

**Testimony of Stephen Guertin**  
**Deputy Director for Policy, U.S. Fish and Wildlife Service, Department of the Interior**  
**Before the House Committee on Natural Resources Subcommittee on Water, Oceans, and**  
**Wildlife**

**On**

**H.R. 925, the “North American Wetlands Conservation Extension Act”; H.R. 1747, the  
“National Fish Habitat Conservation Through Partnerships Act”; H.R. 2748, the  
“Safeguarding America’s Future and Environment (SAFE) Act”; H.R. 2956, To provide  
for the establishment of the Western Riverside County Wildlife Refuge; H.R. 2918 , the  
“Extinction Prevention Act”; H.R. 3399, To amend the Nutria Eradication and Control Act  
of 2003 to include California in the program, and for other purposes; H.R.4340, the  
“Supporting Activities and Leadership Abroad to Move Amphibians Nearing Decline or  
Extinction to Recovery (SALAMANDER) Act of 2019”; H.R. 2854, “The Protect Our  
Refuges Act of 2019”; H.R.4341 , the “Critically Endangered Animals Act of 2019”; and  
H.R.4348, “Protect America’s Wildlife and Fish in Need of Conservation (PAW and FIN)  
Act of 2019”**

**September 24, 2019**

**Introduction**

Good afternoon Chairman Huffman, Ranking Member McClintock, and Members of the Subcommittee. I am Stephen Guertin, Deputy Director for Policy for the U.S. Fish and Wildlife Service (Service) within the Department of the Interior (Department). I appreciate the opportunity to testify before you today on ten bills addressing fish and wildlife conservation in the United States and abroad.

The Service’s mission is “working with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.” The Service is the oldest Federal conservation agency, tracing its lineage back to 1871, and it is the only agency in the Federal government whose primary responsibility is the conservation of fish and wildlife resources for the American public. The Service’s work helps ensure a healthy environment, and provides affordable, accessible, and premier opportunities for Americans to enjoy outdoor recreation and our shared natural heritage. It is a priority of the Service and of this Administration to increase access to outdoor recreational opportunities, reduce regulatory burdens, modernize infrastructure, and recover imperiled species.

The Service is responsible for the conservation of trust wildlife resources, including endangered and threatened species, migratory birds, certain marine mammals, and certain native and interjurisdictional fish. The Service works closely with States, Tribes, and private landowners through a variety of authorities to conserve fish, wildlife and plants.

Preventing extinction and achieving recovery of species listed under the Endangered Species Act (ESA) continues to be one of the Service’s highest priorities. The Service is committed to the recovery of listed species and to returning management of those species to our State and Tribal partners when they no longer require ESA protections. Already in this Administration, the Service has issued final and proposed rules to delist or downlist more than 20 species. In

accordance with the law, these rules are based on the best available science, are consistent with the ESA's requirements, and are subject to public review. We are committed to making the ESA work for the American people and will continue to build upon the many conservation successes we have achieved in the past few years.

The Service manages a network of 567 National Wildlife Refuges, with at least one refuge in each U.S. State and Territory, and more than 100 refuges close to major urban centers. These refuges provide lands and waters for thousands of species of wildlife and plants, sanctuary for hundreds of threatened and endangered species, and spawning areas for economically and recreationally important native fish. The National Wildlife Refuge System plays an essential role in providing outdoor recreation opportunities to the American public and the associated economic benefits to local communities. Recognizing this significant impact, last month, the Service announced new and increased hunting and fishing opportunities on more than 1.4 million acres nationwide. Additionally, we removed or revised 5,000 site-specific hunting and fishing regulations to more closely match state laws. These regulations provided no significant benefit to target species and were often redundant with state laws and removing them further increases public access on our public lands by reducing needless logistical hurdles for hunters.

Beyond the Service's many conservation activities here in the United States, the agency also provides technical and financial assistance for wildlife conservation abroad. The Service works to ensure that wildlife trade is both legal and sustainable to benefit the survival of species and domestic economies through the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and domestic wildlife laws.

We appreciate the Subcommittee's interest in the Service's important work. We offer the following comments on the ten bills under consideration today. We look forward to discussing these views and working with the Subcommittee and the bills' sponsors on these bills and other legislative efforts.

#### **H.R. 925, the "North American Wetlands Conservation Extension Act"**

H.R. 925 would reauthorize the North American Wetlands Conservation Act (NAWCA) through fiscal year 2024 at a funding level of \$60 million per year. NAWCA is the only federal grant program dedicated to the conservation of wetland habitats for migratory birds. This year marks the 30th anniversary of the passage of NAWCA. Since 1989, funding has advanced the conservation of wetland habitats and their wildlife in all 50 U.S. states, Canada, and Mexico while engaging more than 6,200 partners on nearly 3,000 projects.

