

**TESTIMONY OF
JIM KURTH, ASSISTANT DIRECTOR OF THE
NATIONAL WILDLIFE REFUGE SYSTEM
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
HR 2027, TO REVISE THE BOUNDARIES OF JOHN H. CHAFEE COASTAL
BARRIER RESOURCES SYSTEM SACHUEST POINT UNIT RI-04P, EASTON BEACH
UNIT RI-05P, ALMY POND UNIT RI-06, AND HAZARDS BEACH UNIT RI-07 IN
RHODE ISLAND; HR 2154, TO CORRECT THE BOUNDARIES OF THE JOHN H.
CHAFEE COASTAL BARRIER RESOURCES SYSTEM GASPARILLA ISLAND UNIT
FL-70P; HR 2236, WILDLIFE REFUGE SYSTEM CONSERVATION SEMIPOSTAL
STAMP ACT OF 2011; HR 2714, TO AMEND THE MARINE MAMMAL PROTECTION
ACT OF 1972 TO ALLOW THE TRANSPORT, PURCHASE, AND SALE OF PELTS
OF, AND HANDICRAFTS, GARMENTS, AND ART PRODUCED FROM,
SOUTHCENTRAL AND SOUTHEAST ALASKA NORTHERN SEA OTTERS THAT
ARE TAKEN FOR SUBSISTENCE PURPOSES; HR 2719, RATTLESNAKE
MOUNTAIN PUBLIC ACCESS ACT OF 2011; HR 3009, NATIONAL WILDLIFE
REFUGE REVIEW ACT OF 2011; AND HR 3117 - PERMANENT ELECTRONIC
DUCK STAMP ACT OF 2011**

OCTOBER 25, 2011

Good morning Chairman Fleming and members of the Subcommittee. I am Jim Kurth, Assistant Director of the National Wildlife Refuge System within the U.S. Fish and Wildlife Service (Service). I appreciate the opportunity to testify today on seven bills that affect the Service. My testimony below highlights each relevant Service program and provides the Administration's views on each of the bills.

National Wildlife Refuge System

The mission of the National Wildlife Refuge System (Refuge System) is to administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans. Encompassing more than 150 million acres of land and water, the Refuge System is the world's premier network of public lands devoted to the conservation of wildlife and habitat. The Refuge System preserves a diverse array of land, wetland, and ocean ecosystems spanning more than half the planet—from Guam, American Samoa, and other remote Pacific islands, north to the high arctic of northern Alaska, east to the rugged coastline of Maine and south to the tropical U.S. Virgin Islands. National wildlife refuges are found in every U.S. state. In total, the Refuge System now contains 555 refuges and 38 wetland management districts.

The management of each refuge gives priority consideration to appropriate recreational uses of the refuge that are deemed compatible with the primary conservation purposes of the refuge, and the overall purpose of the Refuge System. The 593 units of the Refuge System offer about 44 million visitors the opportunity to fish, hunt, observe and photograph wildlife, as well as learn about nature through environmental education and interpretation. Currently, approximately 375 units of the Refuge System have hunting programs and approximately 355 have fishing programs. With its widespread presence and history of working with partners, the Refuge System also plays a key role in supporting innovative, community-level efforts to conserve outdoor spaces and reconnecting people with nature through the Administration's America's Great Outdoors initiative.

In addition to conserving America's great wildlife heritage, the Refuge System is an important part of local economies. The presence of a national wildlife refuge in a community often offers significant economic benefits in the form of jobs and visitor spending in local stores, hotels, and service stations. As noted in a resolution supporting National Wildlife Refuge Week passed by the Senate earlier this month, for each dollar appropriated to the Refuge System, national wildlife refuges generate about \$4 in economic activity, totaling nearly \$1.7 billion and helping sustain 27,000 jobs in local communities.

H.R. 3009, the National Wildlife Refuge Review Act

The Administration appreciates the subcommittee's interest in the Refuge System, the process to establish new refuges, and Congressional review and approval of new refuges. We also appreciate the importance of prudent decision-making regarding new refuges, especially in light of the challenging economic times we face, when it is more important than ever that we ensure the wise expenditure of taxpayer dollars.

The Service recognizes the importance and value of legislatively creating refuges. Many refuges, such as Red River National Wildlife Refuge in Louisiana, were established by acts of Congress and fulfill a valuable conservation purpose, support local economies, and are enjoyed and supported by local communities. Establishment of refuges by statute is a very important method of conserving wildlife and habitat in the Refuge System.

However, the Administration strongly opposes H.R. 3009. The bill would impede the Service's ability to be strategic, flexible, nimble and responsive in capitalizing on situations that present the best opportunities to strategically grow the Refuge System, as we have been directed by Congress. When priority conservation needs and values, public support, and the presence of willing sellers align to allow for the establishment of a new refuge, the Service must maintain the ability to act quickly and efficiently in taking advantage of such opportune situations. The Service's administrative decision to authorize the creation of a new refuge is then subject to Congressional oversight in that a refuge is not established until the Congress appropriates funds to purchase land or easements, or the Migratory Bird Commission, which includes Members of the House and Senate, approves land acquisition using funds from the Federal Duck Stamp. H.R. 3009 is unnecessary to assure Congressional oversight and it injects greater uncertainty into the process of establishing a new refuge, which could dissuade willing sellers and land donors.

