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IMPLEMENTATION OF THE NATIONAL WILDLIFE REFUGE IMPROVEMENT ACT: HAS THE PROMISE BEEN FULFILLED?

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

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OVERSIGHT HEARING ON IMPLEMENTATION OF THE NATIONAL WILDLIFE REFUGE IMPROVEMENT ACT: HAS THE PROMISE BEEN FULFILLED?

Tuesday, October 9, 2007
U.S. House of Representatives
Subcommittee on Fisheries, Wildlife and Oceans
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to call, at 2:00 p.m., in Room 1324, Longworth House Office Building, Hon. Ron Kind presiding.

Present: Representatives Kind, Kildee, Faleomavaega, Brown, Saxton and Young (Ex Officio).

STATEMENT OF THE HON. RON KIND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. KIND. Thank you, Mr. Young, for joining us.

I want to thank you all, and I want to apologize. We had a little mechanical problem with the plane coming in today, but we are here safe now and ready to kick off the hearing.

I am honored to be able to chair this Subcommittee hearing today about the status of our Refuge System coinciding with the 10-year anniversary of the Refuge Improvement Act. It is hard to believe it has been 10 years already. This not only gives us a chance to look back but also a chance to look forward to where we are going as a Nation and as an institution in our support of these tremendously valuable public lands called the National Wildlife Refuge System.

I earlier in this session of Congress helped form a bipartisan caucus with our good friend, Jim Saxton, who is also on the committee, along with Mike Castle and Mike Thompson, to have the first-ever Congressional Wildlife Refuge Caucus in order to attract more attention and more focus on the status of refuges and what we need to be working on in a bipartisan fashion to support this very valuable system.

I do have a written statement that I would like to, without objection, submit for the record, but I especially want to welcome our panel of guests today, starting with Secretary Babbitt. He was here and very instrumental in helping shepherd through the Improvement Act in 1997, the first real organic act for our Refuge System, and did a tremendous job in his stewardship as Secretary of the

Interior during the Clinton Administration, along with the other guests who will be represented in the second panel.

But let me just say there are some very, I think, positive things that are going on with the Refuge System. All too often we hear some of the reports and studies coming out talking about the shortfalls and the strapped resources and what is not getting done. But as someone who represents an area of western Wisconsin that has, I think—and I am biased—three of the most beautiful wildlife refuges in the Nation—the Upper Miss, the Trempealeau and also the Necedah—and having a chance to visit them and others in the country, I am always very impressed with the quality and professionalism of the managers, the officers, and the staff of the refuges. You can feel their passion and energy every time you step on those refuges and listen to the work that they are doing, and the impact they are having in the community and with the people—not to mention the wildlife that depend on those refuges.

I think it is exciting seeing the refuge association and the friends group and the volunteers that come in to offer their help and assistance. Certainly there are valuable resources for the wildlife that depend on it, the quality of water supplies, which is essential for this Nation, and the educational opportunities that have really been ramped up, too, in recent years.

I think the outreach campaign—and I am going to ask Mr. Hall for a little more information during your testimony—on how we are going to tap into the youth of our country to get them more involved in outdoor recreation generally, but also in educational opportunities in the Refuge System, more specifically.

But, of course, we do have other very important reports: "Refuges at Risk", the latest 2007 report, talking about some of the shortfalls in regard to the operation and maintenance budget, some of the staff reductions that have occurred, and the quasi-mothballing of some of the refuges that has taken place because of limited resources.

We did have a nice ramp-up in funding, I felt, leading up to the 2003 centennial anniversary of the Refuge System, but since then it has been relatively flat-lined. I am happy that with this next fiscal year's Interior Appropriations bill, working closely with Norm Dicks on the Subcommittee, we have had the first significant increase in funding for the Refuge System for a number of years.

We are just trying to play catch-up right now. Hopefully, we will be able to convince the President and the administration that this is the right type of investment that we have to make. I know there are some funding issues and threatened vetoes out there, but this is something I think we have to come together on.

We also face a serious risk in regard to global warming and the impact that is going to have in the refuge, on the ecosystem, but also on the habitat and wildlife that depend on these refuges and how we are going to combat that.

We have had a virtual freeze in new funding for new buildings recently. It has been very difficult to move forward; and, hopefully, we will have some perspective on the state of our infrastructure in the Refuge System and what we are facing there. So certainly we have had some big challenges that can't be ignored.

Also, earlier this year, we had the report from the Cooperative Alliance for Refuge Enhancement, the CARE report, again, highlighting their survey and the issues that they think that we have to be engaged in.

So I think the hearing is very important. It is timely. It is a 10-year anniversary. It also coincides nicely with National Refuge Week this year. And we are bringing back some former alums who have considerable expertise in dealing with refuge maintenance, along with those currently who are serving our country.

So, with that, I would like to yield at this time to my distinguished friend and colleague from Alaska, Mr. Young, for any opening statements that he may have.

[The prepared statement of Mr. Kind follows:]

Statement of The Honorable Ron Kind, a Representative in Congress from the State of Wisconsin

This afternoon's hearing will focus on the efforts of the U.S. Fish and Wildlife Service to implement the National Wildlife Refuge System Improvement Act since its passage in 1997.

Ten years ago today, President Clinton signed the Improvement Act into law. Noting then that the Refuge System was the world's greatest system of lands devoted to wildlife conservation, President Clinton added:

"It is a system founded in faith; a belief that in a country as bountiful and diverse as ours, there ought to be special places that are set aside exclusively for the conservation of fish and wildlife resources. These special places are National Wildlife Refuges."

That statement remains true today. Our National Wildlife Refuge System—larger than our National Park System—contains the finest wildlife habitat on the North American continent, bar none. The System continues to provide sanctuary for many threatened and endangered species, resting habitat for millions of migratory birds, and abundant opportunities for virtually anyone, anywhere to rekindle a spirit for wildlife and wild places.

Hailed at the time of its passage as the first true organic act for the Refuge System, the Improvement Act has ensured that the Refuge System will remain, first and foremost, now and forever, devoted to fish and wildlife conservation.

Aside from the "wildlife first" mission established in the Improvement Act, important provisions establishing wildlife-dependent recreation as priority public uses, compatibility standards, comprehensive planning, and the maintenance of biological integrity and environmental health have all contributed to keep the Fish and Wildlife Service focused on this vital mission.

But all is not well with the Refuge System. Only last week, Defenders of Wildlife released their most recent report, Refuges at Risk, detailing the plight of the Nation's 10 most threatened refuges ranging from Alaska to the Lower Rio Grande Valley.

Certainly, as the co-chair of the House National Wildlife Refuge Caucus, I am painfully aware of ongoing problems created by insufficient funding for operations and maintenance, and of the Service falling woefully behind schedule in the completion of comprehensive conservation plans for every refuge or refuge complex. Climate change, invasive species, and water shortages are creating additional challenges.

The point of today's hearing is not only to look back to see where we have come, but more important, to look forward to see where the Refuge System must go to meet the challenges ahead. The Improvement Act has provided a sure footing for the Refuge System. How we build on this foundation from here on out, however, will determine the wildlife legacy that we bequeath to our descendants.

I look forward to hearing from former Secretary Babbitt, from Ms. Browner, and from our other distinguished witnesses assembled here this afternoon to discuss the hope and potential of this very special system of Federal lands.

STATEMENT OF THE HON. DON YOUNG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA

Mr. YOUNG. Thank you, Mr. Chairman. I want to thank Chairwoman Bordallo and, of course, the Chairman of the full committee. At my request, this hearing is being held. I want to stress that, because this hearing is about the state of our refuges and where we are going under the Act that was passed 10 years ago, signed into law by President Clinton. It was landmark legislation then and is today.

Very humbly, when you think about the beginning of the Refuge System on Pelican Island, it has grown to 96 million acres. And I want to stress that 96 million acres is the total amount of acreage, which is a considerable amount of Federally owned land.

In my State of Alaska, we have 16 National Wildlife Refuges, representing 76.2 million acres. So if you look at it, we have over 80 percent of the refuge lands in the State of Alaska, so I am quite interested in this issue.

These units allow hunting, fishing and other forms of wildlife-dependent recreation. Prior to the Act, the individual refuge managers had little if any guidance as to what was compatible activity. There was no designated priority uses within the system, no ability to review existing activities prior to Federal land acquisition, no comprehensive inventory of the archeological natural resources or wildlife natural resources values within each unit.

I was the proud sponsor of this legislation to remove these shortcomings. There was a fundamental need to revitalize the Refuge System, to end arbitrary or inconsistent compatibility determination, to establish priority uses and to respect historic activities occurring on private lands.

Getting this legislation enacted was a long and difficult journey. It took more than 3 years and months of intense negotiations. I am pleased that some of these people are still here. The organizations that were partners in the process are testifying today. It is also remarkable this bill passed both the House, and I say this for your benefit, and the Senate with only one dissenting vote.

It is now appropriate to reflect upon this Act and examine the current state of the Refuge System. I am frankly amazed that not a single provision of this law has been changed. Apparently, we got it right and the operation of the Refuge System has improved. In fact, in the past 10 years, the number of refuge units have grown from 514 to 548; the amount of refuge lands have been increased by more than 3 million acres; visitation has increased by more than 11 million people each year; and 317 of the 452 open refuges allow hunting. And this is a historic level. In addition, the Fish and Wildlife Service is working hard to complete the required comprehensive conservation plan.

Why I stress the hunting aspect, Mr. Chairman, is the fact that it was the original idea of the refuge, and we are their biggest supporters, and to change that policy now or on a future date would be wrong.

Before blowing out the birthday candles, however, we must acknowledge that funding for the Refuge System is currently inadequate, and I will be the first one to agree to that, but when you think you have 96 million acres of land, and I think we are gener-

ating $17 million, then that is not good management. We must figure out another way to help fund these systems that serve so many people.

We also recognize a lot of the refuges because of other acts of law are being overgrown by foreign invasive species and the maintenance backlog continues to grow to a staggering level. It is my hope that this hearing will be just the first of a series ever to address these problems of true management in the refuge.

Nevertheless, I do welcome my distinguished witnesses. My hope is that we continue to work together.

And the only thing I would like to say is, when you bring and hold this up, Mr. Chairman, I think you also identify who wrote it, the Defenders of Wildlife. We have a group of people in this room that do not believe in the Refuge System as I envision it and do not want any hunting or really recreation other than looking and they want the government to control it. And when you do that you lose the support of the people, you lose the intent of what the Refuge System was set up for.

With that, Mr. Chairman, I yield back the balance of my time.

[The prepared statement of Mr. Young follows:]

Statement of The Honorable Don Young, Ranking Republican Member, Committee on Natural Resources

Mr. Chairman, I want to thank Chairwoman Bordallo and Chairman Rahall for agreeing to my request to schedule an oversight hearing on the National Wildlife Refuge System Improvement Act of 1997.

Exactly ten years ago today, President Bill Clinton signed this landmark legislation into law thus creating for the first time in nearly 100 years a "Mission" and an organic framework for this unique system of federal lands.

From its humble beginning on Pelican Island, Florida, the refuge system has grown to over 96 million acres of federal lands with refuge units in every state and U.S. territory. In my own State of Alaska, we have 16 national wildlife refuges representing 76.2 million acres and each of these units allows hunting, fishing and other forms of wildlife dependent recreation.

Prior to this Act, individual refuge managers had little, if any, guidance as to what was a "compatible" activity, there were no designated priority uses within the system, no ability to review existing activities prior to federal land acquisition and no comprehensive inventory of the archaeological, natural resource or wildlife resources values within each unit.

I was proud to sponsor this legislation to remove these shortcomings. There was a fundamental need to revitalize the refuge system, to end arbitrary or inconsistent compatibility determinations, to establish priority uses and to respect historic activities occurring on private lands.

Getting this legislation enacted was a long and difficult journey. It took more than three years and months of intense negotiations. I am pleased that some of the same individuals, like former Secretary Bruce Babbitt, and organizations who were partners in this process are testifying today. It is also remarkable that this bill passed both the House and the Senate with only one dissenting vote.

It is now appropriate to reflect upon this Act and to examine the current state of the refuge system. I am frankly amazed that not a single provision of this law has been changed. Apparently, we got it right and the operation of the refuge system has improved.

In fact, in the past ten years, the number of refuge units has grown from 514 to 548, the amount of refuge land has increased by more than 3 million acres, visitation has increased by more than 11 million people each year and 317 of the 452 open refuges allow hunting. This is an historic level. In addition, the Fish and Wildlife Service is working hard to complete the required Comprehensive Conservation Plans.

Before blowing out the birthday candles, however, we must acknowledge that funding for the refuge system is currently inadequate, an increasing number of refuges are being overgrown by foreign invasive species and the maintenance back-

log continues to grow to a staggering level. It is my hope that this hearing will be just the first in a series of efforts to address these problems.

Nevertheless, I want to welcome our distinguished witnesses and it is my hope that we will continue to work together to ensure that the American people do indeed have the finest refuge system in the world. After all, it is a system that sportsmen have paid for with the billions of dollars in excise taxes and federal duck stamp fees. Public Law 105-57 is a true legacy to the vision first articulated by President Theodore Roosevelt more than a century ago.

Thank you, Mr. Chairman.

Mr. KIND. Thank you, Mr. Young.

I want to thank you personally, too, for your concern and interest and support of the Refuge System. You have been a real champion on this issue.

Now we are going to turn to our first witness today, former Secretary Bruce Babbitt. On a personal note, you may recall, or you may not, that you were the first public official in my congressional district in the 1996 campaign to help me campaign. We did an event called the Environmental Management Program, which, of course, is spearheaded by USGS. I enjoyed that thoroughly.

Of course, you were the principal architect of the Improvement Act of 1997 and very fully engaged in helping shepherd that through the Congress. And now we sit here 10 years later to look back and see what has worked and what hasn't and where we need to go from here. So it is a great honor to be able to welcome back to the committee here today Secretary Babbitt. Thank you.

I think everyone is familiar with the lighting system that we have here in the committee, the 5-minute rule. Rest assured all your written statements will be fully submitted for the record.

So thank you, Secretary Babbitt; and we will turn it over to you.

STATEMENT OF THE HONORABLE BRUCE BABBITT, FORMER SECRETARY OF THE INTERIOR

Mr. BABBITT. Chairman, you have amply fulfilled my expectations. That resulted from that first visit and my clairvoyant judgment that you would rise to an outstanding role in this body.

Mr. Young, I recall the hearing that gave rise to this legislation. I recall it as a somewhat contentious and unproductive hearing which was followed by a discussion that we had in your office which resulted in my recognition that I would have to deal with the forces of darkness led by my good friend Mr. Horn and get all of the stakeholders into this process. And as you yourself have said, it is quite extraordinary, the degree of consensus and the fact that 10 years later there have been no amendments necessary for the bill.

As I reread the legislation and the report last night, what comes back quite clearly is the three-cornered premise of this bill: First of all, a strong mission definition; second, a strong statement of compatibility that any use of the refuge had to be compatible with that primary mission; and, third, the mandate for comprehensive plans which would provide the public input and the analytical framework for making these compatibility decisions.

I think it has all worked quite well. I think the most interesting example of that is a recent court decision on the Little Pend Oreille National Wildlife Refuge in eastern Washington in which Judge

Stevens analyzes the Act, affirms this kind of triangular structure and strongly affirms compatibility, a decision made by the refuge manager.

Mr. Chairman, you have alluded, both you and Mr. Young, to the budget shortfall issues; and I won't add anything to that. I have something to say in my testimony. It is getting pretty desperate out there. I think the staff reductions are ominous, and it is also slowing the completion of the comprehensive conservation plans.

The compatibility decisions are not going to be well-made, and they may not survive judicial scrutiny unless they are made by managers in the context of the analytical framework of those plans. Only a third of the plans have been done in 10 years. The deadline is 5 years away. We still have two-thirds of the plans to go. It is important; and, as Mr. Young says, we must find some way to resolve that issue.

I would like to devote my remaining 1 minute and 54 seconds to two minor topics: global warming and land use. Let me just say with respect to global warming, it is going to impact migratory species most ominously. That includes most of the waterfowl, which are at the base of this refuge, in the refuges in Alaska, on the Pacific, the Atlantic flyway, the gulf of the Mississippi Flyway.

If you look at the sea level rise maps—get those maps. EPA has put them out. Overlay them on two places, Pamlico Sound in North Carolina and the Delta of the Mississippi River. You will see that by the middle to the end of this century on facts already in place, sea level rise is simply going to erase a number of the units in the Refuge System. We need to begin a process of systematically analyzing that, because the whole Refuge System is at enormous risk.

Let me conclude with just one example that I happen to have been involved in very recently. It is the Pocosin Lakes National Wildlife Refuge and the wildlife complex on Pamlico Sound. If you look at the EPA maps and the current consensus estimates of sea level rise, half of that 100,000 acre refuge will be gone in this century. Pea Island is likely to perish, as are areas in the Outer Banks. Now, what that means is we are going to have to come to grips with how these refuges migrate along with the coastal ecosystems of which they are a part. I don't have a lot of answers, but we haven't even started asking the questions.

Now, to make matters worse, as I conclude, in North Carolina, the Navy selected the western margin of that refuge for an outlying landing field. It was a decision not made with careful analysis. There are many alternatives. The landing field has been opposed by most of the North Carolina delegation, by the Governor and it has now come before this Congress in footnotes to the appropriations bill.

The reason I cite that is because it is a perfect example of the land use conflicts that we are going to see as these refuge systems begin—or at least the wildlife begin either to migrate with the shifting coastlines or to perish or at least be at risk of extinction.

That underlines my final point. Even as we expand them, as we must, most of the wildlife refuges outside of Alaska are postage stamps on large landscape ecosystems; and they are continually going to be threatened by growth, development, inconsistent uses unless we find some way of engaging States and local governments

in comprehensive State-centered land use planning with the refuges in mind.

I would leave for your consideration some other interesting Federal examples: the Coastal Zone Management Act, which has a State Federal process. You should look at the wildlife action plans, which have induced the States to begin that process.

But I would conclude by saying we could do a much more robust statutory and budgetary job of looking beyond the borders of these refuges at the changes that are going to take place and finding inventive ways to engage States, local communities and the Fish and Wildlife Service in looking ahead for the next century.

Thank you.

Mr. KIND. Thank you very much, Mr. Secretary.

[The prepared statement of Mr. Babbitt follows:]

Statement of The Honorable Bruce Babbitt, Former Secretary of the Interior

Madam Chairwoman and Members of the Subcommittee thank you for inviting me to testify at this important hearing. As Secretary of Interior I worked closely with this Subcommittee, Congress, and the President on crafting and passing the National Wildlife Refuge System Improvement Act in 1997. And I am keenly interested in how the administration, Congress, and the public can work together to ensure that the ideals exemplified in the Refuge Improvement Act are fully implemented in order to for the Refuge System, and the wildlife it supports, to thrive for the next century.

Teddy Roosevelt once said, "Wild beasts and birds are by right not the property merely of the people who are alive today, but the property of unknown generations, whose belongs we have no right to squander." By creating the first refuge at Pelican Island in 1903, President Roosevelt delivered on that statement. And thanks to the leadership of presidents who followed, of wildlife champions in Congress, of the unsung employees of the Fish and Wildlife Service, and of citizens banding together to protect wild places, the Refuge System has grown to encompass more than 500 units: a magnificent system of lands and waters, unique in the world, enjoyed by almost 40 million visitors a year.

Upon taking office in 1993 I encountered a system in peril, its problems documented in innumerable GAO reports, Fish and Wildlife Service reports, lawsuits, and Congressional hearings. Then after several more congressional hearings, the clouds parted and we began a serious dialog with this Committee under the personal leadership of Mr. Young and with the active participation of several members here today.

The result was the 1997 National Wildlife Refuge System Improvement Act. That title, however, belies the significance of the legislation, for it is much more than just another "improvement"; it is the first ever organic act for the Refuge System, comparable to the celebrated 1916 organic act of the National Park Service.

For most of the time since the Act became law, I have been back in private life, most recently as Chairman of the Board of the World Wildlife Fund. During that time I have had many occasions to visit and enjoy the refuges, meandering quietly and reflectively, without the overhang of staff, security and press, spending time with dedicated refuge staff and the marvelous corps of citizen volunteers that you can encounter at most refuges.

In the process I have observed first hand many positive improvements, notably the changes driven by the compatibility requirements of the Act. However, I have also seen that the promise of the Refuge Act, that we would elevate the Refuge System and administer it to the highest standards, has not been fulfilled.

The Refuge Improvement Act, overwhelmingly passed by Congress, was a promise to the American people: that the system of lands and waters that had been set aside for wildlife for the benefit of the citizens of this country would be properly cared for. I fear this promise has not been fulfilled. Today we find a refuge system crumbling from the weight of an immense backlog of operational expenses. Today we find a refuge system hemorrhaging a fifth of its hardworking staff. Today we find a refuge system having to choose between restoring habitat or educating children about the wonders of the natural world. Today we find a refuge system that has been neglected, and, unhappily, in some cases, a refuge system where the sound

management decisions of its professionals have been undermined by political meddling.

In my testimony today I will attempt to document some of these unfulfilled promises—not to dwell on the past, but to move the refuge system forward. And I will conclude with several observations about what needs to be done in a broader context to involve our states and local governments in the protection and enhancement of wildlife and their habitat.

Unfulfilled Promise: Compatibility

Of all the improvements mandated by the Act, the "compatibility" requirement is perhaps the most important. Refuges are where wildlife come first, they are closed to all other uses unless it can be demonstrated that such uses will not be harmful to the wildlife conservation purpose of the refuge system. In 1989, the GAO found that over half of all refuge managers reported harmful secondary uses occurring on their refuges. It was clear that comprehensive legislation was needed to fix this and other problems facing the refuge system.

The Refuge Improvement Act strengthened the compatibility standard and process, requiring greater transparency and public input into Fish and Wildlife Service decisions. The Fish and Wildlife Service responded by promulgating strong regulations and policy to implement the new standards.

To date, however, many compatibility determinations remain weak and lack strong scientific justification. More disturbing, cases are coming to light where correct compatibility decisions are being subverted by political directives from above. A particularly egregious example is occurring at Yukon Flats National Wildlife Refuge in Alaska where the Fish and Wildlife Service and the native Alaskan Doyon corporation are negotiating a land exchange within the refuge to get around a compatibility determination against oil and gas development within the refuge. By removing lands out of the refuge, compatibility will no longer apply. Drilling will have devastating consequences for the refuge, and this maneuver sets a terrible precedent for refuges throughout the country.

At Pea Island National Wildlife Refuge in North Carolina, again with strong scientific evidence of the impacts of the road running through the refuge, the refuge manager determined that a number of proposed alternatives for bridge replacement and road maintenance would be incompatible with the refuge's purposes. Under intense political pressure, the Interior Department has acquiesced in a compatibility evaluation process that ignores the impacts of additional road building within the Refuge.

There are more examples of this type of meddling in the sound professional judgment of dedicated refuge managers, reflecting administration policies contrary to the Congressional mandate embodied in the compatibility standard at the hear of the Refuge Improvement Act

Unfulfilled Promise: Planning

The Refuge Improvement Act provided the public the opportunity to engage in refuge management for the first time. The comprehensive conservation planning requirement of the Improvement Act is the main avenue for implementing many of the provisions of the Act, and it is an opportunity for the Fish and Wildlife Service to inform the public about each refuge, gain support from the surrounding communities, and obtain valuable input into the management of these precious lands. Many refuges have been able to use the planning process to solve complex problems.

The Refuge Improvement Act called for all refuges to have comprehensive conservation plans by 2012. Unfortunately, the Fish and Wildlife Service has only completed one third of the plans while two thirds of the time has elapsed. Yet, instead of proposing a strong investment in the planning process, the administration actually proposed cutting the planning budget in its Fiscal Year 2008 request.

Unfulfilled Promise: Maintaining Biological Integrity, Diversity, and Environmental Health

Twenty some years ago, selenium contamination from surrounding agricultural runoff had become so bad on Kesterson National Wildlife Refuge in California that the Fish and Wildlife Service had to harass waterfowl to keep them off the refuge's toxic ponds after more than 1,000 ducks died from selenium poisoning. Almost all the fish had disappeared. The refuge had died. This episode raised important questions about the Fish and Wildlife Service's ability to address conservation issues beyond their refuge boundaries and whether the Fish and Wildlife Service had an affirmative duty to sustain wildlife on a national wildlife refuge.

The Refuge Improvement Act addressed these questions, particularly its provision requiring the Secretary of Interior to maintain the biological integrity, diversity, and environmental health of the refuge system. Many external actions and threats im-

pact the refuge system's biological integrity, diversity, and environmental health. Yet this core provision of the Act has never been adequately implemented.

Water, essential for life, is an example. The vast majority of the refuge system contains important wetland and aquatic habitat, habitat that is vital to the millions of migratory birds and other species that depend on refuges. Congress recognized the importance of water to the refuge system, requiring the Secretary of the Interior to assist in the maintenance of adequate water quantity and quality to achieve the refuge system mission and the purposes of each refuge. Yet very little has been done to identify threats to refuge waters, secure adequate quantities of water to meet refuge objectives, or even maintain water quality, as exemplified at Hailstone National Wildlife Refuge in Montana where ducks are once again dying from selenium poisoning and toxic brine. Refuges in the Central Valley of California cannot compete on the open market for available water, leaving many of their lands dry. In Nevada, the Fish and Wildlife Service has virtually given away water rights at the Moapa Valley National Wildlife Refuge, succumbing to the largest groundwater development in the country's history threatening a refuge designed solely around the water and aquatic habitat it provides for an endangered fish.

Equally alarming is virtual take-over of the refuge system by invasive exotic plants and animals, threatening the biological integrity of each and every refuge. Some refuges today are virtual monocultures of plants from Asia, or Australia, instead of the native plants and unique habitats of North America that have evolved with the wild beasts and birds the refuge system was set aside for. On top of this, due to budget shortfalls the Fish and Wildlife Service is being forced to completely de-staff entire refuges—refuges that may quickly succumb to damaging invasive species in the absence of adequate control efforts.

Global warming is a serious threat to the System. Warming temperature and changing patterns of precipitation will require many species assemblages to migrate northward or upward in elevation, a process that is visibly underway in the West and in Alaska. Along the Atlantic and Gulf coastlines, rising sea levels will inundate large areas of existing refuges. Water will become even scarcer in many regions. The Fish and Wildlife Service must have the mandate and the resources to assess these changes and to analyze them in detail in the comprehensive plans for individual refuges. The National Park Service has already initiated such a process, and there is no time to be lost in getting this process underway in the Refuge system.

Unfulfilled Promise: Monitoring

The Refuge Improvement Act recognized that you can't manage a refuge if you don't know what wildlife and habitat is present or how wildlife and habitat is responding to management and external threats. Congress required the Secretary to "monitor the status and trends of fish, wildlife, and plants in each refuge" and required the Fish and Wildlife Service to manage the system using modern scientific resource programs. Though some regions of the Fish and Wildlife Service are beginning to invest in monitoring programs; overall, monitoring, if it is occurring at all, has been poorly planned, lacks scientific rigor, and is not providing the Fish and Wildlife Service the information it needs to adequately manage the refuge system. Robust monitoring programs are especially important as climate change alters habitats, predator-prey relationships, and other ecological functions. The refuge system should be our early warning system for these types of effects, but today these effects remain largely undetected and misunderstood.

Unfulfilled Promise: Strategic Growth

Amid an era of increasing population growth, virtually unchecked suburban sprawl, and rapid intensification of agriculture, it is critically important that we protect our increasingly isolated wildlife and last remaining wild places. Congress recognized this urgent need in the Improvement Act a decade ago, when it directed me and all future Interior Secretaries to strategically expand the refuge system in a manner that would protect and restore the unique wildlife and ecosystems of America. Never before has the need to prioritize such a visionary directive been so great.

