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**U.S. FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR,**  
**BEFORE THE HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON**  
**INSULAR AFFAIRS, OCEANS AND WILDLIFE,**  
**ON H.R. 2055 THE PACIFIC SALMON STRONGHOLD CONSERVATION ACT OF 2009 AND**  
**H.R. 2565 THE NATIONAL FISH HABITAT CONSERVATION ACT**

**June 16, 2009**

Chairwoman Bordallo and Members of the Subcommittee, I am Gary Frazer, Assistant Director for Fisheries and Habitat Conservation 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 H.R. 2055, the Pacific Salmon Stronghold Conservation Act of 2009 and H.R. 2565, the National Fish Habitat Conservation Act. The Department greatly appreciates the Subcommittee's leadership and support for the conservation of the nation's fisheries and aquatic resources.

**Introduction**

Aquatic species are some of the most at risk organisms in the United States. Since 1900, 123 freshwater species have become extinct in North America. Hundreds of other fish, mollusks, crayfish and amphibians are imperiled. Conservation biologists have predicted the future extinction rate for North American freshwater species to be nearly 4 percent per decade, similar to the extinction rate in tropical forest ecosystems. Numerous studies point to the loss and degradation of aquatic habitat as the primary reason for the vulnerable condition of aquatic species.

Despite the dedicated efforts of natural resource managers, the nation's fish and aquatic resources face many challenges. Fish live underwater, largely unseen by most Americans and downstream from our homes, shopping malls and farms, where they suffer the effects of habitat degraded by upstream land use. Only when fisheries are badly depleted and access to their benefits is restricted does it become evident to many Americans that fish habitats are crucial to maintaining our lives, our economy and our ecosystems. By then it is often too late to restore what has been lost.

It is important to acknowledge that a tremendous amount of work has been done to protect, restore, and enhance aquatic habitats. The United States has made significant progress in recent decades to reduce pollution and slow the physical degradation of habitats through regulatory programs and management actions. Thousands of restoration and enhancement projects have been carried out. However, many of these efforts have not addressed the root causes of habitat decline, nor have they kept pace with impacts resulting from population growth and land use changes.

The situation is exacerbated by the fragmented governmental authorities for fish conservation in the United States. In general, state governments are the primary managers of fisheries within their borders, and they generally do a good job of conserving fishery resources. However, many aquatic resources span state boundaries, and states struggle to effectively manage cross-boundary watersheds. Federal authorities for fish conservation are spread among more than a dozen

departments and agencies, which also must coordinate effectively across boundaries of jurisdiction and ownership.

This situation can be changed. Sustainable farms, forests, and cities can co-exist with sustainable fisheries and aquatic habitats. To achieve this result, the roster of partners working to conserve fish habitats must be expanded to include non-traditional stakeholders. In addition, science-based, coordinated, and accountable approaches must be employed. We must work across boundaries of jurisdiction and land ownership to conduct biological planning and conservation design at a landscape scale.

Both H.R. 2565 and H.R. 2055 would promote science and communication to expand awareness of the plight of fish and their habitats. They foster and enable diverse partnerships to identify and address common interests in conserving fish habitats. Additionally, both bills would authorize federal funding to match non-federal resources to protect or restore priority fish habitats.

These bills do not change the fundamental roles or authorities of states and federal agencies, but they provide mechanisms and incentives for these agencies to work more effectively with each other and with private sector stakeholders to achieve common goals for conserving fish habitats.

### **H.R. 2565, the National Fish Habitat Conservation Act**

The Department supports H.R. 2565, the National Fish Habitat Conservation Act with technical amendments. The bill would codify the National Fish Habitat Action Plan (Action Plan), a national investment strategy to maximize the impact of conservation dollars for aquatic ecosystems. Recognizing that funds for conservation are limited, the Action Plan focuses resources on the root causes of habitat decline, identified by regional-scale Fish Habitat Partnerships. The Partnerships act as catalysts for increased cooperation among Federal, State, tribal and local agencies and increased collaboration with conservation organizations, landowners and non-traditional stakeholders. The Action Plan also provides a national framework for measuring and reporting the condition of fish habitats.