Under the current administrative process, the Secretary of the Interior, acting through the Service, is directed by the National Wildlife Refuge System Administration Act of 1966 (Sect 4 (4)(C)) to “plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System, to contribute to the conservation of the ecosystem of the United States, to complement efforts of States and other Federal agencies to conserve fish and wildlife and their habitats, and to increase support for the System and participation from conservation partners and the public.”

Conserving wildlife through land protection is an adaptive and public process, founded on scientific data, driven by our mission to conserve habitat and ecosystems. We use the best scientific processes and data to identify gaps in the conservation estate – which we define as lands that are protected at local or landscape scales by private, state, or federal partners. We are also asked to look at specific areas as potential new wildlife refuges by organizations, local communities, Members of Congress, and states. Once a conservation need is identified, a preliminary proposal is submitted to the Service’s Director for approval to develop a detailed Land Protection Plan. Development of a Land Protection Plan is a public planning process, during which we reach out to state agencies, local communities, Congressional offices, conservation and sports groups to inform and help shape the plan. The Service uses the best available scientific information to analyze the effects of the Land Protection Plan and alternatives on the physical, biological, social and economic environment. Congressional delegations and committees are informed at key points in the process. The completed Land Protection Plan is submitted to the Director for review and approval as a new refuge. Not all preliminary proposals and Land Protection Plans are approved.

The process for studying and approving new refuges is an extensive and transparent effort founded on science, public input, and partnerships. It requires flexibility to respond to new information and input from the public and partners, and once the final plans are completed, it requires decisive action for approval or denial. Often, there is a limited window of time to protect key wildlife habitat and ecosystems. Without a level of relative certainty in the process, and the ability for the Service to act relatively quickly, potential land sellers and donors may choose options that lead to the development of their land and a lost conservation opportunity. Conversely, there are other times where there is more flexibility to complete the process over longer timeframes.

Congress plays a key role at several junctures of the process to establish new refuges. During the transparent planning process, Congressional members and committees are kept informed, and have the opportunity to review plans and provide input through the public comment period. Congressional members provide a strong voice in support, adjustment, or opposition of planning efforts, and are given thorough consideration by the Service. Congress has also designated numerous refuges through legislation. The appropriations process provides Congress with options to guide refuge establishment. Congress appropriates funds for the purchase of lands and waters, and for operational support. Congressional members from both the House and the Senate also sit on the Migratory Bird Commission, which makes the final decisions on protection of migratory bird habitat from receipts on the sale of the Federal Duck Stamp.

Establishing refuges through administrative authority and support from Congress has been highly successful and critical to establishing a network of lands and waters that conserve America's natural heritage. Below are examples of how this process has been successful, and why it is essential.

The broad suite of refuges established across the waterfowl flyways to provide stopover and wintering habitat for ducks, geese, swans and many other migrating birds reflect the value of the administrative process of creating refuges. The vast numbers of waterfowl and wetland birds enjoyed by the hunters and bird watchers of the American public today would not have been possible without having a flexible process to identify and protect key habitat. One of these refuges is the Edwin B. Forsythe National Wildlife Refuge in New Jersey. It is comprised of about 46,000 acres of coast estuaries, beaches, sand dunes, and pine-oak woodlands. The refuge was first established by administrative action in 1939 as Brigantine Refuge with a second refuge, Barnegat, in 1967 to provide stopover habitat for migrating waterfowl, and especially as critical wintering habitat for about 75 percent of the black duck and Atlantic brant in the United States. These two refuges were combined and renamed by Congress in 1984 in memory of the late conservationist Congressman from New Jersey, Edwin B. Forsythe. The refuge also provides key nursery habitat for many sport fish, such as striped bass, nesting habitat for the threatened piping plover, and migration habitat for thousands of migrating songbirds. Within sight of the Atlantic City skyline, the refuge receives a quarter of a million visits a year including 2,500 hunting and 27,000 fishing visits. Visitation to E.B. Forsythe Refuge contributes an estimated \$2.8 million a year to the local economy with total direct and indirect contribution at \$4.4 million. This translates to a \$5.05 economic benefit for every \$1 appropriated.

Opportunities for conservation through the establishment of national wildlife refuges serve the public in unexpected ways. Big Muddy National Wildlife Refuge in Missouri was established soon after catastrophic flooding in 1993 on the Missouri River. Congress supported the effort with emergency supplemental funding (P.L. 103-75, P.L. 103-211). The Service completed the land protection studies that resulted in the administrative establishment of Big Muddy Refuge, and allowed use of the funds to buy land from willing sellers. In addition to conserving important wildlife habitat, it allowed the people whose lives were crushed by the regular flooding to sell the land at fair market value and start over elsewhere. Shifting land use from residential and agricultural uses in flood prone areas reduces the economic impact of flooding while supporting conservation and recreational goals. The refuge consists of nearly 17,000 acres and the Service is re-establishing river and floodplain habitat. The endangered pallid sturgeon, an ancient species of fish, is benefiting from these conservation efforts. The refuge also receives an average of 25,000 visits a year.

