan (Action Plan). The Action Plan’s mission is to “protect, restore, and enhance the nation’s fish and aquatic communities through partnerships and foster fish habitat conservation and improve the quality of life for the American people.” It is grounded on science and driven by regional partnerships with the capacity to successfully achieve these fish habitat conservation goals and objectives. The Action Plan has become the blueprint for the success we know today and for shaping the National Fish Habitat Conservation Through Partnerships Act.

From the beginning, this has been an important effort to state fish and wildlife agencies and this continues to be a state-driven partnership effort. The overall strength and benefits from this partnership model are attributed to its strategic perspective, providing a framework for coordinated voluntary collaborative efforts of state, federal, and local agencies, local communities, industry, including non-governmental and other conservation organizations, and other partners. This effort creates an opportunity for these agencies and organizations to come together around landscape-scale habitat concerns, prioritize strategic actions and develop and work toward common goals and objectives to protect, restore and enhance our nation’s most important freshwater, estuarine and marine fish habitats. By strategically addressing habitat concerns, the collaborative efforts can best reverse declines of fish species and enhance fishing opportunities and improve the health of aquatic habitat.

The Action Plan’s implementation is currently guided by a 22-member Board comprised of national conservation leaders who are committed to aquatic habitat conservation. Fish Habitat Partnerships (FHP’s) are the delivery mechanism for habitat conservation planning and projects. While most are regional, some are system or taxonomically-based. These Partnerships are analogous to Joint Ventures that coordinate bird conservation actions across specific geographies. The 2006 Plan called for the establishment of at least 12 FHPs by 2010. The Board met all of the 2010 objectives set forth for them and the 2nd edition of the National Fish Habitat Action Plan was released in July 2012. To date, 20 FHPs have been officially recognized by the Board.

However, the NFHP was never intended to be driven solely by the U.S. Fish and Wildlife Service (Service), but instead was designed to be a closely coordinated partnership program between local communities, conservation organizations, state agencies, the fishing/boating industry, tribal interests and federal natural resource management agencies. Over the course of several years, the Service has increasingly been shifting NFHP funds away from FHPs and on-the-ground conservation projects. Less than half of the \$7.1 million appropriated to the NFHP program finds its way to the partnership for project implementation. Furthermore, where once the Service was a partner in the room during NFHP

Board meetings where projects would be discussed and recommended for funding by the Board to the Service, today the Service uses NFHP funding to cover other needs within the Fish and Aquatic Conservation Program and no longer utilizes the Board for FHP project consideration nor recommendations. In addition, with the limited funds that are going to NFHP projects, the Service selects projects without NFHP Board input that typically can be completed within one year, which undercuts and undermines the longer-term fish habitat restoration activities needed for on-the-ground restoration success.

Since the inception of the National Fish Habitat Partnership, state natural resource agencies, conservation organizations and fishing industry leaders have advocated to officially establish the program through authorizing legislation to clarify the roles of the FHP's, the NFHP Board and the Service, as well as to secure an avenue for consistent funding for on-the-ground aquatic habitat conservation. Congressional authorization is needed, now more than ever, to ensure the NFHP program is returned to the bottom-up, local community/state-based approach as it was intended, rather than the Service-driven, top-down bureaucracy it has evolved into today.

### **Recent Activity**

The National Fish Habitat Conservation Through Partnerships Act (NFHCTPA) provides a strong overarching framework to build on the Action Plan and further advance fish habitat protection habitat conservation actions nationally. NFHCTPA is modeled on the strategic and local implementation of conservation actions within a specific geography to benefit fish and fish habitat. This state-driven and locally-based successful model of conservation is similar in concept to the North American Wetlands Conservation Act (NAWCA) Program which for over 25 years has proven to be one of the most successful conservation programs in the United States.

