

**Statement of The Nature Conservancy
Committee on Natural Resources
Insular Affairs, Oceans and Wildlife Subcommittee,
U.S. House of Representatives
May 13, 2009**

Madam Chair and members of the Subcommittee, I appreciate this opportunity to present The Nature Conservancy's recommendations for H.R. 2188, the Joint Ventures for Bird Habitat Conservation Act of 2009, introduced by Congressman Frank Kratovil; and to support H.R. 1916, the Migratory Bird Habitat Investment and Enhancement Act, introduced by Congressman John Dingell. My name is Andrew T. Manus; I am Director of Conservation Programs for the Conservancy's Delaware Chapter.

The Nature Conservancy is an international, non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. We are best known for our science-based, collaborative approach to developing creative solutions to conservation challenges. Our on-the-ground conservation work is carried out in all 50 states and more than 30 foreign countries and is supported by approximately one million individual members. We have helped conserve nearly 15 million acres of land in the United States and Canada and more than 102 million acres with local partner organizations globally.

During my 33 year career as a conservation professional I have had the pleasure of interacting with Joint Ventures, in particular the Atlantic Coast Joint Venture (ACJV) in several different capacities. I have worked with the ACJV as the state director of fish and wildlife in Delaware. I have observed the activities of a number of other JVs nationally and valued their advice while serving as a member of the North American Wetlands Conservation Council. Most recently in the NGO phase of my career with both Ducks Unlimited and The Nature Conservancy I have had the opportunity to chair the ACJV and be intimately involved in its management and planning activities. Collectively, these experiences have made me an appreciative fan of the JV concept and the collaborative conservation partnerships that they have been able to catalyze.

The Need for Bird Conservation is Greater than Ever. The recently released *State of the Birds Report* illustrates clearly both the potential success that can be achieved in bird conservation through dedicated partnerships and coordinated funding and the enormous amount of work that remains to be done. Increases in wetland bird populations over the last 40 years have been due to the effective implementation of habitat protection, restoration, and enhancement projects by partnerships coordinated through the Joint Ventures. Funding for these projects is provided by federal, state, and private investments that are highly leveraged by attracting funds from numerous sources.

Despite this sign of optimism, the serious, ongoing declines in bird populations in grasslands, arid lands, forests, and other major habitat types suggest that this partnership model must be extended and replicated so that we can enjoy this conservation success for more bird species in all habitats for generations to come. The Joint Ventures have proven their value in the past; with the implementation of this proposed legislation, they can achieve the increased conservation success that will benefit our entire country. To do this, they will require increased technical, administrative, and organizational capacity to provide the science tools and partnerships to facilitate the delivery of landscape-level conservation for numerous bird species and to fully involve a wide array of traditional and non-traditional partners.

JVs Build Partnerships that get conservation done. The ACJV and other JVs nationwide have been very effective at bringing conservation partners to the table to manage and protect migratory bird populations and their habitats in a collaborative way. These partnerships and the on-the-ground work that they have accomplished are an effective and efficient conservation delivery system. In large measure I attribute this success to their use of a science-based approach that targets conservation actions to the highest priority habitats and geographic areas within their respective Joint Ventures. This approach is a credible one that has leveraged a large amount of partner funding and actions with a relatively small amount of federal funding.

The track record of JV partnership building accomplishments nationwide is impressive and it is at a landscape scale that is really making a difference. JV partnerships such as those formed in the Missouri Coteau (North Dakota), Rainwater Basin (Nebraska), San Luis Valley (Colorado), San Francisco Bay and Central Valley (California) and Montezuma Wetlands (New York) are enduring examples of on-the-ground efforts that continue to benefit bird conservation.

Mid-Atlantic highlights

In the ACJV, I have been fortunate to see the development of several partnerships that are equally as innovative as those previously mentioned and contribute greatly to bird conservation through-out the Atlantic Flyway. For example, on the Eastern Shore of Maryland the ACJV's conservation efforts are focused on river corridors, the Chesapeake Bay, and within Atlantic coastal bays, such as Chincoteague Bay. The ACJV has facilitated land protection and restoration projects formed around a number of these areas, including the Pocomoke River. The entire Pocomoke River watershed is considered to be a biodiversity hotspot and a highly significant region for rare, threatened, and endangered plants and animals. Migratory birds are no exception. The Pocomoke River cypress-black gum-red maple wetlands are a remarkably undisturbed northernmost extension of the same ecosystem type found in Virginia's Great Dismal Swamp. The forested bottomlands of the Pocomoke River are important stopover and nesting habitats for neo-tropical migratory birds as dramatically demonstrated in recent radar analyses of bird migration on the Delmarva Peninsula.