Refuges are also established to protect and restore marquee ecosystem types, which results in numerous benefits to the American public. Big Branch Marsh National Wildlife Refuge, on the shores of Lake Pontchartrain in Louisiana, was administratively created in 1994. The refuge resulted from a grass roots effort by the local community leaders and a variety of landowners wishing to preserve open space in New Orleans. The Conservation Fund purchased and donated 3,660 acres of wetland to the Service as the first acquisition for this refuge. The 17,000 acre refuge protects and restores the largest undeveloped natural area of the lake's north shore. The complex of marshes, hardwood hammocks and pine flatwoods provide important habitat for a

number of species listed under the Endangered Species Act, such as red-cockaded woodpecker, brown pelican, bald eagle, and American alligator. The brown pelican and bald eagle were delisted because of successful efforts to protect habitat and recover the species – refuges were a key part of the success. Protecting endangered species habitat in refuges can also help to take pressure off of private landowners and public works projects – abundant species habitat that is permanently protected creates greater opportunities for sustained species recovery. The abundant fish and wildlife at Big Branch Refuge draw more than 300,000 visits a year, with 129,000 enjoying hunting and fishing. It is also recognized as a hub for environmental education and wildlife-related recreation, which fosters and creates a strong conservation ethic within the community and contributes to the local economy.

H.R. 3009 would create an additional, uncertain hurdle to the successful and transparent process described above; a process that has resulted in the creation of so many popular refuges that are key to wildlife conservation, valued and supported by local communities, and contribute to numerous sectors of the economy. The bill requires action by Congress to establish new national wildlife refuges, even after an extensive public planning process based on sound scientific information and partnerships, where there is a demonstrated need to conserve wildlife habitat and ecosystems.

When the Service plans and establishes new refuges, we strive to ensure a balance between the need to act quickly and the need to gather substantial scientific information, solicit input from partners and the public, and be responsive to local needs. Requiring Congressional action on top of this will lengthen the amount of time required for approval of a new refuge and inject uncertainty in the process, delaying and perhaps losing opportunities for funding, land purchase, and ultimately, conservation of wildlife habitat.

H.R. 2236, the Wildlife Refuge System Conservation Semipostal Stamp Act of 2011

The Administration supports H.R. 2236, the Wildlife Refuge System Conservation Semipostal Stamp Act of 2011. The purpose of the legislation is to provide a direct opportunity for the public to contribute to funding for the maintenance backlog and operational needs of the Refuge System. We believe the legislation would accomplish this goal and would also raise awareness and appreciation of the Refuge System and its mission.

In May of this year, the Service testified at a hearing before this subcommittee on the issue of the operational needs and maintenance backlog of the Refuge System. At that hearing we described the nature of the needs and how we prioritize Refuge System project spending in the context of overall Service strategic goals. The Refuge System conserves an extraordinary number of species and ecosystems, and currently, the Service is tracking about \$3.1 billion in operational needs and deferred maintenance projects, including about \$650 million in operations and \$2.5 billion in deferred maintenance in the Refuge System's \$26.5 billion portfolio of constructed assets. We would like to point out that in May of this year the Service provided testimony that the Refuge System's deferred maintenance backlog as of the beginning of FY 11 was \$2.7 billion. We are pleased to report that this amount has declined somewhat in the past fiscal year and now sits at \$2.5 billion as of the beginning of FY 12. We point this out as an indication that

we are managing our available resources in a way that is allowing us to make progress on our backlog while still allowing us to move forward on other key projects.

Managing the Refuge System is not unlike running a large company with hundreds of branch offices. It requires simultaneous attention to both national and local issues, and a diverse and highly trained workforce that must work together for the entire operation to run smoothly. Our workforce contains mostly biologists and professional wildlife managers, but also contains professional educators, law enforcement officers, heavy equipment operators, fire fighters, real estate appraisers, maintenance workers, IT and cartography professionals, budget specialists, pilots and boat captains. With fewer than 4,000 employees working at more than 380 locations spanning all U.S. states and territories, and with only \$3.35 in appropriations for every acre we manage, the Refuge System must, and does, ensure its operations are efficient.

The semipostal stamp authorized by H.R. 2236 will provide another funding source to help support refuges. The Refuge System semi-postal stamp would operate very similarly to the Save Vanishing Species semi-postal stamp, which was issued on September 20, 2011. The U.S. Postal Service printed 100 million stamps, which will be on sale for two years at a price of 55-cents each. If USPS sells out of the vanishing species stamp, the Service will receive \$11 million minus reasonable USPS production, distribution, and sales costs, most likely netting approximately \$10 million for international wildlife conservation.

Under this model, a Refuge System semi-postal stamp could generate up to \$10 million over the two year sales period if all stamps are sold. These funds would be available to fund priority operations and deferred maintenance projects. The Service would use these funds in a strategic way to provide the biggest benefit by addressing the highest priority projects as documented in our databases. Examples of needs that could be addressed include repairing visitor facilities, funding environmental education and interpretation, implementing habitat management projects, reintroducing imperiled species to previously habited areas, and conducting scientific evaluations needed to improve wildlife management.

While the semi-postal stamp would not, by itself, fully address the operational needs and maintenance backlog, it would address many key projects and would be helpful in raising awareness of the Refuge System and its mission.