Wetlands provide many ecological, economic, and social benefits. They are habitat for fish, wildlife, and a variety of plants. NAWCA grants conserve bird populations and wetland habitat while supporting local economies and American traditions such as hunting, fishing, birdwatching, family farming, and cattle ranching.

NAWCA grant funding issued in Fiscal Year 2019 will be used to protect, restore, and enhance more than 504,000 acres of wetland and associated upland habitats for waterfowl, shorebirds, and other birds in 32 states throughout the United States, Canada, and Mexico. The \$87 million in NAWCA grant funding was matched by more than \$175 million in partner funds. The

Department supports H.R. 925 and looks forward to continuing build on the successes of this valuable program.

**H.R. 1747, the “National Fish Habitat Conservation Through Partnerships Act”**

H.R. 1747 would codify the existing National Fish Habitat Partnership (NFHP) program, established through the National Fish Habitat Action Plan. The Service implements NFHP by providing technical assistance, and allocating congressionally-appropriated funding, to eligible fish habitat partnerships for operations. This is done through a competitive and results-driven process for partnership projects. Under the Service’s direction and leadership, the NFHP program is working well and accomplishing its habitat conservation objectives. Service biologists and partners work on projects in priority areas to restore stream banks, remove man-made barriers to fish passage, reduce erosion from farm and ranchlands, and conduct studies to identify conservation needs for fish and their habitats. NFHP projects help to provide more robust fish populations, better fishing, and healthier waterways.

H.R. 1747 would vest the authority for administration of NFHP in a National Fish Habitat Board. This includes the initial selection of projects to be carried out by congressionally-designated fish habitat partnerships with Department of the Interior funds. This approach would sharply curtail the Service’s critical role in the management and oversight of the overall program. The bill would also reduce funds available to the Service to administer this program by more than two-thirds. Without this funding, the Service’s ability to continue to provide guidance and technical support to the individual fish habitat partnerships to implement on-the-ground aquatic conservation projects nationwide would be significantly diminished. The Service welcomes the opportunity to provide information to the subcommittee and the bill sponsor on the effects of reducing the Service’s role in project selection and management, and the effects of reducing funds to administer the program by two thirds.

**H.R. 2748, the “Safeguarding America’s Future and Environment Act”**

H.R. 2748 would require the Director to participate in a National Fish, Wildlife, and Plants Climate Adaptation Strategy Joint Implementation Working Group. Additionally, it would require the Secretary to establish a National Climate Change and Wildlife Science Center to assess and develop scientific information, tools, strategies, and techniques to address the effects of climate change; and it provides authority for the Secretary to enter into contracts, grants, or cooperative agreements with stakeholders to further the duties of the Science Center. The bill requires the Secretary to establish and appoint a Committee Chair for an Advisory Committee on Climate Change and Natural Resource Sciences. It also requires the Secretary to review and approve State adaptation plans, which must include adaptation provisions of any State comprehensive wildlife conservation strategy that has been submitted, approved, or is pending approval of the Director in order for State adaptation plans to be eligible for funding under the State & Wildlife Grants program, Coastal Zone Management Act grants program, and two other grant programs for states.

This bill appears to be duplicative of many on-going efforts related to adaptation strategies for fish, wildlife, and plants. The Department supports enhancing science-based, landscape-scale, and cross-sector collaborative strategies in order to build climate resilience for species and their

habitats and people. The Department would welcome further discussion about coordinating ongoing efforts and identifying resource needs for ongoing collaborations.

### **H.R. 2956, To provide for the establishment of the Western Riverside County Wildlife Refuge**

H.R. 2956 would direct the Secretary of the Interior to establish the Western Riverside County National Wildlife Refuge (Riverside NWR) in Southern California that generally includes the area defined by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Area. The bill also establishes a process for transferring land from federal agencies to the Secretary to be included in the Riverside NWR.

The Department supports the sponsor's intent to conserve, manage and restore wildlife habitats for the benefit of present and future generations in an urban setting, recover threatened and endangered species, and provide wildlife habitat connectivity and migratory corridors as indicated in the Riverside NWR's establishment purposes. As such, the Department supports the goal of establishing a Riverside NWR, but is concerned that sufficient funds may not be available to properly manage and operate the large new refuge, given the many existing responsibilities of the Service across the National Wildlife Refuge System. Therefore, we appreciate the discretionary process afforded to the Secretary in selecting land to be included in the Riverside NWR. We would welcome the opportunity to provide technical assistance to the Subcommittee to address this concern and other issues. We look forward to promoting the legislation's conservation goals and continuing to work with Congressman Calvert and the Subcommittee on the legislation.