Barely a two hour drive south of Washington, D.C. lies a refuge that is practically begging for land acquisition funds before the clock runs out. Rappahannock River Valley refuge is one of those rare and special places in the East, where river otters still swim freely, where endangered fish and plants still thrive, and bald eagles still soar in tremendous numbers. But how long can this condition persist as commercial enterprise and housing developments begin to overtake the area, as they threaten to do in many parts of our country? It was Congress's intent to avoid situations such as this, where the very integrity and purpose of our treasured wildlife refuges are severely undermined. Because of years of funding neglect by the administration and

Congress, private partners and land donors have done their best to pick up the slack, but even these noble efforts have barely managed to cobble together a few thousand acres, well short of this refuge's 21,000 acre acquisition goal. As is, Rappahannock River Valley refuge exists as a handful of scattered parcels, and unless those tracts can be connected and expanded soon, America will have a few more housing developments and a lot less of its natural heritage.

Rappahannock River Valley refuge is unfortunately not unique. All across America, our refuges are feeling the pressure from encroachment, fragmentation, and global warming. If America wishes to retain wild places well into the future, and I believe it does, it is now time for this administration and Congress to make a renewed commitment to the vision of 10 years ago. That vision saw a refuge system where not only wildlife thrive and find safe harbor, but also where our children learn of natural history, hunting, fishing, and to simply play in the woods. We owe it to our future generations to grant them the opportunity to see a bald eagle fly, or a river otter frolic, and to do so, full implementation of the strategic growth directives in the Improvement Act are vital to America's success in this important endeavor.

Unfulfilled Promise: Public Use and Enjoyment

Fish and wildlife come first on national wildlife refuges so they will be sustained for the benefit of the American public. Ninety-eight percent of the refuge system is open to the public. The Refuge Improvement Act created a unique system of prioritized uses: wildlife refuges are places where compatible wildlife-dependent recreation is facilitated over other uses. This makes sense. National wildlife refuges should be places where the public can hunt, fish, observe and photograph wildlife, and most importantly, learn about wildlife. There is a refuge within an hour's drive of every major urban area in the country. What a fantastic opportunity to welcome the public, especially children, to learn and experience the wonders of the natural world. If we don't teach our children to appreciate and understand wildlife and our natural resources, who will be tomorrow's stewards of these precious resources? Environmental education programs and other visitor programs are being slashed due to budget shortfalls. One school in Washington state had been working hand in hand with the Nisqually National Wildlife Refuge on a reforestation project. Each year, the entire school of 750 students would take a trip to the refuge to learn about the wildlife and habitat, and assist staff in its restoration. But the Fish and Wildlife Service had to drop this tremendous experiential learning opportunity because of lack of funds. We can't let opportunities like these fade. National wildlife refuges should be the centers for combating what author Richard Louv calls "nature deficit disorder" in our children.

Unfulfilled Promise: Law Enforcement

The protection of refuge wildlife, facilities, and public safety is the most basic function of the Fish and Wildlife Service. In 2006, there were over 95,000 law enforcement incidents ranging from stolen property to violent assaults. Every crime that occurs in America also occurs on national wildlife refuges. In 2005 an International Association of Chiefs of Police study of the Refuge System found that refuge law enforcement was woefully inadequate and recommended a 133% increase in law enforcement officers to respond to vandalism, poaching of wildlife, drug trafficking and myriad other crimes.

In New Jersey, budget cuts have left just one law enforcement officer at Forsythe National Wildlife Refuge, covering 47,000 acres. The refuge manager there responded by saying, "there's going to be more partying and more illegal ATV use on the refuge. There's going to be more illegal trash dumping." In some areas of the West, huge swaths of land are left to lone law enforcement officers. This is no way to treat this great system of lands or the public.

Unfulfilled Promise: Funding

While refuges continue to operate under the tight constraints of a federal appropriation that has declined or remained flat in recent years, their expenses continue to increase. Each year, refuge expenses must grow by $15 million just to meet ever-escalating fixed costs for salary adjustments, fuel, utilities, facilities rent and maintenance, and more. But because the refuge system cannot even keep pace with inflationary costs, the System is in serious financial trouble.

Let us not equivocate. The refuge system is reeling from years of fiscal starvation. The Fish and Wildlife Service has made public its intent to slash 20 percent of its refuge workforce, resulting in the permanent loss of more than 560 employees at a time when most refuges are short-staffed to begin with. In fact, a third of our nation's refuges already have no staff whatsoever. The refuge system is losing its biologists, its maintenance workers, its educational outreach staff, even its refuge man-

agers. Years of inadequate budgets have forced FWS not only to shed staff, but as I've already testified, to cut education for school groups, to scale back on biological monitoring and strategic planning, and to shelve scores of important conservation and restoration activities. Maintenance projects are backlogged, visitor centers are closing, and invasive species are, in some cases, literally taking over.

There is, of course, a remedy for these deficiencies. The Refuge Improvement Act established robust standards that would have ensured the health of the Refuge System for generations to come. It's now time to empower the Fish and Wildlife Service and the refuge system with the fiscal resources they need to provide another century of wildlife protection and education to current and future Americans. To live up to the standards of the Refuge Improvement Act, to address the $2.5 billion operations and maintenance backlog, to stop the hemorrhaging of staff, to strategically grow the System, and to ensure adequate law enforcement, ecosystem health and a positive visitor experience for generations to come, I call upon the administration and this Congress to fund refuges at a level that is commensurate with the enormous ecological and economic value they return to the American people.

Moving the Refuge System Forward

Several months ago, after speaking at a refuge event, I was asked "could you identify the single most important issue facing the refuge system in the coming century? And what legislation you would propose to address it?

It did not take me long to identify the issue. Most of our wildlife refuges are relatively small, amounting to postage stamps affixed on large landscapes that are rapidly filling with development. Our population, now about 300 million will increase by a third, by another hundred million by the year 2040. Now take a look at the map of our refuge system. Most refuges are located along or near the Atlantic, Gulf and Pacific coasts, and on river flyways, precisely the areas where most of the population growth and development is occurring.. Which in turn poses the question; can our refuges and their animal and plant communities survive in the next century as isolated plots in a sea of encroaching development?

Refuge lands must be expanded to insure an adequate future for our wildlife. There are, to be sure, limits, both fiscal and practical, to boundary expansion as the answer to refuge protection. In the longer term, the only way to insure the viability of our refuge system to encourage proper land use and sustainable development on the landscapes of which the refuges are only a tiny part.

Land use is and will remain a primary responsibility of state and local governments. Yet there is no reason why the federal government should not provide incentives to state and local governments to join more actively in the management of the landscapes surrounding our refuges.

What kind of incentives? One precedent that deserves consideration is our experience with the Coastal Zone Management Act of 1972. CZMA offers federal assistance to coastal states willing to establish land use plans for their coastal areas, and since enactment of the legislation 29 of the 30 eligible states have joined in this program, administered by the National Oceanic and Atmospheric Administration in the Department of Commerce.

The statutory mission statement of the Coastal Zone Management Act might well be applied to a comparable program for refuges: to "protect and enhance fragile natural resources by reducing conflict between competing land and water uses while representing a comprehensive approach to managing the impacts of development and other activities...."

Whatever the exact approach, I can say with confidence that the refuge system remains in need of a strong program of state and local participation in the management of lands surrounding the refuges. And there other Federal programs that could be targeted to provide incentives for federal, state, local and private partnerships to encourage sustainable use of adjacent lands, such as the Conservation Reserve Program administered by the Department of Agriculture, and the various private land stewardship programs administered by the Departments of Agriculture and Interior.

In conclusion, the Refuge Improvement Act remains, ten years after enactment at the initiative of this Committee, a strong legal foundation for the administration of our refuge system. What is most needed is the leadership, vision and resources to ensure that its promise is fulfilled for the benefit of future generations.

Thank you.

Mr. KIND. I would be remiss if I also did not extend her greetings to you. Chairman Bordallo desperately wanted to be here. She is

en route from Guam but wanted to express her welcome to you here today, too.

Let me just follow up, if I may, on the whole phenomenon on global warming and the impact it is going to have on the Refuge System. And now as an outside observer with the service and the management of these refuges do you feel there are sufficient steps being taken in light of the science and the impact it is going to have on the refuge within the service itself, management plans, or does something structural have to change within the service itself in order to put together the planning and the comprehensive analysis that you were just talking about?

Mr. BABBITT. Mr. Chairman, I think there has to be a structural change. The pervasive nature of these changes is such that they really can't be adequately addressed, although they should be analyzed in the comprehensive conservation plans. The service must have a mandate and the resources—for example, to look at the entire region of Pamlico Sound, Florida Bay, the Gulf Coast, the Atlantic Coast, they are all related; and we haven't even begun to comprehend that.

There are some extraordinary examples in Alaska. The retreat of the Arctic ice cap has now moved sufficiently far off the Beaufort Sea shoreline. There is every reason to believe that the polar bear population will, in fact, diminish and that the only possibility for maintaining that population on some semblance of a land ice bridge is going to be in the ANWR, the Arctic National Wildlife Refuge, and we need serious attention to those issues.

Mr. KIND. Mr. Secretary, the structural changes that you would like to see, is that something that can be done internally or is it something that Congress needs to be engaged in, in order to provide the statutory authority or the mandate to do so?

Mr. BABBITT. Well, Mr. Chairman, I spent the better part of 8 years up here answering that question by saying, leave it to the bureaucrats, of which I am one. I return now as a private citizen and an environmentally concerned private citizen to say that a congressional mandate would be much the preferable way. This is a large issue, it is a systemic issue with catastrophic potential consequences that it should not be left to Mr. Hall, his successor, Secretary Kempthorne or his successor, whoever they might be.

Mr. KIND. Thank you. Before coming out here this morning to catch the flight, I was out observing the great migration that is taking place in the Upper Miss right now, and it is spectacular, and it is beautiful, but it is also daunting in regard to the management and the multiple uses of that vast area. And we have especially dealt with the difficulty of putting together a comprehensive conservation plan in light of the multiple uses for the Upper Miss, 'which has proven quite controversial, at least in the State of Wisconsin, when it comes to certain access issues and what type of access that you are talking about.

Now, we are obviously behind the time line when it comes to the development of all the comprehensive plans throughout the Nation. Do you have any specific recommendations of what we need to do to try to streamline this process in order to get these plans done and up and going at a much quicker pace than what we have seen so far?

Mr. BABBITT. Mr. Chairman, I believe the baseline issue is funding. I don't think there are any significant shortcuts. I would be very skeptical of any response which says we will simply accelerate our effort and start cranking them out. They take time and resources, and they can't be done on a refuge which has at most one or two personnel, where the visitor center isn't open most of the time, where trash is piling up, invasive species are running wild, where there is not a semblance of the resources necessary to do their day jobs, much less undertake this kind of planning regime.

The plans are good. They work. They are worth doing. The court decision in the Little Pend Oreille ought to be a reminder of the importance of this.

Mr. KIND. It is mentioned in your testimony about some of the land use conflicts and how that might slow the process down a little bit. But, ultimately, at the end of the day, in order for the CCPs to work you got to have maximum buy-in not only from those in charge of putting the plans in place but the input from the community at large. Because a lot of this is going to be self-enforcing. We just won't have the resources in order to go out there unless you have that buy-in from a larger community and the multiple uses of the refuge.

Do you have anything in particular that you would recommend in order to deal with the land-use conflicts or the multiple-use conflicts that pop up from time to time without jeopardizing the consensus building that has to take place at the end of the day?

Mr. BABBITT. Mr. Chairman, I think the service has done a good job on the public involvement that is mandated by the Act. I think that what we ought to be working on is statutory ways to give incentives to State, county and municipal governments, not mandates.

But there are a number of interesting examples—coastal zone management is one that I referred to—in which we look out across those boundaries and invite the State governments and the local governments.

Another way that could be done would be to put some language into the wildlife action plans. It has been an enormously successful program. It has brought—I forget the exact name of it—it is a State grants program that has brought the States into—most all States into very high-quality wildlife analysis and mapping across the States. I think it would be perfectly logical to revisit that and say here is an extra add-on to the extent that you want to get into looking at land use in connection with the refuge managers. Just set up the process and give the incentives.

Mr. KIND. Great. Thank you, Mr. Secretary.

My time is expired. We will turn it over to Mr. Young for any questions.

Mr. YOUNG. Thank you, Mr. Kind.

Mr. Secretary, you hit upon the funding and cooperation and suggested that Congress come forth with possibly the solutions of the bureaucrats. I might agree with that, but, knowing this Congress, we haven't been able to do a whole lot in the last year and a half, and I don't know how much more we are going to be doing, and this is realistic. And I don't know whether we can solve the funding.

I mentioned in my statement, Mr. Secretary, we have 96 million acres in refuges; and it is my understanding we raise $75 million a year off the 96 million acres. Is there any way we can use the 96 million acres to raise more money for the Refuge System?

Mr. BABBITT. Mr. Young, I have always been an advocate of visiting and revisiting the issue of fees. I wouldn't advocate fees for the Alaska refuges. It would cost more to collect them than they would be worth.

If you go down to Sanibel Island during the winter season down there, I don't know whether they are charging admission fees. It is not a total solution, but it has been helpful in my judgment in the National Park System, and I think it should be carefully examined here.

Mr. YOUNG. Well, going along those lines, though, if we have a refuge, just raising by fees, that is just a minor amount of money. If we have 11 million more visitors a year, you have to be charging something like a $100 fee or better for those that visit to raise the money. We are at about a $2.4 billion backlog, if I am not mistaken.

What I am looking for, and I am not a pessimist, but I don't see, other than this hearing, much enthusiasm for the Refuge System in the U.S. Congress. A little talk, a little bit of a discussion, but not much enthusiasm.

As I mentioned, invasive species and everything else, and if we buy your concept of rising tide and we have to adjust the borders of the refuge to make sure they have enough space for the migratory birds and stuff, that is going to take money. And somehow we have to figure out how we are going to raise that money or raise the interest level higher to get it.

I still think—what happens as far as duck stamp money? Where does that go? What does it go for? Does anybody know?

Mr. BABBITT. It goes largely, in my understanding, for habitat acquisition in the Duck Factory.

Mr. YOUNG. But not management of the refuge front. And we have increased like 96 million acres. We probably could get more. I would not support that, but say somebody else would. Because I believe if you have the inability to manage the property you have, then you shouldn't be purchasing another house. You should take and make sure your house is being run correctly.

So I have to figure out a way we can get the monies, other than direct appropriation. You can forget that. There is just not going to be $2.4 billion additional dollars for the backlog. So we have to figure out a way to raise those dollars. If anybody has any suggestions, and for those that are going to testify later on you better think about it, because I will probably ask the same question if I am here. Mr. Secretary, you are at a disadvantage now because no one has come to me with how we are going to raise those dollars.

Mr. BABBITT. Mr. Young, I would only suggest that you might talk with I think the two most creative sort of indirect fund-raisers in or from the U.S. Congress, John Barrow and Mary Landrieu, who have in aid of coastal issues in Louisiana come up with imaginative proposals tapping everything that stands or moves within the jurisdiction of not just Louisiana but the entire United States.

Mr. YOUNG. Well, I will be supportive, because that is oil and gas. I didn't want to bring that subject up, but that is exactly where it is coming from. And if you remember the CARE Act, which I was a sponsor with Mr. Miller, that is what we were going to do to make sure those monies were permanently appropriated and not at the discretion of the appropriators for the Conservation Reinvestment Act. And of course it got over the Senate and died.

By the way, we had 328 votes I believe for that Act; and that does show some imagination. But unless we see the interest, then I can't get your side to even think about offshore drilling other than Louisiana. And we might want to start thinking about—maybe we think about, oh, God help us, oil and gas development, that a set portion of that money would go directly to the refuge improvement and maintenance of and the future development of supposedly global warming. You might want to think about that. That may be a little farfetched.

Mr. Chairman, every time I mention that, you can't do that. Those dirty old fossil fuels, we can't develop it. But if we want to solve this problem of refuge which does exist today and if we are really interested in fish and wildlife and recreational purposes and touching nature, we better damn well accept that challenge.

I am out of time.

Mr. BABBITT. Mr. Young, may I offer a brief rejoinder and suggestion in the spirit of our earlier collaboration?

Mr. YOUNG. Yes.

Mr. BABBITT. I believe were those concepts detached from all of the raging debates about where development should take place and that were cut adrift and you were just examining the issue of revenues as they may come under law, whatever that law may be, that would be an opportunity for you and me to go back to your office and write a bill. Unfortunately, I am no longer in power to do that.

Mr. YOUNG. Mr. Chairman, in response to Mr. Babbitt's—Secretary Babbitt's little story—and he may deny this—but when he was Secretary he came to my office again and asked for assistance to help rewrite the Endangered Species Act, and we were working on that and making progress. And, lo and behold, in 1994 we took over control of the Congress, and I tried to rewrite the Act, and all of a sudden I was a bad guy. No politics involved. But I just want to tell you what can happen in this business we are in.

I would be willing to sit down and talk to anybody if we can find a way to find a permanent source of income so it doesn't go through the appropriation process for the improvement and the management of our refuges, and I think that is what we ought to be doing.

Mr. KIND. Well, thank you, Mr. Young.

If it is OK with you, I would like to just follow up with a couple more questions, mainly on that line of thought. Because I have been talking to a lot of individuals, a lot of groups on this very point and try to see what creative minds exist out there to have this steady, dedicated source of income.

You raised the duck stamp money that is raised every year, yet you are talking about a very limited universe there of duck hunters that are actually contributing to it, and there are a very small percentage of those who are actually going into the refuges to enjoy that hunting sport. I am one of them. And yet we have a lot of

birders going in, bird watchers, photographers going into our Refuge System that aren't buying duck stamps at the same time. And the duck stamp money is mainly for wetlands preservation programs, both on public and private lands. So we do have to, I think, come up with a different funding source user fee.

But this is also a question maybe the second panel, anyone on the second panel, might have some ideas or thoughts on, too, is how can we raise some additional revenue from a dedicated fee or source in order to deal with this backlog problem that we have right now in financing the Refuge System.

I am glad to hear that your office is open, as mine is for you, Mr. Babbitt, or anyone else who has some ideas or thoughts on this very topic. But I would just disagree with you slightly, Mr. Young, in regard to a level of interest in the Refuge System in the Congress. With the bipartisan caucus that we formed, we do have 138 members, so we are able to get out information into the offices. We just haven't had your leadership on the caucus yet that we desperately need.

Mr. YOUNG. A lot of time these caucuses, people get on it, because I am the head of the sportsmen's caucus, or was. As you know, people get on and say they are on it, but they are really not there to do anything. And that frustrates me.

Mr. KIND. Granted. But it is a truism in this place that there is virtually a refuge in every congressional district, or at least one within hiking distance of every congressional district. So it does affect us all, and I think we have to figure out a way of tapping into the interest that does exist in the Congress.

But let me also ask you, Mr. Babbitt, another very important issue. We have had a hearing on this already, and that is the spread of invasive species. And obviously, global warming is going to bring a whole new dynamic to that. I have pending before this committee, and we hope to go to full committee markup H.R. 767 called the Repair Act, which will provide Federal grants and in a partnership on the public and private level in order to deal with the spread of invasive species in and also in the surrounding area of our Refuge System.

How big a threat is that? And do we need a statutory response to authorize the service in order to form these partnerships with the local entities in order to have a good comprehensive plan and also, hopefully, the funding to deal with the invasive problem that we have?

Mr. BABBITT. Mr. Chairman, I think a statutory directive would be really useful. This is a new and again vast, poorly understood and hugely destructive problem that cannot be addressed just inside the boundaries of the refuge. And it is yet another example of how it is driven by all these forces. We need to find ways to sign up the surrounding jurisdictions, and I believe it would be really important to flag that as a statutory effort.

Mr. KIND. I appreciate that, because we have received a lot of good advice from Mr. Hall and Mr. Haskett, the chief here, in regard to the spread of invasive species. And while they do have programs in place, it just seems to be out here rather than at a real focal point that I think we need and that is necessary. Of course,

we do get back into the funding issue, and all roads seem to head back to that poignant fact.

But, again, I want to thank you for your insight and for your involvement and for the history that you bring to the Refuge System and to this committee. It has been a joy to have you here.

Mr. Young.

Mr. YOUNG. Mr. Secretary, put your mind to work and maybe we can arrive at some solution to a problem. Again, the finances are the hardest problem. Although we have 130 on this deal, I would be extremely surprised if we had more than a 10 percent increase in the refuge dollars directly appropriated. And that is where CARE came in where it was automatic and came of off of offshore drilling, and instead of where it goes now into the general Treasury to be spent on some other crazy program that never gets any results at all. And I am not casting dispersions on anybody, but in reality if we don't do that, if we don't take a resource and use it to develop and protect another resource, we are going to lose this battle eventually.

Mr. BABBITT. Mr. Young, I suppose that means I ought to go start talking to Mr. Horn again.

Mr. YOUNG. Mr. Horn is not impossible. He is not.

Mr. BABBITT. Thank you very much.

Mr. YOUNG. Thank you.

Mr. KIND. Thank you, Mr. Secretary.

Now I would like to welcome our second panel up to the microphones. While they are finding their seats, let me quickly introduce them here this afternoon.

Our second panel consists of The Honorable Carol Browner, Chairwoman of the Board of Directors for the National Audubon Society and former Administrator of the U.S. EPA during the Clinton Administration; The Honorable Dale Hall, Director of U.S. Fish and Wildlife Service, U.S. Department of Interior; Mr. Evan Hirsche, Executive Director, National Wildlife Refuge Association; Mr. John Frampton, Director of the South Carolina Department of Natural Resources—welcome. glad to have you—and also The Honorable William Horn, General Counsel of the U.S. Sportsmen's Alliance, former Chairman of the National Wildlife Refuge Centennial Commission, and former Interior Assistant Secretary for Fish and Wildlife and Parks.

I would also, since I see him sitting in the audience, too, Chief Geoff Haskett of the Refuge System. Delighted to have him here this afternoon as well.

So, Ms. Browner, we will turn it over to you. Thank you again for being here.

STATEMENT OF HON. CAROL BROWNER, CHAIRWOMAN, BOARD OF DIRECTORS, NATIONAL AUDUBON SOCIETY, AND FORMER ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION AGENCY

Ms. BROWNER. Thank you very much, Mr. Chairman, and Congressman Young, for the opportunity to be with you today.

While I am the former administrator of the EPA, I appear today as Chair of the Board of Directors of the National Audubon Society. My testimony is offered not just on behalf of the National Audubon

Society; it is also endorsed by the National Wildlife Federation, the Wilderness Society, and Defenders of Wildlife. Together, our organizations represent more than 6 million members and supporters across the country dedicated to wildlife and habitat conservation. You may be aware of this, but National Audubon has an extensive history working to protect America's wildlife refuges, including from the very beginning, our members actually urged President Teddy Roosevelt to create the Refuge System and at the turn of the last century, helped to provide some of the first wardens to protect the refuge from the plume hunters. Audubon's 24 State offices and more than 500 local chapters across the country continue to provide volunteer support to the refuges nationwide.

Mr. Chairman, I want to begin by thanking you for your leadership of the Congressional Wildlife Refuge Caucus and all of the members of that caucus. The question that you asked today, and I think the point of this hearing is, quite simply, has the promise of the act been fulfilled? And I think, unfortunately, and you noted there has been some progress, but on balance the answer is: No, the promise has not been fulfilled.

Ten years after passage of this landmark legislation, we find that there are implementation of several key requirements that have really not been fully realized, and that the result is that we are not living up sort of the hope and the intent of the legislation.

We are particularly concerned with the low priority that has been given to implementing two of the key provisions. First, the mandate to direct strategic growth of the system to conserve the ecosystems of the United States. And, second, the mandate to maintain adequate water quantity and water quality to fulfill the mission of the system and the purposes of each refuge.

We share the concern that you spoke about with Secretary Babbitt as to the funding crisis, I think we would call it. We believe that this funding crisis has slowed conservation planning, limited even the most basic monitoring of refuge resources, and severely limited the system's response to the highest priority threat to habitat, which are invasive species. And we certainly agree, Mr. Chairman, with your observation that sooner rather than later we are going to need to begin to account for the realities of climate change and the consequences that the refuge will experience.

A few thoughts as you go forward. First, Audubon strongly encourages further oversight from this committee. Now, that may sound a little odd from someone who spent 8 years subject to the oversight of Congress, but I would encourage you to use that oversight. It can be a real, I think, help to the agency when the Congress can engage in that sort of way. I think looking at the strategic growth of the system, efforts to maintain adequate water for the refuge, and efforts to complete comprehensive conservation plans in a manner consistent with the Act mandates would be particularly useful.

We would also recommend that the committee consider passing legislation that would help the system to address the invasive species issues and the borderland conflicts. And in particular, Mr. Chairman, I want to thank you as well as Congressman Saxton for your leadership in introducing the Repair Act, which we think would be extremely helpful in terms of answering the invasive spe-

cies challenge. And I understand that the committee will look at that bill later this week, and we lend our support to the passage of that.

Let me just say in closing how important we think your work is in looking at where we are and what the 10 years have wrought, and how much we are available to work with you as you move forward to address these concerns.

On a personal note, I come from Florida; as many of you know, I served as Secretary of the environment in Florida and was part of an effort to expand the Big Cypress National Wildlife Refuge. It is an amazing place, and it meets a need of the public that sometimes our national parks don't. And I think it is that uniqueness that we want to make sure we preserve going forward, but at the same time, on the same hand recognize that there are real challenges to preserving those opportunities that the refuge provide to people across this country.

Thank you.

[The prepared statement of Ms. Browner follows:]

Statement of Carol Browner, Chairwoman of the Board of Directors, National Audubon Society

Madam Chairwoman and Members of the Subcommittee:

Thank you for the opportunity to testify regarding implementation of the National Wildlife Refuge System Improvement Act of 1997. I commend you for holding this important hearing. I speak to you today as both a former Administrator of the Environmental Protection Agency and as the Chair of the Board of Directors of the National Audubon Society.

My testimony today is offered on behalf not only of National Audubon Society but also National Wildlife Federation, The Wilderness Society, and Defenders of Wildlife. Together, our organizations represent more than six million members and supporters across the country.

Audubon's mission is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity. Our national network of community-based nature centers and chapters, scientific and educational programs, and advocacy on behalf of areas sustaining important bird populations, engage millions of people of all ages and backgrounds in positive conservation experiences.

The dedication of National Audubon Society to the protection of the National Wildlife Refuge System can be traced to its earliest history. At the urging of early Audubon societies, President Teddy Roosevelt, in one of America's great acts on behalf of conservation, established 6-acre Pelican Island in Florida as the first federal wildlife refuge. Audubon and the federal government jointly financed the work of the first Refuge System's first employee, a warden who guarded the birds of Pelican Island from plume hunters. Audubon continues to be a stalwart defender of wildlife refuges, with a deep appreciation and respect for the system's value to the country as a national treasure, as well as its importance as a tool for bird and wildlife conservation and for protection of the ecosystems of the United States.

Unfortunately, despite its value and importance, for decades the Refuge System has been under-appreciated, under-funded, and under-prioritized. Its tremendous potential, to be the bedrock of ecosystem protection in the country, and to be a driver of habitat protection in the larger landscape surrounding the refuges, has gone largely unrealized. In many ways, refuges have been passive recipients of a wide range of environmental threats, places where destructive activities were too often permitted, and where ecosystems were too often degraded by broader landscape-level threats such as invasive species, limited water supplies, and pollution.

In 1997, the Congress sent a strong signal that the era of under-appreciation, rampant unaddressed threats, and unrealized potential was coming to an end. The passage of the National Wildlife Refuge System Improvement Act, with unanimous bipartisan support in the House and Senate, for the first time gave the Refuge System a clear mandate to promote wildlife conservation above other uses, widely known as the "wildlife first" mission of the system. The Improvement Act also gave refuges powerful tools to begin to tackle unaddressed threats and to manage the system with an ecosystem approach.

Ten years after passage of this landmark legislation, however, implementation of several key requirements is grossly inadequate.