H.R. 2719, Rattlesnake Mountain Public Access Act of 2011

Rattlesnake Mountain is an icon of the Hanford Site, located in central Washington. It is a sacred place for Native Americans, a science laboratory, and offers a treasure trove of natural and cultural resources. H.R. 2719 would require the Secretary of the Interior to provide public access to Rattlesnake Mountain, which is within the Arid Lands Ecology Reserve (ALE) on the Hanford Reach National Monument.

Significant natural and cultural resources were recognized when the Monument was established on June 9, 2000, “for the purpose of protecting the following objects: riparian, aquatic, and upland shrub-steppe habitats; native plant and animal species; free-flowing, non-tidal stretch of the Columbia River; shrub-steppe ecosystems; breeding populations of birds; habitat for

migratory birds; mammals; insect populations; geological and paleontological objects; and archaeological and historic information.” The Monument is administered as a unit of the National Wildlife Refuge System “...for the development, advancement, management, conservation, and protection of fish and wildlife resources...” and “...for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude...”

The Service completed a 15-year management plan for the monument in 2008 and determined through that CCP/EIS process that some public access, including Service sponsored or led tours and a hiking trail, are appropriate and compatible when administered in a manner consistent with protecting the resources of the area.

Rattlesnake Mountain (a.k.a. Laliik) is of spiritual importance to American Indian groups of the Mid-Columbia Plateau region. It is also associated with Smohalla, an important 19th century American Indian prophet. In 2007, DOE determined that Rattlesnake Mountain is eligible to the National Register of Historic Places as the “Laliik Traditional Cultural Property.” In consultation with the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of Umatilla Indian Reservation and Nez Perce Tribe, the Service has been informed that all three Tribes oppose public visitation at Rattlesnake Mountain.

Allowing public access and use at Rattlesnake Mountain constitutes an undertaking under Section 106 of the National Historic Preservation Act (NHPA) and the Service must consider potential effects of any permitted activities on the Laliik Traditional Cultural Property. In June 2011 the Service began drafting, in consultation with area Indian Tribes, a cultural resource management plan to identify cultural resource management needs and priorities for the Monument. Among the cultural resource priorities of the Monument is to identify the potential effects of public use on the Laliik Traditional Cultural Property and to identify ways to mitigate adverse effects. The Service must exercise section 106 of the NHPA before conducting Service-led tours allowing public access. It is anticipated this cultural resource plan and Section 106 compliance will be finished by the fall of 2012.

It is the intent of the Service to find the right balance between protecting the natural resources and respecting the cultural history on Rattlesnake Mountain, while making the site available to the public in a way that will increase their awareness and appreciation for this special and unique place. The Department appreciates and support the intent of the legislation, and we would like to work with Chairman Hastings to expedite the process to provide appropriate public access on Rattlesnake Mountain that gives due consideration to all stakeholders.

Coastal Barrier Resources System

The Coastal Barrier Resources Act (CBRA) of 1982, P.L. 97-348, established the John H. Chafee Coastal Barrier Resources System (CBRS), a defined set of geographic units along the Atlantic, Gulf of Mexico, Great Lakes, Puerto Rico, and U.S. Virgin Islands coasts. The 857 units of the CBRS are comprised of 3.1 million acres of coastal barrier habitat, including beaches, uplands, maritime forests, lagoons, mudflats, and coastal wetlands.

Coastal barriers provide invaluable services that are the foundations of a strong economy and healthy environment. They provide habitats that support a wide variety of fish and wildlife, protect mainland communities from severe weather events, function as popular recreation destinations, and support local economies. These habitats are valuable to a host of wildlife but are also prime locations for vacation homes. CBRA restricts new federal expenditures and financial assistance, including federal flood insurance, within the CBRS. CBRA does not prevent development and imposes no restrictions on development conducted with non-federal funds. Congress enacted CBRA to minimize the loss of human life, reduce wasteful federal expenditures, and minimize the damage to natural resources associated with coastal barriers.

The driving purpose of CBRA is to take the Federal Government out of the business of encouraging people to build infrastructure and homes on relatively undeveloped and biologically rich coastal barriers, which are subject to chronic erosion and the devastating impacts of natural disasters. CBRA advanced the common sense approach that risky private development on relatively undeveloped coastal barriers should not receive financial support from Federal taxpayers. As President Ronald Reagan said upon signing CBRA into law, “it simply adopts the sensible approach that risk associated with new private development in these sensitive areas should be borne by the private sector, not underwritten by the American taxpayer.” Like every administration since the Reagan Administration, the Obama Administration supports CBRA and its unique free-market approach to conservation. A 2002 Service economic report stated that CBRA would save approximately \$1.3 billion in Federal dollars between 1983 and 2010. This is likely an underestimate because the study did not include any potential savings resulting from not issuing flood insurance policies in CBRA.

In 1990, Congress enacted the Coastal Barrier Improvement Act (CBIA), P.L. 101-591, which expanded the CBRS by adding new units, enlarging some previously designated units, and adding “otherwise protected areas” (OPAs) as a new category of CBRS lands. An OPA is defined as an undeveloped coastal barrier within the boundaries of an area established under federal, state, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes. However, OPAs can contain private land that is held for conservation purposes as well as private properties that are inholdings. The only federal spending prohibition within OPAs is federal flood insurance.

