

**H.R. 3109, TO AMEND THE MIGRATORY
BIRD TREATY ACT TO EXEMPT CERTAIN
ALASKAN NATIVE ARTICLES; H.R. 3409,
“NATIONAL WILDLIFE REFUGE EXPAN-
SION LIMITATION ACT OF 2013”;
H.R. 5026, “FISH HATCHERY PROTECTION
ACT”; AND H.R. 5069, “FEDERAL DUCK
STAMP ACT OF 2014”**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WILDLIFE,
OCEANS AND INSULAR AFFAIRS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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LEGISLATIVE HEARING ON H.R. 3109, TO AMEND THE MIGRATORY BIRD TREATY ACT TO EXEMPT CERTAIN ALASKAN NATIVE ARTICLES FROM PROHIBITIONS AGAINST SALE OF ITEMS CONTAINING NONEDIBLE MIGRATORY BIRD PARTS, AND FOR OTHER PURPOSES; H.R. 3409, TO AMEND THE NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966 TO REQUIRE THAT ANY EXPANSION OF A NATIONAL WILDLIFE REFUGE MUST BE EXPRESSLY AUTHORIZED BY STATUTE, "NATIONAL WILDLIFE REFUGE EXPANSION LIMITATION ACT OF 2013"; H.R. 5026, TO PROHIBIT CLOSING OR REPURPOSING ANY PROPAGATION FISH HATCHERY OR AQUATIC SPECIES PROPAGATION PROGRAM OF THE DEPARTMENT OF THE INTERIOR UNLESS SUCH ACTION IS EXPRESSLY AUTHORIZED BY AN ACT OF CONGRESS, AND FOR OTHER PURPOSES, "FISH HATCHERY PROTECTION ACT"; AND H.R. 5069, TO AMEND THE MIGRATORY BIRD HUNTING AND CONSERVATION STAMP ACT TO INCREASE IN THE PRICE OF MIGRATORY BIRD HUNTING AND CONSERVATION STAMPS TO FUND THE ACQUISITION OF CONSERVATION EASEMENTS FOR MIGRATORY BIRDS, AND FOR OTHER PURPOSES, "FEDERAL DUCK STAMP ACT OF 2014"

**Wednesday, July 23, 2014
U.S. House of Representatives
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
Committee on Natural Resources
Washington, DC**

The subcommittee met, pursuant to notice, at 10:00 a.m., in room 1334, Longworth House Office Building, Hon. John Fleming [Chairman of the Subcommittee] presiding.

Present: Representatives Fleming, Young, Southerland; Sablan and Garcia.

Also present: Representatives Gosar, Crawford, Fincher and Dingell.

Dr. FLEMING. The subcommittee will come to order. The Chairman notes the presence of quorum.

STATEMENT OF HON. JOHN FLEMING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Dr. FLEMING. Good morning. Today the subcommittee will conduct a hearing on several important legislative proposals. The first bill, H.R. 3109, was introduced by the gentleman from all of Alaska, Congressman Don Young, which makes a common-sense modification to the Migratory Bird Treaty Act of 1918. Specifically, the bill would allow Alaskan Natives to utilize the non-edible parts of a migratory bird.

Under current law, Alaskan Natives are permitted to harvest migratory birds for subsistence needs. They can use the non-edible parts for handicrafts but are prohibited from selling those products.

This is a nonsensical Federal policy and is contrary to the intent of the 1997 protocols to the Migratory Bird Treaties and the direct testimony of the director of the Fish and Wildlife Service who testified at the time that, "The protocols do provide for the sale of authentic articles of handicraft using non-edible byproducts of birds."

The second bill, H.R. 3409, was introduced by Congressman Steve Fincher of Frog Jump, Tennessee. This bill would require that the Congress approve all new expansions of the units of the National Wildlife Refuge System. While I understand that the Fish and Wildlife Service wants maximum flexibility, what I do not understand is why any Member of this legislative body would oppose this bill. It is our constitutional responsibility to identify and allocate how our constituents' hard-earned tax dollars will be spent. If authorizing these expansions is such a problem, then why has no Member of Congress introduced a single bill to give the same flexibility to the Bureau of Land Management, the Bureau of Reclamation, the U.S. Forest Service or the U.S. Park Service?

Under current law, it takes an Act of Congress to expand the boundaries of some of our most hallow and sacred national parks by even 1 acre. But the Fish and Wildlife Service can expand a refuge by hundreds of thousands of acres with little, if any, input from Congress.

The third bill is H.R. 5026, the Fish Hatchery Protection Act, which has been introduced by our committee colleague, Paul Gosar of Flagstaff, Arizona. Under the terms of his legislation, the Fish and Wildlife Service would be prohibited from permanent closing, re-programming, re-purposing, de-commissioning, significant altering or moving to caretaker status any propagation program unless authorized by Congress.

I want to compliment the gentleman from Arizona for his tireless leadership on behalf of his constituents and all Americans who enjoy fishing in our Nation's lakes, rivers and streams.

While the bill may be prescriptive, this agency needs to spend more time communicating with their partners. On March 5, the agency testified on its strategic hatchery and workplace policy report. At that time, Assistant Director David Hoskins stated that this report "was not a decision document but an opportunity to engage partners and stakeholders, including Congress, state fish and wildlife agencies, tribes and others in a discussion of its major findings and recommendations." What Mr. Hoskins failed to tell us that day was that the Service had already terminated a number of propagation programs, particularly in Region 4, without telling anyone in Congress, the states or local communities.

This failure to communicate prompted responses from both the Association of Fish and Wildlife Agencies and the Sport Fishing and Boating Partnership Council. In the first letter, the president of the Association representing all 50 states noted that, "The report laid out a new desired direction without any direct input from any state partners who all have a vested interest in the management and production of fish from the National Fish Hatchery System."

The second letter by the Sport Fishing and Boating Partnership Council had a similar theme, that, "The fact that no stakeholders, including the state agencies that depend on the National Fish Hatchery System, were consulted highlights the significant and

problematic lack of transparency in the current direction of the fisheries program.”

If nothing else, I am sure that H.R. 5026 has finally got the attention of the Fish and Wildlife Service.

Finally, we will hear testimony on H.R. 5069, a bipartisan bill I am proposing with the Dean of the House, Congressman John Dingell, and Congressman Rob Wittman, Ron Kind and Jason Smith.

This year is the 80th anniversary of the issuance of the first Federal Duck Stamp. Under the Federal Duck Stamp Act, the price of the hunting stamp would increase from \$15 to \$25. The \$10 increase would be used exclusively for acquiring conservation easements, and the Congress would receive an annual report on expenditures. This would be the first price increase in 23 years. And the legislation is strongly supported by Ducks Unlimited, who we will hear from today.

I am now pleased to recognize the Ranking Member, the distinguished gentleman from the Commonwealth of the Northern Marianas—which we will be visiting soon, I will add, for any statement he would like to make.

[The prepared statement of Mr. Fleming follows:]

PREPARED STATEMENT OF THE HON. JOHN FLEMING, CHAIRMAN, SUBCOMMITTEE ON FISHERIES, WILDLIFE, OCEANS AND INSULAR AFFAIRS

Good morning, today, the subcommittee will conduct a hearing on several important legislative proposals.

The first bill, H.R. 3109, was introduced by the gentleman from All of Alaska, Congressman Don Young, which makes a commonsense modification to the Migratory Bird Treaty Act of 1918. Specifically, the bill would allow Alaskan natives to utilize the non-edible parts of a migratory bird. Under current law, Alaskan natives are permitted to harvest migratory birds for subsistence needs. They can use the non-edible parts for handicrafts but are prohibited from selling those products.

This is a nonsensical Federal policy and it is contrary to the intent of the 1997 Protocols to the Migratory Bird Treaties and the direct testimony of the Director of the Fish and Wildlife Service who testified at that time that “The Protocols do provide for the sale of authentic articles of handicraft using non-edible by-products of birds.”

The second bill is H.R. 3409, was introduced by Congressman Steve Fincher of Frog Jump, Tennessee. This bill would require that the Congress approve all new expansions of units of the National Wildlife Refuge System.

While I understand that the Fish and Wildlife Service wants maximum flexibility, what I don’t understand is why any member of this legislative body would oppose this bill. It is our constitutional responsibility to identify and allocate how our constituent’s hard earned tax dollars will be spent. If authorizing these expansions is such a problem, then why has no Member of Congress introduced a single bill to give the same flexibility to the Bureau of Land Management, the Bureau of Reclamation, the U.S. Forest Service or the U.S. Park Service? Under current law, it takes an Act of Congress to expand the boundaries of some of our most hallow and sacred national parks by even one acre but the Fish and Wildlife Service can expand a refuge by hundreds of thousands of acres with little, if any input, from the Congress.

The third bill is H.R. 5026, the Fish Hatchery Protection Act, which has been introduced by our committee colleague, Paul Gosar of Flagstaff, Arizona. Under the terms of his legislation, the Fish and Wildlife Service would be prohibited from permanently closing, reprogramming, repurposing, decommissioning, significant altering, or moving to caretaker status any propagation program unless authorized by Congress.

I want to compliment the gentleman from Arizona for his tireless leadership on behalf of his constituents and all Americans who enjoy fishing in our Nation’s lakes, rivers and streams. While the bill may be prescriptive, this agency needs to spend more time communicating with their partners. On March 5, the agency testified on its Strategic Hatchery and Workplace Policy report. At that time, Assistant Director

David Hoskins stated that this report "Was not a decision document but an opportunity to engage partners and stakeholders, including Congress, State Fish and Wildlife Agencies, tribes and others in a discussion of its major findings and recommendations".

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Under the Federal Duck Stamp Act, the price of the hunting stamp would increase from \$15 to \$25 dollars, the \$10 increase would be used exclusively for acquiring conservation easements and the Congress would receive an annual report on expenditures. This would be the first price increase in 23 years and the legislation is strongly supported by Ducks Unlimited who we will hear from today.

**STATEMENT OF THE HON. GREGORIO KILILI CAMACHO
SABLAN, A DELEGATE IN CONGRESS FROM THE TERRITORY
OF THE NORTHERN MARIANA ISLANDS**

Mr. SABLAN. Well, thank you very much, Mr. Chairman. And thank you for holding today's hearing.

Good morning everyone. And I am always in awe when the Dean of the House, Mr. John Dingell, is present in any room, one of our strong, very strong conservationists in Congress. And welcome, Congressman Dingell.

Today, we will hear testimony on four bills related to programs that the U.S. Fish and Wildlife Service administers, including the Migratory Bird Treaty Act, the National Wildlife Refuge System and the National Fish Hatchery System. Some of these bills are well-intentioned, but I cannot help but notice that some of them are also at odds with each other, both in practice and in principle.

I am happy to see we will be considering H.R. 5069, Chairman Fleming's bill to authorize an increase in the price of the Federal Duck Stamp from \$15 to \$25. Revenue from Duck Stamps provide funding for the purchase and conservation of wetland habitats, critical to maintaining healthy populations of waterfowl and other wildlife.

This increase is long overdue. And while I do not support the provision of the bill that prohibits the additional funds from being used for fee simple purchase of land, I hope we can work together with the Senate to make a version of this bill law by the end of this Congress. High hopes working with the Senate.

Ironically, while H.R. 5069 seeks to increase habitat for ducks, geese and other waterfowl prized by hunters, bird watchers and other outdoor enthusiasts, H.R. 3409 seeks to limit it. This bill would eliminate the Fish and Wildlife Service's authority to add

lands to our National Wildlife Refuge System, requiring instead that each refuge expansion be approved by an Act of Congress. When you consider that 98 percent of Duck Stamp dollars are currently spent on adding land to the National Wildlife Refuge, it is hard to imagine how someone could support both bills. Together H.R. 5069 and H.R. 3409 would create a mandate to increase funding for the conservation of wetlands essential to the survival and recovery of waterfowl while at the same time prohibiting the Service from actually using it.

Wildlife refuges provide immense benefits to Americans, particularly those who hunt, fish and otherwise enjoy the outdoors. In 2013, recreation in the refuge system generated \$2.4 billion in sales and economic output, created 35,000 new U.S. jobs and \$793 million in employment income, which contributed more than \$342 million in tax revenue. And all these benefits were gained from a refuge system which occupies less than 1 percent of the land area of the contiguous United States. By comparison almost 2 percent of our land area is leased for exploitation of oil and gas reserves. And nearly 9 percent is leased for livestock grazing.

The logic of H.R. 3409 suggests that every new mineral lease or grazing allotment should also require congressional approval, a restriction we can all agree would be as unpopular as it is impractical.

Meanwhile, H.R. 5026 would actually require the Service to continue funding programs within the National Fish Hatchery System because of the recreational and economic benefits they provide to local communities. Wildlife refuges provide an even larger jolt to local and regional economies in addition to supporting \$32 billion in ecosystem services, like water filtration, fish and wildlife protection and carbon sequestration. Yet, somehow spending money on the refuge system is too much government for some. I would hope that those Members who support government-subsidized rearing of non-native fish will also support investments in wildlife refuges.

Finally, H.R. 3109 seeks to provide an exemption to the Migratory Bird Treaty Act for Alaskan Native handicrafts. The exemption appears consistent with other important conservation laws, but also I realize we have treaty obligations that may complicate matters.

I look forward to hearing from my witnesses about that and the other bills before us today. And I really look forward to having Chairman Fleming join me on the small island of Saipan very soon.

Thank you very much and good morning.

[The prepared statement of Mr. Sablan follows:]

PREPARED STATEMENT OF THE HON. GREGORIO KILILI CAMACHO SABLAN, RANKING MEMBER, SUBCOMMITTEE ON FISHERIES, WILDLIFE, OCEANS AND INSULAR AFFAIRS

Thank you Mr. Chairman.

Today we will hear testimony on four bills related to programs that the U.S. Fish and Wildlife Service administers, including the Migratory Bird Treaty Act, the National Wildlife Refuge System and the National Fish Hatchery System. Some of these bills are well intentioned, but I cannot help but notice that some of them are also at odds with each other, both in practice and in principle.

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wildlife. This increase is long overdue, and while I do not support the provision of the bill that would prohibit the additional funds from being used for fee simple purchase of land, I hope that we can work together with the Senate to make a version of this bill law by the end of this Congress.

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Dr. FLEMING. I thank the gentleman, and I look forward to the trip as well.

At this time, I would ask unanimous consent that the gentleman from Michigan, Congressman John Dingell; the gentleman from Arizona, Congressman Paul Gosar; the gentleman from Tennessee, Congressman Steve Fincher; and the gentleman from Arkansas, Rick Crawford, be allowed to sit with the subcommittee and participate in the hearing. Hearing no objections, so ordered.

Based on the traditions of the subcommittee, I would now like to recognize the Dean of the House, who is making his way, and we will certainly allow time, but the Dean of the House, Congressman John Dingell, for comments that he would like to make.

STATEMENT OF THE HON. JOHN DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. DINGELL. Mr. Chairman, I thank you for your courtesy to me. I have a prepared statement which I will personally submit for the record.

This is not the first time I have been in this room. I used to be in this room when it was the Committee on Interstate and Foreign Commerce, which had that painting done up there some time in the past.

Dr. FLEMING. Mr. Dingell?

Mr. DINGELL. That lady up there is—

Dr. FLEMING. Mr. Dingell, sir, would you turn your microphone on so we can better hear you?

Mr. DINGELL. I have a bad relationship with these, Mr. Chairman.

But I later served on this when it was also the Committee on Merchant Marine and Fisheries during which time we did a great deal of work on trying to preserve the refuge system.

It is a very happy system. It works well. And it has had no controversy that I can recall except one instance, which I recalled last night when I was going over it. Basically, the refuge, we have two proponents to the refuge system, the one which is set aside by Executive Order by the President. The other is that which comes out of the purses of Migratory Bird Duck Stamps.

Your comments on that one were entirely fitting. And it is a serious problem that we are seeing land costs go up, receipts go down and the amount of land acquired being severely hurt.

The Fish and Wildlife Service is a public-friendly institution. And it is not one which causes all manner of trouble and controversy, and particularly with regard to administration of refuges. They are open to hunting as much as the Congress allows. They are open to fishing. They are open to all kinds of beneficial recreational use. And they are generally very popular in the communities in which they are.

We have one on which I have worked, which is the Detroit River International Wildlife Refuge and which we are bringing the Canadians in. And they are going to put some 11,000 acres where we are putting 6,000. And the number of our acres contributed is going to grow up as in times past.

One of the things you would be surprised at is how much land is being given not by conservation organizations but by businesses. Ford gave us just recently Henry Ford II's private duck marsh, which is about 243 acres of really gorgeous land which is now available for public use and which ties into other recreational and conservation endeavors which we are making.

The only instance in which I can recall where there was any differences at all with regard to including any land in a Migratory Bird Refuge occurred at a meeting of the Commission. The Commission has to sit there and to approve each and every one of these. And one of the requirements that the refuge—that the Commission wants to prove is, has the state approved? On one occasion, we had a little bit of sputtering down in Texas. And that was caused largely by the fact that there was a controversy between different agencies in the Texas government. I had the oppor-

tunity and the privilege to speak to two of the people who were up there and to say, "Fellows, you have got together." Well, it turned out we got it all—we got it all stitched together. They were happy, and there is no controversy whatsoever.

So I am here this morning, Mr. Chairman, to urge the increase in the Migratory Bird Stamp. It is a fine expenditure of money, and they are in lieu of cash payments—rather in lieu of tax payments, which were made available from refuge receipts which go to the states and the local units in government to address the problem if they are not able to get the amount of money that they used to get when these items were on the tax rolls. But they do have other benefits which are clearly visible.

The first of the refuges which was created was in 1903 by Teddy Roosevelt. And it was Pelican Island down off the Florida coast. It is just about 100 years ago as a matter of fact that we are looking at.

There has been virtually no controversy on this matter except in instances where the Presidents have been using their executive authority to increase the amount of land in the refuge by increasing single refuges or by increasing the total amounts.

What I am here to speak to you about, Mr. Chairman, particularly is that, what I am talking about very specifically is the few bucks that are put into this by the migratory bird hunters who buy the Duck Stamps which are then used to pay for the cost of the lands which are then included in the refuge system. Those have created no controversy whatsoever, and I would hope that the committee, in its wisdom, would recognize that this is a desirable and a useful thing, one which creates no controversy and no difficulty.

And I would point out one other thing. We have a policy on the Commission that the land may not be acquired except with the approval of the state, but it may also not be acquired if there is any controversy about it. And only in the fewest occasions have we ever used condemnation to acquire land. And the only times that I can recall that that ever was done, it was done when we had to use that device to clear title.

So, Mr. Chairman, you have been extraordinarily courteous to me, the committee has. I thank you and my friends and colleagues on the committee, particularly our ranking friend, the Ranking Member. And I also see my old friend, Mr. Young, who used to work with me on this to deal with his Alaska land problems. We developed an extraordinary friendship during that time, one which has meant a lot to me.

So, Mr. Chairman, your courtesy has been extraordinary, and I thank you for your kindness.

[The prepared statement of Mr. Dingell follows:]

PREPARED STATEMENT OF THE HON. JOHN D. DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN ON H.R. 3409 AND H.R. 5069

Chairman Fleming and Ranking Member Sablan, thank you for the opportunity to testify today about our country's wildlife refuge system, a system which I have spent my entire career working to expand and protect.

On March 14, 1903, the Pelican Island National Wildlife Refuge was established by President Theodore Roosevelt as the first wildlife refuge. Over the last 100 years, presidents from both parties have created roughly 90 percent of our refuges.

I remember hunting in Humbug Marsh on the Detroit River with my dear dad when I was young and I vowed it would be my life's mission to make sure these

areas would exist for generations to come. These refuges are treasures, to be enjoyed by millions of people every year who want to hunt, fish, or just enjoy the outdoors. The refuge system boosts our economy as well. According to a study by the U.S. Fish and Wildlife Service, use of these national wildlife refuges generated \$1.7 billion in economic activity and supported 27,000 private sector jobs.

Establishment of a refuge does not instantly make the Federal Government a steward of an area of land. It simply allows for the Fish and Wildlife Service to enter into a partnership with state and local governments. The executive branch must go through an exhaustive public process providing ample opportunity for public comment. If a community doesn't support it, the Fish and Wildlife Service does not go forward—nor does the Service acquire land from anyone but a willing seller or participant. Moreover, before the Migratory Bird Conservation Commission votes on a Refuge expansion, or acquisition, for that matter, they gain both written and verbal approval from a representative of the affected state. To be clear, when these things come before the Commission there is no disagreement. None. And this through bipartisan administrations. The Federal Government simply does not take land from businesses or homeowners. My colleague, Member of the Natural Resources Committee, and fellow Member of the Commission, Mr. Wittman of Virginia can attest to that.

While I have great respect for you, Mr. Chairman, and the sponsor, Mr. Fincher, I have serious reservations about H.R. 3409, the National Wildlife Refuge Expansion Limitation Act of 2013. This legislation would require Congress to authorize *any* expansion of a national wildlife refuge, doing away with a century of conservation precedent.

We need to make conservation easier in this country, not harder. This bill would be detrimental to our Nation.

I would also like to express my support for H.R. 5069, the Federal Duck Stamp Act of 2014. As a co-sponsor of this bipartisan legislation, I believe it is an excellent step in the right direction to expand and improve the refuge system. This bill would increase to price of a duck stamp from \$15 to \$25. This increase will allow Fish and Wildlife to acquire roughly 10,000 additional acres in conservation easements annually. While it is not the way I would have written the bill, it is significant progress which tracks with the current conservation trends.

This subcommittee has the critical responsibility of overseeing our refuge system, one of our great national treasures that must be expanded and preserved for future generations. I hope my colleagues will do the right thing for the future of our refuge system by opposing H.R. 3409 and supporting H.R. 5069.

Mr. Chairman, thank you for your courtesy. I yield back the balance of my time.

Dr. FLEMING. Well, I thank the gentleman. And certainly we know as Dean of the House, this is not your first rodeo, and we appreciate all the many years of work that you have done on this issue and similar issues. And, again, the Dean of the entire House, the Congressman from Michigan, who is retiring this year.

So now the Chair would like to recognize a similar dean, Dean of the Republican House, the gentleman and only Member from Alaska.

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

Mr. YOUNG. I thank you, Mr. Chairman. And, again, I acknowledge my good friend, John Dingell, for the work we have done together on a lot of fish and wildlife issues. It has been I think a good thing for the Nation.

You may not know it but Mr. Dingell and I used to hunt together a lot, and he was a fine shot. I always admired him for that. I mean he did well.

Mr. DINGELL. We did very well.

Mr. YOUNG. And, Mr. Chairman, thank you for being here today.

Thank you, Mr. Chairman and Ranking Member. My bill is very simple, H.R. 3109, although opposed by the administration, which is no surprise, for thousands of years, the inclusion of bones, feathers and other non-edible bird parts in traditional handicraft have been commonplace in Alaskan Native culture. However, the issue came to light a couple of years ago when a widely celebrated Tlingit artist was cited by the U.S. Fish and Game Service for including feathers in a piece he offered for sale. By the way, the feathers came from a roadkill. While he could have served jail time and received a hefty fine, he did settle with the Service because of the so-called interpretation of the law. But he did pay a couple of thousand dollars, which is no small fee for this one person.

As a result of 2012, the Alaskan Federation of the Natives passed a resolution supporting a legislative fix for a problem that many Native artists were previously unaware even was a problem. The legislation you have before you today is a result of their request. H.R. 3109 would recognize legitimate subsistence needs of Alaskan Natives and allow the sale of handicrafts that include non-edible migratory parts. Handicraft sales are often a small but important economic activity for remote villages in my state.

Further, other laws, such as the Marine Mammal Protection Act, include a similar subsistence exemption for other species, and H.R. 3109 seeks to apply equal treatment for this subject to the artistic community. The bill is unanimously supported by the Alaskan Natives of the Alaska Migratory Bird Co-Management Council, the managing body that helps inform subsistence bird hunting.

Again, I thank you, Mr. Chairman and the Ranking Member, for including this bill in today's hearing, and I urge the committee to advance this bill. I yield back.

Dr. FLEMING. I thank the gentleman, my friend from Alaska.

The chair now would like to recognize the gentleman from Arizona who is a member of the full committee, Congressman Paul Gosar, for any statement he would like to make on his bill, H.R. 5026, and any introductions he would like to make of the two distinguished witnesses from Arizona who will testify today.

**STATEMENT OF THE HON. PAUL GOSAR, A REPRESENTATIVE
FROM THE STATE OF ARIZONA**

Dr. GOSAR. Thank you, Chairman Fleming and members of the subcommittee. I thank you for the opportunity to testify regarding the future of the National Fish Hatchery System and the need for passage of H.R. 5026.

I am extremely pleased to be joined today at this hearing by two witnesses from my home state of Arizona: Chairman Angius and Chairman Mansell. I really appreciate you both making the trip and look forward to your testimonies.

The Fish Hatchery Protection Act, H.R. 5026, will preserve the propagation of fish hatcheries and propagation programs within the National Fish Hatchery System and stipulates that only Congress can authorize the termination or significant alteration of such facilities or programs.

In November 2013, the Fish and Wildlife Service released a Strategic Hatchery and Workforce Planning Report. With the re-

lease of this report, the administration arbitrarily changed the priorities for the five different propagation program categories and announced their intent to close propagation programs and possibly hatcheries throughout the Nation in Fiscal Year 2015.

The Fish and Wildlife Service is attempting to unilaterally turn over our National Fish Hatchery System into an Endangered Species Recovery Program. As a result of the November 2013 report, the two propagation program categories which direct funds toward species conservation will receive almost all the funding from the hatchery system. Currently, there are at least 28 recreational fish hatchery propagation programs on the Service's hit list. Such actions will be particularly harmful, especially in the light of the fact that our National Fish Hatchery System has already been reduced from approximately 140 hatcheries to 70 hatcheries.

The bureaucratic decision to terminate recreational fishing propagation programs is extremely misguided, as several of the hatcheries affected were constructed more than 50 years ago for the sole purpose of offsetting the loss of native fisheries resulting from the construction of Federal dams. This was the case for the Willow Beach National Fish Hatchery in my district, which was created to counter the negative impacts that resulted from the construction of the Hoover Dam.

On November 24, 2013, the Willow Beach Hatchery was instructed by the U.S. Fish and Wildlife Service to terminate its recreational fishing propagation program. The pathetic excuse used by the Service for terminating the rainbow trout stocking program at the time was that the agency did not have the \$1.5 to \$8.5 million to repair a broken water supply line and keep the stocking program going. Recent engineering reports indicate these estimates were a gross exaggeration and that the broken water supply line will only cost around \$100,000 to fix.

Such deceptive behavior by the Fish and Wildlife Service cannot be tolerated. Furthermore, altering the fundamental goals and purposes of the National Fish Hatchery System should not be done via executive fiat and without an official public comment and without approval from Congress.

Unfortunately, the Fish and Wildlife Service either does not get it or simply wants to focus on their own misguided agenda. When asked at a Capitol Hill briefing on the subject whether he considered the \$28 return to local economies for every dollar invested, the representative for the Fish and Wildlife Service stated it is not something that factors into their decisionmaking. Really?

Trout stocking propagation programs in Arkansas and Oklahoma are so successful that a recent economic analysis found that for every dollar from a fish hatchery operation budget spent, \$95 was put back into the economy. Recreational fishing propagation programs generate hundreds of thousands of dollars of private and public investment from non-Federal entities. In 2011, recreational fishing supported nearly 365,000 jobs and contributed more than \$70 billion to our economy.

My bill provides economic certainty for local communities and is retroactive to November 1, 2013, prior to the date when the Fish and Wildlife Service publicly announced their intent to terminate these important propagation programs.

This legislation will preserve jobs and ensure the continuation of vibrant recreation fishing economies throughout the Nation. H.R. 5026 has bipartisan support and currently cosponsors of the bill include former Natural Resources Chairman Rick Rahall from West Virginia; Doug Collins from Georgia; Mike Michaud from Maine; Rick Crawford to my right from Arkansas; Ann Kirkpatrick, a Democrat from Arizona; Phil Roe from Tennessee; G.K. Butterfield from North Carolina; Kevin Cramer from North Dakota; Tim Griffin from Arkansas and Joe Heck from Nevada.

The bill has also been endorsed by the Association of Fish and Wildlife Agencies, the American Sports Fishing Association and Mohave Board of Supervisors.

Trout Unlimited also has some nice things to say about this bill, and I would like to submit their letter for the record at this time. Dr. FLEMING. With no objection, so ordered.