The Pocomoke River feeds into the Tangier Sound, which is an ACJV waterfowl focus area and is also a priority area for landbirds, waterbirds and shorebirds. In 2005, the Pocomoke River Conservation Partnership was formed to accomplish the rapid protection of several thousand acres of ecologically important floodplain wetlands and adjacent uplands habitat in the Pocomoke River watershed. Partnership member organizations include the USFWS Chesapeake

Bay Field Office's Coastal and Partners for Fish and Wildlife Programs, Maryland Department of Natural Resources, The Nature Conservancy, The Conservation Fund, Worcester County, Maryland, and Sweetbay Watershed Conservation Association. A recent North American Wetlands Conservation Act (NAWCA) grant protects riparian wetlands by purchasing conservation easements along the river. Protection of these wetlands is critical to restoring water quality and habitat for migratory birds downriver in Chesapeake Bay. These tracts add to and complement existing protected lands in the watershed including the Maryland Heritage Conservation Fund lands and lands held by The Nature Conservancy. The protection and restoration activities on these properties will directly benefit the federally-endangered Delmarva fox squirrel, mallard, American black duck, wood duck, woodcock, neo-tropical migratory birds, including the state-endangered Swainson's warbler, and forest interior dwellers that use floodplain forests in the Pocomoke River watershed for breeding, migrating and wintering.

Another example of ACJV partnership building in the Mid-Atlantic region is the Lower Rappahannock River which is another important tributary of the Chesapeake Bay. Waterfowl, neo-tropical migratory birds, bald eagles, anadromous fish, and resident species of concern such as the Northern bobwhite, all find exceptional habitat within the River's tidal tributaries, large shoreline marshes, high bluffs and upland habitats. Nearly 400 bald eagles were observed in a single day along a 30-mile stretch of the River. The ACJV recognized the Lower Rappahannock River as a critical area for migratory birds and established the River as a focus area. This focus area became the basis for the establishment of the Rappahannock River National Wildlife Refuge. The refuge boundary contains approximately 270,000 acres, making it a true landscape level project, and the refuge is authorized to protect up to 20,000 acres in fee title and through wildlife conservation easements.

The Rappahannock Land Protection Partnership, recognized last week by Secretary of the Interior Ken Salazar with the prestigious "Partners in Conservation Award" is now working in this area to conserve refuge and partner lands through multiple funding sources. The Rappahannock Land Protection Partnership represents a collaborative effort by major regional and national non-profit conservation organizations, U.S. government agencies, local land trusts, and private landowners. Perhaps the most compelling testament to the effectiveness of the partnership is the dozens of landowners who have put their trust in the individual representatives of member organizations and agencies and placed their lands under conservation easements. Trust is the most essential component of a conservation easement, and the fact that dozens have been negotiated by Rappahannock partners is a bold and lasting testimony to their effectiveness. Leadership of this partnership shifts from time to time depending upon where the expertise lies to implement a particular project. In true JV fashion, it not about who controls the partnership, it is all about how partners work together to get the best job done for conservation.

South Atlantic highlights

In the South Atlantic Region of the ACJV, a partnership for sustaining bird populations began in 1999, stretching from north Florida to southeast Virginia. This effort is recognized by many as one of the first "all-bird" partnerships undertaken by a JV. The South Atlantic Migratory Bird Initiative (SAMBI), is an integrated conservation planning effort that embraces four major migratory bird planning initiatives (North American Waterfowl Management Plan, Partners in

Flight, United States Shorebird Conservation Plan and the North American Waterbird Conservation Plan), and other single species bird conservation initiatives (e.g. Northern Bobwhite Conservation Initiative) in the continental United States. This partnership is innovative in its approach and is driven by clarity of purpose. The SAMBI partnership seeks to identify common goals and objectives for habitat conservation among its various partners to sustain, maintain, and increase populations of migratory birds and resident birds that use the Atlantic Flyway.

This partnership is successful because it has involved and engaged a diverse group of stakeholders and built the support for “all-bird” conservation across all habitats. This approach works because it is based on a strong biological foundation and reaches out to a strong network of conservation partners, including federal, state, non-governmental organizations, and private landowners. The primary goals of the initiative are to enhance, restore, and protect habitat for priority species of all the major bird groups in the region. Since 1999, greater than 282,000 acres have been conserved under this initiative in 5 states at over 90 project sites.

JVs coordinate the science and delivery of bird conservation. We live in an era of accelerating climate change and increasing habitat loss. The Joint Ventures’ science-based, partnership-driven approach to conservation addresses these challenges, and is a model for the collaborative efforts necessary to sustain healthy and productive landscapes across America. Joint Ventures have been key players in the development of the national bird conservation plans and in the formation of the North American Bird Conservation Initiative; these collective efforts have created a unified approach to conservation planning and delivery that will have long-term conservation impacts in the United States and in the numerous other countries with which we share migratory species. The ACJV and other JVs across the country are also taking a leadership role in evaluating, addressing and monitoring the impact of climate change for birds and other wildlife as part of their larger landscape conservation approach.

