

**CYNTHIA DOHNER
SOUTHEAST REGIONAL DIRECTOR, U.S. FISH AND WILDLIFE SERVICE
DEPARTMENT OF THE INTERIOR**

BEFORE THE

**HOUSE NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON FISHERIES, WILDLIFE, OCEANS AND INSULAR AFFAIRS
ON
THE HARRIS NECK NATIONAL WILDLIFE REFUGE**

DECEMBER 15, 2011

Good morning Chairman Fleming and Members of the Subcommittee. I am Cynthia Dohner, Southeast Regional Director for the U.S. Fish and Wildlife Service (Service) within the Department of the Interior. As Regional Director I oversee and coordinate management and policy for the Service's programs across the Southeast, which includes 10 states, Puerto Rico and the U.S. Virgin Islands.

I appreciate the opportunity to appear before you today to testify about Harris Neck National Wildlife Refuge in McIntosh County, Georgia, and its ownership history. Harris Neck NWR was established in 1962 and today includes 2,824 acres of saltwater marsh, grassland, forests, and managed wetlands. Because of this great variety in habitat, many different species of wildlife, especially birds, are attracted to the refuge throughout the year. In the summer, egrets, herons, and the endangered wood stork, nest in the swamps, while in the winter, concentrations of migratory birds use the refuge. Harris Neck NWR serves as an important link in the chain of refuges along the Atlantic seaboard.

Early Ownership of Harris Neck Lands

Since the lands for the Harris Neck National Wildlife Refuge were not transferred to the Service from the Federal Aviation Administration (FAA) until 1962, the Service is not in possession of the original records pertaining to the federal government's acquisition of these lands. We do know, however, that two federal court rulings have upheld the condemnation of these lands, and a U.S. General Accounting Office (GAO) report issued in 1985, opined that just compensation had been paid for these lands.

The historical background we do have on these lands indicates that between 1929 and 1932, the Civil Aeronautics Authority (CAA) established an emergency airfield at Harris Neck denoted as two airstrips on a 1935 U.S. Navy Aviation Chart. Based upon this existing airstrip, in 1943, the United States through the Department of Defense condemned 2,687 acres of Harris Neck land for use as a war-time airfield during World War II. At the conclusion of the war, the federal government conveyed the land to McIntosh County, Georgia, in June 1948 for use as a county

airport under the Surplus Property Act of 1944. The Service understands the county held the land until February 1961, when it reverted to federal ownership under the FAA because the county was not operating it in accordance with the 1948 agreement. In September 1961, the FAA declared the property surplus and in May 1962, under the Federal Property and Administrative Services Act of 1949, transferred it to the Service to be managed as a unit of the National Wildlife Refuge System.

Based on the GAO report, the Service understands that once Declarations of Taking were filed, compensation was set aside in advance of a final judgment; and compensation was ultimately provided to landowners in 1948 when a U.S. District Court approved the judgments for condemnation. In addition, the Service is not aware of any assurances then or since that these lands could be restored to the former owners at the conclusion of World War II. Federal court rulings over time have upheld the action of the Department of Defense and the compensation paid for those lands. The GAO's report concluded the same in its report based on available records.

As the Service continues to pursue its wildlife conservation mission at Harris Neck, we also work with members of the Harris Neck Land Trust to ensure access to Crabber's Dock and a boat ramp built by the Service in 1985 and permitted to the Barbour River Watermen's Association to ensure access to a valuable fishery. In addition, the Service has held meetings with representatives of the Land Trust as recently as 2010 to pursue an ongoing dialogue and learn more about the early history of these lands. So far, those efforts have not led to the discovery of any new documentation that would shed additional light on the history of the Harris Neck lands relative to this action.

The Refuge and its Benefits

Harris Neck National Wildlife Refuge is an important component of the National Wildlife Refuge System. It supports a variety of habitats ranging from live oak forests to salt marshes and freshwater impoundments. The refuge is home to numerous species, including bobcats, white-tailed deer, bald eagles, and endangered gopher tortoises. In addition, more than 342 species of birds utilize the refuge, including roughly 83 species of nesting birds.