[The letter submitted for the record by Trout Unlimited follows:]

LETTER SUBMITTED FOR THE RECORD ON H.R. 5026

TROUT UNLIMITED,
ARLINGTON, VA,
JULY 22, 2014.

Hon. PAUL GOSAR,
*U.S. House of Representatives,
504 Cannon House Office Building,
Washington, DC 20515.*

DEAR REPRESENTATIVE GOSAR:

On behalf of more than 153,000 Trout Unlimited (TU) members, I write to thank you for attention to the funding and management issues regarding the hatcheries of the U.S. Fish and Wildlife Service (FWS), some of which are at risk of closure. These facilities provide a wealth of recreational fishing and youth education opportunities, and support thousands of jobs. We appreciate the goals of your Bipartisan Fish Hatchery Protection Act (H.R. 5026), the hearing to be held by the subcommittee on the bill, and your ongoing efforts to compel the FWS to do a better job of coordinating its hatchery decisions with state, Federal, and conservation group partners.

The FWS Fisheries Program is a vital component of the Nation's fisheries conservation efforts. The Fisheries Program provides numerous benefits, including fish habitat restoration, invasive species management, and recreational fisheries. The state fishery management agencies also play an essential role in fisheries management across the Nation, and increasingly groups such as Trout Unlimited and The Nature Conservancy are working with the states and the FWS on fish habitat restoration projects.

As budgets have tightened over the past several years, a fundamental problem has arisen: while the FWS continues to do exemplary work with TU and its partners on fish habitat, invasive species, and other projects that benefit recreational fisheries, it has fallen short in other areas. In particular, it has failed to work effectively with the states and other partners to maximize the benefits of its hatchery system.

This problem has resulted in annual threats of disruptive hatchery closures, which thankfully have been avoided by effective directives and funding provided by Congress, and increasing amounts of funding provided for FWS mitigation hatcheries by Federal dam operating agencies such as the Army Corps, Bureau of Reclamation, and TVA.

Congressional consideration of H.R. 5026 will help compel action on two needed solutions. First, Congress, FWS, state fishery agencies, and the Federal dam operating agencies need to work together to find the funding needed to keep the hatchery system functioning for the next several years to allow development of longer term solutions. For example, last year we commended TVA for its decision to fund its share of mitigation costs for hatcheries in the southeast for 3 years to allow for longer term solutions to be developed. Also, we support the strong language recently unveiled by the House Interior Appropriations Subcommittee in its FY 2015 bill and

accompanying committee report to do just what we recommend: add \$5 million to the administration's request for the hatchery program, and direct the FWS to do a better job of working with its state partners to find long-term solutions.

Second, FWS must engage in a meaningful dialog with its Federal agency (Corps, TVA, and Bureau of Reclamation), state, and conservation group partners to develop long-term solutions. TU doesn't have all of the answers. In some cases, state agencies, perhaps aided with FWS funding, may be the best entities to operate some of facilities currently run by the FWS. What we do know is that agreement among partners on how to proceed is critical for future success. FWS must lead the dialog and find the solutions that are supported by its partners.

Having worked on these issues for 25 years, we are confident that viable long-term solutions are within reach, and the modest funding needed to enable them is available. We appreciate your bill, the hearing on it, and the constructive role you continue to play to solve the problem.

Thank you for your consideration of our views.

Sincerely,

STEVE MOYER,
Vice President for Government Affairs.

Dr. GOSAR. My hope is that today's hearing will further strengthen the bipartisan effort to protect our National Fish Hatchery System, an important propagation program. I appreciate the opportunity to discuss this important legislation. And with that, Mr. Chairman, I yield back.

[The prepared statement of Dr. Gosar follows:]

PREPARED STATEMENT OF THE HON. PAUL A. GOSAR, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ARIZONA

Chairman Fleming and members of the subcommittee, thank you for the opportunity to testify regarding the future of the National Fish Hatchery System and the need for passage of H.R. 5026.

I am extremely pleased to be joined today at this hearing by two witnesses from my home state of Arizona. Chairman Angius and Chairman Mansell, I really appreciate you both making the trip and look forward to your testimonies.

The Fish Hatchery Protection Act, H.R. 5026, will preserve propagation fish hatcheries and propagation programs within the National Fish Hatchery System and stipulates that only the Congress can authorize the termination or significant alteration of such facilities or programs.

In November 2013, the Fish and Wildlife Service released its "Strategic Hatchery and Workforce Planning Report." With the release of this report, the administration arbitrarily changed the priorities for the five different propagation program categories and announced their intent to close propagation programs, and possibly hatcheries, throughout the Nation in Fiscal Year 2015.

The Fish and Wildlife Service is attempting to unilaterally turn our National Fish Hatchery System into an endangered species recovery program. As a result of the November 2013 report, the top two propagation program categories which direct funds toward species conservation, are now receiving almost all the funding from the Hatchery System. Currently, there are a total of 28 recreational fishing propagation programs that have been terminated or slated for termination. Such actions will be particularly harmful, especially in light of the fact that our National Fish Hatchery System has already been reduced from approximately 140 hatcheries to 70 hatcheries.

The bureaucratic decision to terminate recreational fishing propagation programs is extremely misguided as several of the hatcheries affected were constructed more than 50 years ago for the sole purpose of offsetting the loss of native fisheries resulting from the construction of Federal dams. This is the case for the Willow Beach National Fish Hatchery in my district which was created in 1962 to counter the negative impacts on fishery resources that resulted from construction of the Hoover Dam.

On November 24, 2013, the Willow Beach Hatchery was instructed by the U.S. Fish and Wildlife Service to focus on producing suckers and other fish that do not

attract anglers or generate revenues for local economies and to terminate its recreational fishing propagation program.

The excuse used by the Service for terminating the rainbow trout stocking program at the time was that the agency didn't have the \$1.5 to \$8.5 million to repair a broken water supply line. Recent engineering reports indicate these estimates were a gross exaggeration and that the broken water supply line will only cost around \$250,000 to fix.

Such deceptive behavior by the Fish and Wildlife Service cannot be tolerated. Furthermore, altering the fundamental goals and purposes of the National Fish Hatchery System should not be done via executive fiat and without a public comment period or approval from Congress.

Recreational fishing propagation programs are the driving force for many rural economies.

Unfortunately, the Fish and Wildlife Service either doesn't get it or simply wants to focus on their own misguided agenda. When asked at a Capitol Hill briefing on the subject whether he considered the \$28 dollar return to local economies for every dollar invested, the representative for the Service stated that is "not something that factors into their decisionmaking."

The trout stocking propagation programs in Arkansas and Oklahoma are so successful that a recent economic analysis found that for "every \$1 of hatchery operational budget spent, \$95 was put back into the economy."

Recreational fishing propagation programs generate hundreds of thousands of dollars of private and public investment from non-Federal entities. In 2011, recreational fishing supported nearly 365,000 jobs and contributed more than \$70 billion to our economy.

My bill provides economic certainty for local communities as it is retroactive to November 1, 2013, prior to the date when the Fish and Wildlife Service publically announced their intent to terminate these important propagation programs and hatcheries. This legislation will preserve jobs and ensure the continuation of vibrant recreational fishing economies throughout the Nation.

H.R. 5026 has bipartisan support and current co-sponsors of the bill include: Representatives Doug Collins (R-GA), Mike Michaud (D-ME), Rick Crawford (R-AR), Ann Kirkpatrick (D-AZ), Phil Roe (R-TN), Kevin Cramer (R-ND), Tim Griffin (R-AR) and Joe Heck (R-NV).

My hope is that today's hearing will further strengthen the bipartisan effort to protect our National Fish Hatchery System and important propagation programs. I appreciate the opportunity to discuss this important legislation and with that, Mr. Chairman, I yield back.

Dr. FLEMING. The gentleman yields his time.

I thank you all for your opening statements and comments.

We would now like to hear from our first panel of witnesses, which includes Mr. Steve Guertin, Deputy Director for Policy, U.S. Fish and Wildlife Service; and the Honorable Robert E. Mansell, Chairman, Arizona Game and Fish Commission.

Your written testimony will appear in full in the hearing record so I ask that you keep your oral statements to 5 minutes, as outlined in our invitation letter to you and under Committee Rule 4(a).

Our microphones are not automatic. I think you are probably familiar with them but, as you can tell, it is important to have the tip close by so we can pick up sound. The time clock will be under green 4 minutes, then yellow for a minute, and when it turns red, please go ahead and immediately complete your comments.

Mr. Guertin, you are now recognized for 5 minutes to present testimony on behalf of the U.S. Fish and Wildlife Service.

**STATEMENT OF STEVE GUERTIN, DEPUTY DIRECTOR, U.S.
FISH AND WILDLIFE SERVICE**

Mr. GUERTIN. Chairman Fleming, Ranking Minority Member Sablan and members of the subcommittee, I am Steve Guertin, deputy director for the United States Fish and Wildlife Service.

Mr. Chairman, thank you for your leadership in introducing H.R.——

Mr. YOUNG. Hold that microphone a little closer to you, please.

Mr. GUERTIN. I'm sorry, Congressman.

Mr. YOUNG. Is it on?

Mr. GUERTIN. Is that better?

Mr. YOUNG. Yes, OK.

Mr. GUERTIN. Thank you, Congressman.

Mr. Chairman, thank you for your leadership in introducing H.R. 5069, to increase the price of the Federal Duck Stamp. The price of the Duck Stamp has not changed since 1991 while the cost of purchasing land has tripled. This price increase will restore the Duck Stamp's purchasing power. At a time when wetlands in the Prairie Pothole Region are decreasing, H.R. 5069 will provide the revenue that is needed to conserve key habitats for migratory waterfowl.

The Duck Stamp is a critical tool that benefits hunters and wildlife enthusiasts who make substantial contributions to the Nation's economy in pursuit of their passions.

We support H.R. 5069 and have some suggestions that would make the bill even more effective. We look forward to discussing these with the subcommittee as the bill moves through the legislative process.

The Department opposes the other bills before the subcommittee today. H.R. 3409, the National Wildlife Refuge Expansion Limitation Act, would create hurdles and uncertainty in the Service's effective and transparent land planning protection process. This process is rooted in the organic act for the National Wildlife Refuge System. It has resulted in the deliberate and transparent expansion of many popular national wildlife refuges. These expansions have enhanced wildlife conservation. They have also been boons to local communities by providing visitors with opportunities to hunt, fish and observe wildlife while contributing to numerous sectors of the economy.

Congress provided the Service with the tools to create and expand refuges, and the Service has used this authority in a manner that is transparent, involves public engagement and is based on scientific data driven by our mission to conserve priority habitat and ecosystems.

When high-priority conservation needs align with public support and the presence of willing sellers, the Service is able to expand an acquisition boundary. We do not expand refuges without substantial support from the local citizens, and our refuges want to be good neighbors and a source of pride for the communities where they are located.

It is also important to be clear about the effect of an acquisition boundary. It authorizes the Service to purchase fee title or conservation easements within the boundary from willing sellers if and when funds are appropriated by the U.S. Congress.

H.R. 5026, the Fish Hatchery Protection Act, would prohibit the Service from closing or reprogramming funds for any fish propagation hatchery or propagation program within the National Fish Hatchery System unless it is expressly authorized by the U.S. Congress. This would jeopardize our ability to be good managers and effective stewards of the hatchery system. For example, the bill would affect our ability to shift resources among hatchery facilities or even within a facility. It would also require the Service to produce fish and eggs that may not be needed or even requested by our partners and stakeholders leading to inefficient and potentially wasteful expenditures of taxpayer funds.

H.R. 3409 would amend the Migratory Bird Treaty Act to authorize activities that may be in violation of international treaty obligations. Our understanding is that Migratory Bird Treaty obligations greatly limit the activities that the bill would exempt. The Service is working closely with the Alaska Migratory Bird Co-Management Council to more clearly define these limitations but this review is not complete at this time.

We believe the Council process will produce the best opportunity for Alaskan Natives while providing sustainable migratory bird populations and ensuring the integrity of the international migratory bird conservation treaties.

Mr. Chairman, that concludes my statement. We are happy to answer any questions that you may have. We look forward to working with the subcommittee on the Federal Duck Stamp Act, and we again thank you for introducing this bill.

[The prepared statement of Mr. Guertin follows:]

PREPARED STATEMENT OF STEVE GUERTIN, DEPUTY DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR ON H.R. 3109, H.R. 3409, H.R. 5026, AND H.R. 5069

Chairman Fleming, Ranking Member Sablan, and members of the subcommittee, I am Steve Guertin, Deputy Director of the U.S. Fish and Wildlife Service (Service) within the Department of the Interior (Department). I appreciate the opportunity to appear before the subcommittee today to testify on a range of bills that affect the Service's mission and responsibilities.

H.R. 3109, A BILL TO AMEND THE MIGRATORY BIRD TREATY ACT TO EXEMPT CERTAIN ALASKA NATIVE ARTICLES FROM PROHIBITIONS AGAINST SALE OF ITEMS CONTAINING NONEDIBLE MIGRATORY BIRD PARTS, AND FOR OTHER PURPOSES.

The Department recognizes the economic and cultural need in Alaska Native communities to improve their quality of life with opportunities to benefit from their unique handicrafts and other traditional items. However, the Department does not support H.R. 3109. This bill would amend the Migratory Bird Treaty Act (MBTA) to provide statutory authority for activities that may be in violation of current international migratory bird conservation treaty obligations.

The MBTA implements four international treaties the United States holds with Canada, Mexico, Japan, and Russia. These treaties protect a wide range of avian families and species that migrate through or stopover in the United States and the treaty nations. The MBTA prohibits "take," possession, sale, barter, purchase, shipment, or transport of birds, feathers, eggs or other such products, and it is in part designed to protect bird populations from vulnerability to the demands of commercial use. For example, in 1886, 5 million birds were estimated to be killed for their feathers. When Congress passed the MBTA in 1918, it sought to put an end to the commercial trade in birds and their feathers that, by the early years of the 20th century, had devastated populations of many native bird species.

H.R. 3109 would allow Alaskan Natives to make and sell any handicraft or clothing made from the nonedible parts of federally protected bird species from birds taken in a manner that is not wasteful, provided these are made without the use of mass copying devices. Our understanding is that migratory bird treaty obligations

greatly limit such activities. The Service is working closely with the Alaska Migratory Bird Co-Management Council to more clearly define these limitations, but this review is not complete. We would be pleased to keep your subcommittee apprised of these efforts and to continue to work with you to address this very important issue.

H.R. 3409, THE NATIONAL WILDLIFE REFUGE EXPANSION LIMITATION ACT

The Department strongly opposes H.R. 3409, the National Wildlife Refuge Expansion Limitation Act. H.R. 3409 would create an additional, uncertain hurdle to the Service's effective and transparent Land Protection Planning (LPP) process. This process has resulted in the careful expansion of many popular refuges that are vital for wildlife conservation, valued and supported by local communities, provide visitors with opportunities to hunt, fish and observe wildlife, and contribute to numerous sectors of the economy. When priority conservation needs and values, public support, and the presence of willing sellers align to allow for the establishment or expansion of a refuge, the Service must be able to act. Authority to strategically grow the Refuge System, as we have been directed to do by Congress, is important to the conservation of our Nation's fish and wildlife populations.

The Refuge System is the world's premiere network of public lands devoted solely to the conservation of wildlife and habitat. It encompasses over 150 million acres of land and water, preserves a diverse array of land, wetland, and ocean ecosystems. The Refuge System offers about 47 million visitors per year the opportunity to fish, hunt, observe and photograph wildlife, as well as learn about nature through environmental education and interpretation. These visitors make refuges an important economic driver, generating nearly \$2.4 billion for local economies each year. Investing in the Refuge System is a sound use of taxpayer dollars as each dollar appropriated for the Refuge System returns nearly \$5 in economic benefits. Refuges also provide local communities with other ecosystem services, such as improved water quality, increased property values, and access to quality wildlife-dependent recreation.

However the Refuge System, with all its benefits, is facing ever increasing pressures and difficulties. Populations are growing rapidly, the amount of undeveloped land is declining, the economic environment is challenging, and we are faced with conservation crises on several fronts. The Service must be strategic, flexible, and responsive in protecting declining undeveloped lands to ensure sufficient habitat is maintained to support America's wildlife populations in the future. In the National Wildlife Refuge System Improvement Act of 1997, Congress directed 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 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." Congress provided the Service with the tools to create and expand refuges and the Service has used this authority in a manner that is transparent, rooted in public engagement and founded on scientific data driven by our mission to conserve habitat and ecosystems.

On January 30, 2014, the Service published a draft strategic growth policy to ensure that we continue to responsibly concentrate our limited resources on land protection efforts that make the greatest contribution to the conservation of species in a strategic, cost-effective, and transparent manner.

The Service uses land protection planning to study opportunities to conserve land, including by adding it to the Refuge System. Conserving wildlife through land protection is an adaptive, public, and voluntary process, founded on the best scientific processes and data available. We use this data to identify gaps in the conservation estate, which we define as lands that are protected at local or landscape scales by private, state, or Federal partners.

When a need to conserve land is identified, a preliminary proposal is submitted to the Service's Director for approval to develop a detailed LPP. Development of a LPP is a public process, during which we reach out to state agencies, local communities, Congressional offices, and partners to inform and help shape the plan. The LPP is a planning document, not an acquisition plan. The Service uses the best available scientific information to analyze the effects of the LPP and alternatives on the physical, biological, social, and economic environment.

If a LPP is approved, after a long period of study and public engagement, an acquisition boundary for the refuge is authorized. It is important to be clear about the effect of an authorized acquisition boundary: it authorizes the Service to purchase fee title or conservation easements within that boundary from willing sellers. Such

purchases are subject to available funds and overall Service acquisition priorities. In many cases, much of the land within refuge acquisition boundaries remains in private ownership. The approved acquisition boundary gives landowners, within the boundary, another option for how they use their land.

The expansion of an acquisition boundary does not result in new restrictions or regulations on landowners within or adjacent to the boundary. An expanded boundary does not lead to condemnation of private property or any form of coercive purchases. This is a voluntary program and it has been long-standing Service policy to acquire lands from willing sellers only. The expansion of an acquisition boundary does not lead to an aggressive campaign to purchase land or easements covering large swaths within the boundary. Rather, land purchases tend to occur gradually, taking decades to even begin to acquire significant portions of the land within the boundary for the refuge.

As an example of how this process works, the Service considered a proposal to expand the acquisition boundaries for Chickasaw and Lower Hatchie National Wildlife Refuges, located in Tennessee, to protect and restore this high-quality bottomland hardwood forest habitat as well as places where the public can hunt, fish, and observe wildlife. The preliminary proposal encompassed approximately 120,000 acres in Lauderdale, Tipton, Haywood, and Dyer Counties in Tennessee. The public process for this proposal began in December 2012 when the Service launched a public scoping effort to seek input on the proposal. Congressman Fincher, sponsor of H.R. 3409, expressed his constituents' concerns with and opposition to the Service's proposed boundary expansion, and the project was halted. We simply do not create or expand refuges without substantial support from the local citizens. Our refuges want to be good neighbors and a source of pride for the communities where they are located.

Public input also shaped the establishment of the Everglades Headwaters National Wildlife Refuge and Conservation Area. When the Service engaged the public during the planning process, the River Ranch Property Owners Association, a group of local landowners, opposed the establishment of the refuge and conservation area, envisioning that the Service would close access to any purchased lands as other Federal agencies had done elsewhere in Florida. We actively engaged with the River Ranch community and established a level of trust and understanding after multiple meetings over the course of a year. The Service listened to their concerns and, as a result, reevaluated our initial proposal. Ultimately, we removed the River Ranch landholdings from the proposal while maintaining the conservation integrity of the project. The overall outcome of the discussions between the Service and the River Ranch community has led to understanding and support for the Everglades Headwaters project.

Without question, providing high-quality stewardship of the Nation's wildlife refuges requires resources, and refuge managers must make decisions within a prioritized framework to ensure key assets remain at sustainable levels. The Service sometimes faces questions about how the operational needs and maintenance backlog within the Refuge System relate to its pursuit of acquiring new fee-title land or conservation easements.

The Service has a mandate to conserve fish, wildlife, and plants and their habitats. One of the most effective ways to do this is to protect areas that hold the greatest value for wildlife. Another compelling reason to purchase land or acquire easements is that consolidating fragmented lands often reduces operations and maintenance needs, thereby saving taxpayer dollars.

Most new fee title or conservation easements acquired by the Refuge System simply serve to fill in the gaps. Many are private inholdings within or adjacent to an existing refuge parcel. Private inholdings may seem of small consequence, especially if the majority of the surrounding land is already protected and managed for wildlife, but those inholdings can have a disproportionate and often adverse effect on the ability of a refuge to achieve its purpose. Strategic acquisitions of fee title or easements can simplify management and reduce expenses related to signage, fencing, law enforcement patrols, legal permits, rights-of-way conflicts, fire-fighting, road maintenance, habitat management and restoration, and invasive species management. Such strategic acquisitions help the Service meet important conservation objectives.

H.R. 5026, THE FISH HATCHERY PROTECTION ACT

The Department strongly opposes H.R. 5026, the Fish Hatchery Protection Act, which would prohibit the closing, reprogramming, repurposing, decommissioning, significant alteration, or move to caretaker status of any fish and other aquatic species propagation hatchery or propagation program within the National Fish

Hatchery System unless it is expressly authorized by an Act of Congress, for a period of more than 10 years, retroactive to November 1, 2013.

The Department opposes this legislation because it would jeopardize our ability to fulfill our ongoing legal obligations, respond to new and constantly evolving environmental challenges, fulfill the expectations of our Federal, tribal, state and local partners, and cost-effectively manage the National Fish Hatchery System within an already strained Federal budget.

The National Fish Hatchery System, comprised of 72 National Fish Hatcheries, 1 Historic National Fish Hatchery, Fish Technology Centers, Fish Health Centers, and the Aquatic Animal Drug Approval Partnership Program, has played a critical role in conserving America's fisheries for more than 140 years. This national and highly specialized network of facilities and employees not only provides fish and other species for stocking into America's waterways, helping to sustain economically and recreationally important fisheries, it plays a vital role in the recovery of threatened and endangered species, the restoration of imperiled species, and in fulfilling our trust obligations to Native American tribes.

Working with our state partners, the National Fish Hatchery System restores native fish populations that support significant recreational fisheries, and H.R. 5026 would limit our ability to adapt the system to meet those challenges. The National Fish Hatchery System also propagates fish, native mussels, and other aquatic species listed as threatened or endangered species under the Endangered Species Act (ESA), and restores declining species before they are listed. The Service's work to propagate aquatic species also addresses our responsibilities under other Federal statutes, such as the Fish and Wildlife Coordination Act, as well as mitigation requirements established for individual Federal water resource development projects.

In addition to the conservation mandates established by Federal fish and wildlife statutes, the Department has broad trust responsibilities to Native American Tribes. These include responsibilities required by treaty, statute, or pursuant to a consent decree or court order. By helping to ensure that tribes have continued access to native species important to their way of life, the National Fish Hatchery System also plays an essential role in meeting these trust responsibilities.

The National Fish Hatchery System, however, has struggled with declining funding for a number of years. Significant increases in operational costs for fish food, fuel for distribution vehicles, and energy costs have contributed to these fiscal challenges. In Fiscal Year (FY) 2012 alone, the National Fish Hatchery System incurred a \$2.1 million shortfall in overall funding, and needed to reprogram Deferred Maintenance funding to cover operational shortfalls and continue fish propagation. The Service realized that this approach was not sustainable.

As a result of those fiscal challenges and other financial issues plaguing the National Fish Hatchery System, the Service assembled a team of experts from across the country in 2012 to conduct a comprehensive review of the 70 active propagation hatcheries. The purpose of this review was to position hatcheries to meet national aquatic resource conservation needs, operate hatcheries consistent with available funding and without having to borrow from other accounts, identify the highest priority propagation programs, and make informed management decisions under a range of potential budget scenarios. The *National Fish Hatchery System: Strategic Hatchery and Workforce Planning Report* (Report) is the product of that comprehensive review. It offers management options and recommendations to put the system on more sound and sustainable financial footing.

One of the findings of the Report is that reimbursable funding is an important resource for our hatcheries. Over the past several years, the Service has successfully negotiated reimbursement or developed agreements with the U.S. Army Corps of Engineers, the Tennessee Valley Authority, and others to help cover the costs associated with mitigation fish production. In FY 2014, Congress provided \$4.7 million in Corps funding for mitigation reimbursement. In addition, the Service and the Tennessee Valley Authority recently reached a 3-year funding agreement through 2016 that will provide \$900,000 to the Service each year.

As the Service announced in November 2013 when the Report was released, we do not intend to close any hatcheries in FY 2014. Moreover, Congress provided the Service with \$46,528,000 to operate the National Fish Hatchery System in the recently enacted FY 2014 Omnibus, which is substantially more than we anticipated had sequestration continued into FY 2014. However, that level of funding is still not sufficient to fully cover our operational costs for all of our propagation programs at current levels.

The Service is using the Report to engage partners and stakeholders, including state fish and wildlife agencies, tribes, and others, in a discussion on its major findings and recommendations. We are seeking their input on how we should operate the National Fish Hatchery System more efficiently and within available resources

in the future. Taking into consideration their input, current and anticipated funding levels, the costs to operate our existing propagation programs, and the Report's findings and recommendations, we will consider how we can continue to further streamline our operations to better reflect the Service's priorities and bring expenditures in line with available funding. Our hope is that by engaging in a transparent and open dialog with this subcommittee and others in Congress, our partners and stakeholders, we can chart a unified course forward for the National Fish Hatchery System that not only allows us to operate the system on sound financial footing, but positions the system to better meet current and future conservation challenges.

Toward this end, the President has requested \$48.617 million for operation of the National Fish Hatchery System in FY 2015, approximately \$2 million more than Congress appropriated in FY 2014. But even at these increased funding levels, the Service needs flexibility to operate the system to fulfill our ongoing legal obligations under the ESA and other statutes, address new environmental challenges, meet the expectations of our Federal, tribal, state and local partners, and manage the National Fish Hatchery System, cost-effectively and within budget.

By preventing the Service from making even modest changes in current operations of individual hatcheries or species propagation programs, H.R. 5026 would make it difficult for us to utilize the National Fish Hatchery System to respond to the changing and increasing needs of threatened, endangered, and imperiled aquatic species. As a result of a number of factors, including natural disasters, the National Fish Hatchery System serves as a critical refuge for a growing number of these species, which depend on the system for their survival, reintroduction and recovery.

By restricting the Service's ability to shift resources among hatchery facilities or even within a facility, this provision would also force us to produce fish and eggs that may not be needed, or even requested, by our partners and stakeholders, leading to inefficient and potentially wasteful expenditures of taxpayer funds. Funds, for example, that could instead be better spent to help restore local native and recreationally important fisheries.

We allocate these funds each year out to the seven regions that operate and maintain our 70 propagation hatcheries and rely heavily on our Regional Directors and their staff to decide how best to use these funds within their regions and in coordination with the states. In many instances, hatchery production targets are coordinated with the states, and may change from year to year with changing circumstances and resource needs. This unprecedented level of restrictions of species-specific operations across our 70 propagation hatcheries would limit our ability to respond to these and other changing environmental and management challenges, which inevitably arise.

H.R. 5069, THE FEDERAL DUCK STAMP ACT OF 2014

Mr. Chairman, thank you for your leadership in introducing legislation to increase the price of the Federal Migratory Bird Hunting and Conservation Stamp, commonly known as the Duck Stamp. A price increase is critically needed to restore the Duck Stamp's eroding purchasing power, so that there is sufficient revenue available to provide adequate habitat for migratory waterfowl to find food, rest during migrations, and to raise their young. The Duck Stamp is a critical tool for sportsmen and women, as well as wildlife enthusiasts, who make substantial contributions to the Nation's economy in the pursuit of their passions.

The price of the Duck Stamp is set by Congress through the Migratory Bird Hunting and Conservation Stamp Act. The price of the Duck Stamp has remained at \$15 since 1991. Based on the Consumer Price Index, the stamp would need to cost more than \$26 today to have the same buying power that \$15 had in 1991. However, the increased cost of land, including easements, during this period has risen even more dramatically. Between 1991 and 2013, the Service's average cost per fee acre increased from \$450 to \$1,590, and the Service's average cost per easement acre increased from \$112 to \$765. In 1991, revenue from the Duck Stamp enabled the Service to protect 91,000 acres of waterfowl habitat for the Refuge System. However, in 2013, the Service was able to protect significantly less habitat, despite allocating nearly 80 percent of the funding to easement acquisition, because land values in important migratory bird areas have increased by up to 600 percent.

