

**Statement of The Nature Conservancy
On H.R. 910 and H.R. 1080
Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs
The Committee on Natural Resources
U.S. House of Representatives
March 21, 2013**

Chairman Fleming and members of the Subcommittee, I appreciate this opportunity to present the views of The Nature Conservancy on H.R. 910 and H.R. 1080. I am Joseph R. “Bob” Barnes, Brigadier General, U.S. Army (retired) and I am the Senior Policy Advisor (Department of Defense) at The Nature Conservancy.

Introduction

The Nature Conservancy is an international, non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to conserve the lands and waters on which all life depends. We are best known for our science-based, collaborative approach to developing creative solutions to conservation challenges. Our on-the-ground conservation work is carried out in all 50 states and more than 30 foreign countries and is supported by approximately one million individual members.

We view the Department of Defense (DoD) as one of The Conservancy’s most important partners, and we have enjoyed an extensive and mutually beneficial working relationship with DoD for more than thirty years. The more than 25 million acres of lands and waters managed by the Department, as well as being essential to the DoD mission, represent some of the most ecologically important and well-managed areas within the Federal land inventory.

We commend the Subcommittee and the Natural Resource Committee as a whole for your leadership in ensuring the timely reauthorization of the provisions of Title I of the Sikes Act. Accordingly, The Conservancy strongly supports H.R.910.

We also commend the Committee for continuously reviewing, amending and updating the Act as lessons are learned and requirements change. This process has helped to ensure that the Act will continue to create and support the most effective framework possible for the Sikes Act partners – the US Fish and Wildlife Service, the State wildlife agencies, and the Department of Defense - in managing and protecting our natural resources while ensuring that the military can also meet its vital readiness and other mission requirements. The actions of the Committee to implement what is in effect continual legislative "adaptive management" to meet changing conditions has been highly commendable.

For example, in recent years, the Sikes Act has been amended to broaden the authority of DoD to enter into cooperative agreements with States, local governments, nongovernmental organizations, and individuals in order to address the maintenance and improvement of natural resources “outside the DoD fence line” where doing so would avoid or reduce restrictions on current or anticipated military missions. Most recently, the Sikes Act was amended to bring military installations consisting in whole or in part of lands owned by the States within that highly successful, tri-party framework for the management of natural resources on military installations.

Those recent amendments recognized the reality that military installations do not function in isolation, and that conditions outside the "DoD fence line" of military installations impact both the ecological health of and the mission capacities of such installations. Those amendments also addressed the reality that successful management of those installations cannot be done in isolation but rather must be accomplished as part of a much larger, collaborative effort involving private landowners, NGOs, state and local governments, Tribal Nations, and other Federal agencies.

Most importantly, those amendments not only addressed those realities, but assisted the Department of Defense in dealing with those realities by providing DoD some of the practical, workable tools and fiscal and other authorities necessary to work collaboratively with and pool resources with private, state, tribal, and other federal entities.

H.R. 1080

The Conservancy supports H.R. 1080 as an important additional step in that ongoing, evolutionary improvement of Title I of the Sikes Act. H.R. 1080 would:

- (a) Expand and strengthen the tools available to the Department of Defense in ensuring their ability to realistically test and train and to sustain their installations while also meeting their natural resource management responsibilities; and
- (b) Facilitate stronger and ongoing collaboration among DoD, other federal agencies, State and local governments, nongovernmental organizations, and private landowners.

Section 1 of H.R. 1080

Section 1 of H.R. 1080 would amend section 103A(b) of the Sikes Act (section 670c-1(b) of title 16, United States Code) to authorize DoD, pursuant to a cooperative agreement under section 103A(a)(2), to provide “lump sum” funding for the long-term maintenance and improvement of natural resource located on State and local government lands and on private lands to assist in avoiding or reducing restrictions on military activities. Where those lands contain habitat for species listed as threatened or endangered that are also found on the DoD installation, DoD’s ability to assure this long term management funding is critical to DoD’s ability to obtain additional flexibility in conducting military activities on its installations and to strengthen DoD’s ability to support measures designed to avoid the need to list additional candidate species.

