

Committee on Resources

Witness Statement

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I am testifying today as a recently retired US Fish and Wildlife Service employee of 31 years. I worked for the Utah Fish and Game while getting my wildlife degree from Utah State University, the best University I could afford in those days. After a stint on a US Navy cargo ship and then on Adak Naval Station as an Officer, I went to work for the US Fish and Wildlife Service as a GS-5 wetland biologist at Devils Lake, North Dakota. I purposely chose the USFWS because I knew the potential for conserving our wildlife heritage for my children and their children was greatest at the Federal level. The pride I felt and the satisfaction I knew during those early years defies description.

My purpose here is to address the use of Federal Aid funds in today's US Fish and Wildlife Service, so let me fast forward to the 80's when I was the Chief of Refuge Operations at the Main Interior Building here in Washington. I was deeply involved in Service budget matters, so that was a frequent topic of conversation both at work and in carpools. Frequent mention was made in those days about the occasional use of Federal Aid funds to buy furniture for the Director and to infrequently pick up odd expenses that the Director had to disguise or for which he did not have other funds available. So far as I knew in those days, the uses of the funds for the Director were neither large (over \$100K) or frequent.

In the early 90's, I was given the opportunity to replace the wildlife biologist in the Federal Aid Washington Office who dealt with the states and all of their larger and shared wildlife issues. Although it was a lateral transfer for me, I looked on it then and now as the greatest job that the FWS had to offer. I was paid entirely out of Pittman-Robertson funds.

Two year later, I was asked to coordinate the efforts of the State Fish and Wildlife Agencies with the State Department and the US Office of Trade Representatives to deal with the European Community regarding their threatened ban of all US fur if we didn't ban leg hold traps. I became a member of the International Standards Organization (ISO) Technical Advisory Group on Humane Trapping Standards. It was a difficult challenge, but one that was worthwhile, necessary, and right for the State Fish and Wildlife Agencies and the trappers, furriers, and even hunters and fisherman who were also threatened by the animal rights activists who were driving the European fur ban.

During this period, I began to see indications of USFWS developing duplicity on this matter. While USFWS assured the State Agencies and their constituents of support, I was hearing from long-time co-

workers that there were secret meetings between USFWS and animal rights representatives to agree to strategies to undercut our efforts with the Europeans and ISO. Whenever I asked about this I was greeted only with smiles and statements that there was nothing to it.

One of my other main jobs was annually reviewing applications for Pittman-Robertson (P-R) administrative funds. I would then be the Project Officer for 90% of the approved projects.

Two years ago, I received an application from an anti-hunting and anti-State Fish and Wildlife Agency group that wanted to put together and distribute anti-hunting literature. My hunter-education counterpart received a similar application to compose an anti-hunting education program. Both would have been funded with P-R funds intended to fund State management programs. I found the one I reviewed ineligible on four points from the Federal Register; one was sufficient to bar it from funding. I was badgered and intimidated to change that finding. On one occasion I told a manager to fund it if he wanted to, I would not change my recommendation as the regulations required.

It became clear that USFWS was more and more viewing Federal Aid funding as an Achilles heel of the State management programs benefiting hunters and trappers.

In October of that year, it became evident that our negotiations with the Europeans (and Canadians and Russians) were going to shortly result in an agreement favorable to the United States, the State governments, trappers, and furriers. New and workable humane trapping standards and humane research were the cornerstones of this agreement. In November, the roof fell in on me. I was curtly told I would be moved to a non-existent, lower graded job in Massachusetts! No responsible person in USFWS would openly even greet me, much less offer me any explanation or help. Even State representatives, while personally supportive, were concerned about currying USFWS disfavor since their control of the P-R funds was getting more difficult each year. I was locked out of my office, the police came to the building to keep me from entering, and I was threatened in an unmarked envelope left in my front door on a Sunday morning with the loss of my retirement for five years and the loss of my health coverage forever if I did not retire immediately.

I am currently retired, but I spent my last eight months at home with no work from or communication with USFWS. Newspaper articles and the National Wilderness Institute focussed public attention on my dilemma and irregularities at USFWS. I was very fortunate to have obtained a very able lawyer who represented my interest impeccably. The resolution of my status was due to the help of many concerned people.

During my years in Federal Aid, I witnessed a growing disdain for any responsibility for how they spent P-R funds withheld to administer the Act. What years ago had bought furniture for the Director, began to be used to pay for personnel in other programs such as Fisheries when funds were short from Congress and to hide public affairs personnel when Congress directed the numbers to be maintained. Right up to two years ago, Public Affairs personnel who were not engaged in anything to do with administering the Act were paid entirely out of Federal Aid funds. The regulations at this time forbid THE STATES from two things law enforcement and public relations (unless approved by a USFWS regional director). Solicitors told USFWS that those admonitions did NOT apply to USFWS use of administrative funds.