### **H.R. 2918, the "Extinction Prevention Act of 2019"**

H.R. 2918 would establish four new competitive financial assistance programs for North American butterflies, Pacific Island plants, freshwater mussels in the United States, and Southwest desert fish, and their associated habitats. These new programs would support the protection, restoration, and management of habitat; research and monitoring activities; the development, implementation, and improvement of management plans; the enforcement and implementation of conservation laws; and outreach and education efforts. Each program would prioritize the conservation of species listed as threatened or endangered under the ESA, projects designed to ensure the long-term conservation of the species, and projects with matching funds. Each program is authorized at \$5 million per year from Fiscal Year 2020 through 2025.

The Department supports the intent of H.R. 2918. While we agree that some of the species identified in this legislation are in urgent need of conservation, we are concerned that this legislation could hinder the Services ability to prioritize its work on the species with the greatest conservation need. Under the ESA, the Service works to protect and recover imperiled species and the ecosystems on which they depend. While we agree that some of the species identified in this legislation are in urgent need of conservation, our view is that focus on individual species should be driven by science. We would welcome the opportunity to work with the committee to identify existing competitive financial assistance programs available to target species that would most benefit from additional resources and conservation. The Department would also welcome the opportunity to work with the committee to ensure that the programs established under H.R.

2918 do not inadvertently redirect limited resources away from other species that the Service is working to conserve and recover.

**H.R. 3399, To amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes**

H.R. 3399 would amend the Nutria Eradication Control Act of 2003 to include California in the program, which currently includes Maryland and Louisiana. Nutria are invasive, semi-aquatic, South American rodents that did not evolve in the United States wetland ecosystems. There are few predators or natural conditions that control their population; and, since their introduction, nutria have destroyed thousands of acres of wetlands through their destructive feeding habits.

For Maryland, the Chesapeake Bay Nutria Eradication Project has removed nutria from every nutria infested watershed on Delmarva, and is now engaged in revisiting previously trapped watersheds to verify eradication and to remove any animals if they are discovered. The value of the success of this program cannot be overstated. To date over 14,000 nutria have been removed from more than 150,000 acres in Maryland and Delaware. Additionally, population delineation surveys determined that an additional 100,000 wetland acres are nutria-free. Following removal of nutria, much of the nutria-damaged marsh is now recovering. These wetlands provide habitat for a myriad of species, including commercially and recreationally valued species of fish, crabs, shellfish and waterfowl. As such, the program provides substantial benefits to local economies and jobs. In addition, those wetlands that would otherwise be lost to invasive nutria provide critical protection for the mainland from storm surges and the effects of sea level rise. In Louisiana, there is an estimated 20 million nutria scattered over hundreds of thousands of acres of marsh. Complete eradication with current best management protocols under Louisiana's scenario is not possible. Therefore, a control program has been instituted that will need to be funded and implemented indefinitely.

Nutria populations have also established on the west coast of the United States, with new detections just this year in California. The Service's Regional Office in California has been involved by participating on an interagency nutria response team. The Service supports the inclusion of California within the program. In addition, through monitoring the Service does on National Wildlife Refuges, we have seen that there are several other states where nutria are impacting trust resources, including Missouri, Virginia, Arkansas, North Carolina, Mississippi, Washington, Texas, and Oregon. The Department would be happy to work with the Subcommittee to expand this program in the legislation to also include other impacted states.

**H.R. 2854, the "Protect Our Refuges Act of 2019"**

H.R. 2854 would amend the National Wildlife Refuge System Administration Act of 1966 (Administration Act) to prohibit the use of neonicotinoids in the National Wildlife Refuge System (NWRS). Neonicotinoids are insecticides that can potentially affect a broad spectrum of non-target species. Neonicotinoids have been occasionally used in the NWRS in agricultural practices and to control invasive insects to aid ESA listed species recovery efforts.

It is Service policy that consideration of neonicotinoid use should be decided on a case-by-case basis, and accordingly, the Department opposes H.R. 2854. There may be limited, appropriate and specialized uses of neonicotinoid pesticides in the NWRS and decisions for those uses by the

Service are subject to review on a case-by-case basis in compliance with all applicable laws, regulations, and policies including, but not limited to, the National Wildlife Refuge System Administration Act and the National Environmental Policy Act.

**H.R.4340, the “Supporting Activities and Leadership Abroad to Move Amphibians Nearing Decline or Extinction to Recovery (SALAMANDER) Act of 2019”**

H.R.4340 would establish a competitive grant program under the Multinational Species Conservation Fund (MSCF) to provide financial assistance for the conservation of highly endangered amphibian species primarily found in foreign countries. The legislation would target financial assistance to amphibian species on the International Union for the Conservation of Nature’s (IUCN) Red List, specifically in the categories of Critically Endangered and Endangered. The legislation also allows the Secretary of the Interior to support conservation of other amphibian species on the IUCN Red List with declining populations and those facing new or emerging threats. This new program would complement other congressionally authorized programs under the MSCF for elephants, tigers, rhinoceroses, great apes, and sea turtles. The Highly Endangered Amphibian Species Conservation Fund would be authorized at \$5 million per year from Fiscal Year 2020 through 2025.

