

Union Calendar No. 161

106TH CONGRESS
1ST SESSION

H. R. 2454

[Report No. 106-271]

To assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1999

Mr. SAXTON (for himself, Mr. YOUNG of Alaska, Mr. DINGELL, Mr. CHAMBLISS, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. HUNTER, Mr. CUNNINGHAM, and Mr. TANNER) introduced the following bill; which was referred to the Committee on Resources

JULY 29, 1999

Additional sponsors: Mr. PICKETT, Mr. JOHN, Mr. DICKEY, Mr. TAUZIN, Mr. SHERWOOD, Mr. LARGENT, and Mr. DOOLITTLE

JULY 29, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 1, 1999]

A BILL

To assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend,

by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Arctic Tundra Habitat*
5 *Emergency Conservation Act”.*

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 *(a) FINDINGS.—The Congress finds the following:*

8 *(1) The winter index population of mid-con-*
9 *tinent light geese was 800,000 birds in 1969, while*
10 *the total population of such geese is more than*
11 *5,200,000 birds today.*

12 *(2) The population of mid-continent light geese*
13 *is expanding by over 5 percent each year, and in the*
14 *absence of new wildlife management actions it could*
15 *grow to more than 6,800,000 breeding light geese in*
16 *3 years.*

17 *(3) The primary reasons for this unprecedented*
18 *population growth are—*

19 *(A) the expansion of agricultural areas and*
20 *the resulting abundance of cereal grain crops in*
21 *the United States;*

1 (B) the establishment of sanctuaries along
2 the United States flyways of migrating light
3 geese; and

4 (C) a decline in light geese harvest rates.

5 (4) As a direct result of this population explo-
6 sion, the Hudson Bay Lowlands Salt-Marsh ecosystem
7 in Canada is being systematically destroyed. This
8 ecosystem contains approximately 135,000 acres of es-
9 sential habitat for migrating light geese and many
10 other avian species. Biologists have testified that $\frac{1}{3}$ of
11 this habitat has been destroyed, $\frac{1}{3}$ is on the brink of
12 devastation, and the remaining $\frac{1}{3}$ is overgrazed.

13 (5) The destruction of the Arctic tundra is hav-
14 ing a severe negative impact on many avian species
15 that breed or migrate through this habitat, including
16 the following:

17 (A) Canada Goose.

18 (B) American Wigeon.

19 (C) Dowitcher.

20 (D) Hudsonian Godwit.

21 (E) Stilt Sandpiper.

22 (F) Northern Shoveler.

23 (G) Red-Breasted Merganser.

24 (H) Oldsquaw.

25 (I) Parasitic Jaeger.

1 *(J) Whimbrel.*

2 *(K) Yellow Rail.*

3 *(6) It is essential that the current population of*
4 *mid-continent light geese be reduced by 50 percent by*
5 *the year 2005 to ensure that the fragile Arctic tundra*
6 *is not irreversibly damaged.*

7 *(b) PURPOSES.—The purposes of this Act are the fol-*
8 *lowing:*

9 *(1) To reduce the population of mid-continent*
10 *light geese.*

11 *(2) To assure the long-term conservation of mid-*
12 *continent light geese and the biological diversity of the*
13 *ecosystem upon which many North American migra-*
14 *tory birds depend.*

15 **SEC. 3. FORCE AND EFFECT OF RULES TO CONTROL OVER-**
16 **ABUNDANT MID-CONTINENT LIGHT GEESE**
17 **POPULATIONS.**

18 *(a) FORCE AND EFFECT.—*

19 *(1) IN GENERAL.—The rules published by the*
20 *Service on February 16, 1999, relating to use of addi-*
21 *tional hunting methods to increase the harvest of mid-*
22 *continent light geese (64 Fed. Reg. 7507–7517) and*
23 *the establishment of a conservation order for the re-*
24 *duction of mid-continent light goose populations (64*

1 *Fed. Reg. 7517–7528), shall have the force and effect*
2 *of law.*

3 (2) *PUBLIC NOTICE.*—*The Secretary, acting*
4 *through the Director of the Service, shall take such ac-*
5 *tion as is necessary to appropriately notify the public*
6 *of the force and effect of the rules referred to in para-*
7 *graph (1).*

8 (b) *APPLICATION.*—*Subsection (a) shall apply only*
9 *during the period that—*

10 (1) *begins on the date of the enactment of this*
11 *Act; and*

12 (2) *ends on the latest of—*

13 (A) *the effective date of rules issued by the*
14 *Service after such date of enactment to control*
15 *overabundant mid-continent light geese popu-*
16 *lations;*

17 (B) *the date of the publication of a final en-*
18 *vironmental impact statement for such rules*
19 *under section 102(2)(C) of the National Environ-*
20 *mental Policy Act of 1969 (42 U.S.C.*
21 *4332(2)(C)); and*

22 (C) *May 15, 2001.*

23 (c) *RULE OF CONSTRUCTION.*—*This section shall not*
24 *be construed to limit the authority of the Secretary or the*

1 *Service to issue rules, under another law, to regulate the*
2 *taking of mid-continent light geese.*

3 **SEC. 4. DEFINITIONS.**

4 *In this Act:*

5 (1) *MID-CONTINENT LIGHT GEESE.*—*The term*
6 *“mid-continent light geese” means Lesser snow geese*
7 *(Anser caerulescens caerulescens) and Ross’ geese*
8 *(Anser rossii) that primarily migrate between Can-*
9 *ada and the States of Alabama, Arkansas, Colorado,*
10 *Illinois, Indiana, Iowa, Kansas, Kentucky, Lou-*
11 *isiana, Michigan, Minnesota, Mississippi, Missouri,*
12 *Montana, Nebraska, New Mexico, North Dakota, Ohio,*
13 *Oklahoma, South Dakota, Tennessee, Texas, Wis-*
14 *consin, and Wyoming.*

15 (2) *SECRETARY.*—*The term “Secretary” means*
16 *the Secretary of the Interior.*

17 (3) *SERVICE.*—*The term “Service” means the*
18 *United States Fish and Wildlife Service.*

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