An increase in the price of the Duck Stamp is a top priority for the Department and has been included in the President's budget proposals over the past number of years, and during the administrations of the past two Presidents. We strongly support the increase that would be accomplished through H.R. 5069, the Federal Duck Stamp Act of 2014, and support the legislation. We have some suggestions that would make the bill even more effective, and look forward to discussing these with the subcommittee as the bill moves through the legislative process.

To understand the importance of restoring the purchasing power of the Duck Stamp, it is helpful to look back to its origins and its role in restoring North America's great migratory waterfowl populations. The restoration of the continent's waterfowl following a grave decline is a grand conservation success story. It is a story that involves sportsmen in partnership with states, Congress, and Federal agencies applying science to habitat protection and restoration efforts. Because of strategic, science-based actions taken by these partners to conserve key habitats along the four major North American flyways, migratory waterfowl populations are improving. This work has maintained our hunting tradition, and has significantly contributed to the economies of many states through the recreational activities of hunters and outdoor enthusiasts.

The Duck Stamp plays a critical role in this conservation partnership and its success story. Created in 1934, the Duck Stamp represents the permit required by the Migratory Bird Treaty Act of 1918 to hunt waterfowl. Every waterfowl hunter who is more than 15 years old is required to carry a Duck Stamp into the field. Duck Stamp revenue is deposited in the Migratory Bird Conservation Fund (MBCF), through which the Service, with the approval of the Migratory Bird Conservation Commission, acquires wetland and associated habitats to support populations of waterfowl. Ninety-eight percent of the receipts from Duck Stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which is added to the National Wildlife Refuge System (Refuge System). Since 1934, sales of the Duck Stamp have helped to add more than 5.6 million acres of waterfowl habitat to the Refuge System. These acquisitions have benefited individual refuges all across the country, in 45 states. In many cases, acquisitions made through the MBCF account for 100 percent or a substantial percentage of a refuge's total land. These protected lands not only benefit waterfowl, but also countless other wildlife species, as well as increased opportunities for outdoor and wildlife-dependent recreation, such as hunting.

While the Duck Stamp's price has been static since 1991, other factors affecting habitat conservation have significantly changed. Land prices in prime waterfowl nesting habitat have increased; price increases of crops and other factors have expanded conversion of native prairie to farm lands; and a warming climate is evaporating prairie "pothole" wetlands.

The Prairie Pothole Region is vital to waterfowl populations. The U.S. portion of the Prairie Pothole Region includes parts of Montana, North Dakota, South Dakota, Minnesota, and Iowa. Approximately 118 million acres of land, 21 million acres of grass cover, and 2.63 million wetland basins support more than 300 species of migrating and resident birds. Termed America's "Duck Factory," this formerly glaciated landscape is the most productive area for nesting waterfowl on the continent. The region also provides stopover habitat for migratory waterfowl, shorebirds, waterbirds, and songbirds.

A Service study and report, *Status and Trends of Prairie Wetlands in the United States 1997 to 2009*, found that wetlands in the Prairie Pothole Region declined by an estimated 74,340 acres between 1997 and 2009—an average annual net loss of 6,200 acres. In addition to these losses, millions of acres of prairie wetlands are threatened with degradation from extreme weather patterns, rising agricultural commodity prices, and oil and gas development, putting further pressure on the most valuable breeding area for ducks in the Americas. Continued vigilance in monitoring and protecting the Prairie Pothole Region is needed to ensure it remains healthy for waterfowl for generations to come.

Funding provided by the sale of Duck Stamps is a critical component of conservation in the Prairie Pothole Region, and in other important waterfowl areas in the Nation. The Administration's proposed budget for fiscal year 2015 includes a legislative proposal to amend the Migratory Bird and Hunting Conservation Stamp Act (16 U.S.C. 718b) to increase the sales price for Duck Stamps from \$15 to \$25, beginning in 2015. With the additional receipts that would be generated from the proposed price increase, the Service anticipates the additional annual acquisition of approximately 7,000 acres in fee and approximately 10,000 acres in conservation easements. After 2015, the administration's legislation also proposes that the price of the Federal Migratory Bird Hunting and Conservation Stamp can be increased by the Secretary of the Interior, after appropriate consultation with the Migratory Bird Conservation Commission. This component of the administration's proposal is important to helping ensure that the Duck Stamp's purchasing power does not substantially erode in the future.

Mr. Chairman, H.R. 5069 takes a different approach by providing for a one-time increase, and mandating that the increase be used only for the purchase of easements. Currently, the Service, working in cooperation with the Migratory Bird Conservation Commission, uses Duck Stamp proceeds for purchases of both fee title

lands and conservation easements. We recommend maintaining the current discretion to ensure the most strategic and beneficial acquisitions can be made, without limiting the Service's discretion to purchase lands in fee title when necessary. One consideration is that access to certain lands by hunters is often not possible across easement lands, and we use fee title acquisition to provide such access.

We would greatly appreciate the opportunity to work with the subcommittee on this legislation moving forward and thank you for your leadership and for introducing H.R. 5069. H.R. 5069 would allow the Service to ensure that the "Duck Factory" and other key habitats are protected into the future and that waterfowl populations continue to thrive for the continuing benefit of the American people.

CONCLUSION

Thank you for the opportunity to provide testimony on this range of legislation that addresses multiple responsibilities of the Service for the conservation of our Nation's fish and wildlife for the benefit of our citizens. In particular, Mr. Chairman, thank you for your leadership on H.R. 5069, the Federal Duck Stamp Act of 2014. I am happy to answer any questions the subcommittee may have and we look forward to working with the subcommittee members as you consider these bills.

Dr. FLEMING. Thank you, Mr. Guertin. Chairman Mansell, you are now recognized for 5 minutes to present testimony on behalf of the Arizona Game and Fish Commission.

Mr. MANSELL. Thank you, Mr. Chairman.

Dr. FLEMING. I'm sorry, we have one other thing to do, one item of business, I apologize. The Chair now recognizes Mr. Gosar for some introductions.

Dr. GOSAR. Thank you, Mr. Chairman. It is my pleasure to introduce Robert Mansell, Chairman of the Arizona Game and Fish Commission and a lifelong resident of my home state of Arizona.

Mr. Mansell hails from Winslow, Arizona and was confirmed as a member of the Arizona Game and Fish Commission in March of 2011. He is an avid outdoorsman, hunter, angler, boater, pilot and community leader.

Chairman Mansell has a long and distinguished career in public service and was superintendent of the Winslow Unified School District from 2003 to 2009. He is an active member of his community and previously served on the Winslow City Council.

Chairman Mansell grew up around fish hatcheries and his father and uncle served as fish hatchery superintendents at the Canyon Creek and Tonto Creek Hatcheries, respectfully.

He holds a master's of art degree in education and a bachelor of science degree in education science from Northern Arizona University.

Chairman Mansell, I certainly and sincerely appreciate you making the trip. You are now recognized for your testimony, thank you.

Dr. FLEMING. You are recognized a second time.

STATEMENT OF THE HON. ROBERT E. MANSELL, CHAIRMAN, ARIZONA GAME AND FISH COMMISSION

Mr. MANSELL. Thank you, Mr. Chairman, Ranking Member Sablan and members of the committee. And thank you, Congressman Gosar, for your kind comments.

It is really an honor to come before you and speak to you about H.R. 5026. I want to add a little bit about my history. I am a lifelong resident of Arizona. I am a volunteer citizen conservationist. What I am not, I am not a biologist. I am not a scientist. And you

will soon realize I am not a paid public speaker, but I am going to give it a try anyway.

Congressman Gosar mentioned that my father was a biologist and was a fish hatchery superintendent. As a child, I grew up observing firsthand the workings of fish hatcheries.

The Arizona Game and Fish Commission is a firm proponent of the North American Model of Wildlife Conservation. This Model has seven tenets but the two main tenets are that wildlife belongs to everyone. And unlike other parts of the world where wildlife may belong to the landowner or wildlife may belong to the elite, in America, wildlife belongs to everyone.

The second one is that wildlife must be managed so it can be sustained forever. It is the hunter and the fisherman who buy a license and the revenue from excised tax on the sale of hunting and fishing licenses that provide the financial backbone for this conversation.

And I want to mention the Dingell-Johnson Act. And what a pleasure to be in the same room with Mr. Dingell. And I am not sure, I think in the early 1950s, your father sponsored the Dingell-Johnson Act, which provided money for fishing. So thank you, sir.

Mr. DINGELL. Thank you. My dad was very proud of that.

Mr. MANSELL. Thank you. The Arizona Game and Fish has a vested interest in the National Fish Hatchery System and what changes could mean for our fisheries, recreational opportunities and our state hatchery system. A national survey on wildlife-associated recreation was commissioned by the U.S. Fish and Wildlife Service in 2011. And it reported that there are over 636,000 fishermen in Arizona resulting in a yearly expenditure in excess of \$1.5 billion.

Mr. Chair, in the West, we have had a longtime relationship with the U.S. Fish and Wildlife Hatchery System. States rely on the production of sport fish to meet critical fisheries management and recreational needs. The National Fish Hatchery System has a trust responsibility to ensure sufficient stocks for sport fishing purposes. This is important for Arizona and the Nation.

I am going to cite three examples of the impact the National Fish Hatchery System have in Arizona. And the first one is the Ennis National Fish Hatchery in Montana. We receive over two million trout eggs annually from this fish hatchery. If this was to cease, we would have to do one of two things: look elsewhere for our trout eggs, and, quite frankly, this may be difficult as there is not really a trout egg store where you can go and purchase two million trout eggs, or we will have to restructure a hatchery. I am told that the restructuring of a hatchery may take as long as 3 years and cost several million dollars. Obviously, we have not budgeted several million dollars, but more importantly we do not feel our state could survive 3 years without trout production.

The Willow Beach Hatchery, which brought me here today, is downstream from Lake Mead on the Colorado River. It produces 150,000 trout annually, stocked in the lower Colorado River. Two other hatcheries in Arizona are the Williams Creek and Alchesay Hatchery, both on the White Mountain Indian Reservation, and they produce all of our Apache trout eggs for Arizona. Willow

Beach, again it is downstream from Lake Mead, was built in 1959 and produces rainbow trout for recreational purposes.

On November 21, 2013, the Service reported to us an emergency stocking of 11,000 rainbow trout and additionally that 40,000 had died because of water quality caused by lack of infrastructure repair. Only after this, did Arizona become aware of the soon-to-be-published Strategic Hatchery and Workforce Planning Report. We were informed by the U.S. Fish and Wildlife Service that all trout stocking would end. Willow Beach is ground zero in discovering the Service's new priorities established under this report.

Mr. Chair, I must make clear that neither the Arizona Game and Fish Commission or Department leadership were consulted or participated in any discussions about this. It was simply a surprise. If not for the infrastructure failure at Willow Beach, we would not have found out the problem at this time. The infrastructure problem accelerated the release of the Service's plan to end trout production.

Willow Beach is the tip of the iceberg.

[The prepared statement of Mr. Mansell follows:]

PREPARED STATEMENT OF ROBERT MANSELL, CHAIRMAN, ARIZONA GAME AND FISH COMMISSION ON H.R. 5026

Good morning Chairman Fleming, Ranking Member Sablan and members of the subcommittee. Thank you for inviting me to be with you today to share the perspective of the Arizona Game and Fish Commission on H.R. 5026, the bill authored by Mr. Gosar. My name is Robert Mansell a native Arizonan and the Chairman of the Arizona Game and Fish Commission.

The Commission is a firm proponent of the North American Model of Wildlife Conservation; our fish and wildlife belong to all Americans, and need to be managed in a way that their populations will be sustained forever. The financial backbone of this model of wildlife conservation is the hunter and angler who pay the freight for wildlife conservation through their license dollars and Federal excise tax on hunting and fishing equipment.

The Commission has a vested interest in the future of the National Fish Hatchery System and what changes to that system could mean to our fisheries, recreational opportunities and state hatchery systems. According to the 2011 National Survey of Fishing, Hunting and Wildlife Associated Recreation commissioned by the U.S. Fish and Wildlife Service over 636,000 people fish in Arizona, resulting in an estimated fishing expenditures of over \$1.5 billion annually.

Mr. Chairman, states, particularly in the West, have had a long-standing relationship with the National Fish Hatchery System. The states rely on the production of federally cultured brood fish and sport fish to meet critical fisheries management and recreational demands. Many times fish must be produced in certain environments and in such a way as to meet mandates by the Service. We appreciate the difficult choices Federal agencies must make given the current budget climate; however, the National Fish Hatchery System's trust responsibility is to ensure sufficient fish stocks for sport fishing purposes. This is not only important to Arizona and the Nation's economy but is vital to many of the state hatchery systems across the Nation. In Arizona for example:

- Ennis National Fish Hatchery in Montana provides over 2 million triploid rainbow trout eggs annually to our state hatcheries.
- Willow Beach National Fish Hatchery along the Colorado River rears an average of 150,000 rainbow trout stocked in the Colorado River annually;
- Williams Creek and Alchesay on the White Mountain Apache Reservation in Arizona supply all of our Apache trout eggs annually stocked in the White Mountains for sport fish recreation.

Willow Beach National Fish Hatchery located along the Colorado River south of the Hoover Dam, operated by the Service is part of the National Fish Hatchery System built in 1959 has operated as a mitigation hatchery since its existence to produce rainbow trout for recreational purposes. On November 21, 2013 the Service conducted an emergency stocking of 11,000 rainbow trout when the low water levels

compromised the delivery system of water to the hatchery. However, over 40,000 fish were lost due to a lack of water movement through the system that stemmed from a lack of infrastructure repairs.

Only after this emergency did the state become aware of the plans set in motion by the, then, soon to be released, *Strategic Hatchery and Workforce Planning Report*. At that time the Service informed the state that they would end all trout stocking efforts in perpetuity. Mr. Chairman, while a small operation, Willow beach served as ground zero for many states in discovering the Service's "new priorities" established under this report. New priorities that the states were not consulted on and frankly, at least in Arizona, would not have found out about until much later except for the unfortunate incident at Willow Beach where an infrastructure issue prematurely accelerated the Service's plans to end sport fish production.

Mr. Chairman, Willow Beach is just the tip of the iceberg. I flew here from San Antonio where I attended the Western Association of Fish and Wildlife Agency's annual meeting. All across America, states are looking at ways to shore up their sport fish programs given the fallout of this report.

The state's long-standing relationship with the National Fish Hatchery System is in peril. Cessation of sport fish production at Federal hatcheries across the west will result in:

- Loss of a successful economic driver.
- Loss of recreational opportunities.
- Reduced ability to get youth and the public outdoors.

Mr. Chairman, according to the American Sport Fishing Association, more people in America fish than play golf and tennis combined. If fishing opportunities are severely curtailed, many state and Federal agencies will have fewer tools to get youth and the public recreating outdoors.

The Arizona Game and Fish Commission appreciate Mr. Gosar's vigilance on this issue. We are supportive of the 10-year moratorium on National Fish Hatchery Closures and believe this will allow the Service and other Federal agencies the opportunity to properly consult with states to come up with a viable alternative.

In closing, Mr. Chairman we appreciate the attention you and others are devoting to maintaining and enhancing a system crucial to sport fishing and fishery conservation work across the country. We strongly believe that the states, anglers and the whole American public benefit from the good work of the national fish hatcheries. Thank you for the opportunity to share our perspective with you and I would be please to respond to any questions.

Dr. FLEMING. Mr. Mansell, your time has expired, and your entire testimony will be entered into the record. We have a lot of questions for you, so let's move on. But, again, all of your written statement will be entered into the record.

At this point, we will begin member questioning of our witnesses. To allow members to participate and to ensure that we can hear from all of our witnesses today, members are limited to 5 minutes for their questions. However, if members have additional questions, we can have more than one round of questioning.

I now yield to myself for 5 minutes.

Mr. Guertin, with regard to the Duck Stamp bill, H.R. 5069, has the Fish and Wildlife Service undertaken a study on the impact on the Federal Duck Stamp increase and at what level does the price become a major deterrent to migratory bird hunters?

Mr. GUERTIN. Mr. Chairman, yes, we have looked at those potential factors, and we do not believe that a modest increase, as you envision, would have a significant negative impact on the sale of Duck Stamps. We annually sell about 1.5 million a year. The average waterfowl hunter probably spends \$300 or \$400 a year, largely on ammunition and other equipment. We believe that the market is there for them to willingly step up to the plate and agree to this modest \$10 increase because they fully understand the magnificent

resources they are protecting and are willing to make that conservation investment.

Dr. FLEMING. OK, I appreciate your comments on that. And that is something we need to be sensitive to. In the private sector, we call that price point. At what point does the cost become a deterrent. We want to make sure that there are more birds for hunters, but we want to make sure that hunters do not feel in some way disengaged or firewalled from access to hunting.

But I would agree with you, considering all the equipment and ammunition and the cost thereof, that it would seem to be a small price increase. And if you would, provide for us the information that you have, the studies that you may have done this far.

A second question is, as I understand your testimony, Native Alaskans can shoot, eat and use non-edible parts in handicraft items, but they are prohibited from selling these products. Is it not true that any non-edible parts that are not used by the Native Alaskans are simply thrown away? And what is the logic of that policy?

Mr. GUERTIN. Yes, Mr. Chairman. Under the Migratory Bird Treaty Act, it bars any individual from selling for commercial profit any of these body parts from species protected under the Act. So the practical effect is, yes, these parts would be discarded. However, this does not preclude individuals from presenting them or giving them as gifts or donating them as well. It just precludes them from selling them as a commercial entity.

Dr. FLEMING. Would the Fish and Wildlife Service support further refining of the Migratory Bird Treaties to allow Alaskan Natives to use non-edible parts of the migratory birds in a range of handicraft products?

Mr. GUERTIN. Well, Mr. Chairman, we are currently working with the members of the Alaska Migratory Bird Co-Management Council, including Native Alaska representatives, Alaska Fish and Game and ourselves to explore what kind of opportunities there are to do just that. And our position is that allowing this leadership group in Alaska to work through potential solutions with a deadline of next spring would yield that kind of information for yourself and other congressional leaders on a potential path forward.

Dr. FLEMING. The staff reminds me that the committee voted on this 10 for, 2 against. And the two votes against were from the Fish and Wildlife. So it seems that the Fish and Wildlife is sort of apart from everyone else on that issue, making those changes.

Mr. GUERTIN. I understand, Mr. Chairman. And our official position is to work through this Council on a potential solution, but we would be glad to sit down with yourself, the members and the staffs to continue to hold discussions on this issue going forward.

Dr. FLEMING. OK. And Chairman Mansell—oh, I'm sorry. This is Mr. Guertin here, yeah. I'm sorry, back to Mr. Guertin. What steps can the Fish and Wildlife Service take to encourage non-hunters and those who observe wildlife at our national wildlife refuges to purchase an annual Duck Stamp? And are these Federal stamps prominently offered and displayed in every refuge throughout the country?

Mr. GUERTIN. Yes, Mr. Chairman, we have a very aggressive marketing campaign underway to reach out to non-consumptive

citizens who also enjoy the value of wildlife. We can offer them through web portals, at refuge visitor centers, through the post office and a lot of other mechanisms.

And we could certainly point to your leadership in introducing this legislation to increase the bill as a good example of the strong support for this program nationwide. And we will redouble our efforts to market this product to a lot more constituent groups out there to help support the larger vision for conservation that up until now has been largely paid on the shoulders of hunters, both male and female, for the last several decades.

Dr. FLEMING. My time has expired. The Chair now recognizes Mr. Sablan.

Mr. SABLAN. Thank you very much. Mr. Chairman, I ask unanimous consent to enter into the record the written statement of Mr. Dingell, as well as a report from the Migratory Bird Conservation Commission.

Dr. FLEMING. Without objection, so ordered.

Mr. SABLAN. Thank you, Mr. Chairman. I must be getting old but are those microphones working? I can hardly hear either one of you. Are they working?

Mr. GUERTIN. Yes, Mr. Chairman.

Mr. SABLAN. Oh, now they are working.

Dr. FLEMING. Again, I think the problem tends to be that the tips are not close enough. So if you are not hearing a little bit of echo in the background, you are probably not close enough.

Mr. SABLAN. Alright, can we start my time now, please? I have four questions for Mr. Guertin. So, Mr. Guertin, welcome.

I asked these questions to Director Ashe at the last hearing on wildlife refuge. And I will ask you them again today just for the record.

One, the expansion of the Refuge System is authorized by the National Wildlife Refuge Improvement Act of 1997. Do you recall the votes by which that legislation passed a Republican-controlled House and Senate?

Mr. GUERTIN. Yes, I believe the vote was 407 to 1.

Mr. SABLAN. In the Senate?

Mr. GUERTIN. In the Senate, I don't know. In the House it was a 407 to 1 vote against.

Mr. SABLAN. In your opinion then why did Congress ask the Service to plan and direct the continued growth of the Refuge System? Why does it need to grow?

Mr. GUERTIN. We believe that our agency mission in the Refuge Organic Act charges us on behalf of the American public to make strategic investments for future generations for biologically important land acquisition, protection and habitat restoration and other congressionally driven mandates to support mission delivery objectives out there. And we believe that this legislation would not allow the Service to have the management flexibility, as well as the opportunity and nimbleness we need to pursue these objectives on behalf of the American people.

Mr. SABLAN. Alright, thank you. And, Mr. Guertin, H.R. 5026 would mandate that, "Fish and wildlife may not permanently close, reprogram, repurpose, decommission, significantly alter or move to caretaker status any fish and other aquatic species propagation

hatchery or propagation program within the National Fish Hatchery System of the Department of the Interior unless such action is expressly authorized by an Act of Congress.”

What would be the practical implications of these restrictions, how would it affect the Service’s ability to operate the Hatchery System for the benefit of the public and to carry out other responsibilities?

Mr. GUERTIN. Yes, we fully recognize the emerging concerns from all of our partners and constituents on the future of the National Fish Hatchery System and the ongoing investment all of our partners, particularly the states, have made in its direction. We are the agency that is charged with implementing on the ground the operational imperatives of the refuge and hatchery system, and we believe that the director needs the authority, now and in the future, to make strategic investments based on the operational tempo and emerging priorities that occur on a daily basis.

We also want to note for the record that under the guidelines included in the current year appropriations for the Fish and Wildlife Service, we were directed that we would not close any national fish hatcheries, and we have not closed any fish hatcheries. We have only out of the 270 individual production lines for propagation within the hatchery system over the last 2 years have discontinued about four of those, largely pan fish production in some southeast states where there was no request from the states to deliver that product to them.

Mr. SABLAN. OK, and I am going to H.R. 3409, which would prohibit the Service from adding land to the National Wildlife Refuge System without the express permission of Congress, even if the land is donated by a private individual or company. So does the Service frequently add donated land to the System? And how would H.R. 3409 affect people’s willingness to donate their lands?

Mr. GUERTIN. Over the last several years, a number of individuals have stepped up and made donations on behalf of the American people for several hundred thousand acres, which was incorporated into the National Wildlife Refuge System, either in fee title donations or more likely in an easement donation, including several large landowners who have donated over 100,000 acres at a time for their conservation value. And so this legislation we believe would have a chilling effect on individuals wanting to step up to make those kind of donations.

Mr. SABLAN. Alright, I have one more question, Mr. Guertin. In the second panel, Chairman Angius in her testimony refers to a Fish and Wildlife Service report that valued the hatchery system and other fishery conservation efforts. Ms. Angius claims that the economic value of the hatchery system is \$3.6 billion. Is that accurate or is \$3.6 billion the economic impact of all the Fish and Wildlife Service fisheries conservation activities, including habitat conservation and control of invasive species? What is the economic impact of the hatchery system alone based on the study reference by Chairman Angius, and what is the economic impact of the National Wildlife Refuge System?

Mr. GUERTIN. I believe the study they are referring to cites a larger objective of economic contributions of \$3.6 billion from all aquatic conservation programs in the Fish and Wildlife Service pro-

gram delivery toolbox. The National Fish Hatchery System is a subset of that at about \$900 million, and then the literature cites about a \$2.5 billion contribution to the economy from refuge visitation and about \$32 billion from the refuges in ecosystem services impact to the national economy overall.

Mr. SABLAN. So the \$900 million has turned into what, \$3.6 billion—

Mr. GUERTIN. Yes, the \$900 million is a subset of a larger aquatic conservation. And we would be glad to provide for the record all of those economic reports.

Mr. SABLAN. Thank you, my time is up. Thank you, Mr. Chairman.

Dr. FLEMING. The gentleman's time has expired. The Chair now recognizes Mr. Young for 5 minutes.

Mr. YOUNG. Thank you. Thank you, Mr. Chairman. Mr. Guertin, the 97 protocols in the migratory bird treaties, how did these protocols address non-edible parts of the migratory birds?

Mr. GUERTIN. Mr. Chairman, I am personally not aware, but I would be glad to provide that for the record for the hearing.

Mr. YOUNG. Well, again, you guys came down and opposed my bill, and I would wish you had the answer. I want you to know that right now. Now, what feathers were used in this mask when this gentleman was cited?

Mr. GUERTIN. The case you are referring to, Congressman, I believe were a raven species as well as a flicker.

Mr. YOUNG. Now, the raven is a species that migrates?

Mr. GUERTIN. It does, Mr. Chairman, yes.

Mr. YOUNG. Where does it migrate to?

Mr. GUERTIN. Some of them cross over into Canada. Some of them move north and west. Some of them are local populations as well, but it does qualify—

Mr. YOUNG. They do not migrate really to the lower 48.

Mr. GUERTIN. Some of them have been seen—

Mr. YOUNG. No, they do not. Now, do not argue with me. They do not. Now, I can say you may think a crow is a raven but it is not. It is a black bird but it is not a raven. Ravens stay in Alaska. They may go to Canada because they are part of Canada. Keep that in mind.

Now, this raven to my knowledge was a dead raven, was not shot, roadkill, and you cited him. That is the first time I think in many, many years there were any citations issued. What instigated or why did your agent cite that individual?

Mr. GUERTIN. Congressman, it was a very long process. The individual in question advertised on Craigslist that he had for sale a headdress that included feathers from two species.

Mr. YOUNG. But you have to listen to me now. Why did your agency—remember all this land, gentlemen and ladies, about this donation of lands. It is not the idea of refuge, which I am a big supporter of. It is the management of. And your government, not mine, insistence on citing people who have never done this before. They had never been cited until you came along. Now, what instigated that?

Mr. GUERTIN. Again, Congressman, our agents noticed on Craigslist that he had been posting for sale—

Mr. YOUNG. And your agent, and that goes back to what I said. Did that come from headquarters?

Mr. GUERTIN. No, our agents are empowered to make operational decisions.

Mr. YOUNG. Your agent is a hot-dog. That is what he is. And interfered with Alaskan Natives and the raven has always been used as a sacred bird in their testimony and in their culture. And they have never been cited. And along comes Uncle Sam and the Fish and Wildlife. That is where you are getting a black eye. You are getting a black eye because you are not managing with people. You say you are working now with the co-management of the Commission. Now, what is your work? I noticed that there were only two votes against trying to do this that was from you. Is that what you call working together?

Mr. GUERTIN. No, Congressman, we are trying to implement these larger international treaties. We are trying to be a good partner. And on the case you are citing, our agent actually called the individual in question several times and told him both unofficially and officially that he needed to take his Craigslist post down.

Mr. YOUNG. It was a dead raven, roadkill raven. It was not shot. And your agency cites this individual that is culturally creating a mask because you can. That is the problem with your agency now. You have become the Park Service, the EPA, over-extending. And that is why you are getting a black eye. And that is why we are going to address your agency again and again and again, as long as I sit here, because you are not working with the people. This is not "deplenishing" the raven. It is not "deplenishing" the flicker. These are birds that are not being shot for this type thing.

Now, you brought the attention to it, and we are going to pass this bill. It probably will not pass the Senate. The dark hole never does anything. But we will get it done someday if you do not address this issue enthusiastically. You have the authority to do this right now executively, is that correct?

Mr. GUERTIN. We have prosecutorial discretion on how we move forward.

Mr. YOUNG. You have the authority to negotiate with the Natives, do you not?

Mr. GUERTIN. Well, Congressman, we are really sitting down with our advisors at DOJ and the Solicitor's office to make sure that this over-arching—

Mr. YOUNG. That makes me feel very comfortable, the Department of Justice. I mean that really makes me comfortable, believe me.

Mr. GUERTIN. I know, sir, we are aspiring to envision where we can come back to you next spring and give you a better status report on this situation.