The Refuge Improvement Act is a Powerful Tool for Putting Wildlife First, but Many Conflicts are Still Unresolved

The basic framework of the Refuge Improvement Act was very important. It established the "wildlife first" mission of the Refuge System and clearly prioritized wildlife-oriented recreation over commercial activities and other non-wildlife-oriented uses. The Fish and Wildlife Service has developed strong policies for compatibility "ensuring that uses are compatible with wildlife conservation before they can be permitted—and appropriateness—ensuring that uses are wildlife-oriented and appropriate for a wildlife refuge.

According to refuge staff with whom we spoke, the appropriate use policy is used every day on wildlife refuges across the country to implement the "wildlife first" mission. When refuge managers receive calls requesting use of refuges for auto shows, weddings, and other non-wildlife oriented uses, the appropriate use policy makes it easier for refuge managers to refuse authorization for such activities. The appropriate use policy already has been used to exclude inappropriate helicopter use on a refuge, and is applicable to borderlands conflicts affecting refuges like Lower Rio Grande Valley.

The strength of the Improvement Act as a tool for putting wildlife first also has been verified in court. For example, Little Pend Oreille is a small oasis of protected wildlife habitat in northeastern Washington that provides hunting, fishing and wildlife recreation opportunities. An attempt to reopen much of this fragile refuge to harmful cattle grazing was blocked by a federal district judge. The judge found that restricting grazing in the Little Pend Oreille under the Refuge Improvement Act was appropriate.

This was an important decision for the future of the National Wildlife Refuge System. The Improvement Act has helped this refuge to prioritize its fundamental mission to protect "wildlife first," an encouraging sign that refuges across the country can be defended from incompatible and inappropriate uses that compromise wildlife protection.

However, much more work remains to be done to eliminate destructive uses of wildlife refuges. In 2002, the Refuge System issued a data collection effort to identify threats and conflicts within wildlife refuges. This effort identified more than 2,376 threats nationwide. The degree to which the Improvement Act has helped to address these threats in the past ten years is unclear. The last system-wide assessment of incompatible uses of the Refuge System through an independent investigation was completed by the Government Accountability Office (GAO) in 1989.

Audubon recommends that the committee request a new assessment of incompatible activities in the Refuge System by the GAO, including an assessment of the role of the Refuge Improvement Act in eliminating incompatible and inappropriate uses and if additional authorities are needed.

Diluting the Promise: The Service Has Selectively Ignored or Given Very Low Priority to Key Provisions of the Improvement Act

The Fish and Wildlife Service has accomplished very little in its implementation of the plain language and clear mandates of some of the key provisions in the Refuge Improvement Act. In particular, mandates to plan and direct the continued growth of the System to conserve the ecosystems of the United States (strategic growth) and to advocate for water rights and the protection of natural hydrological systems (water quantity and quality), largely have not been implemented.

Strategic Growth

The Improvement Act calls upon the Service to "plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System, to contribute to the conservation of the ecosystems of the United States, to complement the efforts of States and other Federal agencies to conserve fish and wildlife and their habitats, and to increase support for the System and participation from conservation partners and the public."

In an era of rampant population growth, intensification of agriculture, and sprawling development, the "continued growth of the system" as Congress directed, is of utmost importance to "contribute to the conservation of the ecosystems of the United States." Yet, there are essentially no official national priorities to guide the creation of new refuges or the expansion of existing refuges.

The Service has considered a Strategic Growth policy internally but never finalized it. At the same time, the Service has operated under an informal policy that guided new acquisitions solely to inholdings, a strategic growth policy that includes neither strategy nor growth.

This "inholdings only" policy is particularly shortsighted in light of the ongoing and intensifying threat of climate change. As wildlife habitats shift in response to climate change, the Fish and Wildlife Service will need to plan for strategic growth in a manner that allows the Refuge System to adapt to climate change. Under current policy, when planning the future of a refuge, it is virtually impossible to plan for climate change without considering the buffer areas, habitat connections, and redundancies in habitat areas that will be necessary to give wildlife a fighting chance to adapt to climate change.

The Service is currently exploring a partnership with the U.S. Geological Survey regarding the use of a strategic, science-based process for habitat conservation at appropriate landscape scales. The system begins with assessments of species life histories and habitat requirements, then extends that to condition assessments of the needed habitat areas and identifies appropriate places for habitat acquisition and restoration. Such a strategic approach will be absolutely necessary to meet the mandate of the Improvement Act and to meet the challenge of climate change.

Audubon recommends that the committee encourage the Service to implement a strategic habitat conservation system in partnership with USGS and to promulgate a formal policy directing the System to "contribute to the conservation of the ecosystems of the United States" through strategic growth in a manner consistent with the Improvement Act.

Water Quantity and Quality

The refuge improvement act was firm and clear regarding water usage when it stated that "adequate water quantity and water quality" must be maintained to "fulfill the mission of the system and the purposes of each refuge." To quote the Fish and Wildlife Service from Fulfilling the Promise, its 1999 strategy document for implementing the National Wildlife Refuge System Improvement Act: "The Service needs to be a strong advocate for fish, wildlife, and plants in the adjudication and allocation of water rights and the protection of natural hydrological systems. A comprehensive assessment of the availability of water supply, projected water needs, and status of existing and needed water rights should be completed for each refuge." The Service has made very little progress in implementing this key provision of the Improvement Act.

While the Service has established "Promises Teams" to attempt to implement many of the recommendations in Fulfilling the Promise, no such team was ever formed to implement the water resources recommendations. Water needs are being identified at very few refuges. Water quality data are being collected in very few locations nationwide and little is being done to protect water quality on a landscape level.

The effects are being felt on refuges across the country, but the effects are particularly acute in California. As Defenders of Wildlife has reported, increasing water demands from agricultural and urban development cause the San Luis National Wildlife Refuge in California to struggle to secure enough water to sustain its wetlands. The health of San Luis NWR, an anchor of habitat along the Pacific Flyway, depends on the availability of water, and in the 1997 law, Congress declared that refuge water quality and quantity must be protected.

This problem will be exacerbated by climate change. The Refuge System should include assessments of the impacts of climate change on water availability in Comprehensive Conservation Plans for each refuge.

Audubon recommends that the committee encourage the Service to develop policy guidance for refuge managers to advocate for their legal right to secure adequate water for refuge lands.

Audubon further recommends that the committee encourage the Service to complete a comprehensive assessment of water needs at each refuge, to prioritize water needs when developing Land and Water Conservation Fund priorities, and to include an assessment of the impacts of climate change on water availability in all Comprehensive Conservation Plans.

Killing the Promise: Refuge Funding Crisis Kills Opportunities to Implement Core Requirements

The Refuge System faces a crippling backlog of more than $3.75 billion in operations and maintenance projects, killing opportunities to implement basic requirements of the Improvement Act such as inventorying and monitoring wildlife and completing Comprehensive Conservation Plans in a timely manner. The funding crisis also cripples the ability of the Service to tackle the primary threat to refuge habitat—invasive species—in a manner consistent with Improvement Act mandates to protect the biological diversity and ecological integrity of the system.

As the Cooperative Alliance for Refuge Enhancement has reported, the nationwide impact of funding shortfalls includes: A crippling 20 percent cut in national staffing levels, equivalent to a permanent loss of 565 essential staff positions; and more than 300 refuges operating at a loss by Fiscal Year 2013, assuming current funding and staffing trends.

Implementing state-of-the-art ecosystem management in a manner consistent with the Improvement Act is daunting in the face of diminishing resources that strain the ability of refuges to keep their doors open or to maintain existing programs such as environmental education.

Audubon recommends that the committee continue its oversight of the challenges facing the Service due to the crippling operations and maintenance backlog.

Comprehensive Conservation Planning

Comprehensive Conservation Plans are where the elements of the Improvement Act are brought together, where individual refuge units determine their highest and best use, plan appropriate public uses, and determine the compatibility of activities affecting refuge resources.

The Refuge System is required by the Improvement Act to complete Comprehensive Conservation Plans for each of its refuges by 2012. As of early 2007, approximately 350 were unfinished or yet to be started. In the Pacific Islands Region of the Refuge System, home to Guam National Wildlife Refuge and 19 other refuges, only three CCPs have recently been released in draft form. That leaves 17 others, which contain much more daunting planning challenges, to be completed in the next five years in order to meet the statutory deadline.

To date, each CCP has cost the System an average of $500,000, which does not include employee salaries to conduct the bulk of the work and research to write each CCP. Despite the significant cost and the Improvement Act's approaching deadline, the planning budget for refuges in recent years has been flat or going down.

Audubon cautions that the speed with which plans are completed should not be the sole focus of oversight from the committee regarding conservation planning. Frantic worry within the Refuge System regarding meeting CCP deadlines can be a distraction from the need for high quality plans that meet the best needs of the resources and provide solid guidance for management to meet those needs. There can be a tradeoff between the speed of completion and the quality and long-term usefulness of the plan.

Audubon recommends that the committee request that the GAO initiate a thorough study of Comprehensive Conservation Plans, to assess the resources truly needed to complete remaining plans, to assess the extent to which they are reflective of the requirements of the Improvement Act, and to make recommendations regarding improvements that can be made to ensure the plans are consistent with principles of ecosystem management and include strategies to cope with the impacts of climate change.

Basic Inventorying and Monitoring of Refuge Resources

Fulfilling the Promise makes it clear that "Now and in the future, rigorous approaches to inventorying and monitoring wildlife resources are needed to provide the information critical to devise, evaluate, and refine refuge management strategies implemented to meet refuge goals and objectives." Unfortunately, the refuge funding crisis has prevented the Service from making acquisition of this information a priority.

Basic inventory and monitoring requirements are still not accomplished on many refuges, and comprehensive knowledge is lacking even of species on refuges that are federally-listed under the Endangered Species Act as threatened or endangered.

Current approaches to inventory and monitoring of the plants, fish, wildlife and habitat within the Refuge System are also very inconsistent. According to the Fish and Wildlife Service's Fulfilling the Promise Progress Report completed in 2004, the Refuge System has surveyed all refuges about current wildlife and habitat monitoring procedures and how the data are collected, stored, and managed. Refuges used more than 180 different procedures.

Audubon recommends that the committee encourage the Service to give a high priority to completing consistent and comparable basic inventories of refuge resources that are essential to development of adequate Comprehensive Conservation Plans and to implementation of Improvement Act requirements.

Invasive Species

Invasive species are a top threat to refuges and a major cause of habitat loss throughout the country. More than 80 percent of refuges report problems with invasive species, and the problem now affects more than 8 million acres of refuge land.

The refuge funding crisis is crippling the response to this primary threat to the biological diversity and ecological integrity of refuges. More than $360 million of the $1.25 billion operations backlog is accounted for by invasive species control projects. In recent years, only $9 million has been allocated to addressing this $360 million problem.

The Refuge System prepared a National Invasive Species Management Strategy for the first time in May 2004. However, most refuges have no detailed inventory or maps of invasive distributions and no means to create either. Most refuges have no means to identify potential incipient infestations of invasive populations. Although invasive species control projects are one of the fastest growing components of the operations and maintenance backlog, funding priorities are usually dominated by other System needs.

This lack of funding is particularly disheartening in the face of evidence that refuge infestations of invasive species are a solvable problem that is ripe for more attention. For example, in partnership with the State of Washington, the Service has successfully eradicated an invasive weed, Spartina alterniflora, that threatened to take over the sensitive wetland habitat of Willapa National Wildlife Refuge. At its peak in 2003, the infestation covered approximately 15,000 acres of tidelands, and was projected to occupy 56,000 of the 80,000 acres at Willapa Bay if left uncontrolled. After a substantial federal and state investment, the infestation has been controlled and Willapa Bay has been saved.

Audubon recommends that the committee pass H.R. 767, the Refuge Ecology Protection, Assistance, and Immediate Response (REPAIR) Act, sponsored by Congressman Ron Kind and Congressman Jim Saxton. The bill encourages partnerships among the FWS, other federal agencies, states, and other interests to protect habitat within the Refuge System from invasive species and establish immediate response capability to combat incipient invasions. This legislation is needed to improve the Refuge System's ability to address the primary threat to refuge habitat.

New Issues Facing the Refuge System: Climate Change and Borderland Conflicts

Climate Change

Climate change is the greatest threat imperiling the National Wildlife Refuge System as a whole. The effects of global warming are already being seen on sensitive refuge habitats in Alaska and on hurricane-ravaged refuges along the Gulf Coast. Future threats from climate change, such as sea level rise, decreased water availability, rising sea temperatures, and ocean acidification, gravely jeopardize the ability of refuges to meet their conservation mission in the coming decades.

More than 160 refuges sit in coastal areas sensitive to rising sea levels. Based on varying models of greenhouse gas emissions, scientific estimates range from 4 inches to 3 feet of expected sea level rise over the next century, with a mean estimated rise of 20 inches. The Environmental Protection Agency estimates that nationwide a two-foot rise in sea level could eliminate 17 to 43 percent of wetlands in the United States. Refuges such as Alligator River NWR in North Carolina, Blackwater NWR in Maryland, as well as various southeast and southwest Louisiana national wildlife refuges, are among the federal resources most vulnerable to sea level rise.

Climate change impacts are potentially devastating in Hawaii, particularly for coral reefs protected by refuges such as Hawaiian Islands National Wildlife Refuge, due to rising sea temperatures and ocean acidification that could cause widespread coral bleaching.

Despite the potentially devastating impacts to refuge resources, over the past ten years the Service has not made climate change a priority, and the agency's strategic plan does not specifically address climate change. Comprehensive Conservation Plans for individual refuge units include climate change considerations only sporadically.

A recent report by the Government Accountability Office found that resource managers in the federal land management agencies have limited guidance about whether and how to address climate change and lack specific guidance for incorporating climate change into management actions and planning efforts. The GAO also found that resource managers tend to focus on near-term, required activities, leaving less time for addressing longer-term issues such as climate change. Resource managers told GAO that their agencies need an overall mandate and a coordinated approach to address the issue, and that it will take very strong direction from high-level officials to get agencies to address the effects of climate change. It also bears mentioning that the Administration has only recently made it clear that refuge staff can talk about climate change openly.

Audubon applauds the recent action by the Committee on Natural Resources to pass H.R. 2337, a comprehensive energy and global warming bill sponsored by Chairman Nick Rahall. This legislation includes the language of the Global Warming Wildlife Survival Act, sponsored by Congressman Norm Dicks, Congressman Jay Inslee, and Congressman Jim Saxton, which creates a comprehensive framework for a coordinated national approach to address the impacts of climate change on wildlife. The Survival Act will ensure that federal agencies, including the Department of the Interior, develop and implement plans to reduce the impact of global warming on wildlife and habitat. The bill was subsequently included in the multi-committee New Direction for Energy Independence Act (HR 3221) passed by the House.

Audubon recommends that the committee encourage the Service to provide more affirmative direction to refuge managers regarding their duty to include climate change in Comprehensive Conservation Plans.

Borderland Conflicts

Nearly one-quarter of the 1,950 mile U.S.-Mexico border lies within public lands, including valuable wildlife habitat within the Refuge System. Borderland conflicts have become the primary threat to refuge resources for several refuges along the border including Lower Rio Grande Valley, Cabeza Prieta, and Buenos Aires.

Illegal border crossings, enforcement activities along the border, and the double-layer, reinforced wall authorized by the recently enacted Secure Fence Act all threaten to destroy or fragment many miles of refuge habitat, restrict access to refuges for tens of thousands of visitors, and block access to the Rio Grande River for wildlife. In short, the border wall gravely threatens the ecological integrity, biological diversity, and environmental health of refuges that is safeguarded by the Improvement Act.

Although the Improvement Act may provide support through the appropriate use and compatible use policies, more support is needed for refuges facing border conflicts.

Audubon recommends that the committee pass H.R. 2593, the Borderlands Conservation and Security Act, sponsored by Congressman Raúl Grijalva, which would help alleviate the devastating impacts of illegal immigration and border enforcement activities on public lands, wildlife, and borderland communities, while providing the Department of Homeland Security with the flexibility it needs to effectively secure the borders. H.R. 2593 would require DHS to follow all laws intended to protect water, air, wildlife, and the health and safety of the people living in borderland communities

Conclusion

Ten years after passage of the National Wildlife Refuge System Improvement Act, implementation of several key requirements is grossly inadequate. To answer the question posed by the title of this hearing, the promise has not been fulfilled.

The strength of the Improvement Act is the clear mission that it gives to the Refuge System to protect wildlife first, and the clear priority it gives to wildlife-oriented uses over incompatible and inappropriate uses that harm refuge resources. However, in implementing the Improvement Act, the Fish and Wildlife Service has failed to implement key provisions, including a mandate to direct strategic growth of the system to "conserve the ecosystems of the United States" and another to maintain adequate water quantity and water quality to fulfill the mission of the system and the purposes of each refuge. The refuge funding crisis, in the form of a crippling $3.75 billion backlog of unmet operations and maintenance needs, has slowed conservation planning, limited even the most basic monitoring of refuge resources, and severely limited the system's response to the highest priority threat to habitat, invasive species.

The Refuge System is the world's premiere network of lands for wildlife conservation, and holds the potential to be a cornerstone of ecosystem protection in America. Our wildlife refuges deserve much, much better. The American people deserve to have the promise made to them kept, the promise to protect this unique heritage and national treasure for future generations.

Audubon, and the other organizations that have endorsed this testimony, have made several recommendations for committee actions including new oversight and legislative actions. I urge you to give these recommendations your full consideration, to ensure the era of under-appreciation, rampant unaddressed threats, and unrealized potential for our wildlife refuges truly comes to an end.

Madam Chairwoman and Members of the Subcommittee, this concludes my prepared statement. I would be happy to answer any questions you may have.

Response to questions submitted for the record by Ms. Carol Browner, National Audubon Society

Questions from Mr. Kind (D-WI)

1. Ms. Browner, you mention in your testimony that the current strategic growth policy for the Refuge System includes neither strategy nor growth. In particular, you are concerned that the Service's current "inholdings only" acquisition policy is shortsighted and may threaten the long-term ecological integrity of the Refuge System, especially in the face of climate change.

- **What are the main shortcomings of the Fish and Wildlife Service's strategic growth policy for the refuges and what should be done about it?**

The major shortcoming is that there is no strategic growth policy. The Service has considered one internally but never finalized it. In the meantime, the refuges have operated under an informal policy that prioritizes in holdings over all other new land acquisitions. As a result, the de-facto strategic growth policy does not consider refuge expansions or establishment of new refuges.

The current approach to Strategic Growth within the Refuge System contradicts the Improvement Act, which says very clearly that the Service should plan and direct growth in a way that best accomplishes the conservation mission of the System and contributes to the conservation of the ecosystems of the United States.

The Service should continue to develop a partnership with USGS regarding the use of a strategic, science-based process for developing habitat conservation priorities. This process is long overdue and will be extremely helpful to the Service as they work to improve their implementation of the strategic growth directives in the Improvement Act and also as they respond to climate change.

A formal policy on strategic growth that reflects and implements the Improvement Act also is long overdue. The Committee should consider encouraging the Service to promulgate such a policy.

- **Have you and other colleagues in the conservation community developed ideas on landscape principles that should guide that planning process? Does the Improvement Act need to be amended to provide more specific guidance?**

The process under development with USGS to arrive at habitat conservation priorities appears to be a sound one. The system begins with assessments of species life histories and habitat requirements, then assesses the needed habitat areas and identifies appropriate places for land acquisition and habitat restoration. A science-based, collaborative process for developing habitat priorities is needed, and the new system that is under development holds the potential to meet that need.

However, the System still lacks clear, well-coordinated policies to guide future growth. There are no official priorities to guide the establishment of new refuges or expand existing ones, and no official policies for considering the implications of such growth for the operations and maintenance backlog. The Service's Land Acquisition Priority System (LAPS) ranks approved projects based on biological value, but projects are not ranked by LAPS until approved by the Service Director, and not all acquisitions go through LAPS.

At this time, Audubon recommends that the Committee focus on developing policies that implement the clear directives of the Improvement Act, rather than amending the Improvement Act. The Improvement Act has clear mandates on strategic growth and we believe there is great potential to move forward in a positive direction if a strong policy can be put in place.

- **In regard to climate change, what are the highest planning priorities to ensure the long-term ecological integrity, biological diversity and environmental health of the Refuge System?**

Any new Strategic Growth policy for the Refuge System must reflect the overwhelming importance of planning for climate change. Landscape scale adaptation strategies for the Refuge System should include: establishing and maintaining wildlife corridors; acquiring new refuges that are resistant to climate change effects and may provide more stable habitat for wildlife (e.g., they have lower probability of drastic change due to resistant vegetation types, resilient species, and other factors); eliminating barriers to dispersal of wildlife beyond refuge borders; improving the compatibility of neighboring lands through establishment of buffer zones, acquisitions, and other strategies; instituting an active ecosystem restoration program to repair wetlands damaged from sea level rise and other habitat impacts; improving water conservation in communities surrounding refuges; and installing levees, dikes,

and other structures to defend refuge habitats from sea level rise, storms, and other threats.

2. Ms. Browner, you state in your testimony that the $3 billion funding backlog facing the Refuge System is crippling implementation of the Improvement Act.

- **What do you think is the most important impact of the lack of funding on implementation of the Act?**

The funding crisis is a pair of handcuffs on every refuge manager in the country. In particular, the lack of attention to the invasive species problem is disturbing. As I mentioned in my testimony, last year the Refuge System had a $9 million budget to address the problem nationwide, and this is a $360 million problem. Invasive species are broadly considered by refuge managers to be the number one threat to the resources they manage, and yet, with the backlog crippling their response, they have few resources with which to fight this threat.

3. Judging from your statement, it would appear that the policies developed by the Fish and Wildlife Service to make compatibility determinations have worked well and have ensured that proposed uses are both compatible and appropriate with the "wildlife first" mission of the Refuge System?

- **Is there anything to be gained by prohibiting outright certain activities at refuges or is it best left as a case-by-case determination?**

I think you raise an important question that deserves serious follow-up, certainly with a GAO request regarding incompatible uses and FWS authorities, and perhaps also with a hearing or series of hearings. As I mentioned in the testimony, Audubon would like to see a new request made for the GAO to assess incompatible activities in the Refuge System, defining the role of the Improvement Act in eliminating incompatible and inappropriate uses and determining whether additional authorities are needed. This request could set the stage for future hearings or oversight on this matter.

As a general rule, we believe it is appropriate for each refuge to assess the compatibility and appropriateness of uses based on local conditions and considerations. However, it may prove useful to the Service to receive legal direction from the Congress regarding uses that are generally inappropriate and harmful and therefore should be banned. This may include certain non-wildlife-oriented recreational uses or commercial uses of refuges. Again, a GAO study would be useful in assessing the value of such an approach.

4. When discussing the tardy schedule for the completion of comprehensive conservation plans, or CCPs, you note that it is important for the Service not to sacrifice quality in order to try and meet the statutory deadline.

- **In general, is the conservation community satisfied with the CCPs that have been completed to date? Are they solid documents?**

I will not speak for the entire conservation community, but the CCPs reviewed by Audubon staff have been solid documents, with two notable exceptions: many of the documents do not adequately reflect the priorities of the biological integrity policy, and many do not adequately address climate change.

The problem is that many of the refuges with the most complicated planning issues have been put off until the end of the planning process, leaving little time to complete them. Larger refuges with complex planning issues sometimes take as long as eight years to complete their CCPs, but many refuge managers have expressed that these CCPs are among the most valuable for changing their strategic direction to comply with the Improvement Act.

I recommended in my testimony that the Committee request a thorough GAO study of the CCPs. The study should assess the extent to which the CCPs reflect the Improvement Act requirements and should make recommendations for improving the plans so that they are consistent with principles of ecosystem management and so that they include strategies to cope with climate change. I hope the Committee will move forward with that recommendation.

5. Thank you for voicing the support of Audubon and other respected conservation organizations for my legislation, H.R. 767, the Refuge Ecology Protection and Immediate Response Act, or REPAIR Act. I share you view that our failure to address invasive species creates not only greater operating costs, but also diminishes quality opportunities for wildlife-based recreation.

- **Our failure to address this threat would also seem to violate the policies in the Improvement Act requiring the Service to protect the ecological integrity and biological diversity of refuges. Do you agree?**

Yes. The Improvement Act clearly directs the Secretary of the Interior to ensure that the "biological integrity, diversity, and environmental health" of the System is maintained. The Service's policy implementing this directive clearly emphasizes that refuge managers should manage toward "historic conditions" that are reflective of healthy ecosystem components, processes, and functioning. Invasive species rapidly drive ecosystems away from historic conditions, eliminate biodiversity, and compromise ecosystem functioning. Invasive plants, for example, often replace naturally functioning, biodiverse wetland systems with dense mats of invasive plants in a monoculture. Preventing invasions by nonnative species is one of the clearest ways the Fish and Wildlife Service could implement the Improvement Act mandate to protect ecological integrity.

Questions from Mr. Young (R-AK)

1. Please provide the Subcommittee with a complete list of the 2,376 what you call in your testimony "destructive uses of wildlife refuges"?

The 2,376 threats to the refuges I referenced in the testimony were identified from data gathered in 2002 by the Fish and Wildlife Service in an effort to create a nationwide Threats and Conflicts database for the National Wildlife Refuge System (United States Fish and Wildlife Service, Fulfilling the Promise Progress Report, October 1, 2004, pp 4).

It is my understanding that this database does not lend itself to descriptive summaries, nor can I provide a comprehensive list such as the one you requested. I would refer the Committee to the Fish and Wildlife Service for that information.

Mr. KIND. Thank you, Ms. Browner. I have already spoken to Mr. Young and he is in agreement. But to accommodate your schedule, we will go with questions here and then allow you to take off.

Ms. BROWNER. Thank you.

Mr. KIND. Thank you for your testimony and for your service to our Nation as well and for your insight on these issues.

You mentioned a few proposals; increased oversight, invasive species, dealing with that adequately; any borderland conflicts that might exist. Help us try to prioritize a little bit. There is just a swamp of issues and challenges that we are facing within the refuge. Have you had a chance to look at this and kind of delineate where the priorities or focus need to be?

Ms. BROWNER. I think I would have to agree with Mr. Babbitt: Money. If we could find some more resources, I think that could be very, very helpful. I mean, I trust that the personnel and the Department is doing what they can with the resources they have. But certainly, and Mr. Young and Mr. Babbitt discussed some ideas; it doesn't seem unreasonable to me, and I speak here personally, that duck stamps, which I don't think the price has changed in a long time, could be increased. I think they are $15 now. Something like $30.

Whenever I used to set an environmental standard at EPA and someone would say, well, what is it going to cost a family? And then you try and figure it out. And you then you would compare it to, well, that is less than going to the movies with your family. That is less than having pizza or a coke on Friday night with your

family. And so the idea that we could charge a little more and see those resources brought to bear I think is well worth consideration.

Mr. KIND. We were talking about the funding issue, too, with Mr. Babbitt. And we do have legislation pending that was started by Mark Kennedy and Mike Thompson in the last session that is carried over to actually increase the fees for the duck stamp. But, again, my concern is we are only talking about a very small percentage of the universe of users going into the Refuge System. And now in your position heading up the Audubon Society, and there are many members who constantly go in and enjoy the use of the Refuge System, do you have a sense within your own membership of what they would be supportive of in regard to new funding sources? That is one of the issues that I had raised, and I actually had conversations with, I think, Mr. Hall, with you and maybe some others, was the concept of a new refuge stamp.

But I don't want to do something that is going to cut into the uniqueness or value of the duck stamp at the same time. But something that I think bird watchers could also participate and start their own collection and purchase those if they knew that the funding was going to be dedicated for this very purpose.

Ms. BROWNER. I think from Audubon's perspective, we would be open to a conversation on that. It is a balance. You don't want to discourage people from taking advantage of the resource, and so you want to be mindful of sort of what their economics are. On the other hand, these are people who care passionately about their morning bird walks and the opportunity to do that in these places.

