

TESTIMONY OF

Ducks Unlimited

presented by

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Before the

U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON NATURAL RESOURCES

SUBCOMMITTEE ON INSULAR AFFAIRS, OCEANS AND WILDLIFE

CONCERNING:

H.R. 1916, the Migratory Bird Habitat Investment and Enhancement Act

H.R. 2188, the Joint Ventures for Bird Habitat Conservation Act of 2009

H.R. 2062, the Migratory Bird Treaty Act Penalty and Enforcement Act of 2009

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WASHINGTON, DC**

Madam Chairwoman, members of the committee, my name is Dale Humburg. I am the Chief Biologist for Ducks Unlimited. By way of background, my experience with migratory birds, specifically waterfowl, began when I first hunted ducks with my dad in the mid-1950s. I am a wetland owner and manager, and 50 years after first hunting ducks with my dad, I am passing on lessons learned while in the duck boat to my grandsons. My professional career began with graduate work during the early 1970s on mallard breeding biology and continued as a wetland and waterfowl research biologist for the Missouri Department of Conservation for 25 years. During that period, I was Missouri's representative to the Mississippi Flyway Technical Section and also served on the Arctic Goose Joint Venture and the Adaptive Harvest Management Working Group. I have experience in wetland and waterfowl research, and extensive involvement in goose surveys in the Arctic and subarctic, wetland management, Canada goose wintering ecology and a number of studies following the 1993 flood on the Missouri River. I served as Chief of the Missouri Department of Conservation's Resource Science Division during 2002-2005 and retired after 30 years with the Missouri Department to begin another career in September 2007 as Ducks Unlimited's Chief Biologist.

I appreciate the opportunity to testify on behalf of Ducks Unlimited regarding sources of revenue and the administrative framework and delivery of migratory bird conservation. Ducks Unlimited has been a strong and active proponent of waterfowl conservation for more than 70 years. Our mission is to conserve, restore, and manage wetlands and associated habitats for North America's waterfowl, and for the benefits these resources provide other wildlife and the people who enjoy and value them. We work in Canada, Mexico, Latin America, and in every state of the U.S., and since 1937, DU has conserved more than 12.6 million acres of habitats important to waterfowl.

With more than a million supporters, Ducks Unlimited represents a significant conservation voice for birds and the landscapes that support them. Our work is science-based. We use reliable information from disciplines of wetland ecology, waterfowl biology, hydrology, civil engineering, and landscape ecology to develop, implement and adapt waterfowl conservation actions. We work in partnership with agencies, organizations, and private landowners in the most important landscapes used throughout the breeding season, while in migration, and during the winter. We believe these partnerships are essential for the efficient and effective conservation of migratory birds and we support legislation and policy that advances these efforts.

H.R. 1916, THE MIGRATORY BIRD HABITAT INVESTMENT AND ENHANCEMENT ACT

Ducks Unlimited supports the increase in the price of the Federal Migratory Bird Conservation and Hunting Stamp, commonly referred to as the Federal Duck Stamp.

The price of the stamp has not increased since 1991. During that timeframe, the buying power of duck stamp revenues has not kept pace with the cost of wetland and upland acreage. While other products have dramatically increased in price, the duck stamp has remained at \$15. Land prices have more than doubled across much of the prairie Duck Factory, rendering today's duck stamp revenues half as effective in conserving habitat as in the early 1990s. Just to cover increases in the consumer price index, a federal duck stamp would now have to cost about \$23. For this reason, we support legislation that would increase the price of the federal duck stamp to \$25 in the near term and further, to \$35 in the future. The price increase will allow duck stamp

revenues to keep pace with the consumer price index and would help address rising conservation costs associated with increasing land values.

The 1.5 million “Duck Stamps” purchased annually are a significant part of the waterfowl conservation picture. The stamp has accounted for more than \$700 million raised since it was introduced in 1934 and has since been used to conserve more than 5.2 million acres of migratory bird habitat across the United States. A portion of these lands are in the form of Waterfowl Production Areas (WPAs), which are part of the National Wildlife Refuge System (NWRS). Nearly 7,000 WPAs accounting for more than 675,000 acres of wetland and upland habitat have been acquired, and an additional 2.5 million acres in 29,000 easements have been protected. Managed by the U.S. Fish and Wildlife Service (FWS), WPAs add significantly to the 17 million NWRS acres located in the lower 48 states. A model of fiscal efficiency, nearly all duck stamp funds go directly to conservation, with nearly 98 cents of every dollar spent on acquiring and protecting habitat.