Thus far, three different iterations of the NFHCTPA has been introduced in the 115<sup>th</sup> Congress:

- S. 1436 – [National Fish Habitat Partnership Act](#) was introduced by Senators Mike Crapo (R-ID) and Ben Cardin (D-MD) on June 26, 2017. The bill was amended and was included as a part of the HELP for Wildlife Act on October 5, 2017.
- S. 1514 – [HELP for Wildlife Act](#) introduced by Senator John Barrasso (R-WY) on June 28, 2017, it was passed out the Senate Committee on Environment and Public Works on October 5, 2017, and included a version of the National Fish Habitat Partnership Act (S. 1436). S.1514 is currently awaiting floor action in the Senate.
- H. 4489 - [Authorizing Critical Conservation and Enabling Sportsmen and Sportswomen Act](#) introduced by Congressman Mike Thompson (D-CA) on November 30, 2017. The bill is currently before the House Natural Resources' Subcommittee on Forestry and Conservation.

# Recovering America's Wildlife Act

## Summary

All 50 States, U.S. territories, and the District of Columbia are mandated to develop a State Wildlife Action Plan to identify key conservation needs in each respective state and territory. These action plans have identified nearly 12,000 species in the greatest need of conservation. CSF is a member of the Alliance for America's Wildlife Act, which is working to provide additional funding to conserve the full array of fish and wildlife and their associated habitats. The Recovering America's Fish and Wildlife will provide \$1.3 billion in additional funding to state fish and wildlife agencies to address the issues identified in their respective State Wildlife Action Plans.

## Background

The Recovering America's Wildlife Act comes in response to the recommendations developed by the Blue Ribbon Panel on Sustaining America's Fish and Wildlife Resources (BRP), which is co-chaired by former Wyoming Governor, David Freudenthal, and John L. Morris, founder of Bass Pro Shops. The Alliance for America's Fish and Wildlife now represents the broad coalition developed by the BRP including members from the conservation and sportsmen's organizations, outdoor recreational retail and manufacturing sectors, energy and automotive industries, private landowners, educational institutions, and state fish and wildlife agencies. Congressional Sportsmen's Foundation President (CSF) Jeff Crane is a member of the BRP, and CSF is currently a member of the Alliance for America's Fish and Wildlife.

[H.R. 4647](#) will not establish any new taxes at the expense of taxpayers, or at the expense of the businesses that are currently contributing anywhere from \$5 billion to \$12 billion in royalties from the development of energy and mineral resources on federal lands and waters.

The idea of wildlife conservation was originally developed by hunters and anglers who recognized the need to establish game laws and programs to protect our natural resources. As a result, the "user-pays, public-benefits" American System of Conservation Funding was developed through the enactment of the Pittman-Robertson and Dingell-Johnson Acts. Not since the enactment of these Acts have we had an opportunity to pass legislation of such importance to ensure the future of healthy fish and wildlife populations.

Today, sportsmen's contributions through license fees and the excise taxes collected under the Pittman-Robertson and Dingell-Johnson Acts often provide approximately 80 percent of the funding for state fish and wildlife agencies. This new funding source will provide additional money to state fish and wildlife agencies to address the species in greatest need of conservation efforts.

## Recent Activity

The Recovering America's Wildlife Act (H.R. 4647) was introduced in the United States House of Representatives by Congressional Sportsmen's Caucus (CSC) Members Congressman Jeff Fortenberry (NE) and Congresswoman Debbie Dingell (MI). This bipartisan legislation aims to meet the increasing for proactive wildlife conservation funding the full array of our nation's fish and wildlife resources and the habitats on which they depend. Specifically, the Recovering America's Wildlife Act will annually redirect \$1.3 billion in funding in existing revenue from royalties collected from onshore and offshore energy and mineral development on federal lands and waters to be used to provide proactive funding for state-based wildlife conservation. By leveraging a 25% match from the states and territories, this state-based wildlife conservation funding program will help ensure the future of the 12,000 species efforts that have been identified in the State Wildlife Action Plans as in the greatest need of conservation efforts.