In the FY 2012 National Defense Authorization Act, section 2684a of title 10, United States Code, the authorizing statute for DoD's "Readiness and Environmental Protection Initiative" (REPI) program, was amended to provide DoD similar authority with regard to lands protected under the REPI program. Section 1 of H.R. 1080 would provide similar authority for State and local government lands and for private landowners who elect not to participate in the REPI program, but who are willing to enter a cooperative agreement with DoD under the Sikes Act.

Enhancing DoD's authorities in this regard is especially important in light of the potential listing of over 250 candidate species, many of which, if listed, would create challenges for DoD. Enactment of section 1 of H.R. 1080 would assist DoD in meeting both its current challenges and in addressing any future challenges that may result from any listing of additional species in the future.

Section 2 of H.R. 1080

Section 2 of H.R. 1080 would amend section 2684a of title 10, United States Code, the authorizing statute for the DoD "Readiness and Environmental Protection Initiative", or REPI, to allow recipient of funds from DoD under a Sikes Act or REPI agreement to use those funds in meeting matching funds or cost share requirements of conservation programs of the Department of the Interior or the Department of Agriculture with regard the lands within the scope of the Sikes Act or REPI agreement.

The REPI program authorizes DoD to enter into agreements with State and local governments and with conservation organizations like The Conservancy to work with willing landowners to protect lands "outside the fence line" in order to prevent or reduce restrictions on military activities that could result from incompatible development or loss of habitat on those lands.

Under section 2684a(d)(4)(E) of title 10, United States Code, DoD partners under a REPI agreement may use funds received from the programs of other federal agencies to support conservation actions on land within the scope of a REPI agreement to meet their partner contribution requirements under that agreement.

Section 2 of H.R. 1080 would create the "mirror image" of that existing authority, and would strengthen the collaboration among the Department of Defense, the Department of the Interior, and the Department of Agriculture in meeting their respective agency missions on lands where those mission interests overlap.

The Sikes Act as a Potential Framework for the Management of Lands under the Jurisdiction of the Department of the Interior and the Department of Agriculture

As noted above, the evolutionary, adaptive management approach to continually updating and revising Title I of the Sikes Act over time has been highly important to ensuring the successful management of the natural resources on military lands. The multi-party framework for planning and implementing natural resource management, and the addition of new authorities and tools to allow that management to be implemented across

jurisdictional lines under formal agreements with multiple partners within and beyond the federal government has been key to that success.

However, that same evolutionary approach has not been applied to Title II of the Sikes Act, addressing management of lands under the jurisdiction of the Department of the Interior and the Department of Agriculture.

Protecting and restoring our natural resources will require action at landscape scales, and will require successful and innovative partnerships and collaboration between government and private landowners and organizations, between and among federal, State, local, and Tribal governments, and finally between and among federal agencies.

The Conservancy strongly supports the many ongoing initiatives and programs designed to advance science-based, multi-party collaboration in protecting and restoring our natural resources. We also strongly support action by Congress to identify and put in place the additional tools and authorities needed to facilitate such collaboration, to reduce existing barriers to effective partnerships, and to gain the maximum ecological benefits possible for the resources expended.

The collaborative planning and management authorized and empowered for the Department of Defense by the provisions of Title I of the Sikes Act to implement management actions in cooperation with other State and federal agencies and with private landowners across jurisdictional lines and to combine resources from multiple sources represents in many ways a model that could be instructive in any review and future revision of Title II of the Sikes Act with regard to the management of lands under the jurisdiction of the Department of the Interior and the Department of Agriculture.

Conclusion

The Nature Conservancy encourages the adoption of H.R. 910 and H.R. 1080 as additional steps in the successful evolution of Title I of the Sikes Act in providing the collaborative inter-agency and State-federal management framework and the tools needed for the successful maintenance and improvement of natural resources both on military lands and on non-military lands as needed to ensure that the military can meet both its environmental stewardship responsibilities and its military mission.

The Conservancy encourages the Committee to continue its evolutionary, adaptive management approach to Title I of the Sikes Act. Finally, we encourage consideration of an equally evolutionary approach to Title II of the Sikes Act in the context of landscape scale conservation and ensuring in today's challenging fiscal environment that we gain the maximum ecological benefits from the resources we expend.

Thank you for the opportunity to present The Nature Conservancy's recommendations regarding H.R. 910 and H.R. 1080.