Coincident with the growing culture of no holds barred use of P-R administrative funds, USFWS decentralized. No longer did any one Division Chief in Washington oversee funding of each budget category. It only took a year or so for Regional Directors to mimic the Washington use of FA slush funds. Soon Special Projects, new offices, and new ecosystem managers and offices were receiving varying

amounts of P-R life support. That is where we find ourselves today.

I fought the USFWS openly for over a year regarding the forced transfer. I still take blood pressure medicine. The sleepless nights and helpless feelings that I experienced will always be with me. I told the story I have told here to lawyers, auditors, investigative agencies, and anyone else who would listen. Let me tell you, there are lots of people in government and in private organizations who are aware of these abuses and outraged by them. Those in government are rightly fearful. Those in State agencies likewise must depend on their unfaithful USFWS partners. Those in private organizations write and talk about their outrage at the misuse of these funds and their use to undercut State management programs.

Only Congress can do something real. To quote a State representative familiar with this business, It's so rotten, the only way to fix it is to start over. I recommend that administration of the Act (and the Sport Fish Restoration Act and any non-game management Act that might emerge) be given to an office or agency that does not duplicate the work of the State Agencies. For instance, if someone as far afield as say Agriculture or Treasury were to utilize P-R funds for their own purposes, it would be much more apparent as a diversion from the Congressional intent for State management programs.

The Agency, or office, that administers the Act should only take the funds necessary to apportion the funds to each state, approve projects, audit routinely each state, and provide such coordination and national efforts as needed AND REQUESTED by the states through their International Association of Fish and Wildlife Agencies. All remaining funds should go to the States.

Today the Service uses 8% of the available funds annually. Years ago, the legislative history mentions how the first amount considered for administration was 10%. Some Congressmen thought 5% would be more than enough since similar programs used less than 4%. They wanted the sort of premiere program that was Federal Aid for many years so they settled on 8%. Until recently, administration was only a 3-4% thing and this program was hailed far and wide as a model for other countries. User pays never worked better. Three to four percent should be the limit available for administering the Acts. Any more should only be at the request of the States for specific multi-state problems.

While discussing these Federal problems, we should not forget to consider legislative remedies for the problems State agencies face today. The same groups that are working surreptitiously at the Federal level are working at the State level to eliminate management programs funded by P-R dollars. In order to maintain the integrity of the Federal Aid program and active management of wildlife, I would submit the following for your consideration.

First, with the recent spate of ballot initiatives to ban cougar hunting, trapping of furbearers, etc., the question arises should P-R money be used to manage these species where States have elected to remove the citizens' ability to harvest those species? The law should recognize the right of States to ban such legitimate harvests by hunters or trappers but also forbid the use of P-R funds to manage or control such species in those States after they take such actions.

Second, future non-game or OCS funding should not be matched by States with any sport license money unless and until all available P-R and D-J apportionment's are matched. Non-game efforts should not be made with the funds generated by species which are utilized directly by men and women and children in so many direct ways.

Last, the P-R law should define wildlife restoration projects like the D-J law does. That is to say, sport

animals, like sport fish and their habitats, should be the focus of such projects. If States wish to do more worthwhile non-game projects, they should be done with money from their supporters and not by using Federal Aid money generated by sports men and women who have the reasonable expectation that such moneys will be returned to maintain their pursuits and the habitats which support them.

I dedicated my professional career to wildlife conservation. I am appalled at the way I see conservation funds being looted and used to fund government and private efforts to undercut hunting, fishing, trapping, and the State agencies that manage them. Today's USFWS is fostering an agency-wide climate that promotes these diversions and abuses. The Division of Federal Aid is currently filling the two-year vacant Hunter Education job in Washington. It is described strictly as an education job with no State, hunting, or fishing experience necessary. Imagine the mischief that will generate. The Refuge Division acquires new refuges and eliminates beneficial consumptive uses without reason or justification. The Law Enforcement Division promises State administrators and trappers that they will not license or tax individual trappers exporting furs to Canada; then, when they do tax them, they claim its a mistake and they will change it; then, after about a year, they say Congress made them do it and it can't be changed. The migratory bird managers are proposing to spend millions of recently 'found' migratory bird funds, not on waterfowl habitat, but to buy a Pacific Island. In my opinion, they are changing the historic and legislative-based mission of the Service without benefit of Congressional or citizen knowledge or input.

The sense of duty and purpose that I brought to USFWS back in Devils Lake is still alive. I retired on 3 June, but I didn't leave the USFWS; they left me. I ask your help to get them back on track. They had a very important mission and some pretty outstanding employees.

Thank you.

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