# Red Snapper Management in the Gulf of Mexico

## Summary

The red snapper fishery in the Gulf of Mexico is managed by the Gulf of Mexico Fisheries Management Council (Gulf Council) and the National Oceanic and Atmospheric Administration (NOAA) under the Magnuson-Stevens Act (MSA). Once considered “overfished” from the late 1970’s through the early 2000’s, the red snapper population has turned the corner and is rapidly rebuilding in the Gulf of Mexico. Although not well publicized, much of that rebuilding success is the product of reduced juvenile snapper mortality as a result of a reduction in shrimp trawling effort and the relatively recent requirement of bycatch reduction devices on their nets. Ironically, as the population grows both in size and abundance, the recreational sector is allowed fewer and fewer days to fish each year due to an inappropriate management model, inaccurate data and overly conservative regulations.

## Background

Since the 2007 reauthorization of MSA, which included a provision that created an Individual Fishing Quota (IFQ) - also known as a “catch share” - for the commercial sector and required annual catch limits and accountability measures separately for both the commercial and recreational sectors, red snapper management has become increasingly more contentious. Currently, the total allowable harvest of red snapper is annually allocated at 51 percent to the commercial sector (which constitutes less than 400 commercial fisherman who each “own” shares of more than half of this Public Trust resource) and 49 percent to the recreational sector. These percentages are derived from survey data that are 30-years old, and the recreational component of that former survey has since been replaced because of gross inaccuracies. As the average size of red snapper continues to increase, recreational anglers are projected to reach their hard-poundage quota more quickly, thus causing the seasons to be shorter each year to stay under the quota. This backwards approach to managing the recreational sector has prompted the Gulf States to go non-compliant with the federal seasons and extend the snapper season in their state waters to salvage some access for recreational anglers.

In 2013, NOAA’s National Marine Fisheries Service responded to the states going non-compliant with an emergency rule process to reduce the recreational season in federal waters to nine days off Louisiana’s coast and twelve days off the Texas coast. Both states filed lawsuits and a federal court overturned the action. Conversely, litigation from the commercial fishing sector resulted in a 2014 U.S. District Court of Appeals for the District of Columbia ruling that required the Gulf Council to implement accountability measures (AM’s) on the recreational sector for annual quota overruns. The outcome of that suit has resulted in even shorter seasons because of an additional buffer placed on the total pounds of red snapper available for harvest by anglers, despite the healthiest population of red snapper in recorded history. The fact that red snapper management is now being decided by the courts is indicative of a significant problem with how the fishery is being managed and how MSA is being interpreted in general.

As a solution to the abbreviated fishing season in 2014, at least for the charter/for-hire industry, the Gulf Council passed Amendment 40 at their October 2014 meeting, **despite opposition from all five Gulf states, the Congressional Sportsmen’s Caucus (CSC), the National Assembly of Sportsmen’s Caucuses (NASC) Executive Council and the Mississippi Legislative Sportsmen’s Caucus.** Also known as “sector separation,” Amendment 40 divided the recreational angler’s 49 percent share of the snapper fishery roughly in half between private recreational anglers and charter/for-hire operators. This is not a solution for the recreational sector, but rather an amplification of the problem of trying to apply a commercial management model to (now) two different components of the recreational sector. Amendment 40 sets a dangerous precedent for all mixed-sector fisheries and effectively pits recreational anglers and the charter/for-hire industry against one another.