Mr. YOUNG. I would make a suggestion. Do not cite anybody in my state again until we work this issue out because if you do not, we will do it legislatively because this is silly when you are using a dead bird's feather that has no value to anyone, to cite a person, an individual citizen of my state, especially when they have cultural background. That is what I want you guys to start thinking about. You are not God for God's sakes. Keep that in mind.

I yield back.

Dr. FLEMING. The gentleman yields. Mr. Southerland, the gentleman from Florida, is recognized.

Mr. SOUTHERLAND. Thank you. Mr. Guertin I wanted to ask you a question or some questions. First of all, thank you for being here today.

I am just curious, tell me about the Duck Stamp issue. I am just curious how since 1960—let me start here. What is the purpose of the Duck Stamp?

Mr. GUERTIN. The Duck Stamp program was set up in response to the decline in waterfowl species exacerbated by the larger Dust Bowl and other factors that biologically were wiping out a lot of habitat back in the 1920s and 1930s. And a group of sports people banded together and got congressional support to voluntarily step up to the plate and make strategic investments in waterfowl conservation through agreeing to buy a stamp that would allow them to—

Mr. SOUTHERLAND. OK.

Mr. GUERTIN [continuing]. Entrust resources.

Mr. SOUTHERLAND. I got it.

Mr. GUERTIN. It's a user fee kind of program.

Mr. SOUTHERLAND. So basically in common language, it was to— it was to increase duck population?

Mr. GUERTIN. The money was plowed back into buying up and restoring waterfowl nesting—

Mr. SOUTHERLAND. For the purpose of increasing duck population?

Mr. GUERTIN [continuing]. So that it would yield a larger population for bird watchers, hunters and others.

Mr. SOUTHERLAND. Just increase duck population? That is what the American people can understand.

I am looking at data that you gave that is off your Web site. In 1960, there were five million duck and geese harvested nationwide. Do you want to take—do you know how many were harvested in 2010?

Mr. GUERTIN. Probably in the 10 to 15 million overall.

Mr. SOUTHERLAND. Actually, you are off 100 percent. There were 20 million duck and geese harvested nationwide. So if we started in 1960, and, by the way, just for disclaimer, last year I hunted duck in three states with a Duck Stamp. I want to make that clear. And so I think if the purpose of the Duck Stamp was to increase duck population, and we have gone from 5 million in 1960 to 20 million in 2010, would that be effective? Would that be effective? Could we say, determine that it has been effective in increasing the duck populations?

Mr. GUERTIN. Yes.

Mr. SOUTHERLAND. Yes, OK. I am just curious, are the funds generated by this proposed increase, is it to fund existing easements or is it to purchase new easements?

Mr. GUERTIN. The legislation would authorize the use for either new easements or expanding current easements.

Mr. SOUTHERLAND. Give me a percentage? How much would be for managing existing easements? What is the percentage for purchasing new easements?

Mr. GUERTIN. Probably 60 to 40 would be a good working ratio.

Mr. SOUTHERLAND. OK, so here is my question: So when is enough enough? And how many ducks must be harvested above 20 million for you to know that you have accomplished the goal of the Duck Stamp? And let me say this, I am not in favor of 15-, 16-year-olds having to pay more for a Duck Stamp. And I am not in favor of giving you guys more land. You cannot manage what you have properly. I mean we are seeing inefficiencies everywhere in government. We cannot even harvest emails for God's sakes or track an elephant in the snow. So what I am curious is, when is enough enough?

Mr. GUERTIN. Sure, our concern from a conservation perspective is that we want to maintain what you are able to harvest and other hunters are able to harvest.

Mr. SOUTHERLAND. OK, so based on that, and we are harvesting 20 million ducks, which is by your own admission, that is good. Why would we not say that every dollar in this increase would maintain the existing easements rather than trying to purchase more?

Mr. GUERTIN. Because a lot of these species may be moving where they are nesting and rearing. A lot of the current—

Mr. SOUTHERLAND. But you all do not allow that to happen. I mean you all—

Mr. GUERTIN. Well, sir, there is a lot of development pressure—

Mr. SOUTHERLAND. So you are saying that the wood ducks are going to migrate somewhere where we are not currently managing?

Mr. GUERTIN. We are going to use probably the hen mallard and a lot of the species up in the—

Mr. SOUTHERLAND. Like Teal?

Mr. GUERTIN [continuing]. Grasslands that—yes, that are nesting up there. There is just a lot of pressure on that land.

Mr. SOUTHERLAND. And so you are saying they are going to go somewhere else that they have gone for hundreds and hundreds and thousands of years?

Mr. GUERTIN. Some of them being squeezed out of those traditional nesting grounds.

Mr. SOUTHERLAND. Well, let me give you an example, a practical example. This past year in Henderson, Louisiana, I harvested a banded Teal, a banded Teal. He was banded 13 years ago in North Dakota. That duck, and ducks like it, are going from North Dakota to Louisiana every year. And if you are trying to convince me that that duck may one day just say, you know what, I think I want to go Arizona.

Mr. GUERTIN. They are not going to go to Arizona, Congressman.

Mr. SOUTHERLAND. No, they are not. They are not. So my point is why would we not use the dollars to manage what we have because it is effective? By your own numbers, you state they go from 5 million in harvesting to 20 million.

Mr. GUERTIN. True. Again, the concern is that these traditional nesting grounds are under a lot of pressure and the more agriculture conversion, the more land is lost through nesting and rearing habitat, we may not be able to see those kinds of populations and that kind of harvest in the future. It is an opportunity lost for us.

Mr. SOUTHERLAND. I yield back.

Dr. FLEMING. OK, the gentleman's time has expired. Mr. Gosar is now recognized.

Dr. GOSAR. You know, Mr. Chairman, I only wish that we would have started this hearing by putting the witnesses under oath. I am getting a little bit tired of bureaucrats and their two-talk.

Deputy Director Guertin, you testified that, and I quote, "Our hope is that by engaging in a transparent and open dialog with the subcommittee"——

Dr. FLEMING. I do not think the gentleman's microphone is on or close enough to you, we are not hearing you. Try that again.

Dr. GOSAR. I will start my quote all over again. "Our hope is that by engaging in a transparent and open dialog with this subcommittee and others in Congress, our partners and stakeholders, we can chart a unified course forward for the National Fish Hatchery System."

Wow, that is a fish whopper. First, the Fish and Wildlife Service did not consult with the state prior to establishing the new profiles in November 2013's report. Second, David Hoskins from the Fish and Wildlife Service testified before this very subcommittee in March and failed to tell the subcommittee that as many 13 recreation fishing propagation programs had already been terminated.

How many, now listen carefully because I do not want you to misunderstand this, how many do you plan to terminate in Fiscal Year 2015, not 2014, 2015?

Mr. GUERTIN. Congressman, I do not believe, and we will provide clarification for the record for you in detail so you believe us, I do not believe we have made any proposal at this point to put any on the chopping block so to speak. We are instead going to work through this stakeholder process over the coming year before we implement the 2015 year plan. And we would be glad to sit down with you in detail.

Dr. GOSAR. I am going to cut you off because I have lots, lots of questions for you. I mean the way that you answered your question about termination was very, very cleverly crafted because you have actually terminated a bunch in 2013. In 2014, you may not have because all of a sudden we have had such a spirited debate coming out of Arizona in regards to this.

But, Mr. Chairman, I would like to hold Exhibit 1 here. Chairman Fleming, I would like to make this for the record.

Dr. FLEMING. Without objection, so ordered.

[The document submitted for the record by Dr. Gosar titled Exhibit 1 follows:]

EXHIBIT 1**Recreational Propagation Programs Terminated**

(1). Bears Bluff NFH	South Carolina
Cobia	10 percent of production at hatchery \$29,176 Total Operations and Maintenance Terminated Summer of 2012 because of lack of funding and genetic issues.
(2). Edenton NFH	North Carolina
Largemouth Bass	Terminate in 2012. It was a one-time program because of Hurricane Irene.
Bluegill	Terminated in August 2013. Lack of Funding. \$7,468 Total Operations and Maintenance
(3). Mammoth Spring NFH	Arkansas
Smallmouth Bass	5 percent of production - \$14,672
Walleye	15 percent of production - \$66,112 Terminated Spring 2013 Lack of Funding
(4). Neosho NFH	Missouri
Rainbow Trout	The program to provide nonnative mitigation rainbow trout for state and tribal interests was terminated in Summer 2012.
Walleye Fry	One time program for State of Missouri
(5). Orangeburg NFH	South Carolina
Largemouth Bass	Terminated in 2014
Bluegill	Terminated in 2010
(6). Private John Allen NFH	Mississippi
Largemouth Bass	These species were terminated in October 2013
Bluegill	Lack of Funding, Represented 10% of
Redear Sunfish	Production \$25,873 Total Operations and
Channel Catfish	Maintenance

Notes:

Private John Allen NFH—"To the economy of the state of Mississippi where Pvt John Allen NFH stocks its half million plus fish each year, a whopping \$714,000 is infused each year. That includes more than \$369,000 in retail sales, \$54,000 in taxes generated, and the creation of 8 jobs with salary and wages of \$171,300. National Fish Hatchery System stocked recreational warm water fish contributed 11,025 angler days to the State of Mississippi."

A 2011 study by the U.S. Fish and Wildlife Service found that the annual economic benefit of the National Fish Hatchery System was approximately \$3.6 billion which would represent a cost-benefit of 1:26. The system provides jobs to 68,000 Americans and for every tax dollar invested, there is a return of \$28 to our national economy because of the sport fishing opportunities they provide.

Dr. GOSAR. Yes, there are a number of them. When I look at this list, this actually not only comes from your office but let's go back into the answers to the questions that were submitted to you.

"How many of the stocking programs throughout the United States have been terminated in the last 12 months? Please provide a complete list of these propagation programs and the reasons why they are no longer producing fish."

So, once again, being asked questions over and over again, we are getting two different remarks. And that is not tolerated. And when you start citing the DOJ, well, I can tell you right now I have very little respect for what is happening in the DOJ.

Mr. Guertin, was there a public comment period prior to changing the priorities with the propagation program within the release of the November report? Yes or no?

Mr. GUERTIN. No.

Dr. GOSAR. So here in my introduction you actually said that you want to have this confident dialog with Congress and members of communities and yet you produce this report without even a comment. Shame on you. Absolutely shame on you. That is why the public does not trust bureaucrats like yourself. That is exactly the problem here.

By the Fish and Wildlife Service's own estimates, the National Fish Hatchery System returns \$28 to the national economy for every dollar spent and \$3.6 billion to our economy annually. Does the Service consider the impacts to local economies before terminating recreation fishing propagation programs?

Mr. GUERTIN. Under the vision in the report, the Service put on the table—

Dr. GOSAR. Yes or no? I mean yes or no? You either do or you do not.

Mr. GUERTIN. It did not.

Dr. GOSAR. You did not?

Mr. GUERTIN. It did not.

Dr. GOSAR. Why would you not?

Mr. GUERTIN. We approached it from a biological perspective and from—

Dr. GOSAR. Well, wait a minute. Wait a minute. Biological program? Once again, you are interpreting your own systematic venue here. You are not talking to the communities of reference that have enjoyed these hatcheries, this recreation and this industry for years. Who are you to tell them no? Please tell me? Tell me who you are?

Mr. GUERTIN. Congressman, I would say that this was probably not our finest hour as an organization and our pledge to you going forward is that we need to rebuild trust and confidence with you and other elected officials.

Dr. GOSAR. Well, you know it is getting a little old between the IRS and the Department of the Interior and now the Fish and Wildlife Service. You know, trust is a series of promises kept, and there is no trust whatsoever.

My friend, Don Young, and everybody sitting up here hears this rhetoric coming from you over and over and over again. I have two witnesses from my home state that are just, every time something happens with this administration, it comes over to Arizona and

pokes us in the eye. I am getting a little sick and tired of it. And that is why I wish we would have put you under oath.

My time has expired.

Dr. FLEMING. The gentleman's time has expired. Mr. Crawford, the gentleman from Arkansas, is now recognized.

Mr. CRAWFORD. Thank you, Mr. Chairman. I appreciate you allowing me to participate.

This hatcheries deal is very sensitive to me. We have two hatcheries in my district, Norfolk and Greer's Ferry. And I have always had an admiration for fly fishermen and became one myself as a result of getting very familiar and acquainted with the operation of these two hatcheries. And I am not sure if you are aware but these two hatcheries, just the two of them, in my district account for 1,700 jobs, \$5 million in state and local tax revenue, \$5.5 million in Federal tax revenue. All of it on a budget for the two of them less than \$2 million.

So my question is, and you have answered it, but, you know, again, I want folks at home to know that I have asked you this question, and I have gotten an answer: Does the Fish and Wildlife Service consider the devastating economic impacts before making a decision to shutdown a hatchery or fundamentally change their propagation? Not only are we seeing the threat of closure looming over. Every year I get a phone call, every year, people—not the hatcheries, they are not the ones calling, it is the local folks that are concerned that these hatcheries are going to be shut down. It is groups that have come together, Friends of Norfolk, because they are concerned, how do we continue to fight this battle with the Federal Government. They have no confidence.

And then folks that work there are under this continual specter of termination, is my job going to be here when I come to work tomorrow? It is just ridiculous.

And, again, I would just like to get some clarification. Is any consideration of the economic impact to the local community given as you set out your priorities on pages 8 and 9 of the recently released Strategic Hatchery and Workforce Planning Report?

Mr. GUERTIN. No, Congressman, it was not included as one of the factors in that draft vision document.

Mr. CRAWFORD. That is entirely unacceptable, entirely unacceptable. You have folks that are directly employed there and obviously the ripple effects of these hatcheries, it is going to be devastating to our local economy certainly but would certainly have a drastic impact on our state. My colleague, Mr. Gosar, has illustrated that in some detail.

Just for the record, on March 4, Assistant Director David Hoskins testified before this subcommittee and said the report is not a decision document. It offers options and recommendations. I understand Mr. Hoskins was new to the position in March, but why was this committee not told on that day that 13 of the 70 propagation programs had already been terminated? Why this secrecy? Why do you not communicate with this committee?

Mr. GUERTIN. Well, Congressman, again, this was viewed as a draft strategic plan to start engaging the stakeholders. No decisions—

Mr. CRAWFORD. Draft plan?

Mr. GUERTIN [continuing]. Were made.

Mr. CRAWFORD. It sounds like you were working right off that draft plan to go ahead and implement without any congressional oversight or counsel.

Mr. GUERTIN. Well, sure, but we have not actually implemented any of the recommendations in that larger vision document. They have been put out there. And, as I told your colleague, our pledge to you is we hear you loud and clear. And going forward, all we can say is we will redouble our efforts to come back up and sit down with you and the other leaders and your staffs to work you through our version of the world.

Mr. CRAWFORD. OK, let me just say this. I go to those hatcheries in my district, and I look them right in the eye and I talk to them. And they are concerned. The folks that are working there, Fish and Wildlife employees, the surrounding community, they are concerned. Has anybody in Washington left the beltway and visited those hatcheries and looked them in the eye and said, "Here is the plan. We are going to go ahead and shut you down, and we are going to go ahead and deal a devastating blow to the local economy. Have a nice day"?

Mr. GUERTIN. Before coming here last summer, I served as a regional director for our mountain prairie region and made it a practice on a weekly basis to go out in our field stations, visit all of our employees. My geography did not include the states you gentlemen represent but it was Montana, Wyoming and others. Certainly all of our leaders are out there meeting the employees, the partners and others. Personally, now that I am in Washington, my 700 employees are here in the Washington area. That is my area of focus now. But current leaders in the hatchery program, the regional directors and others are certainly out there looking folks in the eye. And we have folks at the Western Association right now.

Mr. CRAWFORD. OK, real quick, I have 20 seconds left here. The Fiscal Year 2015 Interior appropriations bill increased funding of the hatchery program by \$9 million. Will that be enough to keep the remaining propagation programs fully operating next year, yes or no?

Mr. GUERTIN. Yes.

Mr. CRAWFORD. Do you intend to restart some of those that have already been terminated, yes or no?

Mr. GUERTIN. Off the top of my head, I do not know, Congressman. I apologize.

Mr. CRAWFORD. I will take that as a no, and we will be following up with that. And my time has expired. Thank you, Mr. Chairman.

Dr. FLEMING. The gentleman yields back. Mr. Fincher is recognized for 5 minutes.

Mr. FINCHER. Thank you, Mr. Chairman. And I just want to tell the chairman I appreciate him allowing us to testify today and ask questions and the committee staff and all the work that they have been able to do.

You know, Mr. Guertin, I listened to your testimony today, and a lot of us from rural America appreciate the job that Fish and Wildlife does for the most part and is trying to do. And as my colleague, Mr. Southerland, talked about being an avid hunter, I am as well and have two boys and a lot of family members that do.

I guess the root of the problem here is, I go home one weekend and Randy Cook, our Fish and Wildlife guy from my district presents me a map with the expansion of the Hatchie Wildlife Refuge's new boundaries, proposed boundaries. And I was looking at the development of the proposal and a public process during which we reach out to state agencies, local communities, congressional offices and partners to help shape the plan. And I guess the problem from day one has been it was a slap in the face not only to me, and I remind myself everyday and every weekend when I go home, whom I work for. I do not work for Washington. I do not work for the Speaker or the President or Fish and Wildlife. I work for my folks in my district. And not only me but my constituents, my folks were just—I mean my phones blew up over the course of a few weeks and months there from not having any input in this process. And I guess it is the perception that the private sector is getting that it looks like these agencies are just railroading the folks.

So there is much to be done. I think our bill today, H.R. 3409, is a step in the right direction to give Congress the authority before any of these refuges are expanded, that we can have a say because of incidents like this. Look, we are not wanting to harm the environment or harm the wildlife. We are wanting to make it better—I am a farmer—and make it better for future generations.

A couple of questions. Can you explain the public's role in drafting an expansion proposal?

Mr. GUERTIN. Yes, Congressman. What we do is float a trial balloon so to speak with a land protection plan where we have looked at key habitats based on priority species, our belief that we need those for priority conservation measures. We then initiate a very robust and transparent public planning process, which would include outreach and public forums, open houses, visits to landowners, ranchers, county commissioners, elected officials at the local, state and—

Mr. FINCHER. Was it unusual for Randy Cook to present me with a map of the new boundaries with them already being drawn without talking about this with our office or other offices? And, look, we had meetings after this happened, folks. And these meetings were packed, running over with people, every one of them saying, "We do not want this. We do not want this. What is happening? Explain this."

Mr. GUERTIN. I cannot speak to the specifics of your encounter but arguably the map that was presented to you and other elected officials and the public would have just been a draft schematic of a vision and not a decision document. I have been involved in a few of these refuge expansions or creations myself in my former leadership role, and we painstakingly did a lot of partnership building, town and county meetings, outreach communication. And in many cases, there was no public support or interest and the Service abandoned the proposal then and there. In others, if there was a common ground for a vision for conservation, we would pursue it and finalize it.

Mr. FINCHER. Well what scares me, Mr. Guertin, is when all of this started and we were running into a brick wall it seemed, we had an oversight hearing, and then after that hearing, it seemed like things started becoming more clear for Fish and Wildlife and

all of the partners that were operating in this realm. And the next thing we know, they had canceled the expansion.

In closing, maybe the process of how this—and Mr. Ashe and I have talked about this, in communicating with the folks at home, communicating with Members of Congress, maybe this can be better going forward.

But Congress, again, our bill I think is a step in the right direction. It gives us some authority before these decisions are made. And I appreciate your time.

With that, I yield back, Mr. Chairman.

Dr. FLEMING. The gentleman yields back. We do not have time to do a full second round, but I will open the dais up. I think Mr. Gosar has one other question?

Dr. GOSAR. I do, Mr. Chairman.

Dr. FLEMING. OK, why don't you—let's see, then in that case—OK, I will recognize Mr. Gosar for his one question, and then we will go to Mr. Sablan.

Dr. GOSAR. It is about three subsets of one question, is that OK?

Dr. FLEMING. Yes, go ahead.

Dr. GOSAR. You know, in our dialog right before, you said that the Service does not consider jobs. So the 1,700 jobs in Mohave County and the \$75 million in economic output associated with the Willow Beach Hatchery that is now in jeopardy are a result of terminating the trout stocking program and the annual production of \$150,000 worth of rainbow trout, that just does not matter to the U.S. Fish and Wildlife Service?

Mr. GUERTIN. Well, certainly it matters. These are jobs for our fellow citizens.

Dr. GOSAR. But wait a minute, you said it does not matter. Earlier you testified that it just is never put into the equation.

Mr. GUERTIN. Well, may I clarify, sir? What we were talking about is we put out a draft blueprint to manage the National Fish Hatchery System. The matrix of decisions, recommendations that we include in there, because no decisions were made yet, did not factor into the economic impact as one of our criteria. We looked at biological outcomes instead. And you are pointing out, and the leaders are, maybe Fish and Wildlife Service, you guys have it all wrong, you should be factoring in some economic impact to your decision as well. I cannot go back—

Dr. GOSAR. That would be really nice if it was really something true. It is not because you are taking it right off of—your litany off this playbook. And you are not engaging the state wildlife services, game and fish, you are not dialoging with the state stakeholders, local municipalities. So that is a bunch of crap. Four thousand jobs, \$60 million in payroll, does the Fish and Wildlife Service once again consider these figures before terminating the rainbow trout stocking programs?

Mr. GUERTIN. If we could use the report as it is currently written, it would not be one of the factors.

Dr. GOSAR. Yes or no?

Mr. GUERTIN. No.

Dr. GOSAR. No. Boy, I mean this is just—this is absurd to me. The Fish and Wildlife Service stated in a letter to this subcommittee sent on May 30, 2014 that the reason for terminating

the rainbow trout stocking program at the time was that the agency did not have \$1.5 to \$8.5 million to repair a broken water line and to keep the trout stocking program holding. I would like to put Exhibit 2 into the record.

Recent engineering reports indicate that these estimates were a gross exaggeration, and the broken water line would only cost \$100,000 to fix. If the water, now, let's listen very carefully, if the water supply line is fixed, does the Fish and Wildlife Service plan to reinstate the trout propagation program at Willow Beach Hatchery?

Mr. GUERTIN. I believe we would, yes.

Dr. GOSAR. Whew, great. I am liking that. We want to make it a little more certain. The answer should be yes, totally.

In your testimony, you dismissed one aspect of my bill and say, "As announced in November, we do not intend to close any hatcheries in Fiscal Year 2014." You fail to mention that 113-6, enacted by the Congress, prevents such closures. Are you aware of that?

Mr. GUERTIN. Yes, I am, Congressman.

Dr. GOSAR. Did the Fish and Wildlife Service even discuss closing fish hatcheries in Fiscal Year 2014 prior to the release of the November 13 report with Congress?

Mr. GUERTIN. Internally, there were some conversations but we did not publicly announce it.

Dr. GOSAR. Well, I want to make sure you understand the law.

Mr. GUERTIN. Oh, yes, we do, Mr. Congressman.

Dr. GOSAR. So we've got a problem here, right? Yes or no?

Mr. GUERTIN. Yes.

Dr. GOSAR. We violated the law. Yes or no?

Mr. GUERTIN. If we had closed one, yes.

Dr. GOSAR. You closed them prior to 2014, right, 2013?

Mr. GUERTIN. I am not aware of us unilaterally closing a single—

Dr. GOSAR. We are going to go a little further here.

Mr. GUERTIN [continuing]. Field station, Congressman.

Dr. GOSAR. If there was not, then why did Congressman Scott Tipton feel compelled to write Dan Ashe a lengthy letter on September 9, 2013 and state in part, "I am told that based on a review of the propagation hatcheries within NFHS, that there will likely be some closures of hatcheries nationwide. I would strongly urge you to keep the Leadville National Fish Hatchery open."

Media reports also indicate that there will likely be hatchery closings, correct?

Mr. GUERTIN. That is a—and I am not trying to give you an indirect answer, but that is a complicated question to answer.

Dr. GOSAR. No, no, if we are going to close hatcheries, you have to come talk to us.

Mr. GUERTIN. Under this current appropriation law, yes, we do.

Dr. GOSAR. And so everything that you have told us, I mean you do not take into consideration economies, you are supposed to be talking to stakeholders, you do not do that, why would I even—why would we trust you?

Mr. GUERTIN. Congressman, we clearly are off to a very bad start with you. And all I can pledge is going forward, we will redouble our—

Dr. GOSAR. It is not just with me. You are on a bad footing with a lot of people.

Mr. GUERTIN. I understand. We can do a better job, and we will. And we would appreciate your giving us that opportunity to come back and re-earn that trust and credibility with you and the other elected members here.

Dr. GOSAR. Well, I want you to turn to your left, and I want to turn to right behind you to two people that you better be very familiar with, Chairman Mansell and Chairman Angius. I want you to make sure that those people are on your speed dial.

Mr. GUERTIN. Yes, Congressman.

Dr. GOSAR. Chairman, I yield back.

Mr. GUERTIN. I met Mr. Mansell at a WAFA meeting previously in the West.

Dr. FLEMING. The gentleman yields back. Mr. Gosar, do you have something to submit to the record?

Dr. GOSAR. Yes, I have a number of exhibits that I want to make sure that are included for the record.

Dr. FLEMING. OK. Without objection, they are accepted.

[The documents submitted for the record by Dr. Gosar titled Exhibit 2 through Exhibit 6 follow:]

EXHIBIT 2

(21). It is my understanding that the Service has told the affected communities that they stopped rainbow trout production because of a broken hatchery pipe. What is the cost to replace this pipe and how long would it take to get this production back on line?

The Service requested contractor bids in 2012 for repair of the existing pipeline. Even without a system to remove quagga mussels from the river water, contractor bids ranged from \$1.37 to \$2.43 million to repair the existing pipeline.

The Service developed an engineering estimate in 2011 to construct a system to deliver clean water from the river in sufficient quantities to rear both the endangered species and the trout. That estimate totaled \$8.46 million, with a significant increase in operational costs to then maintain the new delivery and treatment systems.

The Service lacks sufficient funding in both our Construction and Hatchery Deferred Maintenance accounts to repair or replace the existing pipeline or to construct a new system.

(22). How many other stocking programs throughout the United States have been terminated in the last twelve months? Please provide a complete list of those propagation programs and the reasons they are no longer producing fish.

In Region 3, the Service discontinued two propagation programs at Neosho NFH (MO): (1) rainbow trout that were surplus to our mitigation needs; and (2) rearing of walleye fry obtained from the Missouri Department of Conservation, an in-kind exchange program that last produced fish in 2008

In Region 4, the Service discontinued several lower priority propagation programs at the following hatcheries: cobia at Bears Bluff NFH (SC); largemouth bass and bluegill at Edenton NFH (NC); smallmouth bass and walleye at Mammoth Spring NFH (AR); largemouth bass at Natchitoches NFH (LA); largemouth bass and bluegill at Orangeburg NFH (SC); and largemouth bass, bluegill, redear sunfish, and channel catfish at Private John Allen NFH (MS).

EXHIBIT 3**Willow Beach National Fish Hatchery
From the Fish and Wildlife's Website**

http://www.fws.gov/Southwest/fisheries/willow_beach/index.html

Willow Beach National Fish Hatchery is located on the Arizona side of the Colorado River eleven miles below Hoover Dam, within Lake Mead National Recreation Area. The hatchery works with two endangered species, bonytail chub and razorback sucker, and one candidate species, the relict leopard frog.

Achii Hanyo Native Fish Rearing Facility, a satellite facility for Willow Beach National Fish Hatchery is located on lands of the Colorado River Indian Tribes (CRIT), approximately five miles southwest of the town of Parker, Arizona. The primary focus of this facility is to raise the endangered bonytail chub and razorback sucker.

History

Willow Beach National Fish Hatchery was established by a Memorandum of Understanding between the Bureau of Reclamation, National Park Service and the U.S. Fish & Wildlife Service on April 24, 1959. Construction began on Willow Beach National Fish Hatchery in 1959 and the first fish were stocked in 1962. The hatchery was established to use the cold water released from Hoover Dam to raise rainbow trout for sport fishing.

Historically, Willow Beach stocked rainbow trout from Lake Powell to Yuma, Arizona. Shortly after the Endangered Species Act was enacted in 1973 the hatchery began working with threatened and endangered fish native to the Colorado River. In the past the hatchery has worked with the endangered Colorado pikeminnow and humpback chub.

As of 2014 the hatchery will no longer be raising rainbow trout and will focus on work with the endangered bonytail chub and razorback suckers in partnership with the Bureau of Reclamation and the states of California, Nevada and Arizona as part of the Lower Colorado River Multi-Species Conservation Program. We also work with the relict leopard frog by providing short term grow out facilities before releasing the species into areas where populations are being developed.