So we have found that when you can make a case to our membership about the benefits that will be derived from some sort of increased fee, they can be supportive of it. And finally, I have to say, I like your idea of something they can collect. Most birders have a life list. These are people who like to collect things and keep track of what is going on, and I think they could find it very attractive. But we would be happy, the Audubon staff, to work with you all and think about what our membership, which is quite large and is all across the United States, what they would be willing to support.

Mr. KIND. I certainly think it might be wise for us to start conducting some surveys or some polls out there with a variety of groups, and I would like to work with Mr. Young on this, just to get some feedback from the general public of what they would find acceptable and willing to participate in as far as new revenue sources. And we might even throw in a question as far as offshore drilling is concerned, too.

Ms. BROWNER. There, I would have to put on my Florida hat. We have a particular feeling about that in my home State.

Mr. KIND. Exactly.

Getting back to the strategic growth policy for the Refuge System that the Service is in charge of now as far as implementation of the Act. Do you see any shortcomings as far as the implementation, things that can be done better?

Ms. BROWNER. I think it is important for any of these type efforts to sort of keep pace with the science and to keep pace with the times. So I think your comments about climate change are particularly relevant. As the system thinks about what has to happen

today to protect the system and to meet the commitment and the mission of the system to preserve wildlife and wildlife habitat, we are going to have to bring in the climate change issue. Because you could think of everything that has already been on the books and do a splendid job, only to discover 10, 15, 25 years from now it didn't mean a lot.

Mr. KIND. I think you are right. And I think this is where it gets particularly complicated or cumbersome, when you talk about climate change, is that when original refuges were established with certain habitat that supported certain species or wildlife, maybe undergoing great transformation and change may not support it now because of global warming and climate change. And what is this going to do to the boundaries of these refuges? Where it may have made sense 50 years ago, but may not make sense in the next 50 years.

Ms. BROWNER. I think you are exactly right. I know of your particular interest in invasive species. Climate change is going to do probably very little to help us solve the invasive species problem. In fact, it is probably going to make in most areas of the problem even more acute. So as we start to think about in the short term the invasive species issues, we just need to be mindful of what is coming at us down the road.

Mr. KIND. Thank you.

Mr. Young.

Mr. YOUNG. I thank you, Mr. Chairman. If you would like to get on H.R. 2735, it will be very helpful. This is a bill that raises money. And also, I don't think just duck stamps are the solution to the problem, because the duck hunter is the one that created the fund to purchase the land. And I believe you may have 6 million in the Audubon Society, they ought to pay. Anybody who uses any refuge land ought to pay if they want to keep the refuge. And anybody that doesn't want to pay, they are being outright selfish. Anybody who watches birds has got as much money as the duck hunters have. That is just a little comment.

But I have one request, Ms. Browner. In your testimony you made a statement of, would you provide for me a complete list of the 2,376 what you call destructive uses of the wildlife refuges?

Ms. BROWNER. We would be happy to.

Mr. YOUNG. Good. Because I have talked to my refuge people themselves, and they don't know what you are talking about. So I would like to find out what it is.

Ms. BROWNER. Certainly.

Mr. YOUNG. Thank you.

Ms. BROWNER. Thank you.

Mr. KIND. Thank you, Ms. Browner. I appreciate it. Thank you again for your testimony and for your time here today.

Next, we will hear from Director Hall. Thank you, sir, for coming. And it has been a delight to be able to work with you on a variety of issues, and we look forward to your testimony. Thank you for being here.

STATEMENT OF DALE HALL, DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. HALL. Thank you, Mr. Chairman. It is good to see you again. And Chairman Young, good to see you as well.

I would like to thank you for having this hearing, but mostly I would like to start off thanking all of you for the Act. Many of you were really involved in this years ago, and Members of Congress really helped us get this sort of legislation. But we did it with friends as well. Members of the administration, members of the nongovernment organizations, et cetera. And on behalf of everyone in the Fish and Wildlife Service, I would just like to say thank you.

You know, starting from our great president, Theodore Roosevelt, when he created Pelican Island in 1903, to where we are today with 548 National Wildlife Refuges encompassing over 96 million acres of land that perform a myriad of services to Fish and Wildlife and to nature, as well as over 280 endangered and threatened species, the system is a really good system. It is really important and it is unique in the world, and I think that we need to recognize that. I believe you do. But we need to keep reminding ourselves that nowhere else in the world is there anything like the National Wildlife Refuge System.

But the Act helped us to understand that it is a system. It is not 548 independent entities, but one system trying to have a system of lands and waters that help with the conservation of fish and wildlife resources.

The Act envisions a collaborative approach, and I believe that we have tried to do that with over 250 friends groups and 38,000 volunteers every year working with our friends in the States and in the nongovernment organizations as well as other Federal agencies. And it also understood the importance of water. Carol Browner just mentioned water, and I will tell you that I believe that water is the issue of the 21st century for everyone, not just Fish and Wildlife resources. But if we don't understand that Fish and Wildlife resources need a place at the table where water is being discussed, they won't have one and they will be the losers.

With our State agency partners, we have involved the public in CCPs. And in working together, State agencies are co-managers of Fish and Wildlife Resources in every State, and they have been tremendous partners. And I am sure you are going to hear from John Frampton in a few minutes on that.

We have developed new policies in compliance with the Act, missions and goals of purposes, comprehensive conservation planning, appropriate uses, wildlife dependent recreation, habitat management planning and biological diversity integrity and environmental health are completed now, and we are continuing to work on the remaining policies that are left to be done. And what these policies do is provide a refuge manager with a consistent approach, whether you are in Chesapeake Bay or San Francisco Bay. And I think that is what we are after, is consistency in a true system of lands and waters. We have completed 254 CCPs, and we are well underway in completing, and I believe we will complete, all CCPs by the 2012 deadline.

As the Refuge System, though, has grown, so have the challenges. Climate change is real. It is something that is affecting our

refuges already, and it is something that we need to step up the pace in feeding the considerations into CCPs as we move forward. Invasive species. A decade ago when this law was being passed, I doubt that avian influenza was even on anybody's mind as something that could affect the health of a refuge, but we have West Nile Virus, purple loosestrife, and a myriad of other invasive species that we need to work with. And climate change, again, may help speed that along and create a harder problem for us to deal with if we are not ready for it.

Population growth has been on everyone's mind, but for the National Wildlife Refuge System in particular along the southwest border it is a real issue, where illegal immigration is coming across the border and on our National Wildlife Refuges in one year we apprehended 100,000 people. That is apprehension. That is not the total number that went across; that is the number we caught. And the trashing of the environment that is taking place is something we have to address. And a lot of this is in designated wilderness area.

The last thing I will say about future challenges is our own children. We have too many children that sit in front of the computers and play Game Boys and use iPods and believe that real nature is watching the Animal Channel, and we need to get them outside. We need to connect them with nature. And we believe that the National Wildlife Refuge System is a premier place to do that.

The way that we look at strategic growth in the Service, we have developed a tool that we call strategic habitat conservation. It builds on the principles of ecological planning, management, and development, and it looks at the objectives we want to achieve, a design to achieve those objectives, then the implementation of those objectives, and then the monitoring and evaluation to see if we met those objectives and if we were correct, and make the adjustments. It is a very formal form of adaptive management, but it is an excellent tool using structured decision making as well to help us decide where the right places are. We are very good at creating wetlands and creating habitats. We are not very good at saying where and how much. And that is what strategic habitat conservation is going to try and help us do.

We need to look at the entire Refuge System in the broader context of the landscape, especially in the lower 48. A refuge is not an island. It fits into the landscape ecology with State managed lands and with private lands. And if we are going to take care of the resources and fulfill the promise for the future, we need to leave more than just what is in public ownership. We are going to have to work with the private landowners who are very ready and willing but just need some incentives and need some help. And I believe that is just as important to the Refuge System as trying to understand what we need to do on our own lands, because we can't be hypocrites and say we won't do it but we want you to do it. So I think that we all need to be on the same page on what a landscape needs.

With that, Mr. Chairman, I will conclude my comments and I look forward to the questions. And thank you very much for holding this hearing.

Mr. KIND. Thank you, Director Hall. Thank you and also Mr. Haskett for your service and stewardship of our refuges in this country.

[The prepared statement of Mr. Hall follows:]

Statement of H. Dale Hall, Director, U.S. Fish and Wildlife Service, U.S. Department of the Interior

Madame Chairwoman and Members of the Subcommittee, I am H. Dale Hall, Director of the U.S. Fish and Wildlife Service (Service). I am here today to discuss implementation of the National Wildlife Refuge System Improvement Act (Improvement Act), which became law ten years ago today. The tenth anniversary of this historic and visionary conservation law provides us with an opportunity to reflect on the progress we have made in the stewardship of the National Wildlife Refuge System (Refuge System) and the challenges that remain before us.

It is important to reflect on the history of America's National Wildlife Refuge System in order to fully understand why there was such a need for the Improvement Act, how this new law improved administration of the Refuge System, and what the remaining challenges are as we continue to work together to realize the full potential of the greatest system of lands in the world dedicated to wildlife conservation.

The Early Years

Our great conservationist President Theodore Roosevelt established the first national wildlife refuge by Executive Order on March 14, 1903, setting aside Pelican Island as a preserve and breeding ground for native birds.

Although Yellowstone had been established in 1872 as a national park, and the first national forest reservation was made in Wyoming in 1891, Roosevelt's action in setting aside Pelican Island was a new kind of conservation undertaking. Pelican Island was small—only five acres—and was set aside as an inviolate sanctuary for birds. It was not protected for human use and enjoyment, nor for timber or other natural resource production. Pelican Island was home to bird species threatened by market shooters seeking plumes for women's fashion, reducing populations of many bird species to alarming levels. In protecting the small area of Pelican Island, Roosevelt recognized that a small refuge for wildlife could have benefits far beyond its boundaries by serving as a safe haven for nesting and feeding.

President Roosevelt went on to establish 53 other refuges, from Key West, Florida's mangrove islands and sand flats to Flattery Rocks along the Washington Coast, where 150,000 pelagic birds nest and migrating birds sometimes swell the population to over one million. He included the Pribilof Islands in Alaska in 1909. Roosevelt established our nation's first waterfowl refuge, Lower Klamath, in 1908.

As an avid hunter, Roosevelt also ensured that the early Refuge System provide habitat and management for big game animals that had been depleted on public lands. From an estimated 60 million bison, no more than a thousand could be found on the Great Plains in 1900. Elk populations had also been greatly depleted across the country. Wichita Mountains in Oklahoma, originally established as a forest reserve in 1901, became a refuge in 1905. Work began there to restore bison, elk, and turkey. The National Bison Range followed in 1909, and the National Elk Refuge was established in 1914.

By the end of the fledgling system's first decade, many of the foundations of today's Refuge System were in place. The early Refuge System already included:

- Inviolate sanctuaries for nesting birds,
- Waterfowl refuges;
- Refuges for "threatened" species;
- Big game ranges withdrawn from the public domain; and
- The first large refuge in Alaska.

A major milestone that occurred around this time was the Migratory Bird Treaty Act of 1918, which was first enacted to implement the 1916 convention between the United States and Great Britain for the protection of birds migrating between the U.S. and Canada. This law offered much-needed protection to many bird species during a time when commercial trade in birds and their feathers was popular. The Migratory Bird Conservation Act of 1929 followed and established the Migratory Bird Conservation Commission to approve land acquisitions from the Migratory Bird Conservation Fund for the National Wildlife Refuge System that are considered important to waterfowl. Since its inception, the commission has approved more than 5.2 million acres of land acquisitions.

The "Dust Bowl" Years

In 1929, there were 82 refuges and plans were being made to increase the number to 100-125. These plans were disrupted when the nation plunged into economic depression and was devastated by a gripping drought that turned much of the land into a "dust bowl." Drought conditions severely impacted waterfowl populations and threatened other wildlife. Fortunately, the wildlife profession was beginning to emerge in concert with new scientific approaches to managing and restoring land for wildlife. Three individuals stand out in American history at this time: J. N. "Ding" Darling, Ira Gabrielson, and J. Clark Salyer. In addition, Aldo Leopold published Game Management (1933), the first textbook on wildlife management. With their leadership, a cadre of wildlife professionals and citizens began to advance the cause of wildlife conservation in unprecedented ways.

Ding Darling, "the man who saved ducks," was Chief of the Bureau of Biological Survey in 1934 and 1935. Three million acres of land were set aside as wildlife refuges during his tenure. When the Migratory Bird Hunting Stamp Act passed in 1934, he designed the first stamp, which then sold for one dollar toward the purchase of refuges. Today, the sale of Federal Duck Stamps has raised some $500 million for more than five million acres of our best waterfowl habitat in the Refuge System. At the end of the 1930's, there were 266 national wildlife refuges protecting 13.5 million acres of habitat.

Ira Gabrielson, Darling's successor at the Bureau of Biological Survey and the first Director of the Fish and Wildlife Service, known during his time as "Mr. Conservation," ranks as one of the most noted conservationists of the 20th century. He exerted great influence at a critical time in American history, when evolving wildlife management practices and policies were being merged into our society and government. Among his many accomplishments, he was particularly proud of the expanding National Wildlife Refuge system, establishment of the Federal Aid to Wildlife Restoration and Cooperative Wildlife Research Unit programs, creation of the Patuxent Wildlife Research Refuge, and organization of an impartial, highly successful wildlife law enforcement team. He assisted in planning the first North American Wildlife Conference, called by President Franklin D. Roosevelt in 1936. His wildlife philosophies are reflected in three major books written in the comparatively early years of the current conservation era: "Wildlife Conservation" (1941), "Wildlife Refuges" (1943), and "Wildlife Management" (1951).

Finally, J. Clark Salyer was recruited by J.N. "Ding" Darling in June 1934 to oversee the management of national wildlife refuges in the Biological Survey's fledgling refuge program. Salyer was directed by Darling to develop a waterfowl management program using the conservation principles of wildlife management espoused by Aldo Leopold. Such a program, based on habitat needs of migratory bird species, had never before been attempted on a national scale. Shortly after coming to work for the Biological Survey in 1934, the government issued him a car to travel around the country visiting refuges. Salyer had a fear of flying, so this vehicle provided him with the means to visit refuges in far-flung locations. For his efforts as head of the Division of Wildlife Refuges, Salyer has become known as the "Father of the National Wildlife Refuge System." Under his direction, the system rose in area from 1.5 million acres in the mid-1930's to nearly 29 million acres upon his retirement in 1961. He was the principle architect of President Franklin Roosevelt's duck restoration program of 1934-36.

Continuing Growth

As the next decade unfolded, the nation's attention turned to war. The Department of the Interior turned its headquarters building over to the War Department and the Service relocated to the Merchandise Mart in Chicago, Illinois. Even during these trying times, the Refuge System continued to grow. Kenai and Kodiak Refuges in Alaska were added in 1941, protecting their giant moose and brown bear populations. When Florida's Chassahowitzka Refuge was added in 1943, no one could have imagined that one day it would be the winter habitat for endangered whooping cranes, which today migrate ' Refuge in Wisconsin.

During the 1950s, 24 new refuges were added, including Loxahatchee in Florida. This great refuge secured the northern most part of the remaining Everglades and today it is a cornerstone in broader efforts to restore the Everglades ecosystem.

One of our successful wildlife and wetland protection programs is the Small Wetlands Acquisition Program, which began in 1958 with an amendment to the Migratory Bird Hunting and Conservation Stamp Act. This program added a new dimension to the Refuge System: Waterfowl Production Areas (WPAs). WPAs are tracts of land that are generally smaller than refuges, and are acquired in Wetland Management Districts, primarily in the prairie pothole region in North and South Dakota, Minnesota, and Montana, but with other acquisitions occurring in Nebraska,

Wisconsin, Iowa, and Michigan. Today, in addition to the WPAs, wetland easements are taken on lands to prevent draining, burning, or filling of these lands. Nearly 700,000 acres have been acquired in fee title, and about 2.5 million acres of wetland and grassland easements have been purchased to date.

In the late 1950s, the Service's Alaska Regional Director Clarence Rhode advocated adding to the Refuge System an entire watershed in a new refuge at Izembek, and a vast landscape as an Arctic Wildlife Range. Both areas were established as refuges in the closing days of the Eisenhower Administration in 1960. These two refuges added over nine million acres to the refuge system, essentially overnight. Across the country in New Jersey, local citizens were fighting hard to keep the Great Swamp from being drained and filled to build a jet port for New York City. Their treasure became a national wildlife refuge in 1960 and the site of the first Wilderness area in the Refuge System in 1968.

The Modern Conservation Era

The 1960s and the 1970s saw the enactment of many new laws aimed at protecting the nation's environment and conserving natural resources. In 1966, Congress enacted Public Law 89-669, which included the Endangered Species Preservation Act. It authorized the Service to develop a list of imperiled species, fund studies, and acquire refuge lands using the Land and Water Conservation Fund. Under this authority we added more than 50 national wildlife refuges. In addition, Section 4 and 5 of that 1966 law included the National Wildlife Refuge System Administration Act, the precursor of the National Wildlife Refuge System Improvement Act.

In December 1980, more than 53 million acres were added to the Refuge System with the enactment of the Alaska National Interest Lands Conservation Act (ANILCA), tripling the size of the refuge system. Today, sixteen refuges in Alaska protect 77 million acres of pristine habitat or roughly 80 percent of the total acreage in the Refuge System. Additionally, 18.7 million acres of refuge lands in Alaska are designated as Wilderness, roughly 90 percent of all wilderness lands in the system. The Alaska refuges also offer some of the best hunting and fishing in the world. ANILCA is also significant because it laid the ground work for important parts of the Refuge Improvement Act by identifying priority purposes and called for all Alaska refuges to develop comprehensive conservation plans.

As the American population has grown, it has become increasingly important to protect wildlife in proximity to where people live. Refuges near urban areas, like Minnesota Valley in Minneapolis, San Francisco Bay, Tinicum in Philadelphia, Rocky Mountain Arsenal in Denver, and Bayou Sauvage in New Orleans provide city inhabitants and their children with an opportunity to experience and discover wildlife in close proximity to where they live.

The 1985 Farm Bill conservation programs gave genesis to the Service's Partners for Fish and Wildlife program. These conservation programs encouraged refuge managers to work with partners in the context of the greater surrounding ecosystem.

By 1991, the Refuge System had experienced extraordinarily growth from the five acre Pelican Island in 1903 to 472 units and 90.4 million acres. Beyond a single inviolate sanctuary for native birds, the Refuge System had expanded to include:

- A network of migratory bird habitats encompassing nesting, migration, and wintering habitats;
- A growing number of refuges dedicated to the recovery of endangered species;
- Big game ranges dedicated to a wide variety of large game mammals;
- Sixteen large refuges in Alaska; and
- A variety of unique ecosystems—barrier islands, bottomland hardwood forests, coral reefs—all protecting America's wildlife heritage

Becoming a "System"

The National Wildlife Refuge System Administration Act of 1966 provided guidelines and directives for administration and management of all areas in the National Wildlife Refuge System, which it defined as including, "wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas." Under the 1966 law, the Secretary is authorized to permit by regulation the use of any area within the system provided "such uses are compatible with the major purposes for which such areas were established."

The 1966 law defined what the Refuge System was, but lacked the findings, purposes and other clarifying language that are usually found in organic legislation. Most importantly, it did not provide effective guidance as to how the Refuge System was to be administered as a system. A wide variety of reviews, reports and lawsuits highlighted that the Refuge System was not being managed effectively as a system.

The most damning evidence came from the General Accounting Office in a 1989 report entitled, "Continuing Problems with Incompatible Uses Call for Bold Action". The report found that 59% of refuges had harmful uses occurring on their land.

Since GAO did not reference most of the "harmful" uses to specific refuges, and since that term had no legal or regulatory meaning, the Service conducted its own detailed, refuge-by-refuge survey in an effort to find, understand and correct these problems. We found that there were relatively few uses that violated the compatibility standard, and that many of the "harmful uses" cited by managers were the result of lack of authority, retained private rights, or were situations such the presence of debris or contaminants that were not actually "uses" of the refuge. While schedules were instituted to terminate the incompatible uses, the underlying findings of this survey further illustrated that existing regulations were not being consistently understood or interpreted, and that refuges were not being managed as a system.

Around this time, efforts to enact organic legislation for the Refuge System were initiated by conservation organizations. The Service opposed this effort. At the time, concepts like refuge planning were believed to be an unnecessary burden for the agency. In addition, the Service was not entirely comfortable with the level of public involvement and partnership that is today recognized as required for effective conservation. Largely because of disagreement within the conservation community about what was needed to "fix" the Refuge System, organic legislation could not get any traction in Congress.

In 1990, the Service began the process of writing an Environmental Impact Statement (EIS) that would guide the administration of the System. The draft EIS, entitled Refuges 2003, was never finalized. Absent clear Congressional guidance, the myriad of possible future directions for the Refuge System simply left too many options, complexities, and opinions for any consensus to be reached. While there were many questions about the future of the Refuge System, one central question needed an answer before any progress could be made: What was the role of wildlife dependent uses, including hunting and fishing, in the Refuge System?

In 1996, Executive Order 12996 recognized wildlife dependent uses such as hunting, fishing, wildlife observation and photography, and environmental education and interpretation as the priority public uses of the Refuge System. The Executive Order recognized both the importance of hunters and anglers to conservation and the growing importance of others who enjoy watching wildlife in wild places, while also making clear that all uses on refuges must first be compatible with the Refuge System's primary mission: wildlife conservation.

The Executive Order showed that compromise was possible, and what was needed was bipartisan leadership from Congress, the Executive Branch, and the conservation community. Former Secretary of the Interior Bruce Babbitt, Congressional sponsors Don Young of Alaska and John Dingell of Michigan, and leaders of key sportsmen's and environmental organizations joined forces to draft legislation to address the varying concerns and interests on management and public use of the National Wildlife Refuge System. Other Congressmen who were instrumental in building overwhelming bipartisan support for the bill were George Miller from California, John Tanner of Tennessee, Jim Saxton from New Jersey, and Neil Abercrombie of Hawaii. In the Senate, Senators John Chafee from Rhode Island, Dirk Kempthorne of Idaho, Bob Graham from Florida, and Max Baucus from Montana provided the essential leadership that pushed the legislation through Congress.

All of these conservation leaders, plus a number of hard working, innovative staff working behind the scenes, stayed dedicated to finding a consensus for the future of the Refuge System. On October 9, 1997, they succeeded, and the National Wildlife Refuge System Improvement Act was signed into law. The Improvement Act provides guidance to the Secretary of the Interior for the overall management of the Refuge System. The Improvement Act's primary components include:

- A strong and singular Refuge System mission for the conservation, management and restoration of fish, wildlife, and plant resources and their habitats for the benefit of present and future generations of Americans;
- A requirement that the Secretary maintain the biological integrity, diversity and environmental health of the Refuge System;
- A requirement to plan and direct the continued growth of the Refuge System to best accomplish the mission of the System and contribute to the conservation of the ecosystems of the United States, while complementing the efforts of States and other partners;
- A new process for determining compatible uses of refuges;
- A recognition that wildlife-dependent recreational uses involving hunting, fishing, wildlife observation and photography, and environmental education and in-

terpretation, when determined to be compatible, are legitimate and appropriate public uses of the Refuge System;
- That these compatible wildlife-dependent recreational uses are the priority general public uses of the Refuge System;
- A requirement for preparing comprehensive conservation plans (CCPs);
- A direction to ensure effective coordination and cooperation with adjacent land owners, State fish and wildlife agencies, and other Federal agencies; and,
- A responsibility to maintain adequate water quantity and water quality and acquire water rights that are needed.

Many of the Improvement Act's provisions were new and remain innovative in public lands law. The Service has worked hard with our State fish and wildlife agency partners to involve the public in developing policies to guide the implementation of the Improvement Act. We have met the Improvement Act's requirements to develop implementing regulations on determining compatible uses. We have developed new policies on: the mission, goals, and purposes of the Refuge System; comprehensive conservation planning; appropriate refuge uses; wildlife dependent recreation; habitat management planning; and, the biological diversity, integrity, and environmental health of refuges. These policies are providing refuge managers with the consistent guidance needed to implement the Improvement Act and further the process of becoming a true system of lands that are managed in a consistent and coordinated manner. The Service has completed 254 CCPs and is well on its way to completing the required plans for all refuges by the 2012 statutory deadline.

The Refuge System has embraced partnerships with all who share a concern for the future of America's wildlife. Today, our over 38,000 volunteers and 250 Refuge Friends groups are essential contributors to every aspect of refuge management. Twenty-two diverse national conservation organizations have formed the Cooperative Alliance for Refuge Enhancement (CARE), and they have worked together for a decade to provide support for the System.

Finally, as the Refuge System has evolved it has provided increasing opportunity to link with other protected area systems in the marine environment as called for in the President's Ocean Action Plan. A good example is the Northwestern Hawaiian Islands Marine National Monument established by President Bush on June 15, 2006, under the authority of the Antiquities Act of 1906. The Hawaiian Islands National Wildlife Refuge and Midway Atoll National Wildlife Refuge are within this new monument. Also included in the monument are the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, administered by National Oceanic and Atmospheric Administration's (NOAA) National Marine Sanctuary Program, and the State of Hawaii's Northwestern Hawaiian Islands State Marine Refuge and Kure Atoll Wildlife Sanctuary.

Emerging Issues and Unseen Challenges

The National Wildlife Refuge System Improvement Act is the most modern organic Act of any of the Federal land management agencies. It is forward looking and visionary in many respects. For example, its requirement to maintain biological diversity, integrity, and environmental health reflect a modern understanding of ecological principles. The Improvement Act envisions a collaborative approach to conservation, where partnerships with others are an essential ingredient in conservation success. It requires public involvement in conservation planning and compatibility determinations and recognized the growing critical importance of water quality and quantity in wildlife conservation.

Recognizing water issues were perhaps the harbinger of an issue not well understood a decade ago: the effect of climate change on wildlife and their habitat. The Service is working hard to evaluate how climate change will affect the way refuges are managed as part of broader efforts to consider how climate change will affect wildlife conservation. Refuges will play important roles in monitoring wildlife, adapting management to changing conditions, restoring habitat that will sequester carbon, and reducing our own carbon footprint. We are just beginning our efforts to deal with what will likely be the largest conservation challenge of the century.

The threat of invasive species was known a decade ago, yet it seems the problem grows more complex every day. We are making progress addressing invasive species on refuges, but not as quickly as is needed. The problem takes on an added dimension when we consider infectious diseases like West Nile virus, and their impact on wildlife populations. Avian influenza was not an issue that demanded attention ten years ago.

Population growth and its effect on habitat were predictable a decade ago, but several aspects of that change have presented new challenges. Illegal immigration along the Southwest border has caused severe damage to border refuges and has taxed our law enforcement capabilities. At many refuges throughout the System, we

see areas that were once rural being encroached upon by more and more development. This is changing the nature of refuge law enforcement by bringing more urban crimes to refuges, from methamphetamine labs to assaults on refuge officers. These pressures from beyond our boundaries also bring environmental challenges as some refuges become isolated islands in a sea of development.

The growth in population, changing demographics, and the accelerating dominance of technology in everyday life is also changing they way people interact with wildlife. As our population increases by roughly 10% for each of the next five decades, achieving the System's mission will become more and more difficult. Census estimates indicate demographic subsets of our population will be growing at rates of up to more than 300%. To achieve our mission in the near future we need to start looking now at how to adapt the system to best benefit future generations, and especially these rapidly growing subsets. Hunters and anglers have always been a cornerstone of America conservation, but they represent a smaller percentage of the population every year. The latest National Survey of Fishing, Hunting, and Wildlife-Associated Recreation indicates that over the past decade that hunting has decreased by 10% and fishing has decreased by 15%. Wildlife watching, however, has increased by 13%. The Refuge System will have to change with the times to ensure it remains true to its mission to conserve fish, wildlife, and plant resources for present and future generations. Today, more children are living in urban areas and do not have the same outdoor experiences that were common with past generations. While the Refuge System continues to provide great hunting and fishing opportunities, the Service must recognize that digital cameras, iPods, and virtual geo-caching are tools that we can use to connect children with nature. Environmental education and interpretation are priority public uses of the Refuge System, and they need more emphasis now and in the future.