Duck stamp funds are very significant in the protection of the NWRS and must continue to support the original purposes for this account. In the northern Great Plains of the United States, the Prairie Pothole Region is one of the two primary nesting grounds for our continent’s waterfowl and serves many other migratory birds as well. We estimate that only about 4.5 million acres of native prairie remains in the “best of the best” portion of the PPR in the Missouri Coteau. And it is being whittled away by the advancing plow with encouragement from some federal farm subsidies and insurance programs. Ducks Unlimited and the U.S. Fish and Wildlife Service are working together in a race to protect as much of the remaining mixed native prairie and pothole country as possible. We are doing this in cooperation with the ranch families that live on and work this land. We believe that a substantial portion of future duck stamp funds need to go into this important program if the migratory birds that rely on this landscape are to be maintained. Interior Secretary Salazar recently announced his “Treasured Landscapes” initiative, and we believe the Missouri Coteau should be designated as one of these critical areas.

Waterfowlers are an economic “driver” in the U.S., responsible for more than \$2.3 billion in total economic output per year. Their participation in waterfowl hunting ensures an essential source of conservation revenue and they are an important source of policy support, and serve as the foundation for important hunting traditions.

Certainly, an eventual increase in the stamp price to more than double its current \$15 will be viewed as extreme by some. Annual expenditures by waterfowl hunters, however, are much greater than the price of a duck stamp. An average of \$854 was spent by waterfowlers who hunted both ducks and geese according to estimates from the 2006 National Survey of Fishing, Hunting, and Wildlife-Related Recreation (<http://wsfrprograms.fws.org>). As a proportion of total expenditures, the duck stamp accounted for less than 2% of the dollars spent on hunting equipment, dogs, travel, food, lodging, and other trip costs in 2006. An increase to \$35 in 2020 will be a relatively insignificant portion of total expenditures by duck and goose hunters.

The increases in Duck Stamp price will likely result in an immediate decrease in the numbers of stamps sold. In the past, reductions averaging 5% have occurred after a stamp price increase; however, sales recovered following these price increases. An increase in stamp price will result,

however, in an increase in revenue, especially if hunter numbers remain at levels similar to recent years or hopefully, increase over time.

If we can maintain recent levels of stamp sales annual revenue from 1.5 million stamps sold at \$25 would generate an additional \$15 million a year or in more concrete terms, an additional 16,000 acres of habitat conserved each year. Even with that increase the Service will still be below the 34 thousand acres conserved using Duck Stamp funds in 1991, but it will bring us much closer to parity. If the same level of stamp sales held true at \$35, the increase would provide an additional \$30 million annually over recent revenues and even more habitat on the ground. Three key variables need to be considered:

1. The likely impact in the near term that a price increase will have on stamp sales - An average of 5% decline in stamp sales has occurred in the year of price increases since the early 1970s.
2. The trend in hunter participation and stamp sales – If the average decline in stamp sales experienced since 2000 of about 37,000 per year continues, about 1 million stamps would be purchased in 2016.
3. The impact of periodic declines in duck populations and possibly hunting opportunity – stamp sales during restrictive regulations of 1988-93 were 25% and 17% lower than periods of higher populations and liberal hunting opportunity during 1980-84 and 1997-2007, respectively.

Communication must be integrated as part of the proposal to increase the price of the duck stamp. Ducks Unlimited is a key part of this effort. In December 2008, DU signed a memorandum of understanding with the U.S. Fish and Wildlife Service (USFWS) that expanded DU's historic partnership with the federal duck stamp program. Under this agreement, DU will assist in communications efforts promoting the federal duck stamp contest as well as duck stamp sales to generate more support for waterfowl and wetlands conservation.

Marketing and communications will not be accomplished by Ducks Unlimited and a few conservation agencies alone. We urge all agencies and waterfowl and wetland supporters to promote the duck stamp as well. You don't have to hunt ducks to buy a duck stamp. Each year, about 25 percent of all duck stamps are purchased by individuals who do not hunt waterfowl that particular year. Many of these stamps are bought by collectors and avid conservationists who support habitat programs funded by duck stamp sales. It is appropriate that wetland and waterfowl enthusiasts – hunters and nonhunters alike – support the stamp price increase because the habitats acquired and protected with duck stamp revenues benefit far more species than ducks and geese. Wetland and upland habitats provide hundreds of species of resident and migratory birds, mammals, fish, reptiles, and amphibians with vital habitat. Conservationists, whether they hunt or not, can make a difference with each duck stamp they purchase.