## Recent Activity

- H.R. 3094 Gulf States Red Snapper Management Authority Act – introduced by Congressman Garret Graves in 2015, and based on an agreement reached by all five Gulf States fisheries directors, would give management authority to the five Gulf states.<sup>1</sup> The states have proven they can collect more accurate data, both fishery dependent (estimates of angler harvest) and independent (actual population data), which would allow for a more efficient, robust management strategy, increased access by the American public while maintaining a healthy and

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<sup>1</sup> "US HB3094 | 2015-2016 | 114th Congress." December 08, 2016 *LegiScan*, accessed June 21, 2017, <https://legiscan.com/US/bill/HB3094/2015>.



growing red snapper population. The bill passed out of committee but did not see floor action prior to the expiration of the 114<sup>th</sup> Congress<sup>2</sup>

- A new red snapper bill was introduced in 2017 in both the House (H.R. 3588) and Senate (S.1686) by Representative Graves and Senator Cassidy that would extend state management jurisdiction to 25 miles, instead of the current 9 miles, for the purposes of red snapper management. While the states would still be bound by the problematic, Gulf-wide hard-pound quota set by NMFS and the Gulf Council, the legislation offers a first step towards full state management of the fishery.
- Magnuson-Stevens Reauthorization
  - The recreational angling community is advocating for clarification in the next MSA reauthorization that the Councils and NMFS can use more appropriate management models, such as a rate of harvest, instead of the commercial hard-poundage quota system currently in place in the Gulf.
  - The recreational angling community is seeking a provision that requires periodic reexamination of allocations based on peer reviewed economic, biological and social data.
  - Both of these provisions, among others, can be found in the H.R. 2023 and S.1520, the Modernizing Recreational Fisheries Management Act of 2017 which are currently before the 115<sup>th</sup> Congress.
- Regional Management is currently being considered by the Gulf Council that would allow each state to manage its recreational sector allocation out to 200 nautical miles through a plan amendment to the Reef Fish Fisheries Management Plan (FMP). However, the states must first agree on how to divide the current Gulf-wide allocation between each state.
- On April 18, NOAA Fisheries issued notice that the 2018 and 2019 Gulf of Mexico recreational red snapper season for private recreational anglers and state charter vessels, in both state and federal waters, would be set by the individual Gulf States through recently approved Exempted Fishing Permits (EFP's). The permits are temporary but will allow the states to demonstrate their effectiveness at managing the recreational sector, provide more days for recreational anglers to pursue red snapper and allow the regional management amendments the time necessary to make their way through the council process.

Video – [Gulf of Mexico Red Snapper: A Management Paradox](#)

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<sup>2</sup> IBID

# Sportsmen's Packages of the 115<sup>th</sup> Congress

## Summary

Since the 112<sup>th</sup> Congress, the bipartisan leaders of the Congressional Sportsmen's Caucus (CSC) have worked to move a number of legislative packages through both chambers of Congress. These packages include some of the top priorities to sportsmen and women in the United States, and aim to protect and advance hunting and angling traditions.

## Background

### The SHARE Act

In September, CSC Co-Chair Congressman Jeff Duncan (SC) introduced the Sportsmen's Heritage and Recreational Enhancement (SHARE) Act (H.R. 3668) in the House, along with original cosponsors CSC Co-Chair Congressman Gene Green (TX), CSC Vice-Chair Congressman Austin Scott (GA), and CSC Member Congressman Rob Wittman (VA). Shortly after introduction, the House Natural Resources Committee held a hearing and markup, and passed the bill. Provisions within the SHARE Act include:

- Protection of traditional fishing tackle ([S.1214](#))
- Target Practice and Marksmanship Training Support ([H.R. 788/S.593](#))
- Recreational Lands Self-Defense ([H.R. 1045](#))
- Recreational Fishing and Hunting Heritage Opportunities
- Hunter and Farmer Protection ([S.478](#))
- Transporting Bows Across National Park Service Lands
- Respect for Treaties and Rights
- State Approval of Fishing Restriction
- Open Book on Equal Access to Justice ([H.R. 1033/S.378](#))
- Good Samaritan Search and Recovery ([S. 1181](#))
- Interstate Transportation of Firearms or Ammunition ([H.R. 358/S.618](#))
- Polar Bear Conservation and Fairness ([H.R. 224](#))
- North American Wetlands Conservation Reauthorization ([H.R. 1099](#))
- Reissuance of final rules relating to gray wolves ([H.R. 424/S.164](#))
- Hearing Protection ([H.R. 367/S.59](#))
- Lawful Purpose and Self-Defense ([H.R. 2620](#))
- Federal Land Transaction Facilitation Act Reauthorization ([S. 2185](#))
- Annual permit and fee for film crews of 5 or fewer ([H.R. 1944](#))
- Respect for State Wildlife Management Authority
- Grand Canyon Bison Management Act ([H.R. 3005](#))
- Permits and fees for guides and outfitters ([H.R. 289](#))
- Hunting and Recreational Fishing within Certain National Forests