The Department of the Interior (Department), through the Service, is responsible for administering CBRA, which includes: maintaining the official maps of the CBRS; consulting with federal agencies that propose spending funds within the CBRS; and making recommendations to Congress regarding whether certain areas were appropriately included in the CBRS. CBRS maps have always been maintained and updated by the Service.

Aside from three minor exceptions, only new legislation enacted by Congress can modify the CBRS boundaries to add or remove land. These exceptions include: (1) the CBRA five-year review requirement that solely considers changes that have occurred to the CBRS by natural forces such as erosion and accretion; (2) voluntary additions to the CBRS by property owners; and (3) additions of excess federal property to the CBRS.

H.R. 2027, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island

H.R. 2027 would revise the boundaries of four units of the CBRS in Newport County, Rhode Island. These units are Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07.

The Department supports passage of H.R. 2027. The legislation replaces the existing map for Units RI-04P, RI-05P, RI-06, and RI-07 with a modernized, revised map. All four units were included within the CBRS by the CBIA in 1990. There are two types of units within the CBRS. System units generally contain private lands and OPAs generally contain lands held for conservation or recreation. The revised map contains two System units, RI-06 and RI-07, and two OPAs, RI-04P and RI-05P. The revised map, reflecting a comprehensive review process, removes lands that were inappropriately included within the CBRS in 1990 and adds lands that are appropriate for inclusion within the CBRS.

We received a request in 2004 to review CBRS Unit RI-05P. Our review indicated that Unit RI-05P was originally intended to follow the boundaries of Easton Beach and Easton Pond which are owned by the City of Newport. Unit RI-05P is an OPA within the CBRS. The existing OPA boundaries do not precisely follow the underlying public lands boundaries and inappropriately capture adjacent private land that is not held for conservation or recreation; is not an inholding, and was not intended to be part of the OPA. The proposed boundary of Unit RI-05P is adjusted to remove the property in question (as well as other private lands), add publicly owned beach and wetlands, and more precisely follow the boundaries of lands owned by the City of Newport and Town of Middletown.

When the Service finds a technical mapping error that warrants a change in one part of a CBRS map, we review all adjacent areas on the map to ensure that the entire map is accurate. This comprehensive approach to map revisions treats all landowners who may be affected equitably, and it also ensures that the Service and Congress will not have to revisit the same map in the future. In accordance with this comprehensive mapping approach, the Service reviewed and revised the boundaries of Units RI-04P, RI-06, and RI-07, which are located on the same map panel as Unit RI-05P.

The proposed boundary of Unit RI-04P is adjusted to include portions of the Norman Bird Sanctuary, lands owned by the City of Newport Water Department, and lands owned by the Town of Middletown known as Second Beach and Third Beach. The proposed boundary of Unit RI-06 is revised to remove private and public lands, add the remaining undeveloped portions of the privately owned Bailey's Beach, and follow the wetland/upland interface around Almy Pond. The proposed boundary of Unit RI-07 is adjusted to include all of the privately owned Gooseberry Beach, most of the privately owned Hazards Beach, follow the wetland/upland interface around Lily Pond, and include an 11-acre parcel that the Audubon Society of Rhode Island has voluntarily requested be added to the CBRS as a System unit.

In accordance with the Service's standard mapping protocols for delineating underlying conservation and recreation areas within the CBRS, we obtained signed maps and Statements of Agreement from the Town of Middletown, City of Newport, Rhode Island National Wildlife Refuge Complex, Audubon Society of Rhode Island, and Norman Bird Sanctuary certifying that we had accurately depicted the boundaries of their lands on a base map. The stakeholder concurrence maps were then used to compile portions of the proposed CBRS boundaries on the draft map that is the subject of H.R. 2027. This boundary review process does not necessarily indicate that the stakeholders concur with the Service's recommendations for boundary changes, but rather that the Service has accurately depicted the boundaries of the underlying conservation or recreation areas. The stakeholder boundary review process is not applied to private lands that are not held for conservation or recreation.

The Service sent letters to local officials and other stakeholders to inform them of the proposed changes to the four Rhode Island units. The draft revised map and a summary of the proposed changes were also posted on the Service's CBRS website in an effort to make this information accessible to the public.

The revised map for Units RI-04P, RI-05P, RI-06, and RI-07 removes approximately 22 acres from the CBRS and adds approximately 67 acres to the CBRS; these include uplands and associated aquatic habitat. The revised map removes eight structures (including a pump house) from the CBRS and adds no structures to the CBRS. The map makes progress towards fulfilling the Congressional directive in Public Law 109-226 to create modernized digital maps for the entire CBRS. The Department supports map modernization as a good government effort that will make administration of the CBRS more efficient, make CBRS boundaries more accessible to the public, and preserve the long-term integrity of the CBRS. To date, the Service has created draft digital maps for approximately 12 percent of the CBRS (including those maps produced as part of the Digital Mapping Pilot Project).

We will continue modernizing additional CBRS maps, per the directives of Public Law 109-226, as resources are made available for this effort, and look forward to working with the Subcommittee during FY 2012 to finalize the pilot project maps, which cover approximately 10 percent of the CBRS.