Strategic Habitat Conservation

Since passage of the Improvement Act, the Refuge System has met with both great accomplishments and increasing challenges. Tried and true concepts, like providing wildlife with the essentials of food, water, and cover, have been augmented with enhanced understanding of ecological processes. The Service has adopted a visionary framework for strategic habitat conservation that will guide our land management and conservation efforts in the future.

Strategic habitat conservation begins with biological planning that identifies measurable, landscape level, outcome goals. With these goals in mind, staff designs conservation activities and programs. With respect to the Refuge System, this means that the Service must look at refuge lands in relation to a broader network of protected areas and other conservation efforts on private land. In other words, we must take a landscape-level approach. We must use principles of conservation biology and protected area design, incorporating ecological considerations such as: are refuges large enough to accomplish their purpose, are they connected with other protected areas and is there enough redundancy in the System to assure wildlife sustainability as conditions change?

The Service has long been a leader and preeminent practitioner of land management for wildlife. We can intensively manage land when needed, or use a light hand where appropriate. We have a proven track record in restoring degraded habitats, using fire to reduce fuel build ups and improve wildlife habitat, managing water levels to insure productive wetlands meet the needs of wildlife, and a wide variety of other habitat management practices.

Our strategic habitat conservation framework will require effective inventory and monitoring, so that we can continue to adapt and improve our management practices. These monitoring efforts on national wildlife refuges are evolving to meet the challenges. Our new biological monitoring team is working on multiple refuges in several regions to experiment with new protocols that will evaluate the effectiveness of our management strategies and allow us to adapt our practices to meet changing future conditions. Finally, strategic habitat conservation must be informed by continuing research to ensure that we apply the best science available, and that is the foundation of all our work.

Conclusion

In conclusion, I would like to thank you for holding this oversight hearing and for your interest in the future of the National Wildlife Refuge System. The challenges of our changing world will require the Refuge System and the Service to be innovative and adaptive.

Our roots are in the past, today's challenges are new and vexing, and we all have some trepidation about an uncertain future. However, change is constant and managing it is always a challenge. What we need is the same open, honest, bipartisan

collaboration that we all found when we worked together to craft the National Wildlife Refuge System Improvement Act. If we can continue with that type of leadership, we will be successful in meeting the challenges of the years ahead.

Madame Chairwoman, I thank you for the opportunity to appear before you today, and I would be pleased to respond to any questions that you or other Members of the Subcommittee might have.

Mr. KIND. Next, we are going to turn to Evan Hirsche, Executive Director of National Wildlife Refuge Association. Welcome.

STATEMENT OF EVAN HIRSCHE, EXECUTIVE DIRECTOR, NATIONAL WILDLIFE REFUGE ASSOCIATION

Mr. HIRSCHE. Mr. Chairman, thank you for the opportunity to testify before the committee today. On behalf of the Refuge Association and our membership comprised of current and former refuge professionals, more than 140 Refuge Friends affiliate organizations and thousands of refuge supporters around the United States, we really do appreciate the opportunity to discuss the Refuge Improvement Act. And I also wanted to thank you, Mr. Chairman, for your leadership on the caucus. I think this is one of the most tremendous events that we have witnessed for refuges, in support of refuges recently, and it is growing and it is an exciting movement that we are pleased to help support.

The Refuge Association strongly supports the Refuge Improvement Act and the intent of its authors to ensure the Refuge System is prepared to address conservation challenges in a consistent and comprehensive matter. Nevertheless, we are alarmed both by the lack of adequate funding to achieve even the most minimal guidance in the Act and the failure to implement key provisions by the secretary.

Mr. Chairman, today we face perhaps the greatest challenges ever to the conservation of wildlife in America. Urban and suburban encroachment, invasive species, the rush to develop energy on public and private conservation areas, competition for water, and a public that is increasingly removed from the natural world all represent enormous challenges as we seek to protect the diversity of habitats and wildlife that make up America's unique natural heritage.

Added to these immediate threats is, of course, climate change, as we have discussed, which is projected to require a change in the way we think about sustaining species and managing habitat.

In sum, the Refuge Improvement Act is an elegant and comprehensive tool with which to manage or respond to all these threats, including climate change. And we commend the authors for such a prescient piece of legislation. With the Act, the Fish and Wildlife Service is provided a clear set of management priorities that go beyond simply managing lands and waters within refuge boundaries. Instead, it makes it clear the Secretary of Interior has an obligation seek comprehensive conservation strategies with private land owners, the States, and other Federal land holders, in effect, looking beyond refuge boundaries. This, all in an effort to secure the biological integrity of refuges and achieve the mission and purposes of each refuge in the system.

Along those lines, the value of integrating objectives in the refuge comprehensive conservation plans, which, of course, are

mandated under the Improvement Act and State wildlife action plans can't be overstated, specifically as we are looking to conserve ecosystems, which we understand to be more and more important. Yet, while these mandates are complete and surprisingly prescient and provide a valuable tool for refuge professionals, particularly in the areas of compatibility and appropriate use, a fundamental obstacle remains, and that is funding. And I won't beat a dead horse here, but I think it is pretty clear that the Refuge System is in a state of crisis, and we need to figure out how refuges are going to be funded at a level that is going to allow them to achieve the guidance under the Refuge Improvement Act.

As you know, Mr. Chairman, the cooperative lines for refuge enhancement has recommended $765 million in annual operations and maintenance funding as a minimum to get refuges on steady ground. We are grateful to the House for approving the record $451 million for Fiscal Year 2008, and we are certainly appreciative of the members of the Subcommittee for supporting that number. But let me put a fine tooth on the crisis and talk about a few specific examples.

Now, the Act requires refuges to be managed in a way that ensures their biological integrity. Yet, you look at the Potomac River Refuges just across the street. They are having a refuge week event on Saturday; I hope everyone will choose to attend. It is always a great event. But there, there are no wildlife surveys being conducted, no active habitat management. And the refuge manager, in his word, is hoping for the best for the eagles, herons, and hundreds of birds species that utilize the three refuge complex. Hoping for the best isn't what the architects of the Refuge Improvement Act had intended. In fact, about half refuges in the system have no refuge biologists at all.

The Act also mandates providing increased opportunities for wildlife dependent recreation. But if we go to Minnesota and the Minnesota Valley National Wildlife Refuge, an urban refuge adjacent to the Mall of America in the Twin Cities, I am sure you are familiar with, funding shortfalls have limited their ability to reach out to tens of thousands of inner city school children, and as a result, they have witnessed a 13 percent drop in environmental education programs over the past year.

Given the loss of vital refuge buffer habitat and corridors, there is an urgent need for both acquisition and cooperative agreements with private landowners. The State Wildlife Action Plans, I think, make it clear that there is an enormous need here. In fact, the Act requires that the Secretary plan and direct the continued growth of the system in a manner that is best designed to accomplish the mission of the system and contribute to the conservation of ecosystems in the United States.

Mr. Chairman, no question this is a big mandate. But in our view, a whole lot more needs to be done to achieve that mandate. And, for instance, at the Department of Interior, internal decisions to centralize the real estate appraisal system has made the process so cumbersome that we have learned from some partners that they have lost acquisition prospects from willing sellers because of the bureaucratic red tape. That is just an example.

Looking at a stunning report by the GAO just released in September, they did an exhaustive study of the Prairie Pothole Region which provides breeding grounds for more than 60 percent of our Nation's migratory bird species. It found, at the current rate of acquisition, it will take the Service 150 years to acquire the recommended 12 million additional acres. And that is not just acquiring. We are talking about agreements, easements with private landowners, and willing sellers, of course.

Now, the Act also says the Secretary shall acquire, under State law, water rights that are needed for refuge purposes. We agree with Secretary Browner, and of course Former Administrator and Secretary Babbitt that that is a real need. And what we found is that in many instances, the Service simply hasn't acquired the rights which are vital to achieving their mission. And, in fact, because of staffing shortages, water needs of refuges, particularly in the East, are unknown. In the words of one refuge professional, we are "looking at a slow motion car crash as portions of refuges are drying up and they don't know why."

In the face of this, Mr. Chairman, we ask the committee to commission an independent evaluation of what is needed in terms of funding and actions by the Secretary to comply with the Refuge Improvement Act.

Refuges are the cornerstone of conservation in America. If we are going to protect our Nations wildlife heritage for the benefit of future generations, then funding and political capital must be allocated to successfully carry out the Improvement Act of 1997.

Mr. Chairman, this concludes my testimony.

[The prepared statement of Mr. Hirsche follows:]

Statement of Evan Hirsche, President,
National Wildlife Refuge Association

Madame Chair and Members of the Subcommittee:

My name is Evan Hirsche, President of the National Wildlife Refuge Association (NWRA). On behalf of the NWRA and its membership comprised of current and former refuge professionals, more than 140 refuge Friends organization affiliates and thousands of refuge supporters throughout the United States, thank you for the opportunity to offer comments about the implementation of the National Wildlife Refuge Improvement Act.

The NWRA strongly supports the Refuge Improvement Act of 1997 and the intent of its authors to ensure that the Refuge System is prepared to address conservation challenges in a consistent and comprehensive manner. Nevertheless, we are alarmed both by the lack of adequate funding to achieve even the most minimal guidance in the Act, and the failure by the Secretary of the Interior and U.S. Fish and Wildlife Service (FWS) to implement key provisions.

Background

In 1997 Congress sought to resolve ongoing challenges facing refuges that stemmed from a lack of comprehensive organic legislation that would provide overarching and consistent guidance for refuge management. Indeed, leading up to passage of the Act it could be said that the Refuge System was really not managed as a system, but instead as set of disparate lands and waters with differing purposes and priorities. By requiring that refuges adhere—to the extent practicable—to both their establishing purposes and an overarching Refuge System mission, a necessary level of consistency was established. While there remain management inconsistencies from one FWS region to the next, we are certainly better off today from a management perspective than prior to the Act.

The Act also established valuable mandates and guidance, including:

- A clear standard for determining the compatibility of proposed and existing public and commercial uses;

- A requirement that the long-term integrity of refuges and the System be achieved through the strategic conservation of lands and waters, including securing adequate quantities of clean water, the lifeblood of refuges;
- A requirement that the Refuge System ought to conserve a diversity of species and ensure the biological integrity of refuges;
- Establishment of the "big six" priority public uses as a way of clarifying for refuge management and the public that other uses are considered secondary in developing and implementing management strategies;
- A requirement that refuge managers coordinate closely with private landowners and states in conserving wildlife;
- A mandate to monitor wildlife populations in an effort to better understand the habitat needs of wildlife; and
- The requirement that all non-Alaskan refuges complete a Comprehensive Conservation Plan (CCP) within 15 years of enactment.

In the following pages we will discuss how refuge management has benefited from the Act, specifically with respect to compatibility and appropriate use determinations and Comprehensive Conservation Plans. And we will discuss how funding shortfalls are limiting implementation of the Act and how a failure to implement portions of this statute will have long term ramifications for the future.

How the Act has worked—Compatibility and Appropriate Use

The Act itself has proven to be a valuable tool when it comes to establishing the compatibility and appropriateness of public and commercial uses on refuges. It gives refuge managers the ability to make a decision regarding actions or policies that have occurred on a refuge in the past, or are proposed to occur on a refuge in the future and deem them compatible or incompatible with the purpose of the refuge or the mission of the System, according to the manager's "sound professional judgment."

An excellent recent example of how the Act has worked in this regard stems from a legal challenge to a Comprehensive Conservation Plan (CCP) completed by Little Pend Oreille National Wildlife Refuge (NWR) in Northeastern Washington. In August 2007, the Refuge Improvement Act was upheld in a strong decision regarding the determination within the CCP that livestock grazing for economic interests was incompatible with the refuge's mission. The final CCP concluded that the practice of granting grazing permits to ranchers was not a compatible use of the refuge. Because the permittees had grazed their cattle on the land for several decades, the refuge gave them five years to find alternative lands. When the time was up, the permittees filed a lawsuit arguing that the CCP process violated the National Environmental Policy Act and the Refuge Improvement Act.

The plaintiffs argued that when the FWS made this decision, they did not use "sound professional judgment" as outlined in the Refuge Improvement Act when they determined that livestock grazing was largely incompatible with refuge purposes. In the court's decision, dated August 20, 2007, Judge Edward Shea clearly agreed that the FWS complied with all aspects of the Refuge Improvement Act and that the manager had indeed, used sound professional judgment.

Yet another strong example of how the compatibility standard has successfully thwarted harmful uses occurred at Sabine NWR in Louisiana. In this case, commercial alligator egg harvesters sought access to the refuge. Refuge managers argued that under the act commercial uses must contribute to the mission of the System, and that approving such a harvest would violate the law. Despite strong political pressure to allow the activity, refuge managers, backed by the regional office, were able to use the act to shield them from what they viewed as a harmful activity.

Because the law is only ten years old, there is little case law interpreting its provisions, most notably the compatibility standard. Yet these decisions send a strong signal to refuge managers nationwide that they are on powerful legal grounds when making compatibility determinations.

Much can also be said for the Appropriate Use policy that stems from the Act. In some cases, there are proposed activities are clearly not compatible with a refuge's purpose and mission. In those cases, the Improvement Act allows that a manager to make a quick decision without having to conduct a compatibility determination. For instance, recently the refuge manager at the Minnesota Valley NWR was asked by a local minister to conduct Sunday services at the refuge's Visitors Center. Because of this policy, the manger was able to make a quick determination that this action would not further the goals or mission of the refuge and deemed in an inappropriate use.

Comprehensive Conservation Plans

One of the most far-reaching mandates in the Refuge Improvement Act was the call for the preparation a Comprehensive Conservation Plan for every refuge within 15 years of the date of enactment. To date, more than 250 plans have been completed. This planning exercise identifies and defines the purposes for each refuge and gives a clear and concise plan as to how the refuge will be managed based on sound science and public input and review. Prior to the passage of the Improvement Act few refuges had plans on how they would manage their refuge. The few that did—fewer than 10%—created "Master Plans" that sought to establish a clear set of refuge objectives. However, because they were not bound by law to be followed by future managers, the succeeding refuge manager could reverse the decision and create their own master plan without consulting with the public or indeed other land managers.

The Improvement Act does indeed allow for a plan to be changed or updated as needed, but it states that the "Secretary shall manage the refuge or planning unit in a manner consistent with the plans and shall revise the plan at any time if the Secretary determines that conditions that affect the refuge or planning unit have changed significantly." The Act does not give a manager the latitude to alter the plan on a whim.

The outline regarding how a CCP should be developed and what it should include is in itself a monumental piece of guidance. The Act clearly lays out what each refuge must have in its final plan including identifying and describing the following: the purposes of each refuge; the distribution, migration patterns and abundance of fish, wildlife and plant populations; the archaeological and cultural values; the significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants and the actions necessary to correct or mitigate such problems; and the opportunities for compatible wildlife "dependent recreational uses. This outline ensures all CCPs contain the same information creating system-wide consistency in planning.

A particularly valuable aspect of this process calls requires proactively reaching out to the public. Specifically, "the Secretary shall develop and implement a process to ensure an opportunity for active public involvement in the preparation and revision of comprehensive conservation plans." While the purpose of this language is to ensure adjacent landowners and the general public is allowed an opportunity to comment on CCPs, it has an added benefit of simply connecting refuges to their communities and providing an opportunity to articulate to the public the value of these special places. These public forums give the opportunity for refuge managers to explain not only the mission and purpose of their individual refuge, but to talk about the much broader conservation picture of the entire National Wildlife Refuge System and how this system fits into the nation's land management complex.

In some cases, these public forums are contentious and refuge managers face a difficult time explaining why certain uses are not compatible or able to continue on a refuge. For example, the CCP process at the Upper Mississippi River Wildlife and Fish Refuge represented an enormous challenge in terms of addressing the needs of countless interests. Refuge Project Leader Don Hultman and his team began outreach in 2002. Four years, 46 public meetings, 80 government get-togethers, one possible lawsuit and 800 pages later, the Upper Mississippi River National Wildlife and Fish Refuge CCP is complete. And while not everyone who uses this vast 261-mile refuge, where 3.7 million people recreate annually, is happy with the result, everyone who wanted to voice their opinion was given the opportunity to do so, and the Act has been upheld. This is a far cry from an agency that could make decisions largely in a vacuum prior to the passage of the Improvement Act. In fact, the Act clearly stipulates that at a minimum, "the Secretary shall require that publication of any final plan shall include a summary of the comments made by States, owners of adjacent or potentially affected land, local governments, and any other affected persons, and a statement of the disposition of concerns expressed in those comments."

The Act also calls for the Director to "coordinate the development of the conservation plan or revision with relevant State conservation plans for fish and wildlife and their habitats." Prior to 1997, there was some coordination between refuge managers and state agencies on management decisions; however, this was the exception, not the rule. Now, refuge mangers routinely consult with state wildlife agencies regarding management decisions, especially with the passage of the State Wildlife Action Plans in October of 2005. CCPs and these state plans are the basis for future management of the majority of America's wildlife heritage.

Funding Shortfalls Undermine Implementation

Without question, the Refuge Improvement Act has provided innumerable benefits to the Refuge System. Yet, without adequate funding to implement the sweeping mandates, the Act in our view is being seriously undermined and many key provisions are not being implemented as a result.

Specifically, it is impossible to expect that the "biological integrity, diversity, and environmental health of the System are maintained," when many refuges go unstaffed, an alarming number go without a biologist, and the FWS is effectively projecting a 20% decline in staffing under current funding projections. The reality is that human beings are what make conservation possible on refuges and without them, and in the face of myriad threats such as climate change, refuges simply can't achieve their mission and purposes. A look at the recently released workforce management plans by each FWS region gives a glimpse of what biological programs are being lost simply because there are no funds available to maintain them.

The threat of climate change means that every refuge in the nation should have at the least a wildlife biologist who can scientifically monitor trends and help establish adaptive regimes to ensure the long-term conservation of species. In essence, we have 548 natural laboratories where inventory and monitoring could actually yield quantifiable data in helping manage Refuge System resources.

Yet, at the Wallkill NWR in New Jersey, an intern who is assisted by volunteers—namely the President of the Friends group and her 11-year-old daughter—does the only biological work on the refuge. While we are humbled by the commitment of volunteers at refuges, who currently contribute 20% of the System's workload, it's absurd to expect them to carry the water for refuges.

Funding for the System did see gradual increases leading up to the Centennial of the system in 2003 ($391 million in FY2004) but since then has been flat or declining. In fact, the System needs at minimum an increase of $16 million annually just to keep pace with the rising costs of operations. To return to the levels appropriated in FY04, and give refuge managers a chance to actually implement some of the mandates in the Improvement Act, funding for FY08 would have to be $451 million—the amount passed in the FY08 House Interior Appropriations bill. To fully fund the System and allow managers the ability to actually implement all or most the mandates in the Act, the System would need at least $765 million annually by estimates developed by the Cooperative Alliance for Refuge Enhancement. Given the scope of what was mandated in the Act under Section 5, the Administration of the System, the FWS is simply unable to comply with many important requirements.

Failure to Connect to People

The current funding crisis further exacerbates the FWS' ability to provide "increased opportunities for families to experience compatible wildlife-dependent recreation" [Section (5)(a)(4)(K)] and opportunities to educate children and families about our natural world. At a time when people are becoming more urbanized and removed from natural ecosystems, the ability to give people meaningful experiences in nature must be made a higher priority. One of the most important ways FWS reaches out to families and local communities is through a dedicated Visitors Services staffer. Presently, these positions currently only account for about 5% of the overall workforce.

Refuges are local, within an hour's drive of every major metropolitan city. And because they are local, communities identify themselves with their refuge. Support groups, or Friends, exist at approximately 250 refuges nationwide and with the support of FWS, are conducting Environmental Education programs and outreach to local communities, fulfilling yet another mandate of the Improvement Act. However, with staffing slashed at most refuges and some going completely unstaffed, the ability for FWS or even Friends to reach out to their community has diminished and in some cases gone away entirely.

Failure to Act

Although funding shortfalls have limited the ability of the FWS to fully implement the Act, there has also been a failure on the part of the Department of the Interior and FWS to implement other aspects of the Refuge Improvement Act. Two of the most egregious examples relate to the mandates that call for strategic growth of the System and acquiring water rights.

Under Section 5, the Administration of the System, the Act states that the Secretary shall, "plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System, to contribute to the conservation of the ecosystems of the United State, to complement efforts of States and other Federal agencies to conserve fish and wildlife and their habitats, and to increase support for the System and participation from conservation partners and the

public." Since the passage of the Act, 39 refuges have been added to the System, mostly directed by Congress. However, vital habitats all over our nation, many within acquisition boundaries of refuges, have been lost to developers and other buyers before FWS has been able to acquire the land.

Several factors are to blame that do not rest solely on the FWS or Secretary of Interior's shoulders, including opposition to approving land acquisition dollars by previous Congressional leaders. Nevertheless, the Administration has failed to request adequate funding in recent years, and internal decisions to centralize the real estate appraisal system at the Interior Department has made the process so cumbersome, properties have been lost to bureaucratic red tape. This issue in itself could be the subject of an oversight hearing.

And even though some could argue that the System has grown in recent years, we are only scratching at the surface of opportunity in terms of both purchasing lands from willing sellers and securing conservation easements through successful programs like Partners for Fish and Wildlife and the Duck Stamp. For instance, in September 2007, the Government Accountability Office (GAO) issued a new report showing that at the current pace of acquisitions, the FWS is unlikely to meet it's habitat protection goals for migratory birds. The GAO did an exhaustive study of the 64-million acre Prairie Pothole Region which provides breeding grounds for over 60% of migratory bird species in the United States. To sustain bird populations in the region, the FWS has a goal to protect an additional 12 million acres of "high priority" habitat—at risk lands which could support a high number of breeding duck pairs per square mile. At the current rate of acquisition, it will take the Service 150 years to acquire this additional 12 million acres.

Adding to the challenge, the FWS's private lands programs, which are critical to the health of the System in terms of conserving important habitats beyond refuge boundaries, are managed by different divisions depending on the region. The National Wildlife Refuge Association (NWRA) launched its "Beyond the Boundaries" initiative in 2005 having realized that most refuges outside Alaska face encroachment and loss of vital habitat on private lands proximate to refuges that jeopardize their conservation values. In order to secure the biological integrity of refuges, resources must be made available to work closely with private land-owners, the states and other federal agencies as we seek to conserve migratory wildlife and diverse habitat types.

The Act also states the Secretary shall, "acquire, under State law, water rights that are needed for refuge purposes." Unfortunately, in many instances the Service has not acquired these rights, which are vital to the mission of most National Wildlife Refuges. In fact, because of staffing shortages, water needs at many refuges, particularly in the East are unknown. In the words of one refuge professional, we are looking at a "slow motion car crash" as portions of refuges are drying up and they don't know why.

At Desert NWR, outside Las Vegas, NV, the refuge and its springs are dependent upon the aquifer that lies beneath the ground that is being siphoned of to support the rapidly growing city. A small water monitoring structure is all that exists to tell the Service if outside influences are sucking the aquifer dry. Unfortunately, scientists predict that by the time effects are measured, it will be impossible to reverse them in time to save the biota those springs have been supporting for about the last 3 million years.

Conclusion

The National Wildlife Refuge Association strongly supports the Refuge Improvement Act of 1997 and the intent of its authors to ensure that the Refuge System is prepared to address conservation challenges in a consistent and comprehensive manner. Nevertheless, as outlined in our testimony we are alarmed both by the lack of adequate funding to achieve even the most minimal guidance in the Act, and the failure by the Secretary of the Interior to implement key provisions.

Accordingly, we ask this Committee to commission an independent evaluation of what is needed in terms of funding to comply with the Refuge Improvement Act. By the estimates of the Cooperative Alliance for Refuge Enhancement, based on information from the FWS, the National Wildlife Refuge System needs at minimum $765 annually to operate at full capacity. However, even this number may be too small. Refuges are a cornerstone of conservation in America; if we are to protect our nation's wildlife heritage, funding must be allocated to successfully carry out Refuge Improvement Act of 1997.

Mr. KIND. Thank you, Mr. Hirsche. Thank you for your testimony, insight, and your leadership on this issue.

Next, we are going to turn to John Frampton, Director of South Carolina DNR. And we are delighted we were able to find a spot in the panel for States' perspective. Thank you for being here.

STATEMENT OF JOHN FRAMPTON, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES

Mr. FRAMPTON. Thank you, Mr. Chairman, for the opportunity to share perspectives of the Association on the implementation of the Improvement Act. I am John Frampton, Director of the South Carolina Department of Natural Resources, and also Chairman of the Executive Committee Association of Fish and Wildlife Agencies. As you know, Mr. Chairman, all 50 States are members of the Association.

In short, we conclude that, yes, the promise of the Act is well on the way to being fulfilled. The Act has truly met its goals as organic legislation for the Refuge System, directing the Fish and Wildlife Service to manage the system to ensure the sustainability of fish and wildlife and, where compatible, appropriately allow for the use and enjoyment of those resources by our citizens.

While funding inadequacies constrain meeting the full potential of the Act, the Services' commitment to its statutory obligations under the Act remain solid and unwavering. The State Fish and Wildlife agencies sincerely appreciate the Services' engagement of our agencies in all aspects of the implementing the Act.

The Association and the 50 individual State fish and wildlife agencies have a longstanding interest and involvement in the Refuge System and its contribution to fish, wildlife and habitat conservation. We were instrumental in deliberations leading to the passage of the Act and in assisting in the drafting of the implementing policies.

Hunting, fishing, and other wildlife dependent recreational uses on National wildlife refuges are deeply valued by hunters, anglers, and outdoor enthusiasts because of the tremendous opportunities refuges provide, especially in areas where public lands are limited such as in South Carolina.

As an example of the success on the ground, the Department and the Service have enjoyed a longstanding and successful relationship in managing wildlife resources and providing compatible wildlife dependent recreational programs that cross both State and Federal properties. This relationship began evolving decades ago, when both agencies realized that the management of wildlife resources needed to be addressed at an ecosystem level.

An even stronger partnership developed in 1989 with the initiation of the ACE Basin Project, a cooperative habitat conservation project involving public, private, and corporate partners. This partnership quickly led to the establishment of the new National Wildlife Refuge in South Carolina, the ACE Basin. With the passage of the Improvement Act, the Department and the Service have worked cooperatively with nonprofit organizations in that project area to protect over 170,000 acres of coastal habitat through fee simple acquisition and donated conservation easements. And, as a result of the passage of the Act, we have strengthened cooperative agreements that allowed for equipment exchange and staff assistance on State and Federal properties. We now coordinate many

hunt schedules, particularly those that involve the mobility impaired and our youth.

Department staff is actively participating in the development of the CCPs for all eight refuges in South Carolina, and we are extremely excited about the opportunity to partner with the Service on implementation of these plans to produce on-the-ground habitat improvements and enhance public recreation. We believe that by working cooperatively, sharing our resources and our talents, we can accomplish what no single entity could even envision. And it seems evident that the Fish and Wildlife Service has taken to heart Congress's direction regarding cooperation with State fish and wildlife agencies in implementing the Act. The Service has comprehensively engaged State fish and wildlife agencies in the development and review of regulations implementing the Act.

While the State agencies and Service have not always agreed on certain implementing policies, we have been able to arrive at consensus in a vast majority of circumstances. This benefits not only fish, wildlife, and habitat resources supported by the refuges, but also the public that we all strife to serve.

Let me reflect just a bit on the development of the CCPs. As we advocated during the legislative drafting and as the law reflects, the Service should take maximum advantage of State developed plans and strategies for species and habitats throughout the development of the CCPs. The utility of this approach is even more evident with the recent completion by every State fish and wildlife agency of the State and wildlife action plan for species in need of conservation, and the initiation of the National Fish Habitat initiative. In addition to these strategies, the States have all developed statewide goals, plans, and objectives for many additional species and for wildlife dependent recreational opportunities.