In each bird conservation region in the AC JV areas such as the Atlantic Northern Forest and South Atlantic Coastal Plain, the JV has developed conservation plans that integrate the objectives of the major bird conservation initiatives. These plans include lists of priority species and habitats, population and habitat objectives, focus areas for conservation and priority projects that guide conservation to the highest priorities in those ecological regions. The ACJV is building on these partnerships and information to develop tools and approaches for conservation design that will allow the JV to 1) assess the current capability of habitats to support sustainable bird populations; 2) predict the impacts of landscape-level changes (e.g., from urban growth, conservation programs, climate change) on the future capability of these habitats to support bird populations; 3) target conservation programs to effectively and efficiently achieve objectives in State Wildlife Action Plans and bird conservation plans and evaluate progress under these plans; and 4) enhance coordination among partners during the planning.

JVs provide an open forum for the discussion of critical conservation issues. JVs throughout the country are very effective and proactive at focusing the discussion for bird conservation. By that I mean that they have been able to elevate a number of critical conservation issues to a much higher level of public understanding. In part this is attributable to the diverse interests of partners that participate in the JV Management Board and share a common vision for bird

conservation and access the various policy makers, agencies and publics the board members serve.

For example, over the last five years, the Playa Lakes Joint Venture (PLJV) staff and management board have convinced much of the public and many policy makers that playa lake wetlands are the primary recharge mechanism for the Oglalla Aquifer. Playas are shallow, seasonal wetlands that lie in the lowest point of a closed watershed and are critically important to migratory waterfowl and shorebirds. The Oglalla aquifer provides the water to irrigate virtually all agricultural crops across 174,000 square miles in Texas, Oklahoma, New Mexico, Colorado, Kansas and Nebraska. Drawing the link between the biodiversity importance of playas and recharge of the Oglalla Aquifer helped broaden playa conservation from a *waterfowl* conservation strategy to a *water* conservation strategy and as a result dramatically expanded the constituency and support for playa conservation.

In the ACJV, Board members have catalyzed cooperative projects between the U.S. Geological Survey's Patuxent Wildlife Research Center and the U.S. Fish and Wildlife Service regarding the need to better understand migration patterns and concentration areas for birds to guide the siting of wind energy development. In particular, the ACJV, USGS, states and other partners have been working to cooperatively identify the nocturnal bird and bat migration through the Appalachian Mountain region of the Mid-Atlantic States and the near-shore waters of the U.S. Atlantic Coast. All recognize the need for this type of information so that it can be used by partners to promote scientifically sound conservation recommendations aimed at reducing the risk of development to migratory wildlife when siting wind energy projects.

JVs help direct public and private funding to the highest priorities. Across the country, the small investment in appropriated funds for joint venture planning and coordination helps direct many times that amount of federal, state and private funding to the highest priority conservation actions. In the last two fiscal years, for example, joint ventures have influenced the spending of well over \$500 million a year in partner funds.

Since 1988, the ACJV has protected 3,404,186 acres, restored 367,810 acres, and enhanced 461,304 acres of habitat for migratory birds. As part of this total, the ACJV like other JVs has been and continues to be a very effective delivery system for NAWCA. ACJV partners have received 206 NAWCA grants for priority wetland conservation projects that have used \$120 million in grant funds and leveraged over \$680 million in partner funds.

Recommended Revisions to H.R. 2188. The Conservancy strongly supports H.R. 2188, however we have a number of specific suggestions that we believe would improve the bill. Please consider the following changes:

- Under Section 3. Definitions. (1) Conservation Projects, the use of the term “conservation project” is confusing. It leads one to believe that JVs will be undertaking funding large scale land acquisition/restoration projects. We do not think that this is what is intended. Our preference here would be to drop all references to “conservation projects” in this section and in all subsequent sections of the bill. An alternative to dropping the term entirely would be to limit the term “conservation project” and refer to it as **conservation**

project development. The intent here would be clear that JVs activities are to be focused on science and partnership coordination but that they would have access to “conservation project development” seed funding for needs that are not easily met in other ways. For example, we could envision a JV using these “conservation project development” seed funds to help support on a limited basis the hiring of a part-time coordinator to get a new partnership up and running or to address a small but critical research question. We would expect that “conservation project development” seed funds used in this way will help leverage additional partner funds to the need that is identified.