The approach supported by H.R. 2565, voluntary conservation action, strategically focused with the aid of diverse partnerships and sound science, has proven to be successful across North America for conserving waterfowl and wetlands. That type of approach has also more recently expanded to conserve habitat for shorebirds and neo-tropical migratory birds. The Department supports H.R. 2565 with technical amendments because it offers an historic opportunity to reverse the declines in aquatic habitat and species across the nation. It will focus new and existing financial and technical resources on the root causes of fish habitat declines in a way that no other federal program or initiative has been able to do.

The Action Plan originated in 2002 as a recommendation from the Sport Fishing and Boating Partnership Council, which advises the Secretary of the Interior and the Director of the Service about aquatic conservation endeavors. Following a nationwide series of scoping meetings in 2003-2004, the Association of Fish and Wildlife Agencies convened a state-led work group in 2005 to write the Action Plan. In April 2006, the Action Plan was jointly signed by leaders of the Association of Fish and Wildlife Agencies and the Secretaries of the Interior and Commerce.

Since 2006, the Service and its partners have established the basic infrastructure of the Action Plan, convening the National Fish Habitat Board, organizing regional Fish Habitat Partnerships, and developing a scientific framework for assessing the nation's fish habitat. This work has been supported through grants, in-kind and cash contributions, and a small dedicated appropriation within the Service's Fisheries Program.

In its 2002 report, *A Partnership Agenda for Fisheries Conservation*, the Sport Fishing and Boating Partnership Council also recommended "legislation similar to the [North American Wetlands Conservation Act] to provide some of the resources that will be needed to make a significant improvement in the nation's aquatic habitats." H.R. 2565 meets that identified need by authorizing \$75 million per year to the Secretary of the Interior for fish habitat conservation projects that would leverage non-Federal matching funds to protect, restore, and enhance fish habitats. The competitive funding process would be managed by the Fish Habitat Partnerships and the National Fish Habitat Board to address their strategic priorities.

The Action Plan places a priority on protecting intact and healthy aquatic systems, in addition to restoring degraded habitats and enhancing those that are permanently altered. In the long run, protecting resources from degradation is less costly and more successful than restoring them after they have become degraded. In that regard, H.R. 2565 authorizes an important new tool for protecting aquatic systems, i.e. obtaining a real property interest in land or water, including water rights, where appropriate, for addressing strategic fish habitat priorities.

Fish Habitat Partnerships, the primary work units of the Action Plan, are similar to Joint Ventures that have been organized to conserve habitat for waterfowl and other migratory birds. Since 2006, the National Fish Habitat Board has designated nine regional-scale Fish Habitat Partnerships to conduct scientific assessments and identify strategic priorities on behalf of diverse public and private partners. An additional eleven partnerships have expressed their intent to seek recognition by the Board. All 50 states are engaged with one or more of the recognized or candidate Fish Habitat Partnerships. H.R. 2565 provides a legislative foundation for the designation and function of Fish Habitat Partnerships, consistent with their roles in the Action Plan.

The work of Fish Habitat Partnerships has been limited by a lack of base funding for their operations. They have used various grants and in-kind contributions from partners to make limited progress in biological planning and conservation design. H.R. 2565 establishes the National Fish Habitat Conservation Partnership Office (Partnership Office) within the Service. Its functions include funding the operational needs of Fish Habitat Partnerships. While much of the Fish Habitat Partnerships' research and assessment will be done by state, federal, and non-governmental partners, a core level of base funding for the Partnerships is needed to implement effective biological planning and conservation design on a landscape scale. H.R. 2565 authorizes funding to fill that need.

H.R. 2565 provides for the Partnership Office to be managed under an Interagency Operational Plan that describes the operational needs of the Partnership Office and any interagency agreements that would address those needs. The Service is coordinating with other federal agencies and the Association of Fish and Wildlife Agencies on the content of the Interagency Operational Plan. We are confident that the Interagency Operational Plan is an appropriate mechanism to establish and

maintain a true partnership across federal agencies, and with states and Indian tribes, to effectively administer the Action Plan under H.R. 2565.