From 2010 to 2015, the Service administered the Amphibians in Decline program, an initiative put in place to provide support in foreign countries to conserve highly endangered amphibian species. In the past decade, there has been a dramatic decline in amphibian populations around the globe. Most amphibian species exist in small, concentrated populations, making them more vulnerable to threats. The goal of the Amphibians in Decline program was to support research to identify effective and comprehensive conservation strategies, and to implement those strategies. The program elicited a high volume of proposals involving numerous species and across many regions of the world. This initiative, while beneficial to amphibian conservation abroad was discontinued due to inadequate available funding.

The Department supports the intent of this legislation, but has concerns that it could hinder the Service’s ability to continue to prioritize its work on the species with the greatest conservation need through science driven decisions. The grant program under H.R. 4340 would complement similar existing international species conservation statutes. The Department would welcome the opportunity to work with the Subcommittee to ensure that these new programs do not detract from the existing work of the Service to conserve international species.

**H.R.4341, the “Critically Endangered Animals Act of 2019”**

H.R. 4341 would establish a competitive grant program under the MSCF to provide financial assistance for the conservation of critically endangered species primarily found in foreign countries. The legislation would target financial assistance to animal species on the International Union for the Conservation of Nature’s (IUCN) Red List, specifically in the categories of Critically Endangered and Endangered. The legislation also allows the Secretary of the Interior to support conservation of other species on the IUCN Red List with declining populations and those facing new or emerging threats. This new program would complement other congressionally authorized programs under the MSCF for elephants, tigers, rhinoceroses, great apes, and sea turtles. The Critically Endangered Animals Conservation Fund would be authorized at \$5 million per year from Fiscal Year 2020 through 2025.

From 2009 to 2015, the Service administered the Critically Endangered Animals Conservation program to support projects in foreign countries to protect critically endangered species in Africa, Asia, South America, and Oceania. Thousands of species throughout the world face the risk of extinction due to poaching, wildlife trafficking, habitat loss, disease, and other threats. The goal of the Critically Endangered Animals Conservation program was to support projects that would create long-lasting benefits to species facing the risk of extinction. The program elicited a high volume of proposals involving numerous species and across many regions of the world. This initiative, while beneficial to species conservation abroad was discontinued due to inadequate available funding.

The Department supports the intent of this legislation, but has concerns that it could prevent the Service from prioritizing its work on the species with the greatest conservation need through science driven decisions. The Department would welcome the opportunity to work with the Subcommittee to ensure that these new programs do not detract from the existing work of the Service to conserve international species.

#### **H.R.4348, “Protect America’s Wildlife and Fish in Need of Conservation (PAW and FIN) Act of 2019”**

H.R.4348 would make void three final rules promulgated by the Secretaries of Interior and Commerce to amend regulations under Sections 4 and 7 of the ESA, which were published in the Federal Register on August 27, 2019. The Department promulgated these rules in order to improve implementation of the ESA by increasing transparency and the effectiveness of the law. The Department opposes this legislation.

The Department is committed to ensuring that the ESA works for the American people and for the species it protects. The recently finalized rules to amend the Service’s regulations seek to improve implementation of the ESA by increasing transparency and the effectiveness of the law. The rules ensure that delistings are not held to a higher standard than listings, allow a reasonable approach to critical habitat designations, allow economic information to be included to increase transparency for the public, allow a tailored approach to get the level of protection for threatened species right, and clarify our regulations for consultations. The ultimate goal of the ESA is recovery. By proposing actions that encourage collaborative conservation from a broad range of partners, we can make the ESA more effective in reaching that fundamental goal and return management of recovered species to the states.

#### **Conclusion**

The Service appreciates the Subcommittee’s interest in wildlife conservation and management. Fish, wildlife, and plants, and their habitats, face many stressors and threats across the nation and around the globe. Over more than a century, the Congress has provided broad authorities to the Service to conserve and manage species at home and abroad; and these authorities have been successful in ensuring that robust populations of many species exist for the benefit of our citizens, and that the decline of other species is arrested and recovery is promoted. The Service is committed to accomplishing its mission, in accordance with our statutory mandates and through science driven decision making, on behalf of current and future generations of Americans. We

stand ready to work with the Subcommittee as you consider these and other fish and wildlife conservation and management bills.