- Under Section 5. c. 3. A. Joint Venture Establishment and Administration, we recommend that the existing text, “...the plan provides for implementation of conservation projects to conserve waterfowl and other native migratory birds and their habitats and ecosystems either”... be changed to read ... **the plan should provide for the conservation of landbirds, shorebirds, upland game birds, waterbirds and waterfowl** and their habitats and ecosystems either... This revision is more inclusive of the all-bird conservation challenges that most of the JVs are currently addressing.
- Under Section 6. Grants and other Assistance, it is worth reiterating that grants to support JVs should be primarily to provide an infrastructure for partnership formation, conducting sound conservation science and planning and to a limited degree for conservation project development. The emphasis in this Section should be on the development and publishing of guidelines for how funding will be allocated among JVs for the support activities of the JV (6.a.1). Either in this section or the guidelines that result, the need exists to recognize that criteria should be established regarding the allocation of funding among the respective JVs. For example, these criteria needs to address such characteristics as the size and complexities of the various JVs; the number of bird conservation regions in the JVs; number of high priority species from each of the bird initiatives occurring in it; track record of the JV in meeting the goals of its implementation plan, other available resources, etc...
- Under Section 7. Reporting Requirements 2. (b). (1-4), we support the need for a comprehensive review and evaluation of the JV Program and individual JVs. As written, it appears that this section only calls for a review and evaluation of the JV Program and does not call for individual evaluations and reviews of the respective JVs. We would recommend that evaluations of the individual JVs be included under this Section. As for models on how this might be conducted, the recent North American Waterfowl Management Plan (NAWMP) evaluation is a good model that could be built upon. Another model of evaluation and review to consider might be to follow the expert panel/peer review process that the agency research arms (USGS, USFS research) use to evaluate career research staff and programs. We do not think it would be too onerous for each JV, at 5 year intervals, to go before an expert panel and present progress relative to their plan. They could submit their accomplishments and ask for support letters from partners (presumably, the review panel would also solicit independent reviews). Such evaluations and reviews that focus on how JVs are performing will only serve to strengthen the overall delivery of bird conservation.

Recommended Additions to H.R. 2188.

- Under Section 2. Findings and Purpose (2) mention is made that sustainable population of migratory birds depend on conservation, protection, restoration, and enhancement of habitats throughout their ranges in the United States as well the rest of North America, the Caribbean, and Central and South America. The bill is largely silent thereafter in authorizing or encouraging JVs to be more multinational in geographic areas for which this is appropriate. Birds know no political geographies so neither should the Joint Ventures. The Conservancy urges that this bill include more explicit recognition of the role that Joint Ventures can and should play in the conservation of birds outside the United States. Many geographic areas covered by Joint Ventures (for example, the Sonoran and Rio Grande Joint Ventures) include portions of neighboring countries that are as important for bird conservation as the area within the United States. To the extent practicable, Joint Ventures should embrace multinational conservation and fully involve non-U.S. based partners and implement conservation planning and implementation throughout their geographic areas, irrespective of political boundaries.
- The Conservancy recommends that this bill be enhanced by adding specific recommendations on annual funding authorization levels for Joint Ventures. We feel that these numbers, subject to annual appropriations, will provide valuable guidance to the Secretary, Director, Joint Ventures, and partners as to the future directions of growth of JVs. To meet the ambitious goals for bird conservation that the Joint Ventures have already set for themselves, and the expectations of additional work to accomplish the “all-bird” conservation as is clearly needed, we do note that regular, annual increases in JV budgets will be necessary.

The Association of Joint Venture Management Boards has recently recommended that given the greater scope of responsibilities that JVs have been given it recommends an increase of funding in the next five years from \$15.0 million in FY 09 to \$30.0 million in FY13. The Association makes the case that such funding is warranted because the expanded investment will continue to leverage public – private partnerships that put habitat acquisition and restoration projects on the ground; will help accelerate the implementation of JV landscape conservation plan; fund new Joint Ventures to expand services nationally; provide green jobs in local communities through habitat restoration projects; and serve as an economic stimulus for communities through increased wildlife watching and outdoor recreation opportunities. We recommend that the Association’s five year plan to increase JV appropriations be included in the legislation

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

The Nature Conservancy strongly supports Congressman Dingell’s legislation. The legislation will increase the price of the Duck Stamp from \$15 to \$25 raising critical new funds for wetland protection nationwide. An increase in the price of the Duck Stamp is estimated to provide an additional \$14 million in revenue annually, which could acquire an estimated 6000 acres in fee and 10,000 acres in conservation easements annually.

The Federal Duck Stamp was originally created in 1934 as the stamp required for hunting migratory waterfowl. It was the nation's first dedicated funding source for land acquisition and it continues to be an essential tool for land conservation throughout the nation. Federal duck stamp revenues have generated more than \$725 million for the Migratory Bird Conservation Fund and has protected over 5.2 million acres of crucial waterfowl habitat. However, the price of the Duck Stamp has not increased since 1991, while the cost of protecting waterfowl habitat has increased dramatically.

Thank you for the opportunity to present The Nature Conservancy's recommendations for these important legislative initiatives.