H.R. 2565 authorizes the National Fish Habitat Board (Board) and specifies the categories of its 27 members. While the proposed size of the Board has raised concerns about the practicality and expense of meetings and general Board operations, the Department supports the representation of non-governmental interest groups whose activities affect the condition of fish habitat. The inclusion on the Board of, for example, agricultural interests helps to make that interest group part of the solution to conserving America's fish habitats.

H.R. 2565 would help to coordinate the activities of more than a dozen federal departments and agencies whose responsibilities affect fish habitat. The Action Plan recognizes that federal agencies play critical roles in conserving aquatic habitats, and calls for a "Federal Caucus" to help coordinate federal activities. The Service first convened the Federal Caucus in 2005, and holds quarterly meetings of the group in which as many as 19 federal agencies have participated. H.R. 2565 assigns seats on the Board to five of the most relevant agencies. The bill provides direction to federal land management agencies to conserve aquatic habitats, and an opportunity for federal agencies to participate in the Partnership Office. The mechanisms that would be established by H.R. 2565 would advance the effectiveness of interagency cooperation among federal agencies.

A strength of the Action Plan is that it is a state-led effort. Acting through the Association of Fish and Wildlife Agencies, the states took the key steps in 2003-2005 to create the Action Plan. In 2006-2009, States provided leadership on the National Fish Habitat Board and contributed discretionary funds to support the program of the Board. H.R. 2565 authorizes the means to continue the leadership of states through their membership on the Board and through detail opportunities to the Partnership Office.

Native American governments control or influence many of the most important fishery resources in the United States. For this reason, the participation of tribal governments is critical to the success of many fish habitat conservation projects. The involvement of tribal governments in oversight and strategic planning broadens the planning perspective to include traditional community-based knowledge as well as the modern scientific capabilities of tribal governments. H.R. 2565 provides for Native American membership on the National Fish Habitat Board and sets aside 5 percent of project funds specifically for projects carried out by Indian tribes.

Finally, the Action Plan is firmly based in science. The Action Plan's science strategy is to: 1) identify causative factors for declining fish populations in aquatic systems; 2) use an integrated landscape-scale approach that accounts for the upstream-downstream linkages, including upland and marine components; 3) assess and classify the nation's fish habitats; and 4) provide partners easy access to information to support their work. H.R. 2565 incorporates key products of the Action Plan's science and data strategy, notably the "Status and Trends Report" required by Sec. 11(b) to be produced at intervals of 5 years, describing the status of aquatic habitats in the United States. It is critical to underscore the present lack of accurate and reliable information available on the status of many species, habitats, and associated interactions. Additional research must be conducted by the Service, United States Geological Survey (USGS), National Marine Fisheries Service and their conservation partners in order to answer fundamental questions about the habitat needs of various

fish and other aquatic species in environmental conditions ranging from the pristine to the heavily altered. Given the need for science as a basis for decision making, USGS has already been instrumental in providing leadership in support of the science assessment and data management needed to complete national and regional assessments of fish habitat. This is a core need for biologists managing these species and a responsibility of Fish Habitat Partnerships. It is essential that the importance of science and research be understood as it is critical for the Service to obtain reliable information upon which it can make informed and strategic habitat management decisions.

H.R. 2565 authorizes funding for federal agencies, Fish Habitat Partnerships, and the Board to engage in the scientific assessment and monitoring needed for effective fish habitat conservation. The technical and scientific assistance mandated in Section 8 provides a strong basis for employing science in developing projects, evaluating results, and measuring outcomes as changes in the condition of aquatic resources. Funds authorized for technical and scientific assistance would enhance the existing field capacity of the Service, the National Marine Fisheries Service, and the USGS to deliver state-of-the-art science to the broad range of partners engaged in fish habitat conservation projects.

### **Recommended Amendments**

The Department has several technical comments and recommended amendments to H.R. 2565 which we will plan to submit to the subcommittee and work to address following this hearing.