In 1996 a Memorandum of Understanding was signed with the CRIT to renovate and dedicate a former commercial aquaculture facility to the rearing and production of the endangered razorback suckers and bonytail chubs, which is now known as the Achii Hanyo Native Fish Rearing Facility. Fish culture operations began in 1998.

EXHIBIT 4

September 10, 2013

Scott Tipton press release

In a letter to USFWS Director Daniel Ashe sent yesterday, Tipton wrote:

Director Daniel M. Ashe
U.S. Fish and Wildlife Service
U.S. Department of the Interior

Dear Director Ashe:

It has come to my attention that sometime in the next few months, the US Fish and Wildlife Service (USFWS) will publish its strategic plan for the future of the National Fish Hatchery System (NFHS). I am told that based on the review of propagation hatcheries within the NFHS, there will likely be some closures of hatcheries nationwide.

We all recognize the current fiscal challenges our nation faces, but prudent, economical uses of our resources in viable fish hatchery operations can have significant benefits for our local and national economies as well assist with increasing the supply of fish for our inland waters.

One such example that I believe meets this definition is the Leadville National Fish Hatchery which opened in 1889 and is the second oldest federal hatchery in the nation. The hatchery continues to provide a valuable service for sportsmen and women throughout the country and eggs from this hatchery has even lead to some successes in repopulating fish abroad. Locally, the Leadville Hatchery has certain projects that assist with the recovery of endangered species. Furthermore, the hatchery is an important tourism attraction and visitors are able to learn about "farm fishing" as well as participate in hikes, picnics, snow shoeing and cross-country skiing in the surrounding areas around the hatchery.

As such, I would strongly urge you to keep the Leadville National Fish Hatchery open.

Thank you for taking time to consider my comments. Moving forward please let me know if you have questions or need any additional information.

Sincerely,

Scott Tipton
Member of Congress

EXHIBIT 5

<http://www.fws.gov/news/ShowNews.cfm?ID=5D0344A9-A2BD-B6DB-CA74C6A63F30B70D>
U.S. Fish & Wildlife Service Announces No Fish Hatchery Closures This Year, Issues Report
Highlighting Ongoing Budget Challenges
Agency to Work with Stakeholders to Put System on More Sustainable Footing

November 15, 2013

Contacts:

Laury Parramore

Laury_Parramore@fws.gov

(703) 358-2541

cell: (703) 589-6947

The U.S. Fish and Wildlife Service (Service) today announced that it does not intend to close any of the nation's national fish hatcheries in the current fiscal year, but warned that closures may be necessary in FY 2015 given fiscal uncertainty and growing operations costs. The Service released a report today examining the challenges facing the Service's National Fish Hatchery System (NFHS), which will serve as the basis of discussions with stakeholders on how best to operate the system in a more sustainable manner while supporting the agency's highest fish and aquatic conservation priorities.

"This report sounds the alarm on a hatchery system unable to meet its mission responsibilities in the current budget climate," said Service Director Dan Ashe. "In the coming months through the 2015 budget process, I have directed the Service to work with all of our partners to determine whether the options identified in the report, or others, are necessary and appropriate to put the system on a more sustainable financial footing."

Director Ashe added that the agency intends to take immediate actions to prevent imminent closures, but noted that additional actions may be necessary to address long-term funding shortfalls.

"We are putting a Band-Aid on the hatchery system. Unless we can find a way to cover costs in a more sustainable fashion, the system will eventually need surgery," said Ashe. "The challenges we are facing are not new; however, we have reached the point where – in the absence of long-term solutions – we will have no option but to make tough choices to bring expense in line with actual revenues."

National fish hatchery operations have been greatly impacted by sequestration, which reduced the NFHS budget, in the face of increasing operations costs. If sequestration continues into FY 2014, the Service will have lost close to \$6 million in appropriations for hatchery operations funding since FY 2012, while operations costs have continued to rise. In response, the Service in the fall of 2012 launched a comprehensive review of the 70 fish and aquatic species propagation hatcheries to ensure it will be positioned to address highest priority aquatic resource needs now and into the future while working within its budget limitations.

The National Fish Hatchery System: Strategic Hatchery and Workforce Planning Report

outlines the current propagation programs as well as problems associated with sustaining operation of the NFHS in its current configuration, and suggests possible changes to how the system could be managed under several different scenarios. The report identifies the NFHS's focus on five priorities for fish and aquatic species propagation, including: recovery of species federally listed as threatened or endangered; restoration of imperiled aquatic species; tribal trust responsibilities; other propagation programs for native species; and other propagation programs for non-native species.

The Service will use the analysis to engage stakeholders in a discussion of the future of the NFHS. The Service is also working with the U.S. Corps of Engineers, Bureau of Reclamation, Bonneville Power Administration and Tennessee Valley Authority and has put in place agreements to provide reimbursable funds for the operational costs associated with mitigation fish production on streams and rivers impacted by federal water resources projects. Congress supported these steps, in recognition that the Service can no longer fund the production of fish for mitigation of federal water resources projects within its current budget.

The report can be found at:

<http://www.fws.gov/home/feature/2013/pdf/NFHSReviewCoverPageandReport.pdf>

The appendices can be found at:

<http://www.fws.gov/home/feature/2013/pdf/NFHSReportAppendices.pdf>

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals, and commitment to public service. For more information on our work and the people who make it happen, visit www.fws.gov.

For more information on our work and the people who make it happen, visit <http://www.fws.gov/>. Connect with our [Facebook page](#), follow our [tweets](#), watch our [YouTube Channel](#) and download photos from our [Flickr page](#).

EXHIBIT 6



Dr. FLEMING. The Chair now recognizes Mr. Sablan.

Mr. SABLAN. Thank you, Mr. Chairman. I do not have any questions. I would just like to take notice that I very much appreciate Mr. Gosar and Mr. Crawford actually voicing their support for the economic stimulus the hatchery system provides. It appears that we are coming to an agreement that direct government spending can actually create jobs and grow this economy. I just have to note, I cannot help myself, I just took notice of it. And I yield back my time, Mr. Chairman.

Dr. GOSAR. Will the gentleman yield?

Dr. FLEMING. Well, let's move along because we have an entire other panel to get to. So I would ask—I would thank our two witnesses or, Mr. Guertin, I believe you are not in our second panel, I do not believe. Is he?

Mr. GUERTIN. No, Mr. Chairman.

Dr. FLEMING. At either one? So we will go ahead and excuse both of our witnesses from the first panel and ask our next panel to move forward.

We are now ready for our second panel, which includes the Honorable Hildy Angius, Chairman, Mohave County Board of Supervisors; Ms. Jacqueline Pata. Pata or Pata?

Ms. PATA. Pata.

Dr. FLEMING. Pata, Vice Chair, Sealaska Corporation; Mr. Paul Schmidt, Chief Conservation Officer, Ducks Unlimited; and Mr. Martin Clifford Cornell III, Grant Administrator and member of the board of the Friends of Brazoria Wildlife Refuges.

Your written testimony will appear in full in the hearing record, so I ask that you keep your oral statements to 5 minutes, as out-

lined in our invitation letter to you and under Committee Rule 4(a).

Our microphones are not automatic, so please press the button when you are ready to begin. And, as you understand, we have a problem, witnesses oftentimes and even members sometimes do not get close enough to the microphone. And also your testimony will be 5 minutes. You will be under a green light for 4, yellow light for 1 and then when it turns red, please go ahead and conclude your statement. It will be submitted in its entirety for the record.

Chairman Angius, you are now recognized for 5 minutes. Mr. Gosar—Dr. Gosar, would like to do an introduction.

Dr. GOSAR. Thank you, Mr. Chairman. It is my honor to introduce my friend and the chairwoman for the Mohave County Board of Supervisors, Hildy Angius. Hildy, it is great to see you, and I sincerely appreciate your leadership on this important issue. You have been there from the very beginning.

Chairman Angius was elected to the Mohave County Board of Supervisors in 2012 and represents Bullhead City, Arizona. Ms. Angius is a former small business owner and managed significant budgets in her previous roles as marketing manager for Kokusai Wireless technology, marketing manager for LG Wireless and public relations manager for the Cable Television Advertising Bureau.

She is passionate about her community and has also served as president of her homeowner's association, as well as several other local organizations.

Hildy testified before the House Appropriations Committee in April about the importance of preserving recreational fishing propagation programs and her testimony was a big part of the reason why the House took a strong position in favor of recreational fishing in the 2015 Interior and Environmental appropriations bill.

Chairman Angius, anglers throughout the country should be grateful for all your efforts. And I really appreciate you making a secondary trip back to Washington, DC, just do not drink the water.

You may begin your testimony.

**STATEMENT OF THE HON. HILDY ANGIUS, CHAIRMAN,
MOHAVE COUNTY BOARD OF SUPERVISORS**

Ms. ANGIUS. Thank you very much. Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide this testimony. My name is Hildy Angius, and I am the chairman of the Mohave County Board of Supervisors for Mohave County, Arizona. I provide this testimony on behalf of the more than 200,000 citizens of Mohave County, which is the fifth largest county by square miles in the United States.

Mohave County unequivocally supports the Fish Hatchery Protection Act, and we thank Representative Gosar for introducing such a critically important piece of legislation. Now, this is the second time this year I have traveled across the country to testify before a House subcommittee about the National Fish Hatchery System, specifically about the Willow Beach National Fish Hatchery.

The Willow Beach National Hatchery has been a critical component of Mohave County's economy since it was established in

1962. It was established to raise rainbow trout for release into the Lower Colorado River system to offset the massive impacts to local fisheries caused by the construction and operation of the Hoover Dam and related water resource management projects.

The hatchery is located along the Colorado River near the border of Nevada and Arizona within Mohave County and the Lake Mead National Recreation Area. It helps support recreational sport fishing and tourism throughout the region. Those industries make up over 30 percent of Mohave County's economy. In fact, according to a study prepared for the Arizona Department of Fish and Game, recreational fishing within Mohave County in 2001 alone contributed \$74.5 million to the local economy and supported approximately 1,682 jobs, numbers that we believe have remained the same or increased since that time.

The Willow Beach facility is, or at least was until this year, a significant piece of that economic activity because it releases thousands of rainbow trout each year into our region's waters. The trout is an iconic species that attracts recreational anglers to our county from all over the country. In fact, it would be hard to imagine a more effective Federal stimulus program for our region, as pointed out.

But yet on November 24, 2013, Mohave County learned that the U.S. Fish and Wildlife Service was terminating the rainbow trout propagation program at the Willow Beach Hatchery. The Service claimed that it lacked sufficient funds to prepare a broken water line that delivers water from Lake Mohave to the trout ponds at the hatchery. The Service has known since 2010 that its water delivery system was in need of maintenance, but it failed to take corrective measures. My county is now suffering because of that failure. In fact, the Service's incompetence in managing the water delivery system resulted in the deaths of over 60,000 fish last year. That tragedy was completely avoidable.

Now, the Service is claiming that it has no choice but to eliminate the entire trout program because it cannot afford to fix a pipe. We seriously doubt those claims, particularly because the Service's estimates for repairing the pipe are more than 10 times higher than the detailed estimates prepared by Mohave County engineers.

The Service will tell you that they are not shutting down the Willow Beach Hatchery. Well, that is true. But going forward they will spend all available funding on raising bonytail chubs and razorback suckers for release into the Colorado River using an alternative water supply.

While Endangered Species recovery efforts are obviously worthwhile, Mohave County has been struggling to understand where the Service gets its authority to unilaterally alter the fundamental purpose of a national mitigation fish hatchery that has operated for more than half a century. Nor has the agency explained how it prioritizes maintenance projects throughout the fish hatchery system or why it lacks sufficient funds to support the Willow Beach program. The reason we fear is because the Service is getting out of the sport and recreation fish hatchery business altogether.

At the same time that Mohave County learned about the Service's decision to terminate trout operations at Willow Beach, and we learned that through the news media I want to add, we

also learned about a new strategy that the Service had developed early in 2013 without any public or stakeholder participation for the entire National Fish Hatchery System. The new strategy clearly prioritizes the use of the Nation's fish hatcheries for threatened and endangered species recovery efforts and calls for the Service to dramatically curtail hatchery operations that support recreation and sport fishing.

That is why Mohave County fully supports the Fish Hatchery Protection Act. We believe that Congress should establish the goals and priorities for the National Fish Hatchery System. The unelected executive agency charged with this administration should not be able to unilaterally walk away from commitments the Federal Government made decades ago. That type of dramatic shift in operational strategy should not be made without congressional oversight and public and stakeholder participation.

H.R. 5026 will ensure that Congress maintains that authority. We implore this subcommittee to move this important piece of legislation forward and protect the economy of Mohave County and counties like it all over the country that benefit from the economic power of our Nation's national mitigation fish hatcheries.

Thank you very much, Mr. Chairman, Congressman Gosar, members of the subcommittee, for giving me the opportunity to testify today on behalf of the citizens of Mohave County. We appreciate your time and consideration. And I will be happy to answer any questions you may have.

[The prepared statement of Ms. Angius follows:]

PREPARED STATEMENT OF HILDY ANGIUS, CHAIRMAN, MOHAVE COUNTY BOARD OF SUPERVISORS, MOHAVE COUNTY, ARIZONA ON H.R. 5026

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide this testimony. I am Hildy Angius, Chairman of the Mohave County Board of Supervisors for Mohave County, Arizona. I provide this testimony on behalf of the citizens of Mohave County.

Mohave County fully supports H.R. 5026—the Fish Hatchery Protection Act—because it addresses a fundamental concern the County has with the U.S. Fish and Wildlife Service's ("USFWS") operation and management of the National Fish Hatchery System. We believe that the USFWS is no longer committed to operating the National Fish Hatchery System to offset the devastating impacts to our Nation's recreational sport fisheries caused by the development of Federal water resource management projects. Many of our national fish hatcheries were established decades ago to ensure that recreational fishing opportunities in our Nation's waters were not eliminated by those projects. These hatcheries provide immense economic and environmental benefits to the regions in which they are located, including many rural areas—like Mohave County—that depend on outdoor recreation and tourism to survive. But the USFWS is now ignoring both the history of the National Fish Hatchery System and its importance to our national economy, and is instead using the System to promote the preservation and reestablishment of threatened and endangered species to the detriment of recreational fishing and other management objectives. Mohave County believes that such a fundamental shift in operational priorities for the National Fish Hatchery System should be directed by Congress. That is why Mohave County endorses H.R. 5026.

Mohave County's support for the Fish Hatchery Protection Act is grounded in unfortunate experience. Last November, the USFWS unilaterally closed the rainbow trout propagation program at the Willow Beach National Fish Hatchery in Mohave County. In doing so, the USFWS ignored its legal responsibilities, failed to engage with its local and state partners, and took action that will have severe economic consequences in Mohave County, the fifth largest county by land area in the United States. The Willow Beach story, which I share below, demonstrates why H.R. 5026 must be enacted.

WILLOW BEACH NATIONAL FISH HATCHERY—AN ECONOMIC ENGINE IN JEOPARDY

The Willow Beach National Fish Hatchery is located along the Colorado River near the border of Nevada and Arizona within Mohave County and the Lake Mead National Recreational Area. The hatchery was established in 1962 to raise rainbow trout for release into the lower Colorado River system to help mitigate for impacts to that system from the construction and operation of the Hoover Dam and related subsequent water resource management projects, like the Davis Dam. The hatchery was established pursuant to the Fish and Wildlife Coordination Act of 1934 and a 1959 Memorandum of Understanding (“MOU”) between the Bureau of Reclamation, National Park Service, and the USFWS. The 1959 MOU is still in effect today.

For nearly 52 years, the Willow Beach Hatchery has been an economic engine for Mohave County and the surrounding region, providing recreational fishing opportunity to replace that which was destroyed by Bureau of Reclamation water resource management projects along the lower Colorado River. According to a study prepared for the Arizona Department of Fish and Game, recreational fishing within Mohave County in 2001 alone contributed \$74.5 million to the local economy and supported approximately 1,682 jobs.¹ The Willow Beach facility has played a huge role in generating that economic activity. The USFWS, for example, estimates that the overall National Fish Hatchery System generates \$3.6 billion in economic activity, creates 68,000 jobs, and provides a \$28 return on investment for every Federal tax dollar invested in the system—a remarkable Federal stimulus success story.² Recreational fishing factors significantly into those calculations.

To lose that kind of economic activity would have dire consequences on any local and regional economy, but that is exactly what Mohave County is currently facing. On November 24, 2013, the USFWS announced that it was terminating the rainbow trout propagation program at the Willow Beach facility, a development the government of Mohave County had to learn about after-the-fact through local news media. The USFWS claimed that it lacked sufficient funds to repair a broken water line that delivered water from Lake Mohave to the trout ponds at the hatchery, estimating that the water line would cost somewhere between \$3.0 and \$9.0 million to repair. The USFWS has known since 2010 that its water delivery system was in need of maintenance, but failed to take corrective measures. Once the water delivery system failed, the USFWS claimed that it had no choice but to eliminate the trout program because it could not afford the repairs. The agency will, however, continue to raise and release bonytail chub and razorback suckers at the Willow Beach facility, species that are listed as endangered under the Endangered Species Act. Water for raising those species at the hatchery comes from groundwater through a delivery system that was not impacted by the facility’s maintenance failures.

While endangered species recovery efforts are obviously worthwhile, Mohave County has been trying to understand the USFWS’s authority to unilaterally alter the fundamental purpose of the Willow Beach National Fish Hatchery. The facility was established and has been operated for more than five decades as a *mitigation* hatchery. “The fundamental purpose of fishery mitigation,” according to the USFWS, “is to compensate for adverse impacts to fishery resources caused by the construction of Federal dams and Federal water development projects.”³ That is precisely why the Willow Beach facility was created in 1962. As explained by the Government Accountability Office in a June 2000 report addressing the National Fish Hatchery System, the Willow Beach facility was “constructed in 1962 to mitigate for fish losses associated with Hoover Dam’s construction.”⁴ This fundamental purpose was acknowledged by the USFWS in the early 1990s, when the agency described the Willow Beach facility as a “mitigation hatchery established to produce a fishery in the coldwater habitat created by the construction of the Hoover Dam.”⁵ And in 2006, the Willow Beach facility was highlighted by the USFWS as an exemplary mitigation hatchery in a report describing the significant positive impact rainbow trout production in the National Fish Hatchery System has on the U.S. economy.⁶ Moreover, the facility remains subject to the 1959 MOU, which specifi-

¹ Jonathon Silberman, *The Economic Importance of Fishing and Hunting*, at 32 (undated but reporting 2001 data).

² USFWS, *Net Worth: The Economic Value of Fisheries Conservation* (Fall 2011).

³ USFWS, *Economic Effects of Rainbow Trout Production by the National Fish Hatchery System*, at 5 (Jan. 2006).

⁴ Government Accountability Office, *National Fish Hatcheries*, GAO/RCED-00-151, at 12 (June 2000).

⁵ USFWS, *Station Profile for Willow Beach National Fish Hatchery*, at 1 (undated, circa 1991).

⁶ USFWS, *Economic Effects of Rainbow Trout Production by the National Fish Hatchery System*, at 7 and 9 (Jan. 2006).

cally limits the USFWS's use and occupancy of the land on which the hatchery is located "for the purpose of propagating trout."⁷

But now, after a half-century of operation, the USFWS has started referring to the Willow Beach facility as a "non-mitigation hatchery." According to a February 14, 2014 letter from Mr. David Hoskins, Assistant Director for Fish and Aquatic Conservation, to Senator John McCain, the Willow Beach facility "was established as a non-mitigation hatchery to produce fish for Lake Mohave and other impoundments on the lower Colorado River system." Mohave County is perplexed by this revisionist history, and is concerned by its intent.

Mohave County has patiently worked with the USFWS to try to understand this abrupt shift in operational strategy, but to no avail. The USFWS has not explained its authority for summarily dropping the rainbow trout program at Willow Beach. Nor has the agency explained how it prioritizes maintenance projects throughout the National Fish Hatchery System, or why it lacks sufficient funds to support the Willow Beach trout propagation program. The reason, we fear, is because the USFWS is getting out of the sport and recreational fish hatchery business altogether.

NATIONAL FISH HATCHERY SYSTEM—SHIFTING PRIORITIES

It is becoming increasingly clear that the USFWS's decision to shutter the trout propagation operations at the Willow Beach National Fish Hatchery is simply the first step in what appears to be an overall effort to retool the National Fish Hatchery System from a multi-purpose conservation, recreation and economic instrument into an endangered species breeding and recovery program. The USFWS released a report in March 2013 entitled the *National Fish Hatchery System: Strategic Hatchery and Workforce Planning Report* that de-prioritizes the use of the Nation's fish hatcheries for mitigation purposes related to native and non-native species. Instead, the USFWS intends to primarily use the hatcheries to recover and restore threatened and endangered species and address its tribal trust responsibilities. While these are certainly worthwhile objectives, Mohave County is struggling to understand how the USFWS can walk away from mitigation commitments made to offset impacts associated with Federal water development projects across the country. The agency is also walking away from its commitment (articulated in the March 2013 report) to wait until Fiscal Year 2015 before closing down any particular fish hatchery operation, and to do so only after careful study. The Willow Beach experience clearly demonstrates that the USFWS has failed to live up to even that basic commitment.

WILLOW BEACH—CURRENT STATUS

The trout propagation program at Willow Beach is still closed. Since learning of its closure, Mohave County has been trying to work in good faith with the USFWS to develop short- and long-term strategies for restoring and continuing the rainbow trout program consistent with its 52-year history. Initially, the USFWS rebuffed any meaningful dialog with Mohave County or other interested stakeholders, even after Mohave County shared its own engineering assessments and cost estimates for repairing the water delivery system that were remarkably less than the Federal estimates. That position changed somewhat after Mohave County provided testimony before a public witness hearing of the U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, on April 10, 2014. At that hearing, Mohave County expressed its concerns that the USFWS lacked the legal authority to ignore the mitigation commitments that spurred the original need for the Willow Beach National Fish Hatchery. We also questioned whether the USFWS had complied with the National Environmental Policy Act and the Endangered Species Act before terminating the trout propagation program,⁸ or whether the National Park Service had amended its General Management Plan or its Lake Management Plan for the Lake Mead National Recreation Area to reflect the cessation of rainbow trout stocking activities.⁹

⁷U.S. Department of the Interior, Memorandum of Understanding, at 2 (Apr. 24, 1959).

⁸According to the National Park Service, "rainbow trout are becoming increasingly significant as prey species for striped bass" in Lake Mead and Lake Mohave. *Final Environmental Impact Statement for Glen Canyon National Recreation Area Lake Management Plan*, at 111 (Dec. 2002). Eliminate the trout, and striped bass are more likely to prey on bonytail chub or other endangered species in the region.

⁹The National Park Service specifically indicated in its Environmental Impact Statement for the current Lake Mead National Recreation Area Lake Management Plan that it would undertake a separate environmental analysis with other state and Federal agencies if rainbow trout

Since that time, the USFWS has worked with the Arizona Department of Game and Fish and Mohave County to evaluate both short- and long-term solutions for Willow Beach. In April 2014, Arizona Game and Fish committed to providing 21,000 six- to eight-inch trout to be reared at Willow Beach and released into the Colorado River below the Davis Dam this fall. The parties also recently gathered their engineers together to discuss long-term fixes for the broken water delivery system. At that meeting, Mohave County shared several engineering solutions for repairing the water delivery system that cost between \$300,000 and \$500,000 to implement, a far cry from the \$3.0 to \$9.0 million estimates the USFWS used to justify permanently shutting down the rainbow trout propagation program last fall. We are therefore hopeful that a short-term solution to the Willow Beach problem may be found, but we are not confident in the long-term viability of the hatchery. The USFWS has publicly stated its intent to shift the focus of all national fish hatcheries away from supporting recreational sport fishing. Without congressional intervention, the Willow Beach facility—like all other national fish hatcheries—will be at risk.

SUMMARY—ENACT H.R. 5026

In summary, Mohave County fully supports the Fish Hatchery Protection Act. The Federal Government committed to mitigating for the impacts of Federal water resource development projects years ago by ensuring that recreational sport fisheries would be sustained post-construction through the National Fish Hatchery System. The USFWS has done an admirable job of operating that System for the past 50 years, but has recently changed the fundamental goals and priorities for the System under the guise of limited funding. Congress should decide whether and how to modify the public's goals and objectives for the National Fish Hatchery System, not the executive agency charged with its administration. H.R. 5026 would ensure that Congress maintains that authority.

Dr. FLEMING. Thank you, Ms. Angius. Ms. Pata, you are now recognized for 5 minutes to present your testimony on H.R. 3109 on behalf of the Sealaska Corporation.

STATEMENT OF JACQUELINE PATA, VICE CHAIR, SEALASKA CORPORATION

Ms. PATA. [Gives greeting in Tlingit language.] Chairman and Ranking Member and members of the committee, thank you for the opportunity to testify today. My name is Jacqueline Johnson Pata and my Tlingit name is Kuseen. I am a Raven from the Lukaax.ádi Clan from the Raven House in Haines, Alaska. I am also the vice chair of the Sealaska Corporation that was created by Congress to implement the Alaska Native Claims Settlement Act and holds a portion of our aboriginal land in southeast Alaska.

Native Alaskans have used migratory birds and birds' parts, including feathers, for thousands of years in the making of our traditional regalia, our tools and handicrafts such as our masks, our garments, our jewelry, our clothing, our dance regalia, our fans and rattles, and hunting equipment, such as our spears and arrows. And for just as long as we have made these crafts and these tools, we have bartered them, traded them and sold them as Alaskan Natives in sustainable fashion. In fact, our protocol does not allow us to make them for ourselves, but we have to have someone from the opposite clan make them for them, and then repay them for whatever it is that we are purchasing, in white man's terms, purchasing from them.

stocking activities were ever discontinued in the future. *Final Environmental Impact Statement for Glen Canyon National Recreation Area Lake Management Plan*, at 218 and 240 (Dec. 2002).

I believe there are misconceptions about the use of migratory bird parts and erroneous assumptions that convey a false impression that this amendment will facilitate an exponential growth in the use of migratory bird parts. In fact, this is just simply not true. Let me begin by sharing with you that our cultural values guide us on our land use and our resources.

Indigenous peoples have lived in our homelands for over 10,000 years, and our core cultural values ensure our economic sustainability for the future generations. Those culture values include Haa Aani, which speaks both to our land use and how we respect our land and our resources and Haa Shuká. Haa Shuká establishes links between us and the current generation and our ancestors that dictate our responsibilities and our survival of the future generations.

These cultural protocols have ensured sustainability for thousands of years and have been in place prior to the unregulated commercial harvest of migratory birds that led to the near extinction of migratory bird populations.

I would like to offer you some examples of our use of migratory bird parts and feathers. And I believe in my written testimony I submitted pictures for the testimony.

But our shaakee.át is a headdress, a headdress that uses a few flicker feathers. And in the one that was talked about earlier from Congressman Don Young, the shaakee.át also had raven feathers, which does not, as you can well note, does not constitute a massive use of bird parts.

There are less than 500 traditional artists, with less than fewer of those, much less than fewer of those, that actually produce those same kind of products or hats that we use the feathers. So we do not anticipate unchecked growth in the use of bird parts.

I also offer you another photo, which is a rattle with puffin beaks. And the puffin beaks are traditionally gathered after the Puffins naturally shed them following their mating season, a sustainable use that does not threaten the population.

Alaskan Natives are not looking to commercialize the use of feathers but rather to continue a tradition of culture that respects our ancient cultural values of trade and the principles of conservation that allows a small number of Alaskan Native artists, who have fashioned painstakingly with great skill, art, handicrafts and clothing in the footsteps of those who came before them.

For us, it is really a benefit twofold: Alaskan Natives can revitalize a suppressed cultural practice in an art form whilst simultaneously allowing for the sale of these handicrafts, which is a vital source of modest income, which we can purchase a few basic human needs, such as heating fuel of the villages of Alaska. Our communities are economically depressed and suffer the highest unemployment and poverty rates in the country.

All we are asking through H.R. 3109 is to be able to begin to help ourselves in a very small way by providing a modest income to the severely impoverished communities and traditions.

So I just want to speak real quickly in closing to the comment that you said earlier about the Migratory Co-Management Council. There are 12 members of the Council, as you noted. All 10 of the Native members agree with this. The two others were the Federal

Government that did not support the provision. And I want to let you know that they have made an agreement that they only put forward recommendations that they unanimously consent to. So therefore we need this bill to move forward and not wait for the recommendations to come from the Migratory Bird Co-Management Council.

Thank you. Gunulchéesh.