Continued close and meaningful cooperation between the Service and the State fish and wildlife agencies will ensure that the development of a CCP is the most thorough, efficient and effective way. With respect to the system maintenance and growth, in light of budget shortfalls, cooperation with State fish and wildlife agencies can help budget shortfalls, but States need to be engaged at the early stage. A collective discussion between the Fish and Wildlife Service and the State agency can reflect on what respective agencies have what capability and resources to continue effective administration of the individual refuge to meet both its mission and its contribution to the conservation objectives of the State fish and wildlife agency.

Mr. Chairman, in South Carolina, we value our partnership with the U.S. Fish and Wildlife Service very highly, and we believe that we have accomplished a tremendous amount of success through that cooperative partnership and we look forward to that in the future as do all the States that are members of the Association of Fish and Wildlife Agency. Thank you.

Mr. KIND. Thank you, Mr. Frampton, for your testimony today.

[The prepared statement of Mr. Frampton follows:]

Statement of John Frampton, Director,
South Carolina Department of Natural Resources

Thank you, Mr. Chairman, for the opportunity to share the perspectives of the 50 State Fish and Wildlife agencies on the implementation of the National Wildlife

Refuge System Improvement Act of 1997 (NWRSIA or Improvement Act). I am John Frampton, Director of the South Carolina Department of Natural Resources, and Chair of the Executive Committee of the Association of Fish and Wildlife Agencies. As you know, all 50 states are members of the Association.

In short, Mr. Chairman, we conclude that, yes, the promise of the Act has significantly been fulfilled. The Act has truly met its goals as organic legislation for the National Wildlife Refuge System, directing the Fish and Wildlife Service to manage the System to ensure the sustainability of fish and wildlife, and where compatible, appropriately allow for the use and enjoyment of those resources by our citizens. While funding inadequacies constrain meeting the full potential of the Act, the U.S. Fish and Wildlife Service commitment to its statutory obligations under the Act remains solid and unwavering. The State Fish and Wildlife agencies sincerely appreciate the Services' engagement of our agencies in all aspects of implementing the Act and are committed to working with the Service to identify the role of the System in addressing new challenges such as climate change.

The Association of Fish and Wildlife Agencies promotes and facilitates sound fish and wildlife management and conservation, and is the collective voice of North America's fish and wildlife agencies. The Association provides its member agencies and their senior staff with coordination services that range from migratory birds, fish, habitat, and invasive species, to conservation education, leadership development, and international relations. The Association represents its state fish and wildlife agency members on Capitol Hill and before the Administration on key conservation and management policies, and works to ensure that all fish and wildlife entities work collaboratively on the most important issues. The Association also provides management and technical assistance to both new and current fish and wildlife leaders.

The Association and the 50 individual State fish and wildlife agencies have a long-standing interest and involvement in the National Wildlife Refuge System, and its contribution to fish, wildlife and habitat conservation. We were instrumental in deliberations leading to the passage of the Improvement Act and in assisting in the drafting of its implementing policies. Hunting, fishing and other wildlife dependent recreational uses on National Wildlife Refuges are deeply valued by hunters, anglers and outdoor enthusiasts because of the tremendous opportunities refuges provide, especially in areas where public lands are limited. As you are aware, the sale of duck stamps, purchased by sportsmen and sportswomen, has historically provided the bulk of the funding for acquisition of refuges across the nation.

As you know, Mr. Chairman, the National Wildlife Refuge System has a long history of important contributions to the conservation of our nation's fish and wildlife. The Refuge System has grown enormously over the past century and, today, our National Wildlife Refuges support some of the best fish and wildlife habitats in the country, as well as outstanding hunting and fishing opportunities. Refuges are important to local communities for wildlife-dependent recreation. Through the Improvement Act, Congress recognized that these recreational activities promote effective refuge management and help the American public develop an appreciation for fish and wildlife. The Association and State fish and wildlife agencies are strongly committed to working cooperatively with the Service on managing the Refuge System.

In my state, the South Carolina Department of Natural Resources (SCDNR) and the USFWS have enjoyed a long-standing and successful relationship in managing wildlife resources and providing compatible wildlife dependent recreational programs that cross both state and federal properties. This relationship began evolving decades ago when both agencies realized that the management of wildlife resources needed to be addressed at an ecosystem level. An even stronger partnership developed in 1989 with the initiation of the ACE Basin Focus Area Project, a cooperative habitat conservation project involving public, private and corporate partners. This partnership quickly led to the establishment of a new wildlife refuge in the ACE Basin Focus Area and is known today as the Ernest F. Hollings ACE Basin National Wildlife Refuge. With the passage of the Improvement Act, SCDNR and the USFWS have worked cooperatively with nonprofit organizations in the Focus Area to protect over 170,000 acres of coastal habitat through fee simple acquisition and donated conservation easements. And, as a result of the passage of the Improvement Act, we have strengthened cooperative agreements that allow for equipment exchange and staff assistance on management activities. We now coordinate many hunt schedules to prevent overlap of specialty hunts such as those conducted for the mobility impaired. Staff with the SCDNR is actively participating in the development of the Comprehensive Conservation Plans for all eight refuges in South Carolina and are extremely excited about the future opportunities to partner with the USFWS on implementation of these plans to produce on-the-ground habitat im-

provements and enhanced public recreation. We believe that working cooperatively, sharing our resources and talents, we can accomplish what no single entity could even envision.

The Improvement Act, completed after years of bipartisan discussion and deliberation, truly represents a benchmark in the history of the Refuge System. It established a statutory mission of the Refuge System to administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of fish and wildlife and their habitats. With the Improvement Act, Congress reaffirmed that National Wildlife Refuges are for fish and wildlife conservation first, clearly setting them apart from other federal public lands. In addition, Congress directed the Service that compatible wildlife dependent recreational uses are the priority general public uses of the Refuge System and shall receive priority consideration in refuge planning and management. No less important is Congress' direction to the Service to effectively coordinate management of fish and wildlife within the Refuge System with the states.

Mr. Chairman, the Improvement Act, and its legislative history, is replete with explicit Congressional direction to the Secretary of the Interior (and thus the USFWS) regarding management of the System, its mission, appropriate public use, and coordination with the State fish and wildlife agencies.

The mission of the NWR System is articulated in law as:

> "The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans".

The law goes on to further articulate that it is the policy of the United States that:

(A) each refuge shall be managed to fulfill the mission of the System, as well as the specific purposes for which that refuge was established;

(B) compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System, directly related to the mission of the System and the purposes of many refuges, and which generally fosters refuge management and through which the American public can develop an appreciation for fish and wildlife.

(C) compatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management; and

(D) when the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated, subject to such restrictions or regulations as may be necessary, reasonable, and appropriate."

The law defines "wildlife dependent recreation" and "wildlife dependent recreational use" to mean "...a use of a refuge involving hunting, fishing, wildlife observation and photography, or environmental education and interpretation". These activities have become popularly known in the jargon as "the big 6". Clearly Congress intended the Secretary to facilitate these "big 6" activities as long as they were compatible. As the Committee Report (House Report 105-106) further amplifies:

> "The term 'facilitated' was deliberately chosen to represent a strong sense of encouragement, but not a requirement, that ways be sought to permit wildlife-dependent uses to occur if they are compatible. As Secretary Babbitt stated during the negotiations leading to H.R. 1420: 'The law will be whispering in the manger's ear that she or he should look for ways to permit the use if the compatibility requirement can be met.' By the same token, however, the Committee recognizes that there will be occasions when, based on sound professional judgment, the manager will determine that such uses will be found to be incompatible and cannot be authorized."

And, with respect to the issue of budget shortfalls and facilitation of the "big 6" uses, the Committee Report contemplated this circumstance and provide this direction:

> "New Section 5(3) defines the term "sound professional judgment" as the collection of findings, determinations and decisions that support compatibility determinations. Such determinations are inherently complex and will require the manager to consider principles of sound fish and wildlife management and administration, available science and resources, and compliance with applicable laws. Implicit within this definition is that financial resources, personnel and infrastructure be available to manage permitted activities. The Committee expects the USFWS to be energetic and creative in seeking such resources, including partnerships with the States, local

communities and private and nonprofit groups. The Committee also expects the USFWS to make reasonable efforts to ensure that lack of funding is not an obstacle to permitting otherwise compatible wildlife-dependent recreational uses."

The law further directs that the Secretary shall, in administering the System, "...ensure effective coordination, interaction, and cooperation with ". the fish and wildlife agency of the State in which the units of the System are located." And, Congress further directed that the Secretary, in preparing a comprehensive conservation plan for each refuge, do so not only consistent with the NWRSIA, but—"to the extent practicable, consistent with fish and wildlife conservation plans of the state in which the refuge is located...." Finally, Congress exempted coordination with State Fish and Wildlife Agency personnel pursuant to the NWRSIA from the application of the Federal Advisory Committee Act. We conclude that this is very clear statutory direction that management of the System be done is close cooperation with the state fish and wildlife agencies.

Finally, I would direct your attention to USFWS Directors Order No. 148 (issued Dec. 23, 2002 and extended until July 1, 2009 entitled "Coordination and Cooperative Work with State Fish and Wildlife Agency Representatives on Management of the National Wildlife Refuge System". It says, in part:

"Sec. 4 What is the Services policy on coordination with the States?

(a) Effective conservation of fish, wildlife, plants and their habitats depends on the professional relationship between managers at the State and Federal level. The Service acknowledges the unique expertise and role of State fish and wildlife agencies in the management of fish and wildlife.

(b) Both the Service and the State fish and wildlife agencies have authorities and responsibilities for management of fish and wildlife on national wildlife refuges as described in 43 CFR 24. Consistent with the National Wildlife Refuge System Administration Act, as amended by the National Wildlife Refuge System Improvement Act, the Director of the Service will interact, coordinate, cooperate, and collaborate with the State fish and wildlife agencies in a timely and effective manner on the acquisition and management of national wildlife refuges. Under the Administration Act and 43 CFR 24, the Director as the Secretary's designee will ensure that National Wildlife Refuge System regulations and management plans are, to the extent practicable, consistent with State laws, regulations, and management plans. We charge refuge managers, as the designated representatives of the Director at the local level, with carrying out these directives. We will provide State fish and wildlife agencies timely and meaningful opportunities to participate in the development and implementation of programs conducted under this policy. This opportunity will most commonly occur through State fish and wildlife agency representation on the comprehensive conservation plan (CCP) planning teams; however, we will provide other opportunities for the State fish and wildlife agencies to participate in the development and implementation of program changes that would be made outside of the CCP process. Further, State fish and wildlife agencies will continue to be provided opportunities to discuss and, if necessary, elevate decisions within the hierarchy of the Service".

It seems evident that the FWS has taken to heart Congress' direction regarding this cooperation. The Service has comprehensively engaged the State fish and wildlife agencies in the development and review of regulations implementing the Improvement Act. While the state fish and wildlife agencies and the Service have not always agreed on certain implementing policy, we have been able to arrive at consensus in the majority of circumstances. This benefits not only the fish, wildlife and habitat resources supported by Refuges, but also the public that we all serve.

Let me reflect a bit on the development of Comprehensive Conservation Plans (CCPs) for the refuge lands in the System. As we advocated during the legislative drafting, and as the law reflects, the Service should take maximum advantage of state developed plans and strategies for species and habitats to inform the development of CCPs. The utility of this approach is even more evident with the recent completion by every state fish and wildlife agency of its State Wildlife Action plan for species in need of conservation; and the initiation of Joint Partnerships under the National Fish Habitat Initiative. In addition to these strategies, the states have all developed state-wide goals, plans and objectives for many additional species, and for wildlife-dependent recreational opportunities. Refuges under the NWR System can and do play integral roles in meeting state-wide goals and objectives for species, habitats, and wildlife-dependent recreational use opportunities. Continued close and meaningful cooperation between the Fish and Wildlife Service and the respective state fish and wildlife agency will ensure the development of a CCP in the most thorough, efficient and effective way.

With respect to the System maintenance and growth in light of budget shortfalls, cooperation with the State fish and wildlife agencies can result in better ameliorating the results of budget shortfalls, but states need to be engaged early by the Service. Both the FWS and State fish and wildlife agencies have authorities and responsibilities for managing fish and wildlife on NWRs. A collective discussion between the FWS and the State fish and wildlife agency can reflect on which respective agencies have what capability and resources to continue effective administration of the individual refuge to meet both its mission and its contribution to the conservation objectives of the State fish and wildlife agency. State fish and wildlife agencies likely will want to assist (or continue to assist) in administration of certain programs as hunting and fishing but many will likely need some provision of federal funding or at least a cost-sharing of some type. Otherwise, this could become an unfunded mandate to the states.

Second, we are concerned that the Service's practice (in response to budget shortfalls) of putting Refuges into "preservation" status mean no public activities, including the "big 6" mandated by Congress, will be allowed. There needs to be clear direction from the USFWS Director that the provision of these 6 activities are priority public uses and all other uses are secondary to them. Let me reiterate again that we have no argument that the conservation mission of the System is pre-eminent and that the FWS, in cooperation with the State fish and wildlife agencies, is obligated to fulfill that mission. But, it is eminently clear that the "big 6" are the priority public uses and Congress has directed the Service to facilitate those uses.

You asked for our perspectives on the issue of climate change and border security vis-à-vis the Refuge System. We believe that response to climate change with respect to remediation of impacts to fish, wildlife and their habitats, needs to be applied comprehensively at the landscape level. The effects of climate change will obviously be pervasive across the landscape, and so must the response be comprehensive. The Refuge System, and all public lands, will be a key aspect of our response through their utility as habitat reservoirs and linkages, and should be incorporated into state adaptation strategies that are just now being developed by several states. It is clear that Congress will need to make significant additional funds available to both federal and state natural resource and land management agencies to respond to climate change.

With respect to border security, the Association strongly suggests that funds be made available from the Department of Homeland Security to the U.S. Fish and Wildlife Service to support its role in national security endeavors. While we acknowledge the role that Refuge staff can play in interdicting illegal entry into the country, the USFWS cannot and should not be burdened with the cost supporting that national security task. Additionally, Congress should appropriate to the Fish and Wildlife Service additional funds to protect the integrity of the habitat in those border NWRs where physical security improvements may affect those habitats.

Thank you for the opportunity to share our perspectives and I would be pleased to address any questions.

Mr. KIND. And finally, we turn to The Honorable William Horn, general counsel of the United States Sportsmen's Alliance. Thank you for being here.

STATEMENT OF WILLIAM HORN, GENERAL COUNSEL, U.S. SPORTSMEN'S ALLIANCE

Mr. HORN. Mr. Chairman, thank you. My name is William Horn, and I appreciate the opportunity to appear today both on behalf of the U.S. Sportsmen's Alliance, and as a former Interior Department alum to discuss the landmark 1997 Refuge Improvement Act. Passage of that Act was a high priority of the Alliance 10 years ago, and we have maintained a keen interest in the Act, and of course, the Refuge System. I think, as all recognize, that system is an incomparable array of wildlife habits that provide unparalleled conservation benefits and opportunities for public use, especially hunting and fishing. I would like to briefly talk about where the 1997 Act came from. Mr. Young and Mr. Babbitt made some references to it.

Controversy surrounded the system in the early 1990s. Animal rights radicals were ratcheting up their campaigns, political and legal, to exclude hunters and anglers from the system. Another refuge lawsuit was just settled at that point that threatened to impose additional obstacles to hunting and other forms of wildlife dependent recreation. Funding for the system was being curtailed, impacting both conservation management as well as public access.

And, finally, earlier versions of refuge organic legislation or bills had been introduced which would have made it for difficult for the Service to maintain traditional hunting and fishing opportunities on the system. And from the perspective of the sporting and conservation community, that was a pretty grim period.

In early 1995, our community approached the Congressional Sportsmen's Caucus and the then new congressional leadership about comprehensive refuge legislation that would fix these problems, and the result was H.R. 1675 introduced in the 104th Congress. And its primary sponsors were Mr. Young, Representative John Dingell, and Representative Bill Brewster then from Oklahoma. Now, the effort didn't succeed that Congress, but carried over into the next year new legislation was introduced, and as Secretary Babbitt indicated, concerted good faith negotiations with Secretary Babbitt, and I would say some of us thought he was the Darth Vader in the process rather than me, yielded H.R. 1420 that was introduced and ultimately passed and signed into law 10 years ago today.

Now, a critical feature of that Act is its expressed recognition that hunting and fishing were and are important legitimate activities on refuge units. In addition, once determined to be compatible, the Service under the law is under a clear statutory duty to facilitate those activities, not just merely allow them. And these were designed to stop once and for all repeated litigation by animal rights radicals seeking to bar hunters and other users from the Refuge System. Unfortunately, such litigation continues today under different and new procedural guises.

The Sportsmen's Alliance considers the 1997 Act to be a success. Its focus on wildlife conservation and management is consistent with the principles articulated by President Roosevelt when he created the system in 1903, and this focus demonstrates that refuge are not mere sanctuaries to be set aside and left alone but to be actively managed, and that has resulted in hunters now having access to over 300 units of the system.

In addition, the political unity forged during the 1995-1997 period translated into renewed emphasis on the system and increased funding for operations and maintenance, and these beneficial trends peaked in 2003 coincident with the System's centennial.

Unfortunately, there are a few skunks at the picnic. The animal rights interests, unwilling to accept the clear policies in the 1997 Act, have continued to mount legal challenges. Three years ago, they sued to stop hunting on 36 refuge units, arguing that the Fish and Wildlife Service was obligated to prepare comprehensive environmental impact statements in addition to the CCPs. The USSA and others joined the suit with the Service, tried to argue that the CCPs and all the migratory bird analysis that is done were all fully sufficient to cover the bases.

Unfortunately, the court disagreed and has ordered the Service to prepare DISs which it is now doing, wasting finite dollars and wasting finite staff resources. And this is one issue where we think Congress needs to redress the matter to save the Service from all this useless paperwork to fulfill the purposes of the 1997 Act.

Despite these types of problems and issues, I think the Alliance remains proud of its role in helping to enact the 1997 Act, and believe that the funding issues can be resolved and the promise of this landmark legislation can truly be fulfilled. Thank you.

Mr. KIND. Thank you very much, Mr. Horn.

[The prepared statement of Mr. Horn follows:]

Statement of William P. Horn, Counsel, U.S. Sportsmen's Alliance

Madam Chair: My name is William Horn and I appreciate the opportunity to appear before the Subcommittee to discuss the purposes, history, and implementation of the landmark 1997 National Wildlife Refuge System Improvement Act (NWRSIA) (P.L. 105-57). Enactment of NWRSIA was a high priority of the U.S. Sportsmen's Alliance (USSA) (then the Wildlife Legislative Fund of America) and we have maintained a keen interest in the Act and the Refuge system since then. In addition, my comments reflect the perspectives from my prior tenure as Assistant Secretary of the Interior for Fish, Wildlife, and Parks under President Reagan and Chairman of the National Wildlife Refuge Centennial Commission.

The National Wildlife Refuge System is an incomparable array of wildlife habitats that provide unparalleled conservation benefits and opportunities for public use, especially hunting and fishing. The sporting community was instrumental in founding the System in 1903 and has strongly supported it ever since. This support is not merely rhetorical. Hunters have contributed millions of dollars to growth of our Refuges through the Duck Stamp program and other forms of tangible financial support. No others have come close to matching this level of genuine commitment.

Controversy, however, surrounded the Refuge System in the early 1990's. Animal rights radicals and anti-hunting interest were ratcheting up their campaigns to exclude hunters from the System and only recently had the U.S. Fish and Wildlife Service (FWS) beaten back lawsuits to bar hunting on Refuge units. The Clinton Administration had settled another Refuge lawsuit and was threatening to close units to hunting and other forms of wildlife dependent recreation. Funding for the System was being curtailed and this was not only thwarting wildlife conservation objectives but threatened to curtail public access to Refuge units. Finally, earlier versions of Refuge "organic" legislation were being advanced that would make it more difficult for FWS to maintain hunting and fishing on the System. From the sporting and conservation community's perspective, these were grim times.

In early 1995 key elements of the sporting/conservation community approached Congressional Sportsmen's Caucus the new Congressional leadership about Refuge legislation that would fix these problems and set forth a clear wildlife conservation mission for the System. The result was H.R. 1675 introduced in the 104th Congress primarily by Rep. Don Young (R-AK), Rep. John Dingell (D-MI) and Rep. Bill Brewster (D-OK) and the House passed it by a lopsided bi-partisan margin of 287 to 138 in April, 1996. The Senate, however, failed to take action.

The effort to enact a Refuge bill carried over to the next Congress and early in 1997 its backers introduced it in the 105th Congress as H.R. 511 (reflecting the number of Refuge units in 1997). Concerted good-faith negotiations with Interior Secretary Bruce Babbitt yielded H.R. 1420 that was introduced in April, 1997, ultimately passed by Congress and signed into law on Oct. 9, 1997 as NWRSIA.

A critical feature of the bill was its express recognition that hunting and fishing were, and are, important and legitimate activities on Refuge units. Moreover, once determined to be "compatible" with Refuge purposes, FWS is under a clear statutory duty to "facilitate"—not just allow—these uses. These provisions were designed to stop once and for all repeated litigation by animal rights/anti-hunting radicals seeking to bar hunters from the Refuge system. Unfortunately, as discussed below, such litigation continues under new procedural guises.

We note that clear public policy support for hunting in System units is not only reflected in the 1997 Act but in Executive Orders issued by both President Bush and President Clinton. President Bush recently issued an Executive Order to assure continued access for hunting to our public land systems. In 1997, President Clinton

released an Executive Order for the Refuge System that recognized its value for hunting. We hope the radicals get the message.

USSA considers the 1997 Act to be a success. Its focus on wildlife conservation and management is consistent with principles articulated by President Teddy Roosevelt when he created the system in 1903. This focus, codified in statute, demonstrates the Refuge units are not "sanctuaries" to be set aside and left alone. Furthermore, the political unity forged during the 1995-1997 period translated into a renewed emphasis on the Refuge system mirrored by increased funding for operations and maintenance of the System. These beneficial trends peaked coincident with the 2003-04 centennial.

We have also been very pleased with the on-the-ground of the 1997 Act. Not only has the Refuge System grown to 548 units in the intervening decade, 317 units are now open to hunting. This compares to 283 10 years ago. The public is able to enjoy this incomparable public land system which translates directly into continued support for the System. Such support is crucial if the Refuge system is to be sustained so that a bicentennial can be celebrated by our great-great grandchildren.

Unfortunately there are a few skunks at the picnic. Animal rights interests, unwilling to accept the clear policies articulated in the 1997 Act (and Executive Order), have mounted new legal challenges to hunting on Refuges. Three years ago the Fund for Animals, Humane Society of the United States and other "usual suspects" sued to stop hunting on 36 Refuge units. The argument was that FWS had not prepared comprehensive environmental impact statements (EISs) to justify the hunting. USSA and others joined the case with FWS and argued that full scale EISs were unnecessary because (1) FWS already prepares Comprehensive Conservation Plans for refuges per the 1997 Act and (2) as most of the hunting is for waterfowl, FWS already prepares comprehensive EISs as part of its comprehensive migratory bird management program. However, a federal judge ruled that new EISs are needed so FWS is in the process of spending money and finite staff resources to prepare the duplicative NEPA documents (and the animal rights plaintiffs are already complaining that these documents are not enough). Congress should redress this matter and make it clear that the CCPs, migratory bird EISs and other FWS documents are more than sufficient bases for opening refuge units to hunting per NWRSIA.

This waste of finite dollars is made more acute by the funding crisis now afflicting the System. For a variety of reasons, Refuge funding is again shrinking with adverse consequences for wildlife and public users. Compared to National Parks, Refuges have always been the red-headed stepchild when it comes to funding. Even though the Park system is smaller, has fewer units, and is situated in fewer states, its funding outstrips that provided to the Refuges. Park operating budgets are nearing $1.5 billion while the Refuge system makes do on $382 million in Fiscal Year 2007. This gap is likely to grow now that a variety of bills propose hundreds of millions of extra dollars for Parks in anticipation of that system's centennial in 2016.

Not all of the problems are external. FWS policies to implement the Act include restrictions not contemplated in 1997. For example, some parts of the Refuge system are also designated as Wilderness although the law specifies that wilderness purposes are merely "supplemental." Courts have ruled that "supplemental" means secondary. Nonetheless FWS draft wilderness policies appear to allow "Wilderness" to trump wildlife conservation and impose undue restrictions on wildlife management practices. We are persuaded that the 1997 Act makes primary wildlife conservation, including management and use as expressly included in the law, and it takes priority over "supplemental" Wilderness purposes.

Similar problems have been created by policies adopted at the end of 2000. A definition of "wildlife first" was added to these policies that fails to adequately recognize the use and enjoyment features of the 1997 Act. As referred to above, wildlife conservation is defined in the Act to include management and use yet these features are largely disregarded by the "wildlife first" definition. Other policies such as the "biological integrity" guidance has similar flaws and do not accurately reflect the active wildlife and habitat management provisions in NWRSIA.

Despite these issues, USSA remains proud of its role in helping to enact the 1997 Act. We remain committed to enhancing this incomparable system of public lands to ensure conservation of our wildlife heritage and enabling public use and enjoyment of the System via wildlife dependent recreation. This will ensure continued public support necessary to sustain the health and vitality of our Refuge System.

Response to questions submitted for the record by Bill Horn, U.S. Sportsmen's Alliance

Questions from Mr. Kind (D-WI)

1. Thank you for your thoughtful comments. You noted in your statement that the Improvement Act codified into statute a policy of public use, and as you said, that "Refuge units are not 'sanctuaries' to be set aside and left alone."

- **Do you agree that all public use, even priority public uses specified in the Act, are all subject to being found compatible with the purpose of the refuge and mission of the Refuge System?**

ANSWER:

I agree that all public uses, including priority public uses, are subject to being found compatible with refuge purposes. That requirement is stated plainly in the 1997 Act. To ensure, however, that this requirement did not become an unreasonable barrier to continued wildlife dependent recreation activities (including hunting) on refuge units, Congress made an express finding that these activities on refuges "have been and are expected to be generally compatible uses." (P.L. 105-57, § 2(6); 16 USC § 668dd note). In addition, "compatible use" was defined as a wildlife dependent recreational use that "will not materially interfere with or detract" from refuge purposes. In the majority of refuge units, and on a vast percentage of refuge system lands, the U.S. Fish and Wildlife Service (FWS) has determined that traditional activities such as fishing and hunting do not interfere or detract from refuge purposes. Lastly, I would note that Congress further recognized the value of these activities by finding that allowing and facilitating such activities on refuges has contributed importantly to the refuge system's conservation mission.

2. You raised concerns about the establishment of wilderness areas in refuges and assert that the policies of the Improvement Act supersede the policies of the Wilderness Act.

- **On what legal basis to you base this opinion?**

ANSWER:

The 1964 Wilderness Act clearly and unambiguously states that wilderness purposes are "supplemental to the purposes for which...national wildlife refuge systems are established and administered." P.L. 88-577; 16 USC § 475. The term "supplemental" means secondary. In the case of the Refuge system, Congress spelled out its primary mission in the 1997 Act as "conservation, management, and where appropriate restoration of the fish, wildlife, plant resources and their habitats." § 4; 16 USC § 668dd(a). The U.S. Sportsmen's Alliance (USSA) is concerned that supplemental/ secondary Wilderness Act purposes are used to impose restrictions on "conservation, management, and...restoration" activities for the benefit of wildlife and associated habitats. Where Wilderness designations have been made on refuge lands, FWS has an obligation to try to harmonize its activities with both the 1997 Refuge Act and the 1964 Wilderness Act. However, USSA maintains the agency's primary duty is to act consistent with its primary organic statute rather than the supplemental purposes of the 1964 Act.

3. At present, wilderness areas are designated on other Federal lands, such as National Parks and National Forests, each with their own statutory mission. These wilderness areas are managed by the standards required under the Wilderness Act.