The mature maritime forest, best recognized by the stately live oaks draped with Spanish moss, is important to a number of migratory birds including the painted bunting - one of the highest priority songbirds in the southeastern United States for conservation. This species is experiencing precipitous population declines primarily from the loss of these forests and the associated shrub habitat that represents the younger, developing stages of the forest. The painted bunting is the signature songbird of Harris Neck NWR with the refuge hosting one of the greatest densities of nesting pairs on the mainland in the southeast. In addition, the painted bunting's brilliant and colorful plumage is one of the primary attractions for the vast majority of bird watchers that come to the refuge.

Harris Neck NWR is an important stop along the coast that form the Colonial Birding Trail and it has been designated as an Important Birding Area by the Audubon Society. The refuge is best known for its incredible viewing opportunities of the federally endangered wood stork colony during nesting season. The Woody Pond stork colony is the largest breeding colony in Georgia

with nearly 500 nesting pairs making it one of the most stable and productive colonies in the country. This site plays a key role in moving the wood stork toward full recovery.

The refuge's expanse of coastal wetlands and upland forests also plays an important role in the cooperative planning and habitat management efforts of the South Atlantic Migratory Bird Initiative. This initiative, developed as part of the Atlantic Coast Joint Venture, is a collaboration of federal, state, and non-governmental organizations to manage and protect habitats for high priority migratory birds within the coastal region of the southeast.

The Service is responsible for protecting historic properties on lands it owns or manages under laws such as the National Historic Preservation Act and the Archaeological Resources Protection Act. Several historic properties, including the Gullah-Geechee community of Harris Neck, have been identified through archaeological investigations on the refuge since the 1980s.

With a four-person staff and a budget of roughly \$449,000, Harris Neck NWR provides public use opportunities, including two annual deer hunts, fishing, wildlife observation, photography, more than five miles of hiking and biking trails, and interpretation/environmental education programs, to roughly 90,000 visitors this year. Two public boat ramps on the refuge provide access for saltwater anglers. Additionally, the public can enjoy wildlife viewing along a four-mile auto tour route known as Wildlife Drive. In 2010, McIntosh County received \$48,309 through the Service's refuge revenue sharing program and a similar amount is anticipated for 2011.

Conclusion

The ecological and historical values of Harris Neck NWR are numerous and increasingly important as the population of the coastal region of the southeastern U.S. continues to grow, especially along the coast of Georgia. The refuge is vital to ensuring the conservation of fish and wildlife resources along the Georgia coast for future generations to enjoy. In addition, these refuge lands serve an important conservation objective, particularly with regard to the endangered wood stork and other high priority migratory birds.

Harris Neck NWR is an important link in the network of National Wildlife Refuges along the east coast of the United States providing protected, high quality habitat for hundreds of species of migratory birds. Moreover, Harris Neck NWR is easily accessible by the public to enjoy the wildlife this refuge supports. It is the Service's responsibility and obligation to ensure the protection of these species and the habitats in which they reside.

The condemnation of private property sometimes presents difficult issues, especially in time of war. Some may see these situations and decisions as unfair. However, it does not mean that people were not fairly compensated, or that laws and regulations were not followed appropriately. The Fish and Wildlife Service is unaware of any unfair treatment or unlawful activity incident to the condemnation of this property.

It is important to understand that this issue has been reviewed over the years by both the U.S. District Court in Georgia and the U.S. Court of Appeals Eleventh Circuit, which both found that just compensation had been awarded in the condemnation of this property. Also, the GAO confirmed in its report that the actions of the federal government had been legal and appropriate under rules established for condemnation of property, fair compensation, and subsequent land

conveyances. Moving forward, the Service is open to further discussions if any new information becomes available.

Mr. Chairman, Members of the Subcommittee, thank you again for the opportunity to appear before you today to discuss the history of Harris Neck National Wildlife Refuge. I'll be happy to answer any questions you may have as best I can.