H.R. 2154, to correct the boundaries of the John H. Chafee Coastal Barrier Resources System Gasprilla Island Unit FL-70P

The Service was first contacted about Unit FL-70P in 2010. Unit FL-70P was established as an OPA on November 16, 1990 by the CBIA. No changes have been made to boundaries of the unit since it was established. The Service receives numerous requests from property owners and other interested parties who seek to remove land from the CBRS. The Service does not recommend removing lands from the CBRS unless there is compelling evidence that a technical mapping error led to the inclusion of land in the CBRS. In order to determine whether a technical mapping error exists, the Service conducts a comprehensive review of the history of the CBRS unit in question, which includes an assessment of the Service's records for the unit, the controlling and historical CBRS maps of the area, the historical development status of the area, and any materials submitted by interested parties. Unlike the Rhode Island units discussed

above, the Service has not yet conducted a comprehensive review of Unit FL-70P. The Service currently has a large backlog of requests to conduct technical correction reviews of CBRS units, as these reviews are time and resource intensive and we have limited resources with which to conduct them.

Recognizing that the official CBRS maps are outdated technologically and difficult to use, Congress directed the Department to modernize CBRS maps using digital technology. In 2006, the Coastal Barrier Resources Reauthorization Act (P.L. 109-226), directed the Secretary of the Interior to: (1) finalize a pilot project that creates digital maps for approximately 10 percent of the CBRS and (2) create digital maps for the remainder of the CBRS, which would include a review and remapping of Unit FL-70P. The Service is working to finalize the pilot project, and expects to have this completed in fiscal year 2012. Depending on the availability of funds, the Service may also address a limited number of technical correction reviews and create a limited number of draft digital maps. We will prioritize those reviews and remapping efforts in coordination with the appropriate Congressional committees, including the House Natural Resources Committee. The Service's ability to remap additional CBRS units beyond the pilot project units depends on the availability of resources for that effort. In the past, we have coordinated our mapping priorities with our authorizing committees in Congress. In general, the Service attempts to review and remap areas on a first in, first out, basis to be fair to homeowners who have been waiting the longest for their area to be reviewed and potentially remapped.

Given the large number of CBRS units that need to be reviewed and possibly remapped, the Service has not yet been able to address Unit FL-70P that is the subject of H.R. 2154. The Service has not prepared a draft revised map for Unit FL-70P and the Department does not have a position on H.R. 2154 at this time. We would be happy to work with the Subcommittee and Congressman Mack on H.R. 2154 so that we can determine the best way to move forward on conducting this research and providing the Service's expertise on remapping Unit FL-70P.

Marine Mammal Protection

The Marine Mammal Protection Act (MMPA), enacted in 1972, was the first legislation to call for an ecosystem approach to natural resource management and conservation. Authority to manage marine mammals was divided between the Department of the Interior (delegated to the U.S. Fish and Wildlife Service) and the Department of Commerce (delegated to the National Oceanic and Atmospheric Administration). The Service was given authority to implement the MMPA for the conservation and management of sea and marine otters, walrus, polar bear, three species of manatees, and dugong.

The MMPA prohibits the take (i.e., hunting, killing, capture, and /or harassment) of marine mammals, and enacts a moratorium on the import, export, and sale of marine mammal parts and products. There are exemptions and exceptions to the prohibitions. For example, Alaska Natives may hunt marine mammals for subsistence purposes or for the creation and sale of authentic native articles of handicrafts and clothing, provided that the taking is not accomplished in a wasteful manner. Only authentic native articles of handicrafts and clothing may be sold in interstate commerce. Alaska Natives may possess, transport, and sell marine mammal parts and products to other Alaska Natives or registered agents, or transfer to a registered tannery for

processing. To assist Alaska Natives in the creation of authentic native articles of handicrafts and clothing, the Service's MMPA implementing regulations at 50 CFR 18.23, and the NOAA's regulations at 50 CFR 216.23, allow persons who are not Alaska Natives to register as an agent or tannery. The restrictions and requirements for agents and tanners allow the Services to monitor the processing of such items while ensuring that Alaska Natives can exercise their rights under the exemption.

The Service has a well-established cooperative relationship with Alaska Natives. Section 119 of the MMPA authorizes the appropriation of funds to develop cooperative agreements between the Service and Alaska Native organizations for co-managing subsistence use of marine mammals. Regarding sea otters, the MMPA prohibits commercial harvest of sea otters, and allows Alaska natives to hunt sea otters for subsistence and creation of handicrafts and clothing.

H.R. 2714, to amend the Marine Mammal Protection Act of 1972 to allow the transport, purchase, and sale of pelts of, and handicrafts, garments, and art produced from, Southcentral and Southeast Alaska northern sea otters that are taken for subsistence purposes

H.R. 2714 would amend the MMPA to allow for the transport, purchase, and sale of pelts of, and handicrafts, garments, and art produced from, Southcentral and Southeast Alaska northern sea otters that are taken for subsistence purposes in Alaska. In addition, the bill would allow for the export of handicrafts, garments, or art produced from Southcentral and Southeast Alaska northern sea otter pelts regardless of whether the item produced is traditional or contemporary, or whether it is or is not significantly altered.