- **Why should refuge lands be treated differently?**

ANSWER:

USSA submits that refuge lands are different than lands administered by the National Park Service and the Forest Service. Please note though that plain use of the term "supplemental" in the Wilderness Act also applies to both of these agencies so that the 1964 Act is not a mandate to either of those agencies to disregard their more fundamental mandates from Congress (e.g., 1916 National Parks Organic Act). The distinction is that the 1997 Refuge Act is more recent in time and has a very clear statutory mission spelled out—conserve, manage, and restore. This is a mandate for active management by FWS rather than a directive to treat refuge units as "biospheres under glass" to be set aside and left alone. Restrictions associated with the Wilderness Act cannot be disregarded but should not be used to bar FWS from fulfilling its primary mission as articulated by Congress.

Mr. KIND. I want to thank all our witnesses today for your testimony and your time. I also want to thank my colleagues who have joined us recently on the panel. Starting with Ranking Member Brown, thank you, sir, for coming, Mr. Kildee and Mr. Faleomavaega for being here.

Let me start the round of questions by getting back to what I alluded to in my opening comment. And maybe, Mr. Hall, you can take it first. But I appreciate your opening statement in regard to some of the youth activities involved, because we do face I think a real serious crisis and challenge. Mr. Young and I were just chatting about it. And I brought with me an article that appeared in The Washington Post on June 19 of this year titled, Getting Lost in the Great Indoors, how kids are getting addicted to the TV, the computers, the Game Boys, what have you, and we are not getting them out and not getting them outside experiencing nature, let alone visiting some of these great public lands of ours. And I know you have been actively involved in trying to ramp up the youth education programs. And I think you wrote a nice article on the July/August Refuge Update Newsletter that you sent out talking about that.

But if you could maybe talk a little bit more about what programs specifically we are doing to reach our children. Because if we can't sustain this, and these public lands of ours, we are mere stewards of, we are to take care of them and pass them on to future generations. But if that future generation doesn't have the same love or passion or interest in the outdoors or in the Refuge System, it is going to be awfully tough to sustain anything that we are talking about today.

Mr. HALL. Thank you, Mr. Chairman, and thank you for those comments. Because, as you and I have talked, this is really important. And I will start off by saying that none of what we are talking about today matters at all if we don't recruit new conservationists for two or three generations from now, no one will care. And while we are very dedicated, all of the people probably in this room are dedicated to that, we need to understand that we have to actively recruit conservationists. Now, that doesn't mean fish and wildlife biologists. That means getting conservation in the hearts of our citizenry. Because if conservation lives at all, it only lives in the hearts of the people.

So what we have been trying to do is to understand that we missed a large gap in the system. Even people my age, and I grew up in the 1960s and I remember it, so I must have been square. But a lot of my age class people got accustomed to writing letters because these wonderful laws were passed, the Clean Water Act, the Clean Air Act, and began to think it is OK just to say go regulate it instead of go fix it. And the conservation mind is, if something is broken, go fix it. And we don't have enough connection in our children to nature today. It is frightening to me that if we don't get them connected, and it is part of their spirit they just don't know it yet. And the literature tells us if we get them connected, that we have them for life. Then we will have those future generations. And if we don't, we won't.

And the literature is also indicating in other fields, in the medical field and psychiatric field, that children, the early onset of ju-

venile diabetes is taking on epidemic proportions. Why? It could be because children aren't physically playing anymore. They are sitting still. Their thumb is the strongest thing they have.

We also have seen the literature talk about the child psychology and medical treatment area and ADD. And we had a professor talk to us, a teacher that said, I can take a classroom full of ADD children and I cannot keep their attention for more than 5 or 10 minutes. But I can take them out on a field trip and let them play for an hour, unstructured, let them go discover, and bring them back in the classroom and I can keep their attention for an hour.

So there is really something there that a lot of the other fields are feeling. And so we are going to do our part, Mr. Chairman. I am going to make very sure that refuges are a welcoming place for all.

Mr. KIND. Let me follow up. Last week, and the other hat I wear around this place, at least in this session, is co-chairing the Congressional Sportsmen's Caucus. And we organized the first ever congressional sportsmen's week here in Congress last week with resolutions that we passed and some briefings, the annual banquet that we have every year. But we also had a breakfast briefing last week, and we brought in people from Matthews Bow to talk about the archery in the schools program and the Kicking Bear Archery Camp that Gander Mountain has been supporting nationwide. And it is true that unless we do a better job and think creatively on how to get these kids connected to the outdoors and appreciation for our natural resources, we are going to be in trouble.

As someone who grew up and loved to hunt and fish in Western Wisconsin, some of the greatest conservationists I know, and those who are quickest to open up their wallets, are those out there participating in hunting, fishing, or just getting outdoors and understanding the beauty and what needs to be preserved. And now, with childhood obesity, Type II juvenile diabetes, this all meshes. But we have to think of ways to make it interesting for kids, and what is interesting today is technology. And I am wondering if the Service is tapping into some programs that utilize technology in order to get the kids interested.

Mr. HALL. Yes, sir, we are. We have treasure hunts where they have to use GPS. They have to follow the instructions and a GPS program to reach the point where they can find the prize. We take them out, and let them do their own filming. We get cameras from Nikon and Kodak and they volunteer them, and we take kids out and let them take digital pictures, come back and put them on a screen and compare notes on how you took pictures.

It is important not to leave their world behind but to use it as a bridge. So we are going to be trying that and a whole lot of other things to try and get them interested in the outdoors.

Mr. KIND. Thank you very much, Mr. Hall.

Mr. Young.

Mr. YOUNG. Thank you. And, Mr. Hall, I appreciate your statement. But I think to get everybody involved in conservation, there is so many different groups that have different interpretations. In this room we have probably PETA, we have Defenders of Wildlife. I can go on down the line. There is about 76 different organizations, and they don't want to see the big picture. They have their

own little fiefdom that they can generate. I like to respect everybody's beliefs and have them enjoy it collectively together on our refuge. The hunting and fishing and trapping to me is extremely important. The bird watching identification and the flora and everything else is extremely important. But there is a division within the organization. And you can take preservationists and take and drown them all, as far as I am concerned. Conservation is different. But, unfortunately, the movement has been taken over by the preservation groups and makes your jobs very difficult.

Mr. Hirsche, I was interested that you wanted to purchase more land, 12 million more acres of land. How do you go about doing that when you have a $2.5 billion backlog in maintenance and $1.25 billion in operation backlog and $361 million in invasive backlog? Do you remember my statement, how are you going to go out and buy a new house when the plumbing doesn't work in the one you have got?

Mr. HIRSCHE. Mr. Young, that is an excellent question but I think there are a number of ways you need to look at the problem. First of all, there are the mandates in the Improvement Act. And I think fundamentally there is a pretty sweeping mandate to protect ecosystems as a way of ensuring the integrity of refuges. And within that, we recognize or the States recognize through the State wildlife action plans that there are enormous needs for conserving habitat. And we are not necessarily advocating for buying everything under the sun. We are talking about conserving.

And the GAO report was looking, for instance, specifically at the fish and wildlife plans for the Prairie Pothole Region, and most of those were easements versus acquisition.

Regardless, I couldn't agree with you more. We need more money to protect habitat. And that means involving private landowners, that means involving the States, that means Federal dollars as well.

I mean, there is the ongoing question of why do you go conserving more habitat when you can't take care of what you already have, and that is a refrain we frequently hear. I think our response to that is, look, if lands are developed, for instance, there is a proposed subdivision adjacent to the Aransas National Wildlife Refuge down in Texas. All over the country you can see subdivisions cropping up on refuge boundaries, even remote refuges or reasonably remote refuges, like Tamarack in Minnesota. People want to live next to these conservation areas. And if we are going to respond to those things, we need to recognize what the values of these places are and act, take action proactively.

Mr. YOUNG. I don't disagree. I am just suggesting that we have to take care of the house. To purchase more will not take care of it. With invasive species, et cetera, we are just not gaining anything.

I have another question, Mr. Hirsche, that somewhat concerns me because I am directly related to this. On page 5 of your testimony you state: "human beings are what make conservation possible for refuges." And I agree with that. Would you agree that the current projection of reducing the refuge workforce by 20 percent will undermine the mission of the Refuge System?

Mr. HIRSCHE. Absolutely.

Mr. YOUNG. If that is the case, why has your organization, I specifically say your organization, along with PEAR, has consistently opposed to letting Native American tribes operate various functions through annual funding agreements on wildlife refuges located within the boundaries of their reservations? In your judgment, are the tribes competent? Are they charging too much? Or do you not agree with the fundamental goals of the Tribal Self-Governance Act?

Mr. HIRSCHE. The answer to that is our organization actually supports strongly the involvement of tribes in working with fish and wildlife to manage refuges. You are probably speaking specifically about the situation at National Bison Range.

Mr. YOUNG. If that is the case, why does your organization oppose the annual funding agreement for the Bison Range Refuge?

Mr. HIRSCHE. The annual funding agreement that you are probably referring to there.

Mr. YOUNG. It is the only one.

Mr. HIRSCHE. Well, and that funding agreement was terminated by Fish and Wildlife Service. Structurally we thought it was deficient and didn't work for a number of reasons. But that doesn't mean we don't support the tribes working closely with Fish and Wildlife Service. Indeed, I think they have to. If you read our column in our magazine a couple months ago, we talked about the need to engage diversity in this country, and this ties into the question of engaging a broader range of individuals in the Refuge System for conservation.

Mr. YOUNG. My interest is not only the Bison, because the American Natives were managing bison longer than any white man has ever been on this continent. And they may not manage them to your satisfaction, but they did manage them. I am interested, because if I find your organization opposing my intent to get management of refuged lands from in the State of Alaska where it is possible, not just because everybody is sitting in Washington, D.C. in a nice office means that they know everything about managing wildlife refuges. It is a way to employ people and to do the job correctly. You can sign contracts for working with the Park Service with covenants that allow this to occur.

And if I even get the inkling that they can't do it or they are not competent, they are unprepared, and by the way that is racist, that is going to be a sad day for the agency and your organization also, because that is wrong. These are people that know the problems and can solve those problems. And I have sort of sensed that this is sort of creeping along through the agency itself, Mr. Hall, and Mr. Hirsche your program, too. So I just suggest be very, very careful. Just keep that in mind.

I yield back.

Mr. KIND. Thank you, Mr. Young.

Mr. Kildee, thank you for joining us.

Mr. KILDEE. Thank you very much, Mr. Chairman.

I am blessed with the Shiawassee Wildlife Refuge in the State of Michigan. It is a wonderful place. And whenever I go there, I myself feel that it is understaffed. So let me ask these questions, Mr. Hirsche. I appreciate your comment regarding the damaging and negative effect that the annual budget shortfalls reflect upon

the ability of the Fish and Wildlife Service to fully implement the Improvement Act. The projected 20 percent decline in staffing levels is especially troubling to me. If these workforce management plans go into effect, is it possible for the Fish and Wildlife Service to fulfill its legal requirements under the Improvement Act?

Mr. HIRSCHE. In our assessment, no. You have sweeping mandates in the Improvement Act. And the Act, again, we will reiterate, is a tremendously powerful and, I think, elegant piece of legislation that lays out a terrific set of guidelines for managing National Wildlife Refuges now and into the future. But without adequate funding, if we don't have staff at refuges, you know, we are seeing vandalism at refuges across the country because we don't have law enforcement.

As an example, in the Selawik National Wildlife Refuge this past weekend, they were expecting 600 people to attend their refuge week event. They received 2,000 people. Were they staffed to handle this? No, they weren't. Half the refuges across the country have no biologists. Many have no staff at all.

I don't understand how we are able to implement this Act fully unless we meet some of the fundamental funding needs for the Refuge System.

Mr. KILDEE. In my experience at the Shiawassee Refuge in Michigan, these people are really hardworking people and are sometimes doing a job and a half for one salary. They are not shirking their responsibility. And the Improvement Act is a very important Act, but the Improvement Act is something like, use this analogy, a get-well card. It kind of indicates what we would want and how we would evaluate how we value these. And if I have a friend who is ill, I will send a get-well card. But what my friend really needs is a Blue Cross card, and that is the appropriations. And I think Congress very often is good at sending the get-well cards, but doesn't send the Blue Cross card.

Mr. HIRSCHE. I couldn't agree more. And I also want to make a point of discussing the role of volunteers and friends at refuges around the country. Currently, friends and volunteers are contributing fully 20 percent of the workload on our National Wildlife Refuges. I am humbled by the commitment and the support, but I am appalled that we are relying so heavily on volunteers to do the work that many professionals should be tasked to do.

And one other comment just related to the issue of reaching out to children and families. It is interesting, you look at the Refuge System compared to other Federal land entities. And while they may be, in the words of I think Secretary Babbitt, postage stamps on the landscape, at least in the lower 48, obviously not Alaska, these places provide the best opportunity, in our view, of any Federal entity to engage the public, particularly diverse communities, because so many of these refuges are located in coastal areas, they are near urban areas, and we have an opportunity to engage diverse communities of all kinds to get them excited about conservation. And I feel like that is an opportunity that we are missing, and we need to put real resources into it.

Mr. KILDEE. Thank you.

Mr. Hall, what is the status of the annual agreement for the Salishan-Kutenai tribes? We have been told by the tribes that Dep-

uty Secretary Scarlett has ordered an agreement to be developed, but to date this has not occurred. Can you tell us why that has not occurred?

Mr. HALL. We made a proposal for a funding agreement or for an agreement to the tribes a couple of months ago, and have not really had them reengage into the discussion negotiation process.

Mr. KILDEE. I would encourage both sides, including yourselves especially, to reengage. I think this is a very important step, and I would encourage you to do that.

Mr. HALL. I would like to follow up on something that Evan Hirsche said a moment ago. This really has nothing to do with whether or not we are working with tribes or with anyone else. That is not the issue. We think the tribes could be very valuable working with us on the refuge. But the previous funding agreement was, in my opinion, structured to fail. There were two complete pillars of authority. No one was totally in charge of the refuge. And you can't run a refuge that way. Someone has to be in charge if they are accountable and there has to be one team that works together, not two that are just out there kind of working. So I have been suggesting very strongly that we have one team working together that is composed of tribal members and Fish and Wildlife Service members, but the refuge manager has to be in charge of the refuge. Somebody has to be accountable.

Mr. KILDEE. Thank you very much. I yield back the balance of my time.

Mr. KIND. Thank you, Mr. Kildee.

It is now my pleasure to be able to recognize Ranking Member Brown for any comments or questions that he may have.

Mr. BROWN. Thank you, Mr. Kind.

And thank you, gentlemen, for coming. I am particularly pleased to see my friend John Frampton from South Carolina who has DNR there. And not only does he have that responsibility, but he has been very active in setting aside lots of different lands for future enjoyment and prevent future development. John, I am glad to have you, and thank you for your service there.

Mr. Hall, my question I guess is, I represent the coastal area of South Carolina which is the 21st largest congressional district now in the Nation because of all the growth, and I have 1,500 acres that join the Francis Marina National Forest. So we are grateful for the national forest and for the other reserves that we have set aside. But my concern is, and I think it was addressed earlier about what kind of use would the public be able to enjoy, whether it be used for fishing or hunting or hiking or some of the other areas? It seems like to me, when we propose a reserve, it almost becomes a wilderness area. We don't want much activity.

In fact, my major concern is along the strip in the Waccamaw Reserve, about 20 or 30 miles, John you can attest to this, with that growth in that area, they don't want us to build highways, they don't want us to build any kind of an infrastructure or utilities in these set-aside reserves. Could you give me some insight on that? It seems, though, the taxpayers, that all the taxpayers actually paid for that particular property, and they ought to have some enjoyment, particularly ought to have some community interest of use.

Mr. HALL. Thank you, Mr. Brown. It is good to see you again. That is one of the dilemmas that we deal with. And you can say it is a good thing, you can say it is a bad thing. But when a refuge is established, there is a primary purpose for which it is established. It may be water fowl, it could be endangered species, a myriad of different reasons for establishing a National Wildlife Refuge. And then, after that, anything that happens on refuge lands must be found to be compatible with that primary purpose.

And then, in addition to that, the Improvement Act identified priority uses, or priority appropriate uses, the hunting, the fishing, the photography and education and information, et cetera, those six. We call them the big six. I refer to them as the big seven, because it always starts with wildlife first. No matter, even if it is an appropriate and compatible use, you have to make sure it fits with the purposes of the refuge and for wildlife first.

These lands are unique in being set aside for wildlife and for public's use of wildlife. They are the only lands like them in the world, that I am aware of, from a Federal standpoint. And the law basically was negotiated through to say, we need to hold on to that.

So roads going through a refuge typically causes a problem, because it is not one of those things that contributes to the purposes of the refuge. If there are emergency situations, I am sure that things can be discussed on an emergency basis. But we do face this. And the law is pretty clear, in my mind, as to what we are allowed to do and not allowed to do administratively.

Mr. BROWN. I guess that brings, my major concern is that maybe we ought to be concerned then of where we actually establish these reserves. This particular one I am talking about, the Waccamaw, John is familiar with it, we have about a 30-mile stretch of land that you can't get from the ocean to the mainland unless you cross part of that reserve. And I don't think there was ever intent for the taxpayers to buy a piece of property that was going to fence the rest of the population from having a natural way to evacuate in case there is a national disaster, particularly a hurricane or some other, maybe tsunami or some other reason to move quickly across that area rather than having to circumvent some 30 miles of travel. I don't think that was the intent when they established that particular parcel of land to make it so unique that only wildlife could survive and not the population.

Mr. HALL. I can only tell you what we believe that the law directs us to do; and we believe that the law tells us that once the refuge is established, and maybe your point is well taken. If that is a consideration that needs to be looked at as we establish refuges, what might be the future needs out there, then that can be debated and talked about as we move forward. We have a very long process that we go through to establish a refuge. But once we do, in my opinion, the law guides us in how we are supposed to handle that refuge and what we are allowed to permit and what we are not. And roads have historically been a significant issue, especially since the passage of the Improvement Act.

Mr. BROWN. Then maybe we ought to take and look at some special legislation to at least, maybe in case the population is endangered, we ought to be able to have some way to exclude that. Not on a regular type basis, but on special instances, we ought to have

some kind of an easy way to move through it, rather than upset the whole population that we are doing something to, I guess, damage a special piece of property that has been set aside. I don't know, if the taxpayers involved, that all the taxpayers ought to have some benefit from it and maybe we ought to look in particular at that. Thank you, Mr. Hall.

Mr. KIND. Mr. Frampton, did you have anything you wanted to add?

Mr. FRAMPTON. Yes. Thank you, Mr. Chairman, and to respond to Congressman Brown.

In that area, the State recently acquired some 32,000 acres of land under a deal with International Paper Company and some of our conservation partners, and we actually made some concessions on that prior to the time we acquired that property. There has been a tremendous amount of miscommunication in that Myrtle Beach area relative to some of these land acquisitions.

I think, Congressman, most of the issues that you referencing, we have had an opportunity to sit down with the delegation in Horry County and I believe work through most of those issues.

Mr. BROWN. Thank you, John. I appreciate your saying that. Because if there is some reason maybe we need to at least address it in legislation, and this may be something we need to address while we are looking at expanding the potential of creating what is 12 million more acres of this wildlife. I know you have been actively involved in the community for a long, long, time, and I am grateful that something has been worked out, because it is a major concern for the safety of those people living along the coast there.

Mr. FRAMPTON. A lot of that was addressed on the I-73 corridor issue, and a lot of that debate was relative to the heritage preserve that is owned by DNR, not U.S. Fish and Wildlife Service. And we recently came to agreement with the Department of Transportation. So I think that situation is corrected.

Mr. BROWN. Sandy Island was concluded?

Mr. FRAMPTON. Sandy Island is currently held by the Nature Conservancy. We were involved in that deal. I think ultimately you may see some of Sandy Island go under the Refuge System. As you know, some of our lands are actually in the Refuge System on an agreement with the Fish and Wildlife Service where we actually allocated those lands for their management, where it is more compatible with the refuge than in our individual lands. But I don't know of any issue associated with road construction that is an issue right now with Sandy Island.

Mr. BROWN. It is not. I only mentioned Sandy Island because I knew it was part of the ongoing preservation there, to maybe include it into the reserve system. Thank you.

Mr. KIND. Thank you, Mr. Brown, Mr. Frampton.

Eni, thank you for joining us.

Mr. FALEOMAVAEGA. Mr. Chairman, thank you for your leadership, and certainly for the contributions that you have made not only for the conservation of our National Wildlife System. And I certainly appreciate having this hearing this afternoon. Also, our distinguished Ranking Member, the gentleman from South Carolina Mr. Brown for his leadership as well.

I was listening, and certainly want to express my appreciation to the statements that have been made before our Subcommittee. I am sorry, I did miss earlier the former Secretary of the Interior, Mr. Babbitt's presence at these presentations. It is an unfortunate situation that we find ourselves as a country that it always seems that if you are a conservationist, you are a Democrat, and if you are a pro developer, you are a Republican. It is really unfortunate. I wish my good friend from Alaska was here, because I don't think there is one member here that does not want to conserve the richness of our Nation's wildlife system. And, ironically, too, it was a Republican president that initiated whole movement toward conservation of our wildlife system.

So I don't think it should ever be a Republican or a Democratic issue. It should be a national issue that should have the same common interests and intent on the part of the Members of Congress and as well as the administration and the public as well to do the conservation.

And I wanted to ask you, Mr. Hall, you said there was something wrong with the current provisions of the Improvement Act, that they seem to be not working together. I was trying to catch what you meant by that.

Mr. HALL. You mean, in my response to Mr. Brown?

Mr. FALEOMAVAEGA. No, it was earlier. I think it was to either to Mr. Young's or Mr. Kind's question. You said something that there was something, two systems that seemed not to be working together.

Mr. HALL. That was in relation to the Bison Range discussion on just an agreement.

Mr. FALEOMAVAEGA. You mentioned something that was not working together? Or was it because of the weakness of the current provisions of the Act?

Mr. HALL. No. This has nothing to do with the Act. That didn't. This had to do with an agreement with tribes to work with us on the refuge. So it really had nothing to do with the Act itself.

Mr. FALEOMAVAEGA. But you are satisfied with the way tribes are handling it, as opposed to the rest of us, as opposed to how the Federal Government is dealing with other issues, dealing with—you are saying, however the tribes are handling the situation.

Mr. HALL. We are working with the tribes now to come up with an agreement that we think makes one team work on the refuge with the Fish and Wildlife Service who is responsible for the refuge in charge.

Mr. FALEOMAVAEGA. There seems to be consensus that obviously the funding seems to be the most troubling aspect of, however you call it. We can talk about all the good things that have been done. And I must say that I was very impressed. We are talking about some 95 million acres of lands that affects the wildlife system, the Refuge System, and some 547 refuges, 3,000 water fowl areas and the home of some 700 bird species and 220 mammals and 250 types of reptiles, and over 200 types of fish now. Fish is very important where I come from, obviously.

But I just wanted to ask you, supposed within this 95 million acres of refuge land, whatever you want to call it, that we have a sufficient supply of oil and natural gas in there to make us inde-

pendent of any more oil from the Middle East or Saudi Arabia. What would be your recommendation for how we might strike a balance, as my good friend from Alaska has very well, and I must say, I, for one, am for development. There has got to be a balanced approach. Do you prefer that we disregard the Nation's rich resources that we have that provides for our energy needs?

Mr. HALL. Thank you for putting me in this spot, Mr. Faleomavaega.

In reality, we have literally hundreds, if not thousands, of oil and gas wells today on National wildlife refuges throughout the country. And I think that if you go to those areas, and Louisiana is a good test case because they have been there for a long time. You have the very old ones from the old operators, the very new ones from the new operators. The footprint is significantly different today, and you can just compare the wells.

So I believe that if it is the will of the people to get the resource out, that it would be the responsibility of the Fish and Wildlife Service to figure out how to do that in a way that did not destroy the values of the refuge, or undermine them to a point that was not acceptable.

Mr. FALEOMAVAEGA. I am planning to hold a hearing in the next 2 weeks about global climate change as part of my committee jurisdiction. And I have always wondered, I know this had nothing to do with climate global warming, but I think it does have very serious implications in terms of how far and to what extent are we willing to conserve our Nation's wildlife system as opposed to development. But I do want to raise the issue with you gentlemen, and Mr. Hirsche, I think you might have some comments on that.

Mr. HIRSCHE. Yes, Mr. Faleomavaega. You know, it is an interesting question. I think as you are holding hearings and looking at climate change and energy development——

Mr. FALEOMAVAEGA. By the way, my friend says it is not global warming, it is global pollution. But there would probably be a better word that we could use to be realistic about climate change and why we need to address the issues of emissions and the pollution that we are producing in the air and our resources. I am sorry, I didn't mean to interrupt.

Mr. HIRSCHE. Absolutely. You know, in examining the challenge of energy production and conservation, I think an apt test case right now is North Dakota. As I think many Members here and people in this room know, North Dakota is what's often termed a duck factory for America. You have something like 60 refuges up there, Prairie Potholes. It is tremendously important to nesting waterfowl and a whole range of other birds, grassland species, shore birds and others.

Right now, because the price of oil, suddenly it has become a tremendous opportunity to drill for oil, certainly in Northwest North Dakota where you have several refuges including Lostwood and a couple others. But mostly easement lands, about 1-1/2 million acres of easement lands up there. And we have now have the technology, if you read the paper, the New York Times, this morning, they are drilling for oil and gas in the most remote places.

The question is, do we now have the technology and the willpower to be able to place extraction facilities in places that are not

going to require filling potholes and other things. Because we have refuge managers right now that are going out on easement lands and asking, nicely, oil companies to please move their pads 100 yards to the left because you are going to fill a prairie pothole.

Now, it is not just oil and gas, it is also wind energy. We are looking at the prospect for somewhere in the area of 5,000 wind turbines in North Dakota, and these wind turbines are also being placed among potholes. And what are the ramifications for birds and other wildlife? And thus far, wind power has, in our view, gotten a pass on meeting the same standards of analysis and evaluation as oil and gas extraction. And we are facing a train wreck up there if we don't approach both oil and gas and wind turbine development in a way that carefully assesses the impacts to wildlife while also addressing our energy needs in this country.

Mr. FALEOMAVAEGA. Thank you, gentlemen.

Mr. KIND. It is my understanding that Ranking Member Brown would like consent to have a written statement submitted for the record. Without objection, it will be included.

Mr. BROWN. Thank you, Mr. Chairman.

[The prepared statement of Mr. Brown follows:]

Statement of The Honorable Henry E. Brown, Jr., Ranking Republican Member, Subcommittee on Fisheries, Wildlife and Oceans

I want to thank you, Mr. Chairman, for holding this important oversight hearing. It is appropriate that we honor and celebrate the tenth anniversary of the enactment of the historic National Wildlife Refuge System Improvement Act of 1997.

Ten years ago, the distinguished former Chairman of this Committee, The Honorable Don Young of Alaska, had a vision on how our refuge system should operate in the future. For nearly 100 years, this unique collection of federal lands had existed without any Organic Act, a definition of what was a "compatible" activity or even a "Mission Statement".

As a result, you had confusion, inconsistent decisions and a growing frustration in the hunting, fishing and wildlife conservation community. Refuges are not federal parks, wilderness areas or national marine sanctuaries. Hunting and fishing has always occurred within the system and it is not an exaggeration to say that without the excise taxes and duck stamp fees paid by sportsmen, you would not have a refuge system.

Today, we will examine the effectiveness of P. L. 105-97 and whether this law has met the expectations of providing a sound foundation for the refuge system. I find it interesting that in the decade since its enactment, Congress has not altered a single provision and there has been very little criticism of this law. In fact, the only voices of concern have come from individuals who believe the Fish and Wildlife Service is unfairly stopping or limiting other legitimate non wildlife-dependent recreational uses.

In my own Congressional District, I am honored to represent three vibrant national wildlife refuges which provide recreational and educational opportunities to thousands of South Carolinians each year. There is no question that the Refuge Improvement Act has been largely responsible for the success of these refuges. In fact, the Waccamaw National Wildlife Refuge, which is located in Georgetown, South Carolina, was the first refuge established after the enactment of this law. It will celebrate its tenth anniversary on December 1st.