[The prepared statement of Ms. Pata follows:]

PREPARED STATEMENT OF MS. JACQUELINE PATA, VICE CHAIR, SEALASKA CORPORATION ON H.R. 3109

INTRODUCTION

Thank you for the opportunity to testify on a bill that has great significance for Alaska Natives.

My name is Jackie Johnson Pata and my Tlingit name is *Kuseen*. I am Raven of the *Lukaax.ádi* Sockeye clan and the Raven House in Haines, Alaska. I am also the Vice Chair of Sealaska Corporation that was created by Congress to implement the Alaska Native Claims Settlement Act and that holds a portion of our aboriginal land base in Southeast Alaska.

Alaska Natives have used migratory birds and bird parts, including feathers, for thousands of years in the making of traditional handicrafts such as masks, garments, jewelry, clothing and dance regalia (fans, hats rattles), and hunting equipment such as spears and arrows. For just as long, these items have been bartered, traded, and sold by Alaska Natives in a sustainable fashion.

I believe that there are many misconceptions about the use of migratory bird parts and erroneous assumptions that convey a false impression that this amendment will facilitate an exponential growth in the use of migratory bird parts or feathers. This is simply untrue.

First, let me begin by sharing with you our cultural values that guide the use of our land and resources. Indigenous Peoples have lived in our homeland for more than 10,000 years, and our core cultural values ensure cultural and economic sustainability for future generations. Those cultural values include *Haa Aani* that speaks to both using our land while respecting our land and resources. *Haa Shuká* establishes links between the current generation and our ancestors and it dictates our responsibility for the survival of future generations. These cultural protocols have ensured sustainability for thousands of years and have been in place prior to the unregulated commercial harvest of migratory birds that led to the near extinction of the migratory bird populations.

I would like to offer you some examples of our use of migratory bird parts and feathers in a collection of images that I have submitted with my testimony. The first photo is of a *shaakee.át* or hat, which as you can see does not constitute a massive use of bird parts. With less than 500 traditional artists and a fewer number within our tribe who produce objects or hats that use feathers, we do not anticipate an unchecked growth in the use of bird parts. I also offer you another photo of a rattle with puffin beaks. Puffin beaks are traditionally gathered each year *after* the puffins naturally shed them following their mating season—a sustainable use that does not threaten the population.

Alaska Native people are not looking to commercialize the use of feathers, but rather, to continue a tradition and culture that respects our ancient cultural values and the principles of conservation and allows a small number of Alaska Native artists, who have fashioned painstakingly and with great skill, art, handicrafts and clothing in the footsteps of those who came before them. For us, the benefits are two-fold. Alaska Natives can revitalize a suppressed cultural practice and art form while simultaneously allowing the sale of these handicrafts as a vital source of a modest income with which we can purchase a few of the basic human needs such as heating fuel or baby formula.

Our communities are economically depressed and suffer the highest unemployment and poverty rates in the country. All that we are asking through H.R. 3109 is to be able to begin helping ourselves in a very small way by providing a modest income to severely impoverished communities through a traditional means.

Ignorance of the law is not an excuse for violation of a law. However, in reality, we were not aware that we could not sell arts with feathers until one of my fellow tribal members was cited for creating and attempting to sell two Tlingit clan hats one of which is featured in the photograph I've shared with you. It underscored that

our culture and the future of our arts were in jeopardy. We then advanced language to amend the Migratory Bird Treaty Act (MBTA) to allow for the use of non-edible bird products in Alaska Native handicrafts.

It is germane to this discussion to know that this amendment parallels the Marine Mammal Protection Act exemption for Alaska Native handicrafts. The MMPA "Native Handicraft exemption" was previously supported and recognized by Congress as being "morally bound to respect the traditions and lifestyle of these people" and that by "stripping these rights from them, they will face the certain fate of cultural extinction."

We find it disheartening that the MBTA and subsequent regulations were certain to preserve the rights under 50 CFR 20.91 to make and sell pillows, blankets or fishing flies:

"any person may possess, purchase, sell, barter, or transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses the feathers of *migratory waterfowl* (ducks, geese, brant, and swans) killed by hunting pursuant to this part, or seized and condemned by Federal or state game authorities . . ."

Unfortunately, protecting Alaska Native culture and its utilization of migratory bird feathers and parts was less important in 1918.

We understand that FWS proposes to delay action on this bill citing work with the Alaska Migratory Bird Co-Management Council. I would like to point out that *all* Alaska Native members of the Council, 10 of the total 12 members support this amendment. The other two represent the Federal and state government. The Council's protocols require unanimous consent on any action or position which served to deter expression of a formal position on this amendment.

This amendment is consistent with the Marine Mammal Protection Act and with our national policies and laws that support cultural diversity and tribal self-determination. This bill would allow Native people to practice their tradition and provide a modest income without the fear that they will be suffering the consequences of a law that currently undermines their culture and livelihood.

Let us amend this archaic and discriminatory law and allow this important cultural and artistic use by Alaska Native artists. We urge you to support this bill. Thank you for the opportunity to provide testimony on this important legislation. *Gunulchéesh Aan yatgu sani*. Thank you Noble People.

BACKGROUND

The Migratory Bird Treaty Act of 1918 (MBTA) implements four international treaties that the United States holds with Canada, Russia, Japan, and Mexico. These treaties call for the conservation of protected species and groups of birds they cover. The MBTA prohibits the take of protected bird species, including, in part, to kill, capture, pursue, sell, transport, trade, or barter. In this way, the statute broadly covers the somewhat divergent requirements of the four treaties.

With the exception of the treaty with Japan, the treaties have been interpreted to provide for regulated subsistence take of protected birds by Canada and Alaskan Natives. The Mexico treaty provides more broadly that the parties will establish "close seasons" for take, sale, and transport of protected birds. The treaty with Russia provides that the parties will establish laws to govern any exemption to its prohibitions.

The treaty with Canada provides that seasons may be established for subsistence harvest of birds, eggs, and down by indigenous inhabitants of Alaska (meaning Alaska Natives and permanent resident non-natives with legitimate subsistence hunting needs living in designated subsistence hunting areas). The 1996 revised Senate Foreign Relations Committee Protocol for the treaty with Canada further states that "Sale of these items is not permitted, except for limited sale of non-edible by-products of birds taken for nutritional purposes incorporated into authentic articles of handicraft. The harvest of such items must be consistent with 'customary and traditional uses' of indigenous inhabitants for their 'nutritional and other essential needs'."

The Protocols thus allow for a subsistence harvest of migratory birds and the limited sale of items made with their parts by Alaska Natives, however in implementing the treaties through the MBTA, Congress only allowed the subsistence hunt. Consequently, the non-edible parts are discarded, despite the provisions negotiated into the Protocols to allow their sale.

The United States negotiated Protocols amending the Canadian and Mexican treaties to allow for a spring/summer subsistence harvest of migratory birds by Alaska Natives for their nutritional, social, cultural, spiritual, ecological, economic

and aesthetic values. Current regulations governing the Migratory Bird Subsistence Harvest in Alaska, however, prohibit the sale or purchase of migratory bird parts, including feathers and parts of birds taken for subsistence. 50 CFR §92.6. Alaska Natives are allowed to harvest migratory birds for food, but are prohibited from using any non-edible part from these same birds for any other purpose, including the creation of traditional handicrafts, tools, or clothing. There are no exceptions to the prohibition on sale, not even for the use of dead birds found in the wilderness.

PRECEDENT AND IMPACT OF CHANGING THE LAW

There is precedent for changing the law. The Bald and Gold Eagle Protection Act (BGEPA) prohibits killing, possessing, or selling bald and golden eagle, alive or dead, including any part, nest, or egg, *unless allowed by permit*. 16 U.S.C. 668(a); 50 CFR 22. Native American Religious Purposes Permits and Native American Eagle Aviary Permits are available for various religious activities. Bald and gold eagles are also covered by the MBTA, but through the BGEPA and enacting regulations, Native Americans are able to continue traditional religious practices that use the parts of those birds.

The BGEPA recognized the specific and important cultural needs of Native Americans and expressly allowed for those continued activities contrary to one of the four international treaties.

Exemptions also exist in the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) to allow Alaska Natives to continue their subsistence practices and associated use of by-products for handicrafts and art. The ESA at 16 U.S.C. § 1539(e) states that it does not apply to the non-wasteful taking or importation of endangered or threatened species by Alaska Natives for subsistence, and that non-edible byproducts of the species taken pursuant to this section may be sold in interstate commerce when made into authentic Native articles of handicrafts and clothing. The MMPA contains much the same language in its exception for Alaska Natives at 16 U.S.C. § 1371(b).

CONCLUSION

The creation of art, handicrafts and clothing from non-edible parts of migratory birds by Alaska Natives is a customary and traditional use of these parts. It is also an essential need for many Alaska Natives and incorporates indigenous knowledge, institutions and practices. Indeed, it is ingrained into many of our cultures not to waste any part of an animal.

Providing such an exemption would have no significant impact on the migratory bird population because currently the feathers and bird parts of migratory birds taken for subsistence are discarded. The exemption would prevent the waste of these by-products.

The possession, sale, barter, purchase, shipping, and transporting of authentic Alaskan Native articles of handicraft, clothing or art that contains migratory bird parts is consistent with the treaties for the conservation of migratory birds.

Dr. FLEMING. Thank you, Ms. Pata. Thank you for your testimony. Mr. Schmidt, before I introduce you, I have some other introductions I want to make and then a video. I want to recognize my good friend, Skipper Dickson, who is here today from my district, a good friend of mine.

Also his brothers, Mark and Paul live and work in our district. They are noted sportsmen, particularly when it comes to migratory fowl. They are sixth generation Dicksons that settled in the Shreveport area beginning as early as the early 1800s. They are lifelong members of Ducks Unlimited. They operate two businesses, one of which caters to the needs of our Nation's sportsmen. And they are true champions of the field of wildlife conservation, as I said.

And, Skipper, I appreciate your leadership on this, on this important issue. And I welcome you here today, although I know you are no stranger to Washington, DC. You are up here often to advocate

for the important conservation issues that you and your brothers are so interested in.

It is also my understanding that Mr. Schmidt has a short video. So why don't you go ahead and show that video, and then we will get back to your testimony and your introduction.

[Video of Mr. Dale Hall, Chief Executive Officer, Ducks Unlimited.]

Mr. HALL. Good morning, Mr. Chairman and members of the subcommittee. My name is Dale Hall, and I am the CEO of Ducks Unlimited. And I am pleased to lend our full support for passage of H.R. 5069, to increase the price of the Duck Stamp from \$15 to \$25, with the increase dedicated to the purchase of willing seller conservation easements.

I want to thank Chairman Fleming for your leadership and the bipartisan support of cosponsors.

The Duck Stamp was born during the Depression and the Dust Bowl, asked for by hundreds of conservationists to do what needed to be done for habitat. At that time, it was only \$1 but a lot has been done with the Duck Stamp, a wonderful example of the North American Model of Wildlife Management.

Wetlands and grasslands provide a myriad of ecosystem benefits, from flood damage reduction to water purification, to habitat for hundreds of species. The price of the Duck Stamp has not been increased since 1991 while land values have tripled. Current buying power has never been this low. Ninety-eight cents out of every Duck Stamp dollar go directly to on-the-ground conservation.

Over 30 conservation and hunting organizations have signed a letter in support of this \$10 increase. Ducks Unlimited is committed to working with Congress to pass H.R. 5069, and we urge expeditious and favorable committee action to report it to the House Floor.

Once again, I want to thank you for your leadership and support of this wonderful endeavor.

[End of video.]

Dr. FLEMING. And that is Ducks Unlimited's chief executive officer, the Honorable Dale Hall. And we appreciate his words today on that.

So back to Commissioner Schmidt. As someone who has dedicated his life to wildlife conservation in both the Fish and Wildlife Service and Ducks Unlimited, I am pleased to recognize you for 5 minutes to present your testimony on H.R. 5069.

So you now have 5 minutes, sir.

**STATEMENT OF PAUL SCHMIDT, CHIEF CONSERVATION
OFFICER, DUCKS UNLIMITED**

Mr. SCHMIDT. Thank you, Mr. Chairman. It is a pleasure to be here and see you again and other members of the committee. We appreciate the opportunity to testify on H.R. 5069 today, the Federal Duck Stamp Act of 2014. And we appreciate your leadership in sponsoring it, along with your bipartisan cosponsors in both the House and the Senate, a Senate version. We applaud both and hope for its quick passage.

The Migratory Bird Hunting and Conservation Stamp has been a critically important tool used to benefit migratory bird popu-

lations over the last eight decades for habitat conservation on refuges. And Ducks Unlimited strongly supports this bill to continue the success of the program.

Since 1934, sportsmen and women have led the way to conserve critical habitat through the purchase of these stamps. The bill will increase the price of the stamp from \$15 to \$25, and will dedicate the amount of the increase to voluntary conservation easements with landowners. During the 23-year period, the price has been flat at \$15. The conservation buying power has diminished greatly.

As in the past, waterfowl hunters and passionate conservationists are willing to take the lead. Further, in today's economy and increasing pressures on land use, conservation success will depend upon a mixture of public lands and private land conservation. Easements provide an invaluable tool that allows landowners to retain ownership, manage the land for their objectives but provide conservation benefits to the public.

Easements are already a component of the National Wildlife Refuge System, and DU welcomes the opportunity to further facilitate the delivery of these voluntary, incentive-based conservation on private lands. Thus, keeping working lands working for the landowner and for the conservation.

Founded by waterfowl hunters and conservationists in 1937, DU has more than a million members and supporters and is the world leader in wetlands conservation. Duck hunters and other conservationists rallied, urging Congress to pass the Migratory Bird Hunting and Conservation Stamp Act in 1934. What this program has done for waterfowl and other wildlife since is one of the greatest success stories of this country.

Yet, despite significant conservation achievements, we continue to lose wetlands at an alarming rate. The program is a model of conservation and public and private partnership. These refuges and waterfowl production areas not only benefit migratory birds but also hundreds of other fish and wildlife species. In addition, wetlands restored and protected on these lands provide clean water, mitigate floods, buffer storm surges, reduce soil erosion and a host of other benefits for our Nation.

Today, the Duck Stamp program remains a vital component of the North American Model for Wildlife Conservation, which keeps wildlife in the public domain while promoting responsible use, ethical hunting and science-based management.

Funding for wildlife conservation in the United States is predicated on a user pay/user benefit model, based on receipts from hunting and fishing licenses and stamps. But in reality, the Federal Duck Stamp Program is a user pay/public benefit. And to me that is a great success story. So while hunters and wildlife enthusiasts are paying to benefit wildlife, the public is benefiting for goods and services derived from that conservation.

For decades, DU has partnered with the Service to conserve and restore wetlands on refuges across the country. Many of these areas are crucial to the objectives of the North American Waterfowl Management Plan. DU looks forward to bringing this expertise to working with landowners to further wetlands conservation. By leveraging these dollars with DU, they use private funds and public resources, such as the North American Wetlands Conservation

Act, DU and its partners were able to protect almost 70,000 acres in North and South Dakota last year alone. Today, substantial demands exist among agriculture producers to enroll in these voluntary conservation programs.

Unfortunately, the buying power of the stamp has never been lower because its price has not been raised since 1991. This is the longest period in history without a price increase. Meanwhile, land costs have tripled and wildlife habitat needs have continued to increase. Many hunting and wildlife conservation organizations have joined with us in signing a letter in support of this legislation.

We thank the Chairman and this subcommittee for their commitment to the wetlands and waterfowl conservation. The Federal Duck Stamp Act of 2014 will secure vital habitat for generations of waterfowl hunters and wildlife enthusiasts to come.

On behalf of Ducks Unlimited's more than one million supporters, we pledge our commitment and our support to work with you to enact H.R. 5069. Thank you.

[The prepared statement of Mr. Schmidt follows:]

PREPARED STATEMENT OF PAUL SCHMIDT, CHIEF CONSERVATION OFFICER, DUCKS UNLIMITED, INC. ON H.R. 5069

Mr. Chairman, members of the committee, my name is Paul Schmidt. I am the Chief Conservation Officer for Ducks Unlimited, Inc. (DU). Prior to joining DU in May 2011, I worked for the U.S. Fish and Wildlife Service (Service) for 33 years. For the last six of those years, I was the agency's Assistant Director for Migratory Birds, overseeing all activities related to the management of migratory birds.

We are grateful for the opportunity to testify regarding the Federal Duck Stamp Act of 2014 and appreciate the chairman's sponsorship of H.R. 5069 with several bipartisan co-sponsors. We applaud the introduction of a Senate bipartisan companion bill, reflecting broad support for this important legislation.

The Migratory Bird Hunting and Conservation Stamp has been a critically important tool used to benefit migratory bird populations over the last eight decades through the dedication of its receipts for habitat conservation on national wildlife refuges, and DU strongly supports H.R. 5069 to continue the success of this program. Since 1934, sportsmen and women have led the way to conserve critical migratory bird habitat across the country through the purchase of these stamps.

H.R. 5069 will increase the price of the stamp to \$25 from its current level of \$15 and will dedicate the amount of the price increase to voluntary conservation easements with private landowners. Ducks Unlimited strongly endorses this long overdue price increase, which hasn't occurred in over 23 years. During this same period, land prices have tripled, our conservation buying power has diminished greatly, and virtually all consumer goods from a loaf of bread (70 cents to \$1.38; 97 percent increase) to a gallon of gas (\$1.24 to \$3.27; 163 percent increase) have increased dramatically. Simply stated, we need to raise the price of the stamp merely to keep up with the times, and waterfowl hunters and passionate conservationists are willing to take the lead.

Further, in today's economy and with increasing pressures on land use, wildlife habitat conservation success will depend on the appropriate mix of public lands as national wildlife refuges in conjunction with conservation on private lands. Conservation easements provide an invaluable tool that allows landowners to retain ownership, continue to meet their individual land management objectives, and provide conservation benefits to the public. Conservation easements are already used appropriately as a component of the National Wildlife Refuge System, and DU welcomes this opportunity to further facilitate landowners' involvement in the delivery of voluntary incentive-based habitat conservation on private lands, thus keeping working lands working for the landowner and for conservation.

Founded by waterfowl hunters and conservationists in 1937, DU has more than 1 million members and supporters and is a world leader in wetlands conservation. We work in all 50 states and across the continent to further our science-based mission of conserving, restoring, and managing wetlands and associated habitats for

North America's waterfowl, as well as for the benefits these resources provide to other wildlife and to all Americans.

During the early 1930s, the most devastating drought in U.S. history was turning vital wetlands into barren wastelands and decimating duck populations. It was the worst of times for ducks, and the bleakest of times for duck hunters and people concerned about the landscape. Hunters had seen duck numbers decline steadily since the turn of the 20th century, but the situation had never been so dire. Something had to be done—and fast—to save waterfowl. Duck hunters and their allies rallied, urging Congress to pass the Migratory Bird Hunting and Conservation Stamp Act, popularly known as the Duck Stamp Act, in 1934. What this program has done for waterfowl and other wildlife since is one of the greatest conservation success stories of all time. Yet, despite significant conservation achievements, we still continue to lose wetlands at an alarming rate. According to a recent U.S. Fish and Wildlife Service report, an estimated 74,340 acres of wetlands were lost in the U.S. portion of the Prairie Pothole Region alone between 1997 and 2009—and once again, we as duck hunters and conservationists must stand up and do our part, and increasing the price of the Federal Duck Stamp is one important step.

This year marks the 80th anniversary of the Federal Duck Stamp. Since its enactment, this landmark initiative has generated over 900 million dollars—paid for and supported by waterfowl hunters, refuge visitors, conservationists, and stamp collectors—to conserve more than 6 million acres of wetlands across the United States. The program is a model of conservation, public-private partnerships and government efficiency. Approximately 98 cents out of every duck stamp dollar is spent to acquire or lease lands for the National Wildlife Refuge System. These refuges and waterfowl production areas not only benefit migratory birds but also hundreds of other fish and wildlife species. In addition, wetlands restored and protected on these lands provide clean water, mitigate floods, buffer storm surges, reduce soil erosion, and offer a host of other benefits for our Nation.

Today, the Federal Duck Stamp Program remains a vital component of the North American Model of Wildlife Conservation, which keeps wildlife in the public domain while promoting responsible use, ethical hunting, and science-based management. Funding for wildlife conservation in the United States is predicated on a user-pay/user-benefit model based on receipts from hunting and fishing licenses and stamps, but in reality, the Federal Duck Stamp Program is a user-pay/public-benefits program. So while hunters and wildlife enthusiasts are paying through stamp purchases to benefit waterfowl and other wildlife, the public is benefiting from goods and services derived from wetlands conservation.

For decades, Ducks Unlimited has partnered with the Service to conserve and restore wetlands on national wildlife refuges across the country. Many of these areas are crucial to DU's continental and regional conservation goals and to the objectives of the North American Waterfowl Management Plan and other continental bird plans. Ducks Unlimited looks forward to bringing its expertise in working with private landowners through conservation easements to realizing opportunities provided by H.R. 5069 to further wetlands conservation within the refuge system.

For example, much of DU's work with the Service is focused on the Prairie Pothole Region, where Federal Duck Stamp dollars are used to purchase or lease critical wetland and grassland easements from willing landowners. In Fiscal Year 2014, it is estimated that more than \$53 million in public and private partner funds will be invested in the Prairie Pothole Region to protect these vital waterfowl breeding areas, including nearly \$34 million (64 percent) in Federal Duck Stamp funding. By leveraging these dollars with other DU private funds and public resources from popular programs like the North American Wetlands Conservation Act and the Land and Water Conservation Fund, DU and its partners were able to protect 68,554 acres in North Dakota and South Dakota last year. Since 1997, this partnership between DU and the Service has protected approximately 1.6 million acres of some of the best waterfowl breeding habitat in North America. Today, substantial demand exists among agricultural producers to enroll in these voluntary conservation programs. We understand from discussions with the Service that more than 1,300 farmers and ranchers (reflecting over 390,000 potential acres) across the Dakotas are on a waiting list wanting to receive an easement offer from the Service. An increase in the Federal Duck Stamp would help address this demand and a portion of this substantial backlog (with an estimated value of \$340 million) of willing landowners who want to enroll in the program.

The Mississippi Alluvial Valley, another DU conservation priority, is home to a number of national wildlife refuges, including Grand Cote National Wildlife Refuge. Located in Avoyelles Parish near Marksville, Louisiana, this refuge was established

with funds from the Federal Duck Stamp Program in 1989. Since then, DU and other partners have worked with the Service to restore 6,000 acres of wetlands and associated upland habitat on the refuge to provide important wintering habitat for waterfowl and recreational opportunities for duck hunters and other outdoor enthusiasts.

In the Great Lakes region, DU continues to enhance and restore vital wetlands on a number of national wildlife refuges purchased with Federal Duck Stamp dollars. A prime example is Ottawa National Wildlife Refuge, located in northwest Ohio on the shore of Lake Erie. Ducks Unlimited, The Nature Conservancy, and the Service are leveraging Great Lakes Restoration Initiative grants to enhance about 2,500 acres of coastal wetlands in this marsh complex to provide vital feeding and resting habitat for waterfowl during spring and fall migration.

The duck stamp's conservation impact also extends west to the Pacific Flyway, where Federal funds are helping restore wetlands in the Central Valley of California. Located in the Sacramento Valley, Colusa National Wildlife Refuge comprises 5,000 acres and supports as many as 234,000 ducks and 133,000 geese during fall and winter. Over the years, DU has worked closely with the Service to enhance more than half the refuge's wetland habitat, including 388 acres of wetlands and adjacent uplands recently purchased thanks to Federal Duck Stamp dollars. DU and the Service are also currently working on plans to restore habitat on a parcel of land recently acquired through the Federal Duck Stamp Program.

Unfortunately, the conservation buying power of the Migratory Bird Hunting and Conservation Stamp has never been lower because its price has not been raised since 1991. This 23-year lapse is the longest in the program's history without a price increase to keep up with inflation. Meanwhile, land costs have tripled, and wildlife habitat needs have continued to increase, while the Federal Duck Stamp has lost 40 percent of its conservation buying power. This decline in the stamp's buying power is a step backward for wetland and waterfowl conservation. More than 30 hunting and wildlife conservation organizations—ranging from Ducks Unlimited to the National Rifle Association—have signed a letter supporting the price increase from \$15 to \$25. This letter is attached for the committee record.

We thank the Chairman and this committee for your commitment to wetlands and waterfowl conservation. The Federal Duck Stamp Act of 2014 will secure vital habitat for generations of waterfowl hunters and wildlife enthusiasts to come. On behalf of DU's more than 1 million supporters, we pledge our commitment and support to work with you to enact H.R. 5069.

Attachment

ATTACHMENT

Archery Trade Association * Bear Trust International * Boone & Crockett Club
 Bowhunting Preservation Alliance * Catch-A-Dream Foundation
 Congressional Sportsmen's Foundation * Conservation Force * Dallas Safari Club * Delta
 Waterfowl Ducks Unlimited * Izaak Walton League of America * Masters of the Foxhounds
 Association Mississippi River Trust * Mule Deer Foundation * National Rifle Association
 National Wild Turkey Federation * North American Bear Foundation
 North American Grouse Partnership * Pheasants Forever * Pope and Young Club
 Public Lands Foundation * Quail Forever * Quality Deer Management
 Rocky Mountain Elk Foundation * Ruffed Grouse Society * Texas Wildlife Association
 The Conservation Fund * The Wildlife Society * Theodore Roosevelt Conservation Partnership
 Whittetails Unlimited * Wild Sheep Foundation * Wildlife Forever * Wildlife Habitat Council
 Wildlife Management Institute * Wildlife Mississippi

April 29, 2014

The Honorable Barbara Boxer, Chairwoman
 Senate Environment & Public Works Committee
 410 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable David Vitter, Ranking Republican
 Senate Environment & Public Works Committee
 456 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Doc Hastings, Chairman
 House Natural Resources Committee
 1324 Longworth House Office Building
 Washington, DC 20515

The Honorable Peter DeFazio, Ranking Democrat
 House Natural Resources Committee
 1324 Longworth House Office Building
 Washington, DC 20515

Dear Chairwoman Boxer, Chairman Hastings, Senator Vitter and Congressman DeFazio:

We write representing millions of hunter conservationists, wildlife conservationists, and wildlife scientists to support the vital need to increase the price of the Federal Duck Stamp from its current price of \$15 to \$25. The Duck Stamp was enacted in 1934 during the worst depression and drought the United States has ever known by a group of dedicated waterfowl hunters who stepped forward and asked to pay a user fee dedicated to conserving wetland habitat. In the program's 80th year, the buying power of the Duck Stamp has unfortunately never been lower.

Since its inception, over 6 million acres of waterfowl habitat have been conserved through the revenues of Duck Stamp sales. Approximately \$0.98 of every \$1.00 of Duck Stamp receipts is spent on habitat conservation of wetlands. These habitats not only benefit waterfowl and other wildlife but also provide flood attenuation, water filtration and buffering of storm surges for our citizens.

The price of the Duck Stamp has not been raised since 1991, while the cost of land has tripled. Wildlife habitat needs have continued to increase and the stamp has lost 40 percent of its value. The cost of electricity, eggs and gas have increased due to market forces and now it's time we do our part and meet the market by increasing the price of the Duck Stamp. In order for us to pass down our hunting heritage from generation to generation and sustain a vital and viable resource for wildlife and people, we must increase the price of the Duck Stamp this year.

We pledge our commitment and support to work with you to enact an increase to the Federal Duck Stamp to \$25 in this Congress.

Thank you for your attention to our request.

CC: Full U.S. Senate and U.S. House of Representatives

Dr. FLEMING. Thank you, Mr. Schmidt. Thank you for your work. Mr. Cornell, you are recognized for 5 minutes to present your testimony on H.R. 3409 and H.R. 5069 on behalf of the Friends of Brazoria Wildlife Refuges.

STATEMENT OF MARTIN CLIFFORD CORNELL III, GRANT ADMINISTRATOR, FRIENDS OF BRAZORIA WILDLIFE REFUGES

Mr. CORNELL. Good morning. I am Marty Cornell, a retired Dow Chemical scientist and now the volunteer grant administrator and member of the board of the Friends of Brazoria Wildlife Refuges. I am here today in the latter capacity.

Friends, a tax-exempt organization, acquires funds through grants, gifts and fundraising to support a variety of activities within the Texas Mid-Coast National Wildlife Refuge Complex, located about an hour and a half south of Houston, Texas.

Over 36 percent of these funds have supported land acquisition discovery activities to streamline the Service's process of acquiring tracts of property. I very much appreciate the opportunity to speak to this subcommittee on the negative impacts that H.R. 3409 would have on our local refuges.