### **H.R. 2055, the Pacific Salmon Stronghold Conservation Act of 2009**

Pacific salmon populations are vital resources of national significance. These populations depend on freshwater habitats to reproduce and rear their young. Alteration of the freshwater habitat in many areas in California, Oregon, and Washington has depleted Pacific salmon populations so that some are listed under the Endangered Species Act. In many areas, hatchery-reared salmon are stocked to compensate for the loss of habitat due to the construction of federal and non-federal dams. Every year, large investments of congressionally appropriated funds, electricity ratepayer funds, and funds from other sources are made to restore and recover Pacific salmon populations, restore degraded habitats, and mitigate for the losses to the fisheries.

In addition, climate change models indicate that Pacific salmon stocks may face increasing stress in the future due to unprecedented changes in the timing and quantity of instream flow, rising water temperatures, and increasing the frequency, size, intensity, and duration of wildfire, drought, and flood events. Other threats related to hydropower operations, habitat loss, non-native invasive species, and contaminants continue to challenge salmon recovery efforts. Momentum has grown in recent years to focus activities within priority watersheds or areas of emphasis for habitat conservation and restoration and employ local, voluntary partnerships to achieve species conservation and restoration. A dedicated strategy that focuses on keeping strong populations healthy and resilient is needed for the future of Pacific salmon conservation.

The Department supports the strategy of H.R. 2055, to focus additional conservation efforts toward salmon populations and freshwater habitats that remain relatively healthy and intact. These “salmon strongholds” are core centers of salmon abundance, diversity, and productivity. In the long run, protecting salmon strongholds from degradation can be less costly and more certain than restoring

them after they have become degraded. Linking salmon strongholds through a network to share best conservation practices and common metrics is a scientifically sound approach to conserving the healthiest remaining Pacific salmon ecosystems. We note that the Department has had a good experience collaborating with NOAA on projects supported through the Pacific Coastal Salmon Recovery Fund (PCSRF), a fund that prioritizes salmon stocks that are threatened and endangered or otherwise at-risk. Through the PCSRF, participating States and Tribes have acquired or protected over 122,000 acres and 2,300 stream miles, and 523,000 acres of salmon habitat have been created or improved. It is important to note that implementation of the Pacific Salmon Stronghold Conservation Act has the potential to divert resources from other NOAA programs that protect and restore fish habitat.

The Department believes that both H.R. 2055 and H.R. 2565 are compatible and implementable in their current form (with technical comments as noted). The goal of protecting salmon strongholds as outlined by H.R. 2055 is consistent with the National Fish Habitat Action Plan's goal to "protect and maintain intact and healthy aquatic systems."

This point can be illustrated by current efforts in Alaska. H.R. 2055 identifies Alaska as a "regional stronghold that produces more than one-third of all salmon." Two Fish Habitat Partnerships have been designated in Alaska under the Action Plan, and two additional partnerships are "candidates", working toward recognition by the National Fish Habitat Board. The Service, National Marine Fisheries Service, and a large and diverse group of public and private partners are working together in Alaska under the Action Plan to achieve the purposes of H.R. 2055 expressed in Sec. 2(b).

If the Subcommittee decides that it would be legislatively efficient to combine H.R. 2055 and H.R. 2565 into a comprehensive national approach to fish habitat conservation, the Department would be happy to work with the Subcommittee, the National Marine Fisheries Service, and other stakeholders to integrate the purposes and goals of these two bills.

### **Technical Comments on H.R. 2055**

The Department would support amending section 4 of H.R. 2055 to add two tribal representatives to the Salmon Stronghold Partnership Board, such that the Board would include five tribal members, one from each of the states (Alaska, California, Idaho, Oregon, and Washington). Given the co-management and treaty implications associated with Pacific salmon management, equal state and tribal representation on the Board is warranted.

### **Conclusion**

Madame Chairwoman and Subcommittee Members, thank you for the opportunity to testify on H.R. 2055 and H.R. 2565. The Department greatly appreciates the support of this Subcommittee to protect and conserve our nation's fisheries and aquatic resources. I would be happy to answer any questions.