

106TH CONGRESS
1ST SESSION

H. R. 2454

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 1999

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

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;

22 (B) the establishment of sanctuaries along
23 the United States flyways of migrating light
24 geese; and

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

1 (4) As a direct result of this population explo-
2 sion, the Hudson Bay Lowlands Salt-Marsh eco-
3 system in Canada is being systematically destroyed.
4 This ecosystem contains approximately 135,000
5 acres of essential habitat for migrating light geese
6 and many other avian species. Biologists have testi-
7 fied that one-third of this habitat has been de-
8 stroyed, one-third is on the brink of devastation, and
9 the remaining one-third is overgrazed.

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

- 14 (A) Canada Goose.
- 15 (B) American Wigeon.
- 16 (C) Dowitcher.
- 17 (D) Hudsonian Godwit.
- 18 (E) Stilt Sandpiper.
- 19 (F) Northern Shoveler.
- 20 (G) Red-Breasted Merganser.
- 21 (H) Oldsquaw.
- 22 (I) Parasitic Jaeger.
- 23 (J) Whimbrel.
- 24 (K) Yellow Rail.

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

5 (b) PURPOSES.—The purposes of this Act are the fol-
6 lowing:

7 (1) To reduce the population of mid-continent
8 light geese.

9 (2) To assure the long-term conservation of
10 mid-continent light geese and the biological diversity
11 of the ecosystem upon which many North American
12 migratory birds depend.

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

16 (a) FORCE AND EFFECT.—

17 (1) IN GENERAL.—The rules published by the
18 Service on February 16, 1999, relating to use of ad-
19 ditional hunting methods to increase the harvest of
20 mid-continent light geese (64 Fed. Reg. 7507–7517)
21 and the establishment of a conservation order for
22 the reduction of mid-continent light goose popu-
23 lations (64 Fed. Reg. 7517–7528), shall have the
24 force and effect of law.

1 (2) PUBLIC NOTICE.—The Secretary, acting
2 through the Director of the Service, shall take such
3 action as is necessary to appropriately notify the
4 public of the force and effect of the rules referred
5 to in paragraph (1).

6 (b) APPLICATION.—Subsection (a) shall apply only
7 during the period that—

8 (1) begins on the date of the enactment of this
9 Act; and

10 (2) ends on the latest of—

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

15 (B) the date of the publication of a final
16 environmental impact statement for such rules
17 under section 102(2)(C) of the National Envi-
18 ronmental Policy Act of 1969 (42 U.S.C.
19 4332(2)(C)); and

20 (C) May 15, 2001.

21 (c) RULE OF CONSTRUCTION.—This section shall not
22 be construed to limit the authority of the Secretary or the
23 Service to issue rules, under another law, to regulate the
24 taking of mid-continent light geese.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) MID-CONTINENT LIGHT GEESE.—The term
4 “mid-continent light geese” means Lesser snow
5 geese (*Anser caerulescens caerulescens*) and Ross’
6 geese (*Anser rossii*) that primarily migrate between
7 Canada and the States of Alabama, Arkansas, Colo-
8 rado, Illinois, Indiana, Iowa, Kansas, Kentucky,
9 Louisiana, Michigan, Minnesota, Mississippi, Mis-
10 souri, Montana, Nebraska, New Mexico, North Da-
11 kota, Ohio, Oklahoma, South Dakota, Tennessee,
12 Texas, Wisconsin, and Wyoming.

13 (2) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (3) SERVICE.—The term “Service” means the
16 United States Fish and Wildlife Service.

Passed the House of Representatives August 2,
1999.

Attest:

JEFF TRANDAHL,

Clerk.

By MARTHA C. MORRISON,

Deputy Clerk.