Because of its unique location and ecology, along the Texas Gulf Coast, the Complex is home to over 100 species of resident birds and more than 200 species of non-resident migrating birds, totaling over 29 million individuals. Most of these birds are attracted to our area because of our old growth hardwood forest, known as the Columbia Bottomlands, which provides food, water and shelter for travel-weary migrants.

Over 75,000 visitors enjoy the refuges each year for wildlife observation, photography, duck hunting and fishing. This activity provides an annual economic boost of over \$118 million to our local economy.

In 1997, concern over the rapid destruction of the Columbia Bottomlands ecosystem led to a coordinated effort by government agencies, including Texas Parks and Wildlife, private landowners and conservation organizations, to preserve enough of this forest to sustain its bio-diversity on which resident and migratory birds depend. It is believed that 70,000 acres or just 10 percent of its original expanse would provide this insurance. Since then, more than 33,000 acres have been acquired by the Service from donors and willing sellers.

Non-profit organizations, like the Trust for Public Land, often purchases and holds land until the Service completes due diligence and secures funding for acquisition. These non-profits provide elasticity to accommodate the timing needs of the seller and the funding constraints of the buyer. The result is a process that is steadily moving toward the goal of conserving a sustainable amount of forest ahead of urban encroachment as metropolitan Houston moves south.

It is noteworthy that 61.1 percent of the funds for the acquisition of this land came from the Migratory Bird Conservation Fund, Duck Stamp money, thank you Paul—16.6 percent of the cost of the land purchase came from private grants and 14.9 percent represents the appraised value of donated tracts of land. That totals 92.5 percent. Only 7.5 percent of the cost of acquisition came from direct congressional appropriation via the Land and Water Conservation Fund.

Industrial and private landowner neighbors of the Complex appreciate the value of our natural ecosystems. And over the years, many have offered to donate or sell property to the Service. One

recent example is the 338-acre tract of Bottomlands Forest, appraised at \$1.8 million, donated by the Dow Chemical Company, our county's largest employer. Today, the Dow Woods Unit of the San Bernard National Wildlife Refuge, which is solely contained within the confines of the city of Lake Jackson, Texas, is an urban refuge. It enjoyed over 4,500 visitors last year.

If H.R. 3409 is enacted, expansions like the Dow Woods, would require a time-consuming, cumbersome and likely deal-killing Act of Congress.

Currently, the Complex is working on the acquisition of over 21,000 additional acres, bringing us closer to our goal. If enacted, H.R. 3409 would essentially halt the process of preserving this critical hardwood wetland forest and threaten the dwindling population of migrating songbirds who depend on it.

The bottom line is that H.R. 3409 is a blunt instrument. Congressional oversight is already provided by the Migratory Bird Conservation Act, which funds most of our refuge land acquisition programs. For these reasons, I respectfully request that H.R. 3409 be rejected by this subcommittee and by the House of Representatives.

I thank you for your time.

[The prepared statement of Mr. Cornell follows:]

PREPARED STATEMENT OF MARTIN C. CORNELL, GRANT ADMINISTRATOR, FRIENDS OF BRAZORIA WILDLIFE REFUGES ON H.R. 3409 AND H.R. 5069

Good morning. I am Marty Cornell. I retired 12 years ago after 35 years as a scientist for The Dow Chemical Company, and since then I have been an active volunteer and member of the board of the Friends of Brazoria Wildlife Refuges (Friends).¹ I am here today in that latter capacity, where I serve as Grant Administrator. In that role, I apply, administer, and report on a constant flow of grants and gifts to support three National Wildlife Refuges located along the mid-coast of Texas; the Brazoria, San Bernard, and Big Boggy National Wildlife Refuges. These three refuges are administered by the Texas Mid-coast National Wildlife Refuge Complex (TMCNWR).² Many of these grants and gifts are targeted to support the acquisition of tracts of land for the San Bernard National Wildlife Refuge (SBNWR). I shall be using the experience of the San Bernard NWR to frame our case regarding the Bill H.R. 3409.

I very much appreciate the opportunity to speak to this subcommittee on the negative impacts that would occur to the Land Protection Plan of the San Bernard NWR if the Bill, H.R. 3409, known as the National Wildlife Refuge Expansion Limitation Act of 2013, were to become law.

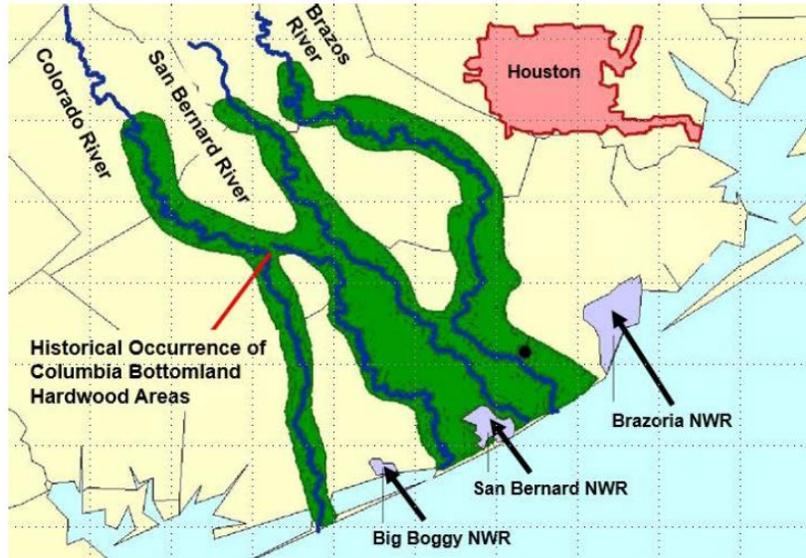
First, some orientation is in order. Starting in 1996, the Department of the Interior, under the U.S. Fish and Wildlife Service (USFWS), began acquiring land in Brazoria County, Texas, because this region along the Gulf coast, with our coastal shores, bays, estuaries, prairies, and riparian forests, is an ideal habitat for wildlife, especially for resident and migrating birds.

Of special importance are the bayous, streams, and three major rivers in Brazoria and neighboring Matagorda County that empty into the Gulf of Mexico, the Brazos, San Bernard, and Colorado Rivers. These rivers and streams support old growth hardwood forests that provide shelter, food, and water for native and migrating wildlife. Named Austin's Woods or the Columbia Bottomlands Forest, this land is the southernmost riparian forest along the Gulf Coast of the United States (Figure 1). It is an oasis, separated from other coastal forests by vast expanses of prairie, farmland, and urban areas.

¹ <http://www.refugefriends.org/>.

² <http://www.fws.gov/southwest/refuges/texas/texasmidcoast/index.htm>.

Figure 1. Strategic location of the wildlife refuges of the Texas Mid-coast National Wildlife Refuge Complex



Prior to European settlement, these forests and wetlands consisted of about 700,000 acres. Their location and size attracted Nearctic and Neotropical migrating birds, and became ingrained in their instinctive migration routes. Today, millions of birds make this trek through the Columbian Bottomlands forests, many taking the 600-mile path from Mexico's Yucatan Peninsula over the Gulf of Mexico to the Columbia Bottomlands Forest, where they find safe haven (Figure 2). This pattern is dramatically shown on Figure 3 in the Doppler radar image taken in February, 2006, with massive flocks nearing our coastline, and other birds, having rested and refreshed, continuing their journey north to breeding grounds.

Figure 2. Spring northern migration pathways pass through the Columbia Bottomland Forests

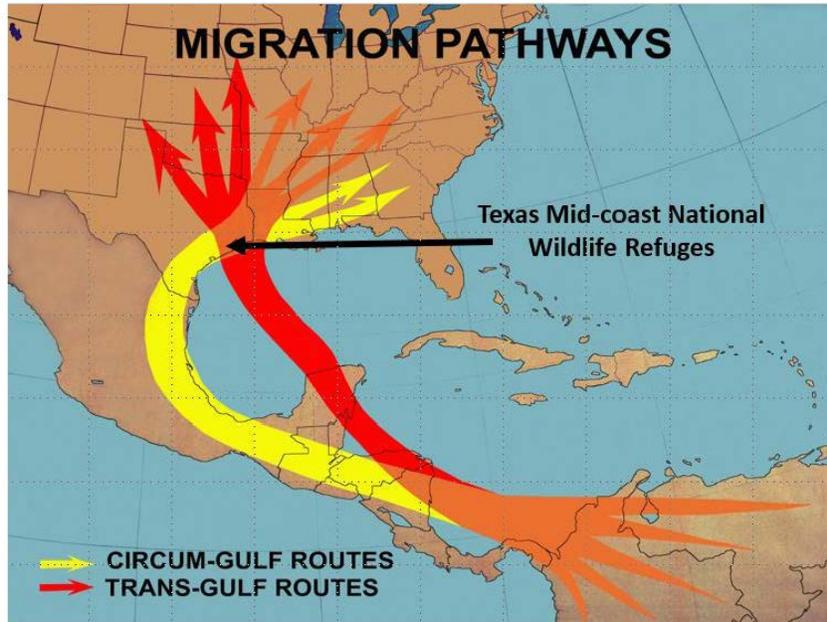
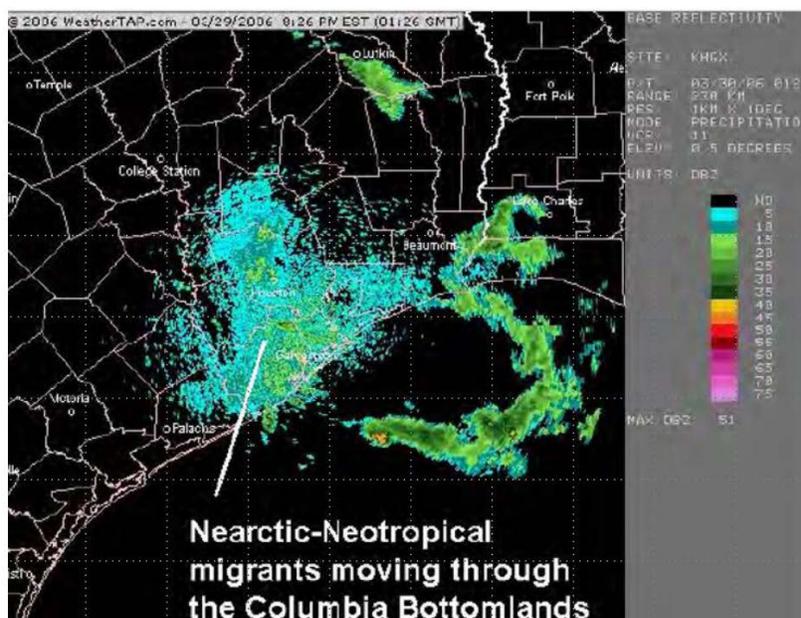


Figure 3. Doppler radar of the northern spring migration of Nearctic and Neotropical birds through the Columbia Bottomland forests. Dr. Sidney Gauthreaux, Jr.



A recent example of this is a 338-acre tract of bottomlands forest, bisected by Bastrop Bayou, and located within the extraterritorial jurisdiction of the city of Lake Jackson, Texas. This land, appraised at \$1,800,000, was donated to the San Bernard National Wildlife Refuge by The Dow Chemical Company, our county's largest employer. Subsequent development of 2.5 miles of ADA-compliant trails and other facilities were made possible from over \$300,000 in grants and gifts awarded to the Friends of Brazoria Wildlife Refuges. Today, this Dow Woods Unit of the San Bernard NWR is an "urban refuge" that was enjoyed by over 4,500 visitors in 2013, with visitation growing as the recently completed trails become better known (Figure 4).

Figure 4. ADA-compliant trail in the Dow Woods Unit of the San Bernard NWR

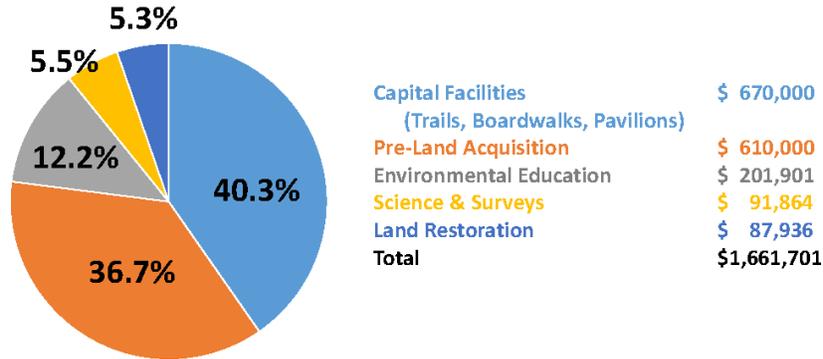


It is noteworthy that the provision of the proposed National Wildlife Refuge Expansion Limitation Act of 2013 would have required a time-consuming and cumbersome Act of Congress for this donated land to become part of our refuge system. With such a substantial negative impact, the question is begged, "What would be the net gain if H.R. 3409 were to become law?" In our case, where only a small portion of discretionary Federal funds are involved, the answer would lead to a loss to the citizens, not a gain.

The Dow Woods Unit is also an example of public access development done with private funds, such as those from our Friends organization.

The Friends of Brazoria Wildlife Refuges was chartered in 1994 and became a 501(c)(3) tax-exempt organization in 1995. One of our major activities is to acquire funds through grants, gifts, and fundraising efforts. These funds are used to develop public use facilities, support environmental education programs, and conduct wildlife surveys. Over 36 percent of these funds support pre-land acquisition discovery activities, which streamlines the process of acquiring donated or purchased tracts of property, such as the Dow Woods Unit (Figure 5).

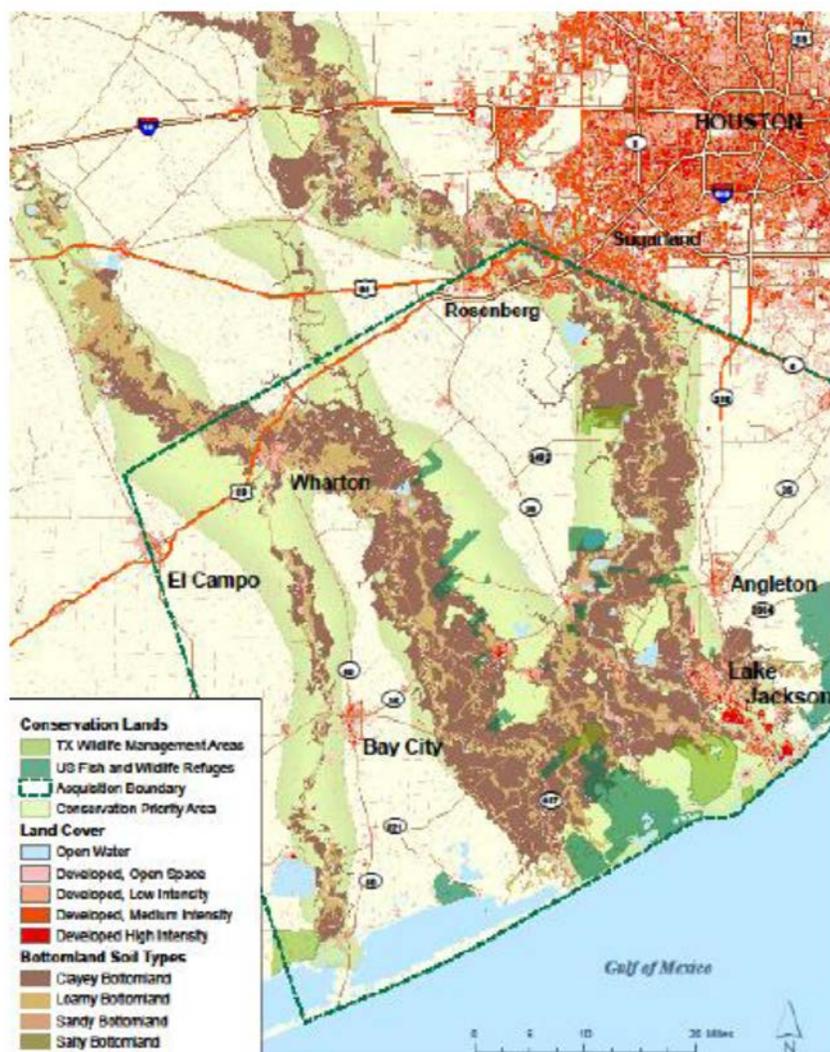
Figure 5. Allocation of Friends Funds, 1996–2014



In 1997, concern over the rapid destruction of prime, old-growth bottomland hardwood forest in the Columbia Bottomland ecosystem led to a coordinated effort by Federal, state, and local government agencies, together with landowners and conservation organizations, to preserve enough of this forest and adjoining prairie to sustain its biodiversity on which substantial populations of migratory birds depend. It is believed that 70,000 acres would provide this insurance (10 percent of the original 700,000 acres).

As part of the resulting 1997 Decision Document of the Austin's Woods Conservation Plan, the U.S. Fish and Wildlife Service was authorized to purchase of up to 28,000 acres as its share of the 70,000-acre goal of the involved conservation partners. For various reasons, the other partners have since been unable to execute any substantial land purchases. They have, however, been active in assisting the Service in its land-acquisition process. On June 25, 2013 the Service authorized an increase of the acquisition cap to the full 70,000 acres within the established acquisition boundary shown on Figure 6.

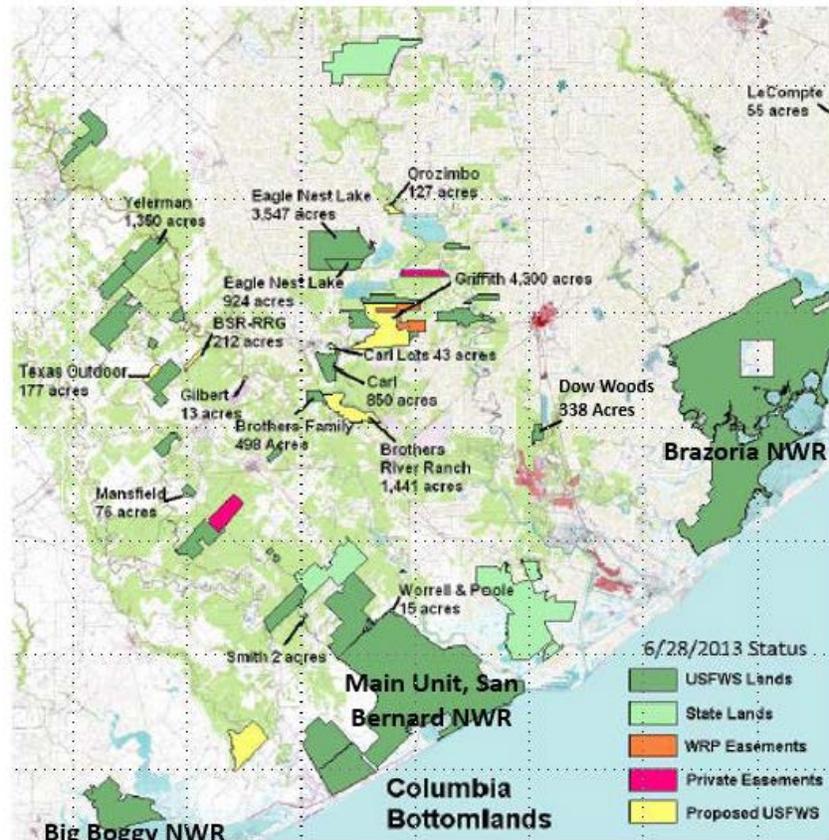
Figure 6. Acquisition boundary of the Austin's Woods Unit of the San Bernard National Wildlife Refuge



Over the 16 years through the end of 2013, over 33,000 acres have been acquired by the U.S. Fish and Wildlife Service, as shown on the map of Figure 7. Details of this plan are covered in the Texas Mid-coast NWR Complex Comprehensive Conservation Plan and Environmental Assessment, approved in September, 2013.⁵

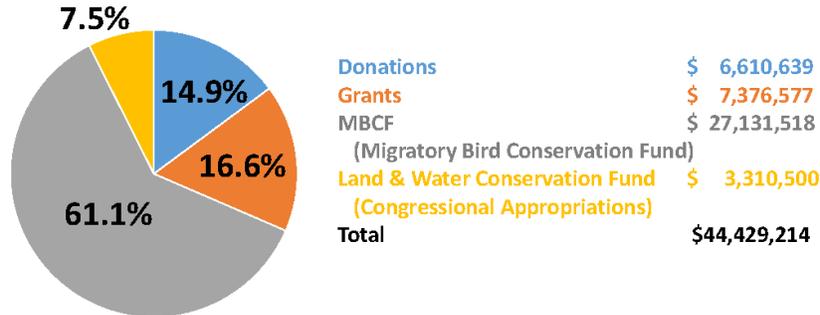
⁵ http://www.fws.gov/southwest/refuges/Plan/docs/Texas/TMC_CCP_portfolio.pdf.

Figure 7. 33,653 acres of acquired and proposed additions to the conserved Columbia Bottomland Forest



It is noteworthy that 61.1 percent of the funds for the acquisition of this land came from the Migratory Bird Conservation Fund (MBCF), paid for by Duck Stamps sold to duck hunters and aficionados of the stamp art. The funds are thus fees paid by appreciative users of wetland ecosystems, to the benefit of future generations of all Americans; 16.6 percent of the cost of the land purchased came from private grants, and 14.9 percent represents the appraised value of donated tracts of land. Only 7.5 percent of the cost of acquisition came from congressional appropriation via the Land and Water Conservation Fund (Figure 8).

Figure 8. Funding Sources of Columbia Bottomlands Additions, 1996–2013



All of these 33,636 acres were obtained from willing donors and sellers, primarily via fee title purchase. Non-profit organizations like the Trust for Public Land, The Conservation Fund, and the National Fish and Wildlife Foundation often purchase and hold lands until the U.S. Fish and Wildlife Service completes due diligence and secures funding for acquisition. Friends, through grants from Houston Endowment, provides funds for pre-acquisition discovery processes. These non-profits provide elasticity to accommodate the timing needs of the seller and the funding constraints of the buyer. The result is a process that is steadily moving toward the goal of conserving a sustainable amount of Columbia Bottomland Forest ahead of urban encroachment as metropolitan Houston grows south.

Currently, the TMCNWR is working on the acquisition of 12 tracts of Columbia Bottomland forest, having a total of 21,805 acres, bringing us closer to our goal of 70,000 acres.

The current quantity of land in conservation status is not adequate to protect either the ecosystem or dependent wildlife species. The proposed National Wildlife Refuge Expansion Limitation Act of 2013 would essentially halt the process of preserving this critical amount of hardwood wetland forest, and threaten the dwindling population of migrating songbird species, which are in significant decline.⁶ Since H.R. 3409 would be retroactive to January 3, 2013, the over 3,800 acres of land acquired since then by the San Bernard NWR would be in jeopardy.

The bottom line is that H.R. 3409, which would stipulate that “The Secretary may not expand any national wildlife refuge except as expressly authorized by law enacted after January 3, 2013”, is a blunt instrument. Congressional oversight is already provided by the Migratory Bird Conservation Act, which funds most of our refuge land acquisition programs. For these reasons, I respectfully request that H.R. 3409 be rejected by this subcommittee and the U.S. House of Representatives.

I thank you for your time.

Dr. FLEMING. Thank you, Mr. Cornell. At this point, we will begin Member questioning of our witnesses. To allow all Members to participate and ensure we will hear from our witnesses, we are limited to 5 minutes as before. If you have additional questions, if we have time, we will have another round. I now recognize myself for 5 minutes.

Mr. Schmidt, I appreciate your years of service both in the Fish and Wildlife Service and with Ducks Unlimited. You have really had that combined experience and database of knowledge that is so important to this discussion. And what I think we all want today of course is to have more ducks. And the way to have more ducks

⁶Saving Migratory Birds for Future Generations: The Success of the Neotropical Migratory Bird Conservation Act; Compiled by American Bird Conservancy; May 2009; http://www.abcbirds.org/newsandreports/special_reports/act_songbirds.pdf.

is to have more habitat of course. The way to achieve that of course is sometimes up for discussion. And the reason why we went in the direction we did with H.R. 5069 is to say we have relative to the cost of land, we have fewer dollars to apply. Why not get the biggest bang for our buck, the best leverage, and that is, let's commit all of the new money into easements rather than purchases. And the reason being that, number one, it is probably less expensive to purchase an easement than fee simple. And the other is of course maintenance.

You know, Mr. Southerland makes the point that we are not maintaining our easements as it is. And I would really disagree with him on that. I did not get a chance to bring that up, but I would love to get your comments. But that is the beauty of easements, it remains in the hands of the family, of certainly the owners where they can continue to manage it as their own land. They just simply cannot destroy the land. It has to remain habitat for birds. So I would love to get your response to that, and if you agree or disagree with those comments.

Mr. SCHMIDT. Well, thank you, Mr. Chairman, very wise remarks, frankly. We see the value of easements. And we have for much of our history in Ducks Unlimited, we see them as so valuable in terms of an instrument and a tool for conservation that we dedicate our own philanthropic investment to easements. We currently manage almost 400,000 acres ourselves through easements. It has nothing to do with the Federal Government, but it is simply our donors and our supporters have suggested that is a good approach as well. And we think there is a nice balance between public lands and private lands.

And in terms of the cost of maintaining, as you alluded to, maintaining easements, they are cheaper. We find that we have to monitor them, yes, to make sure they are in compliance with the legal documents but that is typically an annual sort of event to simply monitor. There is not an active management, if you will. That is on the shoulders of the private landowner who is doing their work on their land.

Dr. FLEMING. Right.

Mr. SCHMIDT. So we think the balance that this bill provides, and frankly that the Duck Stamp program has provided for years, is appropriate and important, particularly as you reference the economics of the situation.

Dr. FLEMING. If I heard you correctly in your testimony, you said there were about a million Ducks Unlimited members?

Mr. SCHMIDT. Members and supporters, yes.

Dr. FLEMING. Is that worldwide?

Mr. SCHMIDT. Yes, yes.

Dr. FLEMING. In the United States, it would be what approximately?

Mr. SCHMIDT. Well, we have actually officially about 650,000 members in the United States. And there are members in Ducks Unlimited Canada, Ducks Unlimited Mexico as well. And then we have supporters beyond even those members that we count.

Dr. FLEMING. And you have been communicating with them, getting feedback on the idea of an increase committed toward the easements. What has been the response?

Mr. SCHMIDT. Very strong support for this. Ninety percent of our members. About 90 percent of our members are hunters, migratory bird hunters. And so they are going to be required to buy this stamp year in and year out. And so we think it is important to ask them and to get their feeling. While I cannot say that 100 percent of our members support it, the vast majority are in support of this because they have seen the results that the Duck Stamp program has produced over the decades that it has been there.

Dr. FLEMING. Yes, well, I certainly agree with you. Again, government does not get a lot right, but this is one I think government has historically. We have lots of history in evidence. And so we want to continue what we are doing well, and we want to continue doing it.

Mr. SCHMIDT. Thank you.

Dr. FLEMING. Chairman Angius, in the remaining time that I have, why is the Willow Beach National Fish Hatchery important to Mohave County, Arizona?

Ms. ANGIUS. Thank you. Mohave County, Arizona, obviously it is in the middle of the desert, surrounded by water. We have Lake Mohave, and the Mighty Colorado. Everything that happens in Mohave County basically happens on the Colorado River. Most people end up living in Mohave County. They have come through their lives, they have river homes or trailers that they come down, and they go to the river to recreate. That is how they end up there.

So I am also right across the river from Laughlin, Nevada. So we are a tourist area. That is our economy. So without the trout propagation program fueling the ecosystem of our river, these fishermen are going to go away.

We have, you know, anglers sort of get spots that they enjoy coming to, and they come on an annual basis. And they are stopping. They have read in the papers that this program is over, and they are going to find new places to go fish. And we are going to lose them forever.

Dr. FLEMING. Well, thank you. My time is expiring, but without fish, you do not have fishermen. Without fishermen, you do not have an economy in a lot of these communities.

Ms. ANGIUS. That is it.

Dr. FLEMING. And I now recognize Mr. Sablan.

Mr. SABLAN. Thank you, Mr. Chairman. Mr. Schmidt, good afternoon. Sir, in your testimony you stated that conserving and restoring waterfowl habitat in the Mississippi River, and you are going to have me with this, the Alluvial Valley?

Mr. SCHMIDT. Alluvial, yes.

Mr. SABLAN. Alluvial Valley, you say, level one priority for Ducks Unlimited?

Mr. SCHMIDT. Yes, sir.