### HELP for Wildlife Act

In June, CSC Member Senator John Barrasso (WY) introduced the Hunting Heritage and Environmental Legacy Preservation for Wildlife Act (HELP for Wildlife Act) (S. 1514). The Senate Environment and Public Works (EPW) Committee held a hearing on the legislation and passed the bill with a bipartisan vote of 14 -7. Provisions within the HELP for Wildlife Act include:

- Target Practice & Marksmanship Training Support ([H.R. 788/S.593](#))
- North American Wetlands Conservation Act ([H.R. 1099](#))

- Fishing Tackle Protection ([S.1214](#))
- Hunter and Farmer Protection ([S.478](#))
- Polar Bear Conservation and Fairness ([H.R. 224](#))
- Final rule regarding Gray Wolves (Western Great Lakes and Wyoming) ([H.R. 424/S.164](#))
- Reauthorization of Neotropical Migratory Bird Conservation Act ([H.R. 3598/S.1537](#))
- National Fish and Wildlife Foundation Establishment Act ([S.1513](#))
- Reauthorization of Chesapeake Bay Program ([S.1429](#))
- National Fish Habitat Conservation Through Partnerships ([S.1436](#))
- Reauthorization of Chesapeake Bay Initiative
- USGS Great Lakes Science Center Funding ([H.R. 1580/S.859](#))
- Land-Grant Universities as In-Kind costs under Pittman-Robertson

### **Sportsmen's Act**

In March, CSC Member Senator Lisa Murkowski (AK) introduced the Sportsmen's Act ([S. 733](#)), which includes:

- Target Practice and Marksmanship Training Support Act ([H.R. 788/S.593](#))
- Permits and fees for public lands filming ([H.R. 1944](#))
- Equal Access to Justice Act ([H.R. 1033/S.378](#))
- Wildlife and Hunting Heritage Conservation Council Advisory Committee ([H.R. 1945](#))
- Respect for Treaties and Rights of Indian Tribes
- Recreational Fishing & Hunting Heritage Opportunities
- Grand Canyon Bison Management Act ([H.R. 3005](#))
- Federal Land Transaction Facilitation Act Reauthorization ([S.2185](#))
- Hunt Unrestricted on National Treasures Act or HUNT Act
- Transporting Bows Through National Parks

In June, Senator Murkowski also included a sportsmen's title in the Energy and Natural Resources Act of 2017 (S. 1460), which was introduced in June. In addition to provisions included in the Sportsmen's Act, S. 1460 includes:

- North American Wetlands Conservation Act ([H.R. 1099](#))
- Recreational Lands Self Defense Act ([H.R. 1045](#))
- Good Samaritan Search and Recovery Act ([S. 1181](#))

\*Note: Not all referenced House and Senate standalone bills are identical

# Target Practice Marksmanship Training Support Act

## Summary

Hunters, recreational shooters, and firearms, archery, and ammunition manufacturers are the largest financial supporters of wildlife conservation throughout the United States having contributed nearly \$12 billion to habitat conservation, recreational shooting and wildlife management through Pittman-Robertson excise tax payments since the program's inception. Despite the unqualified success of this historic "user-pay, public-benefit" system, Pittman-Robertson funds have not always been administered in a manner that encourages the creation of recreational shooting opportunities. As a result, opportunities for both recreational and competitive shooting have declined significantly in recent years. To address this problem, a bipartisan coalition in Congress has introduced the Target Practice and Marksmanship Training Support Act (H.R. 788 / S. 593), legislation that addresses these declines by providing states with more flexibility in their use of Pittman-Robertson funds to develop and improve public shooting ranges.