The benefits of an increase in the revenue from the Duck Stamp are obvious. The Treasured Landscapes protected by the duck stamp certainly represent an investment in the future of waterfowl. However, they provide far more for the full range of wildlife as well as places where people can enjoy nature and pursue a variety of outdoor recreation including hunting. Their value in terms of clean water, reduced flooding, water storage, and erosion are well documented.

Although named “duck” stamp, the revenues from the Federal Migratory Bird Conservation and Hunting Stamp serve all Americans.

H.R. 2188, THE JOINT VENTURES FOR BIRD HABITAT CONSERVATION ACT OF 2009

The North American Waterfowl Management Plan (Plan) provided the foundation for landscape level conservation for waterfowl and migratory birds for nearly 25 years. The purpose of the Plan, as stated in the 2004 Strategic Guidance, is to sustain abundant waterfowl populations by conserving landscapes through partnerships that are guided by sound science. The Plan scientifically determines high priority habitat and the conservation of those lands is delivered by joint ventures. In those Joint Venture partnerships conservation priorities are established, the biological foundation is continuously improved, and contributions are leveraged to the greatest extent possible. Commitments from these cooperative partnerships ensure funding, institutional strength, a basis in science, and public support. The result is a framework through which nearly 16 million acres of migratory bird habitat have been protected, restored, and managed.

Each Joint Venture operates as a self-directed partnership driving the Plan’s conservation actions. They are as unique as the landscapes they conserve and the wildlife that benefit. In some joint ventures federal government agencies play a very pronounced role. In others they are one amongst many partners. Migratory birds rely on landscapes that are sometimes thousands of miles apart that provide the requisites for breeding, migration, and wintering. Diverse approaches to conservation planning and implementation are required because of the different ecological and social landscapes involved. The unique threats to each landscape, the diverse collaboration of partners necessary to meet these threats, the communities of people living there, and the biological requirements of the birds across seasons demand different approaches in different landscapes. Innovation, an entrepreneurial approach, and flexibility to invent effective strategies that are specific to each landscape have been hallmarks of the joint ventures’ successes. These elements allowing self-direction and individuality must be retained in the future.

Ducks Unlimited has been an active partner in every joint venture important to waterfowl and wetlands conservation. We will continue to support joint venture activities, especially those that are focused on the highest priority waterfowl landscapes. From Ducks Unlimited’s conservation perspective, these include the breeding grounds of the prairies, parklands, and boreal areas of the U.S. and Canada, the Central Valley of California, the Mississippi Alluvial Valley, and Gulf Coastal Prairie as well as habitat focus in the Great Basin, Great Lakes / St. Lawrence, Mid-Atlantic Coast, Pacific Northwest, and the Southern Great Plains. While these regions are critical for waterfowl, they are key focus landscapes for a much broader range of migratory birds.

Building upon the joint ventures’ strong foundation in waterfowl conservation, the joint venture partnerships have gradually been expanding to tackle the significant landscape-level habitat issues that challenge the conservation of all migratory birds. However, the source and intent of various resources and accounts must be respected. For example, resources derived from waterfowl hunters must be used to advance the cause of waterfowl conservation. A number of waterfowl species have maintained stable or growing numbers in the face of habitat pressures,

due in significant part to the commitments of budgets and personnel from private, corporate and government sources that have focused resources on wetlands and waterfowl conservation. Similarly, significant funds that have been designated for conserving species of special concern must be dedicated to the conservation used for management of those species.

However, the full range of migratory birds share the diverse, interconnected and interdependent habitats that constitute the landscapes embodied within the continental system of joint ventures. The synergy derived from recognizing and explicitly acknowledging this interdependence, the leveraging of funding from a diverse array of sources and user groups, and the collaboration of scientists and managers who share a stake and responsibility in these landscapes is a tremendous strength of an integrated system of joint ventures. It is very important that this legislation carefully guard and preserve the characteristics that have provided the foundation and greatest strengths of the joint venture system.

The proposed legislation in H.R. 2188 captures the form and function of joint venture processes, planning, and administration. The obvious question, after 23 years of success and continual adaptation by diverse partnerships to migratory bird challenges is ...“What can this legislation do to enhance the demonstrated value and strengths of joint ventures?” We would be concerned if a codified process led to administrative inertia or changed the role of agencies in partnerships that have worked well in the past. The same is true if that process reduced or diverted funding from their intended uses or the most pressing conservation actions for waterfowl and other migratory birds, or if the entrepreneurial spirit that has been critical to the success of these unique and landscape-specific partnerships was weakened by excessive centralized regimentation.