The Service recognizes the intrinsic role that marine mammals play in the subsistence, cultural, and economic lives of Alaska Natives as well as the important role that Alaska Natives can play in the conservation of marine mammals. Further, we believe that the conservation and our management of the northern sea otter has benefitted from our cooperation and consultation with Alaska Natives on marine mammal issues, especially as they pertain to northern sea otters. The Department does, however, have a number of concerns with H.R. 2714 and opposes this legislation. Further, the Service is aware that, as written, the bill is not uniformly supported by our Alaska Native partners.

The exemptions that allow for the take (harvest) of marine mammals by Alaska Natives are linked to their subsistence needs as well as their traditional use of marine mammals in the creation of handicrafts. Nevertheless, the over-arching purpose of the MMPA is to manage and conserve marine mammals as significant functioning elements in their ecosystem, thereby maintaining the health and stability of that ecosystem; this in turn ensures the continued availability of marine mammals for subsistence purposes. H.R. 2714 would extend the uses of sea otters from the Southeast and Southcentral Alaska stocks to include the commercial domestic sale of raw or tanned hides, the creation of handicrafts, garments, or art by non-Alaska Natives, and, international commerce of products that, if not required to be "significantly altered," may include raw or tanned hides. This bill is a drastic change from the purposes and policies of the MMPA, and the Service is concerned that such a change would create an unregulated commercial market for raw or tanned sea otter pelts. In turn, it would be difficult for the Service

to determine if a sea otter was taken by an Alaska Native for subsistence purposes as allowed, or for strictly commercial purposes, which could result in enforcement issues.

The harvest of marine mammals by Alaska Natives afforded by the exemptions provided to Alaska Natives under the MMPA is unregulated prior to a finding that the stock is depleted. Although populations of sea otters in Southeast Alaska as well as many areas of Southcentral Alaska are considered healthy and growing, the number of sea otters in Prince William Sound has still not fully recovered to the pre-Exxon Valdez oil spill number. We are mindful that the unregulated and intensive commercial exploitation of sea otters in the 18th and 19th centuries resulted in their near extirpation. Because there are no mechanisms under the MMPA to manage and regulate a subsistence harvest prior to a finding of depletion, the Service is concerned that under H.R. 2714 the demand for sea otters would increase dramatically, which could result in unsustainable removals from the population.

The Southwest stock of northern sea otters is listed as threatened under the Endangered Species Act of 1973 (ESA) and, thus, considered depleted under the MMPA. Although this stock is not being considered as a part of H.R. 2714, it would be difficult for the Service to determine whether a pelt was taken from this stock or from either the Southcentral or Southeast stocks, which could complicate recovery of the listed stock and create enforcement issues. Unauthorized take and use of pelts from the Southwest stock could result in negative impacts on this stock, and could contribute to its further decline.

While the bill is specific to the Southeast and Southcentral stocks of sea otters, the Service is concerned that, if passed, there would be confusion on behalf of the regulated community. Sea otters from the threatened, depleted stock in Southwest Alaska continue to be harvested by Alaska Natives for subsistence and handicraft purposes. At the time of listing, the Service specifically assessed whether the harvest was a potential contributor to the decline and determined that it was not a contributory factor. Therefore, because the raw hides of sea otters harvested in Southwest Alaska may be sold between Alaska Natives, to registered agents, or transferred to tanners regardless of the stock source, the regulated community would be burdened by having to differentiate the stock source of their hides, and what enterprise they could conduct with the hide depending on that stock source. As it would be difficult to differentiate from which sea otter stock a pelt was harvested, there is also a potential that pelts legally taken from the Southwest stock could be illegally sold if they have not been transformed into an Alaska Native handicraft that met the “significantly altered” definition.

Moreover, all sea otters, regardless of the population, are listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Therefore, exports of raw or finished products would require a CITES export document for the shipments to legally leave the United States. In order to grant an export permit, the Service must determine that the export would not be detrimental to the species’ survival and that the specimens were legally acquired. Because there is no distinguishable difference in the appearance of sea otters from the Southwest stock versus the Southeast and Southcentral stocks, it could be difficult to make the required findings to allow for the export of specimens.

Finally, H.R. 2714 only references section 101(b)(1), i.e., take for subsistence purposes, and not 101(b)(2) and (3), which also allows take for the purpose of creating and selling authentic native articles of handcrafts and clothing, and requires that the take not be accomplished in a wasteful manner.

The bill could potentially and negatively impact other marine mammal species by setting an expanded standard of subsistence purposes that could be applied to other species. For example, Pacific walrus are currently harvested for both their meat and their ivory. Walrus ivory is a highly prized commodity and the artisan production of handicrafts by Alaska Natives provides an important supplemental income in remote areas where other sources of income are limited. At the same time, the Service determined that the Pacific walrus is a candidate species for ESA listing based in part on the unregulated harvest of the species. The Service is, therefore, concerned that the allowance of the sale of raw product, i.e., pelts, for one species could be a precedent leading to the sale of raw products for all marine mammals.

The Federal Duck Stamp

The restoration of North America's great migratory waterfowl populations is a conservation success story. It is a story that involves sportsmen in partnership with States, Congress, and Federal agencies applying science to habitat protection and restoration. Because of strategic actions taken to conserve key habitats along the four major North American flyways, migratory waterfowl populations are thriving. This supports our hunting tradition, and it has provided a linchpin for the economies of many states supported by the recreational activities of hunters and outdoor enthusiasts.