## Background

Since the passage of the Pittman-Robertson excise tax in 1937, hunters and shooters have generated billions for wildlife conservation through the purchase of firearms and ammunition. Today, the correlation between target shooters and conservation funding is especially pronounced, with products purchased for recreational shooting generating approximately 80% of the proceeds collected through Pittman-Robertson. Under the formula that dictates how these revenues are distributed to state fish and wildlife agencies, states are also permitted to use some of these funds for hunter education as well as the construction and enhancement of public shooting ranges. This program requires states to provide 25 percent of the funds needed to undertake a shooting range project with revenue generated from other sources. Unfortunately, many states have had found it difficult to produce these matching funds, in some cases, rendering federal funds unused.

The Target Practice and Marksmanship Training Support Act addresses this issue by allowing states to generate matching funds over the course of five years – current law dictates that funds cannot be carried over for more than two years – and reduces the matching requirement from 25 percent to 10 percent. These changes would provide state fish and wildlife agencies with added flexibility to generate funds for range construction or improvement over time with the goal of giving them the resources needed to provide the public with more opportunities to embrace hunting and shooting sports and support the "user pay, public benefit" wildlife conservation model. In addition, the legislation facilitates increased cooperation between state and federal agencies for the maintenance of shooting ranges on federal lands and also limits frivolous lawsuits that could erode the ability to use federal lands for target practice in areas where existing regulations allow the activity to take place.

## Recent Activity

In February 2017, Congressional Sportsmen's Caucus (CSC) Member Congressman Duncan Hunter (CA) joined 23 original bipartisan cosponsors in introducing H.R. 788, the Target Practice and Marksmanship Training Support Act of 2017 in the House of Representatives where it has been referred to the House Committee on Natural Resources and the House Judiciary Committee.

In March 2017, CSC Vice-Chair Senators Heidi Heitkamp (ND) joined fellow CSC members Senators Michael Bennet (CO), John Boozman (AR) and Shelley Moore Capito (WV) in introducing S. 593, the Senate's version of the Target Practice and Marksmanship Training Support Act of 2017. The bill has been referred to the Senate Committee on Environment and Public Works.

In March 2017, CSC members Senator Lisa Murkowski (AK) and Martin Heinrich (NM) introduced S. 733, the Sportsmen's Act. Amongst other bipartisan provisions aimed at furthering our nation's outdoor heritage, the bill includes

language that mirrors the standalone Target Practice and Marksmanship Training Support Act bills that have been introduced in both the House and Senate. The following June, S. 733 was passed by the Senate Natural Resources and placed on the Senate Legislative Calendar.

In June 2017, CSC members Senators John Barrasso (WY), Tammy Baldwin (WI), John Boozman (AR) and Shelley Moor Capito (WV) introduced S. 1514, the HELP for Wildlife Act, a package that includes the Target Practice and Marksmanship Training Support Act. On October 5, the Senate Committee on Environment and Public Works passed the bill with a bipartisan vote.

In September 2017, CSC Co-Chairs Congressmen Jeff Duncan (SC) and Gene Green (TX) introduced H.R. 3668, the SHARE Act along with Vice-Chair Austin Scott (GA). Amongst other bipartisan provisions aimed at furthering our nation's outdoor heritage, the bill includes language that mirrors the standalone Target Practice and Marksmanship Training Support Act bills that have been introduced in both the House and Senate. Later that month, H.R. 3668 was passed by the House Natural Resources Committee.