During the course of this hearing, I look forward to hearing whether the Fish and Wildlife Service has fully implemented the "Mission of the System", if recent funding shortfalls are denying visitors opportunities to enjoy wildlife dependent recreation, how existing activities are being evaluated prior to the acquisition of refuge lands, whether refuge managers are prohibiting legitimate recreational activities, a status update on the completion of Comprehensive Conservation Plans and whether there is a need to modify certain provisions within this landmark law.

Mr. Chairman, I thank you for this hearing and I would again compliment the gentleman from Alaska for his leadership, lifelong dedication and vision in sponsoring this remarkable wildlife conservation law which passed both the House of

Representatives and the U.S. Senate with only one dissenting vote. It is truly a law that will withstand the test of time.

Finally, I want to welcome Mr. John Frampton, who is the Director of the South Carolina Department of Natural Resources. John, we look forward to your testimony.

Mr. KIND. Thank you.

Mr. Frampton, while I have you here, I just want to get your feedback on your perception on how the CCP process has been working in South Carolina with the multitude of refuges that you have in that State. Let me just preface it by saying that we face a unique situation in Wisconsin, given a right of access clause that actually exists in our State constitution, which created a very contentious issue now in the development of the CCP for the Upper Miss. The Service, based on scientific studies, wanted to establish a ladder approach to give migratory waterfowl a chance to rest without harassment, hunting, being bothered. But they were going to limit during certain times of the year certain right of access with certain things in order to prevent that disturbance.

Air boats is one of the issues that is very contentious. And I am at a listening session one day and I have a bunch of duck hunters coming out screaming that, why is the Service prohibiting my use of the air boat in my favorite hunting grounds? The next day I am in another county, and I have a group of hunters coming out screaming at me saying, why are you allowing air boats to be blasting through my favorite hunting spot? So there is an inherent conflict there even within the same group of duck hunters. But it has created a very controversial and contentious issue, and I am wondering if you are experiencing anything at your State.

Mr. FRAMPTON. We haven't experienced those type of issues. We have a very unique partnership I think with the U.S. Fish and Wildlife Service in South Carolina. It is longstanding, it is very close. Our staff work very close together, sometimes on a day-to-day basis. We have a situation with air boats, too, but we have prohibited the use of air boats in a good bit of our coast because of the disturbance on ducks. And that is our biggest issue in South Carolina. As you can imagine, duck getting to South Carolina, it has probably been harassed a little bit along the route from Canada. Our mallards will circle for 30 minutes before they land.

But we have been able to bring consensus to, I think, our public. We have been able to do that by working hand in hand with the Fish and Wildlife Service. We sit at the table with the Service. We have staff assigned to the CCPs. We have biologists, in some cases a number of biologists, assigned to work on those teams through one of our staff. So I think it is just a matter of communicating with the public and, as Dale referenced, creating a team approach where we have a common agenda and we try to put a common vision out there for the public to understand.

Mr. KIND. Thank you, Mr. Frampton.

Mr. Horn, let me first thank you for your very thoughtful comments and testimony here today. And you note in your statement that the Improvement Act codified in the statute a policy of public use. And, as you said, that, "refuge units are not sanctuaries" to be set aside and left alone.

By that statement, is it safe to assume that you and your organization support increases in the Refuge System budget to facilitate public use?

Mr. HORN. Absolutely, Mr. Chairman. As I said, I think we noted the problems that are now afflicting the system because of the funding reductions. Fortunately, dollars going in peak coincident with the centennial and there has been a pretty severe backslide. And I would just offer one sort of gratuitous comment here, and that is I note we focused heavily on the refuge centennial and I had the good fortune of chairing that commission, and we spent 2 years kind of congratulating ourselves and looking to the future. I note with some envy as a refuge advocate that the Park Service is beginning its centennial celebration 9 years early with hundreds of millions of dollars being proposed. And I was thinking, maybe we should go back and do this again and we should be a little more greedy than we were. No. But I think clearly the funding issue needs to be addressed.

I would say at one point, just another note. The Refuge System has had user fee entrance fee authority since 1987. This was passed, we negotiated when I was assistant secretary. It has not been used very extensively because there is not a lot of units where it works. Like Sanibel Island, it works beautifully down there. But I think it is safe to say that the user community, whether it is hunters, anglers, or bird watchers, there is not enough blood in that stone to really make that the source of the solution. I think that, as Mr. Young talked about earlier, we are going to have to be a lot more creative in coming up with a high dollar source to get at fixing this problem over time.

Mr. KIND. I think we are certainly interested, and this goes to everyone here in attendance. If you have some ideas, some creative solutions as far as a dedicated funding stream, let's talk. We should. We see the ramp-up at the centennial for the National Park Service right now and what is being done there, but I think part of the problem is, at least with the Park Service, is you have some pretty clear boundaries and ranger stations and gates that you pass through. And you don't have that with refuge, and that is what makes it so unique and special. A lot of people are visiting our refuges and they are not even aware that they are in a refuge from time to time. So that presents some unique challenges as well.

But I thank you again for being here.

Mr. Brown, do you have anything further.

Mr. BROWN. Nothing further. This has been a great exchange, and I appreciate you all being part of it. I am sorry I was late, but you know how those airlines run. Thank you so much.

Mr. KIND. Anything? Again, I want to thank you all. And as I stated in the past, that these refuges that we have and the National Park Service, too, are really monuments to civilization. They are our great walls, our pyramids, our Taj Mahals, and we have a great charge facing us here today and especially the obligation for future generations. And hopefully with more concentration, with the work the committee does, with the refuge caucus that has been created, we are going to be able to figure this out as we move forward. So, again, I want to thank you all for being here and for your participation.

Members of the Subcommittee may have some additional questions for the witnesses, and we will ask you to respond to these in writing. The hearing record will be held open for 10 days for these responses.

If there is no further business before the Subcommittee, the Chairman again thanks everyone for your attendance and your testimony, and thanks the members for participating. Thank you.

[Whereupon, at 4:25 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

[A letter submitted for the record by Paul Bishop, Founder, Friends of the National Bison Range, follows:]

October 18, 2007

Honorable Madeleine Bordallo, Chair
House Subcommittee on Fisheries Wildlife and Oceans
U.S. House of Representatives
187 Ford House Office Building
Washington DC

Re: National Bison Range, Confederated Salish & Kootenai Tribes

Dear Representative Bordallo,

It was gratifying to learn of your committee's recent hearing which touched on the current status of the National Bison Range and the controversial role there of the Confederated Salish & Kootenai Tribes. The ongoing discussion about what has happened in the past, and what might happen in the future, regarding the Tribes involvement at the range is of great importance to our 70 member organization. As a group, we support maintaining the National Bison Range as a premier wildlife refuge and we also support a full and meaningful role for the Tribes.

I founded this organization last fall, immediately after Tribal employees were escorted from the Range by armed federal law enforcement officers. As a ten-year range volunteer, with a family history at the range spanning 10 years before that, I speak from a unique base of knowledge. I have been involved in a key role at the Bison Range annual roundup under both U.S. Fish & Wildlife Service and Tribal systems. My mother was an eleven-year Federal employee at the Range prior to her retirement. As a non-member, I can personally attest to the quality and depth of the Tribe's work, in spite of the one-sided reports and press releases put forth by the Service. Due to the relatively closed nature of the refuge system, I am one of the only people not directly related to either the Tribes or the Service who can accurately speak out about what has really happened, and also about how that can help shape any future relationship.

Dale Hall, the Director of the U.S. Fish & Wildlife Service, recently told your committee that the original Bison Range AFA was "structured to fail" and I couldn't agree more. However, I believe that it was the Service who engineered a one-sided and pre-determined assessment of the Tribe's capabilities in a heavy-handed effort to prevent their success. My personal experience shows that the Tribes are fully capable of managing not only those aspects of the range operations granted to them in the original AFA, but that they are more than well qualified to take over the entire operation. Many reasonable people in this region, with close links to the Bison Range, agree.

The crux of the current discussion appears to be the level at which the Tribes would participate. The Service has made their position well known, that they value Tribal involvement at the Range. However, when examined more closely, the offers are actually just for low level employment positions under direct control of the Service. The Tribes, with their skilled natural resources capabilities, proven business management history, and undeniable sovereignty, are naturally disinterested.

And, unfortunately, this discussion cannot be complete without looking at the sad truth of institutional racism. For example, under the original AFA, the Service intentionally placed a Federal employee with a known background of many years of anti-tribal agitation in a direct working relationship with the Tribal staff. The Service also intentionally played up old racial stereotypes at every opportunity. When the smoke cleared a bit this winter, it became obvious that the Service had purposefully submarined the original AFA, gutted their own refuge of staff and resources, and attempted to cut the bison herd size by two thirds in what many independent

observers, including the editorial board of the largest newspaper in the region, called a "burn the village" mentality.

What is needed, clearly, is a true government-to-government relationship, not a few positions held open for Tribal members in a make-work program which the Service can point to as evidence of progress. Congress opened the self-determination door which the Tribes are walking through. We owe them a fair and balanced chance to prove their abilities, on a level playing field and working under a legitimate agreement. Our group requests that you use your powerful committee to direct the Service to negotiate a new and well crafted AFA, on that essential government-to-government basis, with the Confederated Salish & Kootenai Tribes.

Some in the Service have attempted to discredit our organization because we refuse to be a rubber stamp for their goals. In truth, we represent a balanced middle ground and we welcome the opportunity to bring forth a perspective that you perhaps have not yet heard.

Please feel free to contact me at any time regarding this issue.

Sincerely,

/s/ Paul Bishop, Founder, Friends of the National Bison Range

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[A statement submitted for the record by James Steele, Jr., Chairman, Tribal Council, The Confederated Salish and Kootenai Tribes of the Flathead Nation, Pablo, Montana, follows:]

Statement of James Steele, Jr., Chairman of the Confederated Salish & Kootenai Tribes of the Flathead Reservation

During the October 9, 2007 oversight hearing held by the House Natural Resources Subcommittee on Fisheries, Wildlife and Oceans, there was some discussion about the status of a pending Tribal Self-Governance Annual Funding Agreement at the National Bison Range (NBR), which is located entirely within the Flathead Indian Reservation in western Montana. In response to a question from Mr. Kildee on the status of that Annual Funding Agreement (AFA), the Director of the U.S. Fish & Wildlife Service (FWS), Dale Hall replied to the effect that the FWS had made a proposal for an "agreement" (rather than a Self-Governance Annual Funding Agreement) to the Confederated Salish & Kootenai Tribes (CSKT or Tribes) a couple of months ago and further indicated that the Tribes had not really reengaged in the discussions and negotiation process.

Nothing could be further from the truth and on behalf of CSKT, I would like the record to clearly reflect that FWS has repeatedly refused to even discuss a Tribal Self-Governance agreement since it abruptly terminated the FY 2005-06 AFA for the NBR (which had been extended into FY 2007) on the basis of allegations which had not been shared with CSKT and for which CSKT was not provided any opportunity to respond. CSKT would also like the record to reflect exactly what sort of new "cooperative agreement" FWS has recently proposed due to its refusal to discuss a Tribal Self-Governance agreement.

By way of background, in 1994, the House Natural Resources Committee reported H.R. 3508 and H.R. 4842. After negotiations with the Senate, H.R. 4842 was signed into law on October 25, 1994 as PL 103-413. This is the legislation that permanently authorized the Tribal Self-Governance Act. Under Self-Governance an Indian Tribe can administer and manage programs, activities, functions and services previously managed by the federal agency in question. For Interior Department programs outside of the Bureau of Indian Affairs, the Tribal Self-Governance Act included language authorizing Self Governance Annual Funding Agreements (AFA) for programs, services, function and activities that are of special geographic, historical or cultural significance to a tribe requesting an agreement. Committee report language (see page 10 of H. Rept. 103-653) specifically references programs operated by the U.S. Fish & Wildlife Service and goes on to state that any Interior program "[c]arried out by the Secretary within the exterior boundaries of a reservation shall be presumptively eligible for inclusion in the Self-governance funding agreement." [emphasis added]

Immediately after President Clinton signed the Tribal Self-Governance Act into law, CSKT made known its interest in negotiating an AFA under that Act for contracting local management activities of the NBR. CSKT encountered resistance and years of dilatory tactics from FWS and was unable to negotiate a mutually acceptable agreement until December 2004, when an FY 2005-06 Self-Governance AFA was signed involving limited contracting of biology, visitor service, maintenance and fire activities at the NBR.

While working alongside FWS staff under that AFA, CSKT continued to experience on-the-ground resistance from FWS staff and officials, mostly in the form of repeated lack of communication and cooperation. CSKT repeatedly raised these problems to FWS regional officials but the problems continued until December 11, 2006, when FWS abruptly terminated the AFA, as well as negotiations for a successor AFA, on the basis of allegations which FWS had never shared with CSKT and to which CSKT was never provided an opportunity to respond.

The same week this AFA was terminated by FWS, the Confederated Salish and Kootenai Tribes were told by an Interior official that FWS Director Dale Hall had met with Deputy Secretary Lynn Scarlett and Acting Assistant Secretary for Indian Affairs Jim Cason and they all had agreed to "immediately" enter into a new Self-Governance AFA with CSKT. That very week, at the Department's request, CSKT submitted proposed changes for the new AFA. This agreement by the FWS Director and Interior officials was later memorialized in a memo from Deputy Secretary Scarlett dated December 29, 2006 [see Attachment #1 for copy of memo].

Following January 2007 meetings with Director Hall and other federal officials on the Flathead Indian Reservation in Montana, CSKT contacted FWS to initiate negotiations for the new Self-Governance AFA. FWS refused to talk to CSKT about a new AFA and referred Tribal representatives instead to the Department of the Interior (DOI). CSKT was told to submit its proposed Self-Governance AFA directly to Interior officials, which it did on February 6, 2007.

In the following weeks, CSKT Tribal Chairman James Steele, Jr. sent two letters to FWS Regional Director Mitch King, offering assistance at the NBR pending the effective date of a new Self-Governance agreement. The first letter was dated February 16, 2007 and, in addition to an offer of general assistance, it: 1) inquired about filling a vacant NBR biologist position through an Intergovernmental Personnel Act (IPA) assignment; and 2) requested to start work, jointly with FWS staff, on drafting a five year operations plan for the NBR per the direction laid out in Deputy Secretary Scarlett's December 29, 2006 memo memorializing her agreement with FWS Director Dale Hall.

The only response to the February 16, 2007 letter which CSKT received from FWS was a three-sentence letter dated March 14, 2007 in which FWS Regional Director Mitch King stated that FWS had decided to handle NBR biologist duties by using a biologist stationed in Bozeman, Montana (which is located four hours away from the NBR). The Regional Director's letter did not respond to CSKT's general offer of assistance pending a new Self-Governance AFA, nor did it respond to CSKT's request to initiate the joint FWS-CSKT development of the five year operations plan for the NBR, per direction of Deputy Secretary Scarlett and FWS Director Hall.

At this point, the Tribal Chairman sent a letter to Deputy Secretary Scarlett, dated March 19, 2007 which expressed concern over FWS resistance to: 1) a Self-Governance AFA for the NBR; and 2) the policy of Tribal Self-Governance in general. The letter also requested a meeting with the Deputy Secretary.

The Tribal Chairman's second letter to the FWS Regional Director, dated March 26, 2007, expressed concern about FWS not stationing any biologist at the NBR itself. The Chairman reiterated CSKT's prior offers to: 1) assist in any work needing to be done at the NBR pending a new Self-Governance AFA becoming effective; and 2) start the process of developing the joint five year NBR operations plan. Lastly, the March 26th letter expressed CSKT's concern about the lack of response from FWS with respect to the FWS Director and Deputy Secretary's agreement to enter into a new Tribal Self-Governance AFA at the NBR. CSKT received no response to this letter.

The lack of response from FWS to these offers of assistance, combined with CSKT's concerns for fire protection at the NBR, compelled CSKT to write an April 2, 2007 letter to Deputy Secretary Scarlett, copied to FWS and NBR officials. This letter expressed CSKT's concern for fire preparedness and fire suppression at the NBR in 2007, and offered CSKT's assistance on those specific issues. As a result of the letter, CSKT and FWS entered into a mutual aid assistance agreement for fire suppression at the NBR which went into effect prior to the start of the 2007 fire season.

In addition to the above-referenced letters, CSKT continued to communicate with various DOI officials as the Department considered the proposed Self-Governance AFA submitted by CSKT pursuant to Deputy Secretary Scarlett's December 29th memo. On April 11, 2007, CSKT Tribal Chairman James Steele, Jr., met with Deputy Secretary Scarlett and other Interior officials in Washington, D.C. to discuss the pending AFA. At this meeting, Deputy Secretary Scarlett referenced the Tribal Self-Governance Act and reiterated her commitment to completing a new Self-Governance AFA, as she and Dale Hall had agreed to do in December. She also stated that

she firmly believed that, if any non-BIA program was intended for tribal contracting by the Tribal Self-Governance process, it was the National Bison Range.

Two days prior to that meeting (April 9th), while most of the CSKT delegation was in transit to Washington, D.C., a regional FWS official met with CSKT officials on the Flathead Indian Reservation and: 1) announced that FWS was reducing the NBR staff from approximately twenty (20) permanent positions down to seven (7) permanent positions (providing CSKT with a new, signed organizational chart); 2) announced that FWS would be reducing the NBR bison herd; and 3) offered CSKT an undefined "cooperative agreement" for work at the NBR and a very few positions. FWS presented a letter to this effect dated April 6, 2007. This letter did not respond to CSKT Tribal Chairman James Steele Jr.'s letters to FWS Regional Director Mitch King dated February 16, 2007 and March 26, 2007, in which CSKT had offered assistance at the NBR pending a new Self-Governance AFA and had requested to start some of the activities which Deputy Secretary Scarlett and FWS Director Dale Hall had agreed upon as a course of action towards a new Tribal Self-Governance agreement. When CSKT told Deputy Secretary Scarlett and the other Interior officials at the April 11th meeting about FWS' April 9th offer of a cooperative agreement, none of them knew anything about it—including the acting Assistant Secretary for Fish, Wildlife and Parks.

CSKT was perplexed at FWS' offer for a lesser, competing, agreement to the Self-Governance AFA which its parent department was in the process of evaluating due to FWS' refusal to even discuss it. During the April 9th meeting, the CSKT Natural Resources Department Head asked the FWS regional official for a written description of the proposed cooperative agreement. By letter dated April 27, 2007, FWS responded. In that letter, FWS specifically acknowledged that CSKT continued to seek an Annual Funding Agreement to operate/manage the NBR as part of the National Wildlife Refuge System. However, FWS said it was offering an "alternative partnership" in the form of a "cooperative agreement." The letter ambiguously said that a cooperative agreement could provide "a role for CSKT" and went on to describe an arrangement wherein CSKT could provide a few staff to fill FWS positions at the NBR, but no contracting opportunities were identified. The FWS letter did not explain why FWS was offering a cooperative agreement instead of a Tribal Self-Governance AFA, nor did it explain why FWS would offer CSKT a loosely-defined cooperative agreement which involved no contracting of programs while the Interior Department was simultaneously considering, and committed to, a more substantial Self-Governance AFA for contracting of NBR programs, as agreed upon by the Deputy Secretary and the FWS Director.

CSKT Natural Resource Department Head Clayton Matt sent FWS Regional Refuge Supervisor Dean Rundle a letter dated May 8, 2007 asking for an explanation of how FWS' offer of a loosely-defined "cooperative agreement" related to the Self-Governance AFA which FWS Director Dale Hall had agreed to re-establish pursuant to his discussion with Deputy Secretary Lynn Scarlett. This May 8th letter also asked how FWS' cooperative agreement proposal related to FWS' stated objective to enter into more Tribal Self-Governance agreements, as published in the March 23, 2007 Federal Register, pp.13820-22 [see Attachment #2 for copy of Federal Register notice]. In that Federal Register notice, FWS continues to list National Bison Range programs as being eligible for Tribal Self-Governance contracting and, under the heading "Programmatic Targets", FWS states unconditionally that "upon request of a self-governance tribe, the Fish and Wildlife Service will negotiate funding agreements for its eligible programs beyond those already negotiated." Despite this, FWS again did not respond to CSKT's letter and has never explained the conflict between what it published in the Federal Register and its ongoing refusal to discuss a Self-Governance agreement for the NBR. The Interior Department's Tribal Self-Governance Policies are also noteworthy and should be juxtaposed with the positions taken by the FWS [see Attachment #3].

In July, FWS faxed CSKT a new two page description of its proposal for a cooperative agreement, this one accompanied by an unapproved, organizational chart for NBR staff which was different than what had been provided to CSKT during the April 9th meeting. On July 30, 2007, CSKT representatives met with FWS representatives to discuss the FWS proposal, and CSKT attempted to flesh out exactly what type of contracting the cooperative agreement proposal would involve.

After this July 30th meeting, CSKT sent FWS an August 15, 2007 letter expressing concerns about the cooperative agreement proposal, pointing out that many boilerplate issues necessary to a successful agreement were already addressed in CSKT's proposed Self-Governance AFA, as well as the parties' FY 2005-06 Self-Governance AFA, and recommended the parties use that document as a basis for further negotiations. CSKT requested FWS to: 1) notify CSKT in writing of any reasons it may have for not considering a Tribal Self-Governance AFA; and 2) identify the

legal authorities which would govern FWS' proposal for a cooperative agreement. CSKT also indicated its support for the DOI suggestion of facilitated negotiations for a new AFA, given the difficult history CSKT has had with FWS over the past 13 years to secure a fair Tribal Self-Governance contracting agreement at the NBR.

By letter dated August 21, 2007, FWS responded. Amongst other things, the FWS response:

1) rejected the idea of facilitated negotiations for a new agreement;
2) confirmed it would not contract any activities to CSKT, as authorized by the Tribal Self-Governance Act, but would only entertain IPA assignments for individuals to take direction from the FWS Refuge Manager;
3) responded to CSKT's questions about how FWS' cooperative agreement proposal comports with the outstanding commitment by FWS and DOI to enter into a new Tribal Self-Governance AFA with CSKT for NBR programs. FWS responded by simply stating that "[r]egardless of any prior communication between various officials of our governments, the United States is not offering to use the CSKT's proposed 2007 AFA as a basis for negotiation"; and
4) responded to CSKT's request for any reasons FWS may have for not considering a Tribal Self-Governance agreement. FWS explicitly disparaged federal Tribal Self-Governance policies with the following blanket statements:

> [W]e believe that an AFA is the antithesis of partnership. The reason we will not consider a Tribal Self-Governance agreement is that we are absolutely convinced such an agreement is unworkable. The poorly written regulations for implementing an AFA, in themselves, create an adversarial condition that prevents partnership from occurring. The regulations do not provide an intelligent method to achieve land management objectives.

Those statements attacking the concept of Tribal Self-Governance (and its own Department's regulations) are ironic given the Interior Department's successful history of implementing Tribal Self-Governance agreements. Hundreds of agreements have been signed and/or renewed over the last thirteen years since the program was made permanent. The above-referenced FWS views on Self-Governance are representative of the attitudes which CSKT has consistently encountered from local and regional FWS officials and staff since CSKT initiated efforts to secure a Self-Governance agreement in 1994.

It bears mentioning that, after CSKT staff had been ejected from the NBR (by armed FWS law enforcement agents) on December 12, 2006, the CSKT Tribal Council temporarily reassigned those workers and, at considerable expense, kept them on the tribal payroll pending the effective date of the new Self-Governance AFA to which the Department had committed. The salaries/wages for these employees were paid for by tribal, not federal, dollars. In August, when it became clear that FWS did not intend to honor its commitment to a new Self-Governance AFA, the Tribal Council informed these staffers that, after the end of FY 2007, it could no longer keep paying for their temporary duty stations out of tribal dollars, and urged that they look for permanent employment, either through directed reassignments within the Tribal government or elsewhere.

CSKT remains willing to negotiate a new Tribal Self-Governance agreement for the National Bison Range, as the FWS Director and Interior Deputy Secretary had agreed to do last December. Under any Self-Governance AFA, the National Bison Range would remain a federally-owned National Wildlife Refuge subject to applicable federal laws and regulations. It would remain part of the National Wildlife Refuge System and would remain under the administration and oversight of the U.S. Fish & Wildlife Service, with only local operations contracted by CSKT under the authority of the Tribal Self-Governance Act. It would very much be a partnership between FWS and CSKT, with CSKT being responsible for local activities, while FWS would still provide direction and overall administration of the NBR as part of the National Wildlife Refuge System.

This is a highly unique matter. CSKT is unaware of any other situation where a National Wildlife Refuge:

1) is located wholly within an Indian reservation;
2) includes ancillary National Wildlife Refuges which are located on tribally-owned land (Ninepipe and Pablo National Wildlife Refuges); and
3) includes animals which descend from herds that were originally maintained by tribal members at a time when those animals were faced with the threat of extinction.

These characteristics all distinguish the National Bison Range situation from that of any other Refuge situation and are the primary reasons many people believe that NBR activities are precisely what was intended for tribal contracting under Section 204 of the Tribal Self-Governance Act of 1994 (25 U.S.C. § 458cc(c)). As Montana's

former Congressman, Pat Williams, stated in a May 20, 2007 editorial: *"the Bison Range remains a prime candidate for collaborative operations between [FWS] and the Salish and Kootenai Tribes under the Tribal Self-Governance Act. That is precisely what we in the Congress intended."*

On September 3, 2003, the New York Times published an editorial strongly endorsing tribal management of the NBR. Below are excerpted sections of that editorial.

The National Bison Range

[N]o one disputes the excellent management and conservation record of the Salish and Kootenai.

The Salish and Kootenai have a deep historical connection with the particular bison herd on this refuge—quite apart from the conventional associations of Indians and buffalo—and a strong cultural or historical link is one of the legal conditions for enacting an agreement of this kind, which would basically employ the tribes to manage the federal program. The National Bison Range is wholly enclosed by the reservation the Salish and Kootenai live on, and the tribes would be obliged to manage the refuge according to plans established by the Fish and Wildlife Service.

The National Bison Range is an unusual case. It offers a rare convergence of public and tribal interests. If the Salish and Kootenai can reach an agreement with the Fish and Wildlife Service, something will not have been taken from the public. Something will have been added to it.

CSKT appreciates the support of the House Natural Resources Committee leadership, as evidenced by the May 15, 2007 letter from Chairman Nick Rahall and Ranking Minority Member Don Young to Interior Secretary Dirk Kempthorne [see Attachment #4 for copy of letter]. In that letter, the Committee leadership made clear that a Self-Governance AFA at the National Bison Range is "a logical partnership under both the [National Wildlife Refuge] Administration Act and the Tribal Self-Governance Act."

CSKT further appreciates the Subcommittee on Fisheries, Wildlife and Oceans' interest in the National Wildlife Refuge Improvement Act, and the support its members have indicated for Tribal Self-Governance partnerships. CSKT hopes that this statement helps to clarify the status of a Tribal Self-Governance AFA at the National Bison Range in response to questions that were raised about the AFA at the hearing.

A final thought we wish to share with the Committee is that we remain committed to working with the FWS to enter into a Self Governance AFA at the Bison Range. We believe such an agreement will benefit not only our Tribes but the Bison Range itself and public's enjoyment and use of it. It is ironic that in the FWS' zealous protection of their turf that they have lost sight of the benefits such a partnership could create. As the NY Times editorial so aptly points out, partnering with CSKT would not take something away from the NBR it would add something. Beyond bringing in the culture, history and innovation that CSKT would add is the fact that the Bison Range is underfunded and partnering with the CSKT would in fact open up avenues of supplemental funding. That the FWS would turn down that opportunity is perhaps the most classic example we have seen of cutting off one's nose to spite one's face. We hope a Self Governance AFA can still be reached.

Attachments (4)

[NOTE: Attachments have been retained in the Committee's official files.]