Mr. SABLAN. And so this habitat is largely made up of seasonally flooded Bottomland hardwood forest, roughly 80 percent of which has been destroyed according to the National Wildlife Federation. Why is that habitat so important?

Mr. SCHMIDT. Oh, wow, that is a great question, Congressman. It is incredibly important for all the species that call that home and migrate through it. And we have lost a lot of that habitat over the years. And we think it is important to restore as much as we pos-

sibly can. Bottomland hardwoods are incredibly productive ecosystems that benefit many species and, frankly, humans first and foremost with mitigation of floods and clean water that can be filtered through those areas. We think they are invaluable for not only the sportsmen and women but frankly the general public.

Mr. SABLAN. So would it be safe to say, sir, that you support conserving more of this habitat in areas like those around the Lower Hatchie and Chickasaw National Wildlife Refuge in Tennessee?

Mr. SCHMIDT. Yes, we think the refuge system provides a great public asset and would continue that with the Duck Stamp in lieu of H.R. 5069.

Mr. SABLAN. Thank you for that. And of the 561 national wildlife refuges, only 60 have been established by specific acts of Congress. Maybe that tells you how fast Congress works sometimes. Only 13 of these refuges in the lower 48 states have ever been expanded by Congress. Instead, the Fish and Wildlife Service has used authority Congress gave it to create and add to refuges, including science to help determine which land has the greatest conservation value. So do you think relying on Congress to approve every individual donation purchase or conservation easement, adding land to the refuge system would result in more conservation of waterfowl habitat or less? You know how Congress works, Mr. Schmidt, how fast.

Mr. SCHMIDT. We value—Ducks Unlimited values the oversight the U.S. Congress provides.

Mr. SABLAN. But approval, I am talking about approval.

Mr. SCHMIDT. And we think a good model is certainly the Migratory Bird Commission where the Dean of the House sat on for 45 years and others who have sat at this table. And we think that provides a great opportunity, and that is the review that occurs associated with the Federal Duck Stamp.

In terms of the other bill, we do not have a particular position on that particular bill. And we appreciate the involvement in the process by the Congress and the public in making decisions about where we should invest resources in the future for refuges.

Mr. SABLAN. Thank you, Mr. Schmidt. Let me go to you, Mr. Cornell, if I may. You testified, sir, that the Dow Chemical Company, the largest employer in your area I understand, not only supports expanding the San Bernard National Wildlife Refuge but also donated a 338-acre tract of land to the refuge. The narrative we hear, sir, from the committee Majority states that the national wildlife refuges are detrimental to local economies. Dow Chemical is not exactly, you know, it is a business. So do you think Dow Chemical agrees with that—with that statement or that thought? What has been your experience?

Mr. CORNELL. I retired 11 years ago, and at that time I can tell you that they did. I have no reason to suspect that they have changed since then. In fact, of course they are my neighbors.

Mr. SABLAN. They think that wildlife refuges are detrimental to the local economy?

Mr. CORNELL. No, no, they believe it is very much a positive impact on the economy. I mean I deal with a lot of current Dow employees. They volunteer at the refuges. It is certainly like you said, it offers—our refuges are a buffer. They are right on the coast. And we get hit with tropical storms and hurricanes, and this is one of

our buffers, these lands that will not be developed. And so that is very much an advantage.

And one of the things any company like Dow wants to do is attract top-level employees and to do that they have to provide a desirable environment. And certainly this type of environment is very desirable by those employees. And so it really does add to the whole wealth and well-being of our community.

Mr. SABLAN. Thank you, Mr. Cornell. Mr. Chairman, my time is up.

Dr. FLEMING. The gentleman yields. Dr. Gosar.

Dr. GOSAR. Thank you, Mr. Chairman. I just want to remind this committee that Congress is supposed to work not fast but efficiently based on the facts under the rule of law. And the agencies are required to do the same thing, to follow the rule of law, and in doubt, come back to Congress to verify. And that is what we seem to have a huge problem with currently.

Ms. ANGIUS, I am going to go through a couple of things here real quick because once again we heard some good information here just a minute ago with the director.

You testified that the Willow Beach Fish Hatchery was constructed in 1962 to mitigate for fish losses associated with the Hoover Dam's construction. This was the sole purpose, correct?

Ms. ANGIUS. Correct.

Dr. GOSAR. I recall looking at the Fish and Wildlife Service Web site several months ago when this issue first came up and it said, and I quote, "The Willow Beach Fish Hatchery, National Fish Hatchery, was created for the sole purpose of producing rainbow trout for the sport fishing community." Strange that language has been removed from the page. And that the Service now is referring to the hatchery as a non-mitigation hatchery, as you testified.

You know about this, can you elaborate about why you think this is such?

Ms. ANGIUS. Well, I can only speculate. All that wording was there. It was there. In fact, I have press releases all over the place for the last decade that always referred to Willow Beach as a mitigation hatchery. But yet after November, after the incident where the fish died, and again that was an avoidable incident, after the fish died and the decision was made not to fix the pipe and continue the program, magically all the mentions of the Willow Beach being a mitigation hatchery disappeared. And so now what we are hearing from the agency is that it is not a mitigation hatchery.

And, again, I do not think I said this in the testimony, the Willow Beach National Fish Hatchery was established by a memorandum of understanding between the Bureau of Reclamation, the National Park Service, and the U.S. Fish and Wildlife Service in April of 1959 solely as a mitigation hatchery for the propagation of trout, to mitigate recreational losses resulting from Federal dam construction of Hoover Dam and to contribute to the overall economic development of the area and increase recreational facilities in the region. That is the U.S. Fish and Wildlife's wording, not mine, not Dr. Gosar's. That is their wording. So here we are.

Dr. GOSAR. Well, and I find it strange that in 2006, the Willow Beach facility was highlighted by the Fish and Wildlife Service as an exemplary mitigation hatchery in a report describing the signifi-

cant and positive impact rainbow trout production in the National Fish Hatchery System has on the U.S. economy. What a difference 8 years makes, huh? And what a difference it makes having no dialog with the Fish and Wildlife Service.

I want to go back to this aspect, because you have been instrumental in mitigation, this aspect along with the Arizona Game and Fish. When we talked about this pipe, you went about trying to get an independent evaluation of this pipe and the cost with it. Can you describe a little bit about this?

Ms. ANGIUS. Well, we did. Actually, U.S. Fish and Wildlife and Arizona Game and Fish, we did come together and have a meeting about a month and a half ago at Willow Beach Hatchery. And we had all the engineers. It was very interesting to watch. And they sort of brainstormed to figure out what would be the best fix for this because we all knew that the numbers, \$2.5 million to \$9 million, were wrong, just greatly exaggerated. And so my staff, my engineering staff, came back with a well put together document, which I have right here, I will put it in the record if you want.

Dr. GOSAR. Please.

Ms. ANGIUS. And there are six or seven suggestions on how to fix the pipe, ranging from—the water delivery system, ranging from \$100,000 just to fix the pipe as it exists today, up to the highest being something like \$1.3 million to dig all new wells to do that. But my engineering department, they suggest that we do a system that has to do with barges that would go up and down with the water because the problem—and I want to remind everyone, the problem at Willow Beach is it is 3 days a year when the water levels get lower. That is all this is about, 3 days a year. So if we can come up with an idea, a way to fix that, then I will not be back here next year testifying and coming back and spending taxpayer's money.

So U.S. Fish and Wildlife has agreed to look at it. But as of yet, we have not come up with a way.

Mohave County has offered to help. We know that your hands are tied here in the Federal Government and the way you have to get estimates and get construction deals done. We have offered to help. Arizona Game and Fish has offered to help. We want to work together. We have always wanted to work together, but we are willing to put aside the sort of disrespectful way this was put forward to us. But we want to move on. We want to fix the pipe, and we want to get this program running again.

Dr. GOSAR. Just real quick indulgence. Did you find the estimates kind of outlandish like I did?

Ms. ANGIUS. Well, of course. We knew—when I testified in front of the Appropriations Committee a couple of months ago, when I was asked what were the estimates, and I said it was \$2.5 to \$9 million, they had to stop the meeting and everyone just laughed. Everyone laughed. And when they stopped laughing, I said, "Well, we of course believe that the cost will be much, much lower than that." Honestly, you will have to ask them. I do not know where they came up with those numbers, but we believe these are firm engineering numbers, signed off by our chief engineers.

Dr. GOSAR. That is what I wanted to make sure. So thank you, empowering local solutions for local problems.

Ms. ANGIUS. Absolutely.

Dr. GOSAR. Thank you very much.

Ms. ANGIUS. Thank you. And, Congressman, if I may—

Dr. GOSAR. Do you want to put it into the record?

Ms. ANGIUS. I would just want to say one more thing. I traveled a long way.

Dr. GOSAR. Ask the Chairman.

Ms. ANGIUS. One minute, may I please, Congressman?

Dr. FLEMING. Very quickly. We are running out of time.

Ms. ANGIUS. Very quickly. I became a supervisor because I wanted to make a difference in my community, and I wanted to keep it the free and great place I moved to. But I did not expect to be confronted by the Federal Government on almost a weekly basis with a new rule, regulation, restriction, mandate, land grab, water grab. In Arizona alone, we are fighting the EPA. They want to destroy our coal industry. We are fighting Endangered Species. They want to put wolves and jaguars into the backyards of our cattle companies. Would you want wolves in your backyards? Critters we have never heard of and whose names we can barely pronounce.

Mr. SABLAN. Are we hearing a bill here or are we hearing a whole slew that I can read in the newspapers all over again?

Ms. ANGIUS. I just wanted to say that we are at our breaking point in the West. And Arizona is going to do whatever it has to do to preserve our sovereignty.

Mr. SABLAN. Sorry to interrupt but this is—you had a minute.

Ms. ANGIUS. That is all I want to say. Thank you.

[Gavel.]

Dr. FLEMING. Yes, well, I want to thank all of our witnesses here today. This was a very informative hearing. Members were very engaged, very important issues. Before closing, I would also like to thank witnesses for traveling and going to great effort here preparing for testimony.

I also ask unanimous consent to include in the hearing record the following documents: a letter from the Association of Fish and Wildlife Agencies, a July 10 letter from the Sport Fishing and Boating Partnership Council and a letter to Senator Vitter and I from the chief executive officer of Ducks Unlimited in support of H.R. 5069.

[The letters submitted for the record by Dr. Fleming follow:]

LETTER SUBMITTED FOR THE RECORD ON H.R. 5026

ASSOCIATION OF FISH & WILDLIFE AGENCIES,
WASHINGTON, DC,
APRIL 1, 2014.

Hon. KEN CALVERT, *Chairman*,
Hon. JIM MORAN, *Ranking Member*,
Subcommittee on Interior, Environment, and Related Agencies of the Appropriations Committee,
U.S. House of Representatives,
Washington, DC 20515.

Re: USFWS Fish Hatchery System Report and Direction

DEAR CHAIRMAN CALVERT AND RANKING MEMBER MORAN:

The Association of Fish and Wildlife Agencies (AFWA) is writing to alert you to a significant direction change in the U.S. Fish and Wildlife Service (USFWS)

National Fish Hatchery Program and its associated programs that will have adverse effects on state fisheries programs and regional economies.

Based on recent conversations and direct interactions with USFWS personnel, it appears that USFWS is intending to abandon fisheries programs that would benefit sport fishing including the production of key hatchery fish and the oversight of new aquaculture drugs that the USFWS, tribes, and states all depend upon in their hatcheries to ensure the efficient production of essential fish. We are particularly concerned as these decisions were made in absence of input from USFWS' long standing state partners, many whom have been close partners in fish production since 1870 when the U.S. Fish Commission, the progenitor organization of the USFWS, was first established.

With respect to the USFWS Fish Hatchery Program, the USFWS in 2013 developed a strategic hatchery and workforce planning report. The report laid out a new desired direction without any direct input from the any state partners who all have vested interests in the management and production of fish from the National Fish Hatchery System. The report expressly indicates that the USFWS will move away from producing fish that benefit of all of our Nation's sport fisheries and will focus on only producing fish that are federally listed, or federal trust species and imperiled aquatic species. This shift completely disregards the recent 2011 USFWS study that documents the annual economic benefit of approximately \$3.6 billion to the Nation's economic activity from Federal fish hatcheries, a cost-benefit ratio of 1:26 which is unlikely rivaled in any Federal program. It is AFWA's opinion that the new USFWS Hatchery Report and its associated budget priorities and implications do not reflect needs of the Nation's aquatic resources or economy and will greatly harm our Nation's fisheries.

Another area of deep concern to our member states is a significant shift in how USFWS mitigation hatcheries are operated. These Federal hatcheries were built to offset losses to public trust resources owned by states from Federal water and other infrastructure projects and are vital to replacing lost fisheries values. It appears to our members that the USFWS has little interest in continuing to meet the Federal obligations for mitigation unless they are completely compensated for the costs of operation and maintenance by the Federal agency responsible for these damages to state property. While our members have always been supportive of USFWS seeking due compensation from Federal project owners and operators, it does not make a difference to our members who in the Federal Government pays for these facilities as long as the mitigation for our lost fisheries resources is fully compensated.

Additionally, it has been communicated to AFWA that the USFWS Directorate wants to use only "native" fish species in any type of mitigation hatchery work. This position completely ignores that most of the "non-native" fish produced in Federal and state hatcheries are essential to the management of our Nation's fisheries and are now naturalized species in the United States. It also assumes that our Nation's fish habitat can support all native species which is frequently incorrect as much of the Nation's aquatic habitats have been altered beyond the capacity of some native species to survive in them. Further, the states already have active long-term native fish management programs in place that have been developed in partnership with the USFWS. If the USFWS switches their aquaculture operations to focus primarily on Federal trust and imperiled species and then only native fish, it will add an unnecessary level of redundancy, require additional infrastructure improvements, cost billions in economic activity, and waste Federal funds.

The USFWS also proposes reducing funding for the Aquatic Animal Drug Approval Partnership (AADAP), an associated Federal fish hatchery program and converting it to a completely user-pay system. The program is responsible for gaining U.S. Food and Drug Administration (USFDA) approval of aquaculture drugs to meet increasing fish health needs. This small, although highly essential, program once had an annual budget of \$1.2 million dollars but is now funded at \$800,000 with a loss of three full-time employees. The drugs that are researched through this program are essential for the production of our Nation's sports fish as well as imperiled native species and have saved state and Federal hatcheries approximately 10-30 percent of their yearly production costs, approximately \$50 to \$150 million annually. This unique partnership, administered by the USFWS AADAP staff, has state and tribal hatcheries pay an annual fee to use investigational new animal drugs (INAD) under USFDA permit, and then in turn provide essential data that allows the USFDA to ultimately register these drugs for use. By moving this program to strictly user-pay for the national INAD portion of the program, the program costs likely will exceed the state and outside funding sources available for the staffing and associated research required by USFDA, resulting in elimination of this amazing program. The USFDA has indicated if financial resources to support the INAD portion of the program are insufficient, they may shutter the program. The

loss of this program will cost our members significantly and reduce the ability of our Nation's hatcheries to support the approximately \$30 billion annually that Federal, state and tribal hatcheries contribute to our national economy.

Given the importance of the USFWS Hatchery System's production of sports fish and national oversight of the AADAP program and the potential conversion of these assets to other programs, AFWA is requesting the assistance of the Chair and Ranking Member of the Subcommittee on Interior, Environment, and Related Agencies of the Appropriations Committee to: (1) request the USFWS Directorate to put any of the proposed policy changes to the USFWS Hatchery and AADAP Programs in abeyance and immediately begin discussions and consultations with our membership on the future direction of these programs; (2) require the USFWS Directorate to meet all of their current Federal obligations for mitigation, regardless of whether they are successful in receiving funds from Federal project owners, with no concurrent reduction to other fish production; (3) stop any potential policy change to require USFWS hatcheries to produce only "native" fish; and (4) request your support and assistance to ensure, at a minimum, the base funding of \$800,000 continues for AADAP. We welcome the opportunity to discuss with you how USFWS mitigation responsibilities are met while not putting the sport fishing recreational economy at risk by underfunding fish hatchery production in favor of shifting USFWS priorities to Federal trust and imperiled species.

We appreciate your immediate attention to this matter which has huge implications for our Nation's fisheries and the economies that depend on them.

Sincerely,

DAN FORSTER,
President.

LETTER SUBMITTED FOR THE RECORD ON H.R. 5026

SPORT FISHING & BOATING PARTNERSHIP COUNCIL,
JULY 10, 2014.

Hon. SALLY JEWELL, *Secretary*,
Department of Interior,
1849 C Street, NW,
Washington, DC 20515.

Dear Secretary Jewell:

As you know, the Sport Fishing and Boating Partnership Council (Council) was established in 1993 to advise the Secretary of Interior, through the Director of the U.S. Fish and Wildlife Service (Director), on aquatic conservation endeavors that benefit recreational fishery resources and recreational boating, while encouraging partnerships among industry, the public, and government. It is with this charge in mind that the Council wishes to express our sincere concerns and disappointment with the recent *National Fish Hatchery System—Strategic Hatchery and Workforce Planning Report* (Report). Although the Report was dated March 2013, it was not released to the public until November 15, 2013. The fact that no stakeholders, including the state agencies that depend on the National Fish Hatchery System (NFHS) as part of their overall fisheries management strategy, were consulted during the development of the Report highlights the significant and problematic lack of transparency in the current direction of the fisheries program in the U.S. Fish and Wildlife Service (Service). Furthermore, it is unclear as to whether the Service fulfilled its tribal trust responsibility to consult with any tribes on the potential impacts to their nations during the Report's development. When the Report was released last year the Assistant Director of Fisheries stated in a conference call that the agency would engage the sportfishing community in discussions to find solutions. To date there has been no such process save some ad hoc discussions.

More specifically and of the utmost concern to the Council is that the recent Report clearly demonstrates that not only does the Service have no intention of incorporating the prior recommendations of stakeholders, but that the overall direction of the NFHS is fundamentally shifting away from sport fish propagation. This cannot be allowed to happen, and brings into question the authority the Service has to abdicate statutory responsibilities under various acts, including the Fish and Wildlife Coordination Act of 1934, to provide for recreational fishing opportunities and fulfill tribal trust responsibilities.

The NFHS was established in 1871 to address seriously declining fish populations by building a network of Federal hatcheries to propagate fishery resources for future generations of Americans. Since that time, the NFHS has provided millions of sport fish each year for America's angling public, resulting in an astounding economic ripple effect and increased recreational opportunities. The facilities, which average more than 70 years old, annually produce and distribute 140 million fish and 120 million fish eggs with a value over \$5 billion. In addition to the more than 68,000 jobs supported by the NFHS, for every tax dollar invested in the system, there is a return of \$28 to our national economy because of the sport fishing opportunities they provide.

In 2000 an independent report entitled "Saving a System in Peril" was released that included suggested recommendations on how to improve the aging and financially strapped hatchery system in addition to highlighting the economic, historical, and cultural significance the NFHS plays. However, this report also concluded, ". . . that without a national vision to define regional goals and objectives designed to fulfill overall FWS Fisheries Program strategies, the national hatchery system will continue to drift and will be in peril." Unfortunately, this report, and subsequent reports with similar recommendations in the 14 years since, has been ignored by the Service, and the System is indeed in peril.

More recently, during an oversight hearing before the House Natural Resources Committee on March 5th, the Assistant Director of Fisheries for the Service testified that the agency is using its new strategic Report to "engage partners and stakeholders in a discussion on its major findings and recommendations." Yet, the Director of the Service had already issued a Memo last September to his Regional Directors, relative to the Report, indicating that "to bring our expenditures in line; not by mindlessly reducing our programs functions but by making hard decisions to close lower priority facilities." Under the Service's new strategic plan, recreational propagation programs are now the *lowest priority*. However, when determining the priorities for the NFHS, the economic impacts to local, state and regional economies were not evaluated or considered by the Service, nor were the state agencies consulted about the negative ramifications of the Service's new direction on their ability to effectively manage fish populations.

Therefore, the Council would appreciate your consideration, in the near term, to keep these recreational propagation programs operating in FY 15 as required by the Fish and Wildlife Coordination Act of 1934. And, in the long-term, to consider working with the Council to develop draft "organic" legislation for the Service's Fisheries Program that would, in part, ensure the long-term viability and proper performance of the NFHS.

We appreciate your consideration of these requests and stand ready to assist you and your staff in these endeavors.

Sincerely,

THOMAS J. DAMMRICH,
Chair.

LETTER SUBMITTED FOR THE RECORD IN SUPPORT OF H.R. 5069

DUCKS UNLIMITED,
MEMPHIS, TN,
JULY 14, 2014.

Hon. DAVID VITTER, *Chairman*,
U.S. Senate Committee on Environment and Public Works,
SD-140 Dirksen Senate Office Building,
Washington, DC 20510.

Hon. JOHN CALVIN FLEMING, *Chairman*,
House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs,
140 Cannon House Office Building,
Washington, DC 20515.

DEAR CHAIRMAN VITTER AND SUBCOMMITTEE CHAIRMAN FLEMING:

On behalf of the over one million members and supporters in all 50 states, Ducks Unlimited applauds the Senate Chairman and House Subcommittee Chairman's Federal Duck Stamp Act of 2014 to support the Federal Duck Stamp Program. As you know, we at Ducks Unlimited, including your great Louisiana constituents, es-

pecially appreciate the importance of wetlands and waterfowl conservation. These companion bills in the Senate and House will secure vital habitat for generations of waterfowl hunters and wildlife outdoor enthusiasts to come.

The Federal Duck Stamp was enacted in 1934 during the worst depression and drought the United States has ever known by a group of dedicated waterfowl hunters who stepped forward and asked to pay a user fee dedicated to conserving wetland habitat. In the program's 80th year, the buying power of the Federal Duck Stamp has unfortunately never been lower.

Since its inception, over 6 million acres of waterfowl habitat have been conserved through the revenues of Federal Duck Stamp sales. The program has been a stellar example of the North American Model of Wildlife Management and government efficiency. Approximately \$0.98 of every \$1 of Federal Duck Stamp receipts is spent on habitat conservation of wetlands. These habitats not only benefit waterfowl and other wildlife but also provide flood attenuation, water filtration and buffering of storm surges for our citizens.

The price of the Federal Duck Stamp has not been raised since 1991, while the cost of land has tripled. Wildlife habitat needs have continued to increase and the stamp has lost 40 percent of its value. We pledge our commitment and support to work with you to adjust the price of the Federal Duck Stamp to \$25 to account for inflation and meet growing habitat conservation needs. I also assure you there is great support for this across the conservation/hunting community.

Thank you for your work on this important issue, and we at Ducks Unlimited stand ready to support the Federal Duck Stamp Act of 2014 in any way we can. Please call me if I can be of assistance.

Sincerely,

H. DALE HALL,
CEO.

Dr. FLEMING. I also want to thank members of the staff, members and staff for their contributions to this hearing. There being no further business, without objection, the subcommittee stands adjourned.

[Whereupon, at 12:20 p.m., the subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

LETTER SUBMITTED FOR THE RECORD IN OPPOSITION OF H.R. 3409

THE WILDERNESS SOCIETY,
WASHINGTON, DC,
JULY 22, 2014.

Hon. JOHN FLEMING, *Chairman*,
Hon. GREGORIO SABLAN, *Ranking Member*,
House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs,
Washington, DC 20515.

Re: H.R. 3409: The National Wildlife Refuge Expansion Limitation Act of 2013

DEAR CHAIRMAN FLEMING AND RANKING MEMBER SABLAN:

The Wilderness Society, on behalf of our over 500,000 members and supporters from across the country, would like to express our views on the legislation being heard tomorrow in the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, and respectfully request that this letter be included in the July 23, 2014 hearing record for the subcommittee.

If H.R. 3409 were to become law it would have a substantial and far-reaching impact on private land owners, willing sellers, refuge visitors, local communities, vulnerable wildlife populations and the National Wildlife Refuge System as a whole.

The proposed National Wildlife Refuge Expansion Limitation Act runs counter to the intent of the 1997 Refuge Enhancement Act, undermines established conservation mechanisms and would essentially halt the ongoing process of preserving critical habitat across the country. Furthermore, since H.R. 3409 would be retroactive

to January 3, 2013, all land acquired since then by any national wildlife refuge would be in jeopardy.

Under this legislation a time-consuming and cumbersome Act of Congress would be required for any land acquisition, even donated land, to become part of our refuge system. This adds an unnecessary and duplicative step in the process of protecting critical habitat. Congressional oversight is already provided on the Migratory Bird Conservation Act and the Land and Water Conservation Fund Act, which fund a significant amount of refuge land acquisition programs.

This legislation would also threaten public access and harm local economies by blocking willing sellers from using proven mechanisms like the Land and Water Conservation Fund to sell private inholdings. Acquisitions, even when completed with private funds from friends groups or other non-profit organizations would also be blocked.

These mechanisms, which have been in place for decades, provide certainty for willing sellers, allow for increased management efficiency of our public lands by consolidating ownership and provide essential connected habitat for wildlife. Halting and potentially even reversing prior acquisitions undermines the certainty private land owners and willing sellers deserve and threatens existing and future habitat protections.

The bottom line is that H.R. 3409 is a blunt and unnecessary instrument. For these reasons, The Wilderness Society strongly opposes the National Wildlife Refuge Expansion Limitation Act.

Sincerely,

ALAN H. ROWSOME,
Senior Director of Government Relations for Lands.

NEWS ARTICLE SUBMITTED FOR THE RECORD

Wednesday, July 23, 2014
By Julianne Logan
Cronkite News
<http://cronkitenewsonline.com>

Arizona officials call for a halt to ‘devastating’ hatchery changes

WASHINGTON—Arizona officials told a House panel Wednesday that the federal government’s decision to end a rainbow trout program at the Willow Beach fish hatchery could have a devastating impact on the state’s economy.

The U.S. Fish and Wildlife Service said last year it planned to stop sport-fish production at the hatchery after 52 years there. Local officials said they rely on the hatchery for tourism dollars, and were never consulted on the decision to end the trout program.

“Once the fish are gone, the fisherman will be gone. Then we will have nothing,” said Mohave County Supervisor Hildy Angius, during a sometimes-testy hearing before a House Natural Resources subcommittee.

Angius and Arizona Game and Fish Commission Chairman Robert Mansell were in Washington to testify in support of a bill by Rep. Paul Gosar, R-Prescott, that would require a more-stringent review before U.S. Fish and Wildlife Service could stop hatchery programs.

The Fish Hatchery Protection Act would require congressional approval before the service could close or otherwise significantly alter operations at a federal fish hatchery.

Gosar said he introduced the bill after the service began making changes to several hatcheries last year as part of a new strategic plan, without first notifying state or local agencies.

Fish and Wildlife Deputy Director Steve Guertin said the service “strongly opposes” the bill, saying it would “jeopardize our ability to fulfill our ongoing legal obligations, respond to new and constantly evolving environmental challenges.”

The bill would also limit the agency’s ability to restore native fish and protect endangered species, Guertin said.

Gosar said he understood those needs, but said the service had “absolutely no right” to make such significant changes without first notifying the communities that would be affected.

“Shame on you, absolutely shame on you,” a visibly angry Gosar said, in response to what he called Guertin’s “pathetic excuses” for the proposed hatchery changes. Mansell testified that hatcheries are “vital to Arizona and the Nation’s economies.” He said Arizona relies not only on in-state hatcheries, but on others around the country.

They provide “immense economic and environmental benefits to rural economies . . . like Mohave County that depend on outdoor recreation and tourism to survive,” he said.

“Over 636,000 people fish in Arizona annually, resulting in an estimated fishing expenditures of over \$1.5 billion annually,” Mansell said in his testimony.

Mansell testified that local officials only learned about the service’s plans for Willow Beach after 40,000 trout died at the hatchery, and the service said it could not afford repairs to a water pipeline that could have fixed the problem.

After that news was out, Mansell said, Willow Beach became “ground zero” as other states learned about similar plans for their hatcheries.

Angius said in her prepared testimony that local officials estimated that Willow Beach repairs could be done for as little as \$300,000, not the \$3 million to \$9 million she said federal officials cited.

“We’re at a breaking point in the West,” she said. “And Arizona will do whatever it takes to preserve its environment.”

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE
COMMITTEE’S OFFICIAL FILES]

—Mohave County Development Services, Memorandum to Mike Hendrix, PE, County Administrator, County Engineer from Nick Hont, PE, Development Services Director, Deputy County Engineer David West, PE, Flood Control District Engineer, dated July 15, 2014 regarding “Design Concept Report for the repair or replacement of the water delivery system at the Willow Beach Fish Hatchery, Mohave County, Arizona—Submitted for the record by Chairman Angius.