# Waterfowl Conservation

## Summary

NAWCA: The North American Wetlands Conservation Act (NAWCA), passed in 1989, provides matching grants to carry out wetlands conservation projects in the United States, Canada, and Mexico. As the last reauthorization of NAWCA expired in 2012, the House has introduced legislation in 2017 to reauthorize NAWCA.

WATERFOWL STAMP: Federal Migratory Bird Hunting and Conservation Stamps were established in 1934 and have provided conservation funding to six million acres of waterfowl habitat across the United States. The stamp's price was raised in 1991 to \$15, and in 2014 was raised to \$25 with the passage of the Federal Duck Stamp Act.

E-DUCK STAMP: Electronic duck stamps are convenient because they can be purchased from a personal computer as opposed to a brick-and-mortar distributor. Following a successful pilot program, support for electronic duck stamps has grown. In 2014, the Permanent Electronic Duck Stamp (H.R. 1206) passed, authorizing states to sell duck stamps online.

## NORTH AMERICAN WETLANDS CONSERVATION ACT

### Background

Enacted in 1989 to support the North American Waterfowl Management Plan through cost-sharing, NAWCA provides partnership and challenge grants for conservation projects. The program requires every federal dollar provided through NAWCA to be matched by one dollar from non-federal sources; the program is often matched 3 to 1 by non-federal funding. Grants encourage public-private partnerships to restore wetlands, enhance water availability, reduce soil erosion, and often improve recreational opportunities. With \$4.4 billion in grants and matching funds, NAWCA has partnered with over 5,500 landowners, industries, and state and local governments, provided funding for 2,600 projects in 33.4 million acres across all 50 states, and supported 7,500 workers.

### Recent Activity

The North American Wetlands Conservation Extension Act introduced by Congressional Sportsmen's Caucus (CSC) member Representative Rob Wittman (VA), reauthorizes NAWCA through fiscal year 2022. On March 22, CSC hosted a Breakfast Briefing on NAWCA. The briefing focused on the successful conservation work NAWCA supports and stressed the importance reauthorizing the act has on continuing those successes. Click [here](#) to read the press release.

## WATERFOWL STAMP

### Background

Federal duck stamps are annual permits sold to hunt migratory birds and allow entrance to National Wildlife Refuges. Revenues are deposited in the Migratory Bird Conservation Fund and later spent to secure wetlands for the National Wildlife Refuge System. Nearly one billion dollars has been collected since the federal duck stamp was first required in 1934. The Federal Duck Stamp Office reports that 98 percent of revenues from stamps are deposited in the Fund with the remaining 2 percent used to print and distribute stamps.

Beginning at a price of \$1 in 1934, the cost of the federal duck stamp was increased in 1991 to \$15, and increased again to \$25 in 2014.

### Recent Activity

The Federal Duck Stamp Act (H.R. 5069 and S. 2621) amends the Migratory Bird Hunting and Conservation Stamp Act to increase the price of Migratory Bird Hunting and Conservation Stamps from \$15 to \$25 to "fund the acquisition of conservation easements for migratory birds." Sponsored by CSC members Senator David Vitter (LA) and Representative

John Fleming (LA), these bills secure additional wetlands for the National Wildlife Refuge System by increasing Migratory Bird Conservation Fund revenues by \$120 million from 2015-2024, according to the Congressional Budget Office.

## **E-DUCK STAMP**

### **Background**

Since 1934, every hunter over the age of 16 has been required to purchase a federal duck stamp in order to hunt migratory waterfowl. The Electronic Duck Stamp Act of 2006 directed the Secretary of the Interior to conduct a pilot program for electronic Federal migratory bird hunting stamps that can be purchased from a personal computer. In December 2014, legislation sponsored by CSC leadership was passed and signed into law. The legislation allows the Department of Interior to authorize states to sell duck stamps online which can be used immediately after purchase, avoiding an unnecessary trip to the Post Office or sporting goods store.