Conversely, this legislation offers a genuine opportunity to build upon the strength of the joint ventures by enhancing their ability to function as a continental, integrated system of partnerships. There needs to be explicit recognition, and the institution of functional relationships, that these joint ventures are linked by the migratory birds that they all share and to which they all contribute important habitats over the full life cycle of migratory birds, and that the active collaboration of joint venture partnerships is necessary if we are to insure the future security of these bird populations.

There is an obvious need for continental coordination provided by large scale plans such as the North American Waterfowl Management Plan and other bird initiatives, by agencies with mandated responsibility for migratory birds, and through commitments by diverse partnerships. The strengths are found in the common vision for continental scale planning with collaborative delivery at local and regional scales that “roll up” to an international goal for conservation of migratory birds. These strengths will be assured when:

- Budget resources necessary to meet conservation goals are provided – authorization of the funds necessary to meet migratory bird conservation goals should be incorporated into this legislation.
- Emphasis on waterfowl and other migratory birds and their habitats is maintained as the priority objective for joint ventures.
- A landscape approach to habitat conservation is employed to address system-wide challenges.

- Flexibility in self-directed partnerships is assured by avoiding any unnecessary layering of administrative processes or the roles of agencies in the joint venture process change.
- System-wide coordination provides the common strategic framework across landscapes.
- Accountability is assured through adaptive management.

With these criteria as guidelines, enabling legislation for the joint ventures can provide lasting assurance of their increasingly critical role in migratory bird conservation.

H.R. 2062, THE MIGRATORY BIRD TREATY ACT PENALTY AND ENFORCEMENT ACT OF 2009

The Migratory Bird Treaty Act provides the basis for protection of migratory birds from illegal take. Significant fines and jail time or both are designated as penalties. Ducks Unlimited strongly supports the efforts to enforce illegal take of migratory birds especially with respect to particularly malicious activities such as commercialization, illegal trade, and take of endangered species. With the exception of these instances, questions arise about whether or not additional fines or penalties would provide any additional deterrent to illegal harvest. This certainly would not be more effective in the event of accidental take.

A key question as this legislation is considered further involves whether the issue is the nature of penalties or the nature of applying penalties already in place. If enforcement does not lead to use of existing misdemeanor penalties to the extent available, we question the value of expanding the penalties to a felony level. Clear distinctions should be established for which migratory bird violations actually warrant felony level fines and penalties; not all violations should be viewed as justifying this level of penalty.

Other Waterfowl and Wetland Needs

Much of what was presented today involves key needs related to increases in Duck Stamp revenue, Congressional authorization of Joint Ventures, or increased penalties for migratory bird violations. However, these cannot be viewed as stand-alone solutions to much broader and more complex resource challenges. Solutions will need to be applied at landscape scales if we are to match the continental distribution and needs of migratory birds. These include greatly expanded funding for ecological solutions, targeted agricultural and land use planning, unambiguous regulations for wetlands conservation, and long-term solutions for energy and climate change through near term legislative actions. Specific consideration should be given to:

- Amending match requirements under the North American Wetlands Conservation Act to allow use of monetary match from Canadian sources. This would acknowledge Canadian commitment and enhance further wetland conservation by fully leveraging Canadian contributions. There is also a value in retaining some level of match requirement from U.S. sources which demonstrates continental support for the projects.
- The Wetlands Loan Act, first enacted in the early 1960s, provides funds to acquire land today while habitat is still available and relatively affordable. Ducks Unlimited is grateful to those in Congress that have introduced legislation renewing the efforts of the Wetlands Loan Act.

- Assuring wetland protection through the Clean Water Restoration Act for what are characterized as geographically isolated wetlands. Although many are small, ephemeral, and at times lacking an obvious surface connection, these basins are hydrologically and ecologically connected and play an essential role in waterfowl breeding, wintering, and migration; water quality; flood protection; and erosion abatement.
- Climate Change legislation should support a carbon market that provides private landowners with income-generating land use alternatives, many of which favor bird conservation, that also will mitigate climate change impacts, sequester atmospheric greenhouse gases, and provide market-based revenue to stimulate local, regional and national economies.

Thank you for this opportunity to present our views. They are central to the mission of Ducks Unlimited, the entire migratory bird conservation community, and the millions of U.S. citizens that benefit. Please do not hesitate to call upon us for any reason regarding these important issues. I would be happy to try to answer any questions you might have.