The Federal Migratory Bird Hunting and Conservation Stamp, commonly known as the Federal Duck Stamp, plays a critical role in this conservation partnership and its success story. Originally created in 1934, the Duck Stamp represents the permit required by the Migratory Bird Treaty Act of 1918 to hunt waterfowl, and every waterfowl hunter is required to carry one into the field. Ninety-eight percent of the receipts from stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System. Since 1934, sales of the Duck Stamp have helped to acquire more than 5.3 million acres of waterfowl habitat for the Refuge System. These protected lands not only benefit waterfowl, but also countless other wildlife species, and they increase opportunities for outdoor and wildlife-dependent recreation.

The cost of the Duck Stamp has remained the same since 1991. Based on the Consumer Price Index, the stamp would need to cost more than \$24 today to have the same buying power that \$15 had in 1991. In 1991, revenue from the Duck Stamp enabled the Service to acquire 89,000 acres of habitat for the Refuge System at an average cost of \$306 an acre. In 2010, the Service was able to acquire significantly less habitat because land values had tripled to an average of \$1,091 an acre.

In his FY 2011 Budget Proposal, the President included a legislative proposal to amend the *Migratory Bird and Hunting Conservation Stamp Act* (16 U.S.C. 718b), to increase the sales price for Duck Stamps from \$15 to \$25, beginning in 2012. With the additional receipts that

would be generated from the proposed price increase, the Service anticipates additional annual acquisition of approximately 7,000 acres in fee and approximately 10,000 acres in conservation easement. Total acres acquired for 2012 would then be approximately 28,000 acres in fee title and 47,000 acres in perpetual conservation easements. These funds can be targeted to acquire habitats for waterfowl that can provide the greatest possible conservation benefit.

H.R. 3117 Permanent Electronic Duck Stamp Act of 2011

H.R. 3117 would authorize the Secretary of the Interior to continue to administer a program which enables hunters to purchase Migratory Bird Hunting and Conservation Stamps (Federal Duck Stamps) through approved state licensing systems. The proof of purchase receipt from this sale, bearing a unique serial number, serves as a permit to hunt migratory waterfowl for a limited time. This program was initiated through the Electronic Duck Stamp Act of 2005 (P.L. 109-266), which directed the Secretary to conduct a three-year pilot program to determine if this approach would provide a cost effective and convenient means for issuing migratory bird hunting and conservation stamps.

In order to hunt migratory birds in the United States, hunters are required by 16 U.S.C. 718(a) et al to purchase a Federal Duck Stamp and to carry the stamp with them while they are hunting. In September of 2007, the Service initiated the pilot electronic Duck Stamp program (E-Stamp program), partnering with eight states: Arkansas, Colorado, Florida, Idaho, Maryland, Minnesota, Texas, and Wisconsin. Each participating state signed a Memorandum of Understanding to administer the E-Stamp program in cooperation with the Service, through their automated hunting license sales outlets.

Through the E-stamp program, hunters may purchase Federal Duck Stamps through an approved state's automated licensing system and immediately receive a proof of purchase with a unique serial number, which they can take with them into the field. The proof of purchase serves as a valid permit to hunt migratory waterfowl for up to 45 days from the date of purchase or until the customer receives the physical stamp. Like the physical Federal Duck Stamp, the electronic stamp proof of purchase allows free entry into all national wildlife refuges that charge a fee.

The Electronic Duck Stamp Act of 2005 directs the Secretary to evaluate the pilot program and submit a report on whether or not the program "has provided a cost-effective and convenient means for issuing migratory-bird hunting and conservation stamps" and whether it has: (1) increased the availability of those stamps; (2) assisted states in meeting the customer service objectives of the states with respect to those stamps; (3) maintained actual stamps as an effective and viable conservation tool; and (4) maintained adequate retail availability of the physical stamp. After conclusion of the pilot program in December 2010, the Service finalized its evaluation, which included review and analysis of data from participating states, and submitted its report to Congress in September 2011.

The E-Stamp pilot program has proven to be a practical method of selling Federal Duck Stamps that is readily accepted by the stamp-buying public. Since the E-Stamp program's inception, more than 600,000 electronic Duck Stamps have been sold. Sales of E-Stamps increased from 58,000 in 2007 to more than 350,000 in 2010, an increase of more than 420 percent. In 2010, E-

Stamp sales accounted for more than 27 percent of total Duck Stamp sales, demonstrating the widespread acceptance of the E-Stamp pilot program. With few exceptions, states reported ease in administering the program, and the pilot program did not negatively affect the availability of the physical stamp or its value as an effective and viable conservation tool. E-Stamps provide an additional avenue of availability for stamp purchasers, though the program has not yet resulted in an increase in overall Federal Duck Stamp sales.

The Service has continued to administer the program under existing authorities. Although we understand we can continue to administer the program without additional authorities, the Department supports the intent of H.R. 3117. The Service has certain, specific amendments to suggest, and we would like to work with the bill's sponsors and the Subcommittee on these as the bill continues to be considered.

Conclusion

Thank you for the opportunity to testify this afternoon. I am happy to answer any questions the Subcommittee may have and look forward to working with the Subcommittee it considers these bills.