

**Testimony of David W. Mehlman, Director of Conservation Programs
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regarding H.R. 518, The Neotropical Migratory Bird Conservation Improvement Act of 2005
before the Subcommittee on Fisheries and Oceans
U.S. House of Representatives Committee on Resources

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Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to offer the views of The Nature Conservancy on H.R. 518, the "Neotropical Migratory Bird Conservation Improvement Act of 2005." The Nature Conservancy supports H.R. 518 and looks forward to assisting the U.S. Fish and Wildlife Service in implementing a new and improved version of a highly successful program.

The Nature Conservancy is an international, non-profit organization dedicated to the conservation of biological diversity. 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. The Conservancy has more than 1,000,000 individual members and 1,900 corporate associates. We have programs in all 50 states and in 27 foreign countries. We have protected more than 15 million acres in the United States and Canada and more than 117 million acres with local partner organizations globally. The Conservancy owns and manages 1,400 preserves throughout the United States - the largest private system of nature sanctuaries in the world. Sound science and strong partnerships with public and private landowners to achieve tangible and lasting results characterize our conservation programs.

Birds are truly one of the most important symbols of nature and wildlife for all the peoples of the planet. Through their presence in virtually all places and habitats, bright colors, ubiquitous songs, ecological niche, and value for sport and hobby, they enrich the lives of all Americans in numerous ways. They represent one of the United States' most valuable natural assets, both in economic and esthetic senses. In particular, studies conducted by the U.S. Fish and Wildlife Service and others document the widespread and growing interest in bird watching and bird-related tourism that has complemented more traditional interests in birds. By some estimates, over 60 million residents of the United States have strong interests in birds for both consumptive and non-consumptive reasons. This interest generates an estimated \$40 billion annually in spending nationally on birds, bird-watching, and bird-related tourism.

As with all forms of our natural wildlife resources, understanding and conserving the biological phases of the life cycle is crucial toward the conservation and management of the birds of the United States. A critical aspect of the biology of many species of birds that greatly influences their long-term prospects for survival is that they are migratory: they spend a part of the year in one geographic region where they breed and raise their young and then the rest of the year in another area, often quite far apart from the breeding range. Of the over 800 species of birds that

regularly occur in the United States, about 341 of them are all or mostly migratory. This aspect of their life cycle, though well-recognized, significantly complicates the task of conserving their populations for the long-term.

An increasing body of scientific data and analysis suggests that many species of migratory birds are exhibiting precipitous declines in their populations. Examples of these include the Wood Thrush and Cerulean Warbler of the eastern deciduous forest, the Sprague's Pipit and Baird's Sparrow of the Great Plains, the Painted Bunting of the southeast, and the Rufous Hummingbird of the West Coast. The detection of these declines has spurred a significant amount of conservation effort in the United States and North America on the part of both government (for example, the U.S. Fish and Wildlife Service's "Blueprint for the Future of Migratory Birds", released in March 2004) and collectively on the part of the bird conservation community (for example, Partners in Flight's "North American Landbird Conservation Plan"; the United States Shorebird Conservation Plan; and Waterbird Conservation for the Americas' "North American Waterbird Conservation Plan"). The overarching goal of these plans and initiatives is to keep common birds common: we must take proactive action now to avoid future potential endangerment of these species. However, all these efforts require a catalyst to drive the conservation of habitats for these species on-the-ground: the Neotropical Migratory Bird Conservation Act (NMBCA) is that catalyst.

By providing additional resources and an incentive for collaboration, the Act helps to drive migratory bird conservation in the United States and throughout the Americas. The direct financial resources provided by the Act are a sorely needed source of funds that are not available elsewhere. NMBCA builds on the successful model established by programs such as the North American Wetlands Conservation Act (NAWCA). Much as NAWCA has stimulated substantial nonfederal investments and helped to establish long-term conservation partnerships directed at conserving wetland-associated migratory birds, NMBCA helps encourage actions in support of a wider array of migratory bird species in a variety of habitats over a broader geographic area. At the same time, NMBCA provides badly needed financial resources for projects on the domestic side, thus helping the bird conservation community implement projects throughout the vast geographic range of these species.

For a migratory species, habitats must be conserved in all areas in which the species occurs. Scientific evidence to date suggests that, depending on the species, the important phases of the life cycle could be one or more of the breeding season, winter season, or migratory season. If the important phase of the life cycle for a given species, characterized as that place where events occur that regulate populations, is a location where little or no conservation resources are being spent, we risk long-term decline, or even loss, of the species in question despite the best conservation efforts elsewhere. In other words, the significant investments, both human and financial, that are made to conserve birds in the United States are at great risk when the key threats to long-term conservation occur outside the country, as is highly likely for many species, and are left unabated.

The decline of the Cerulean Warbler, which I referred to earlier, serves to illustrate this point. This is a species of current management concern because of persistent and widespread population declines, its relatively small global population size, and the potential effects of land

management practices on its population; it has been petitioned for listing as a threatened species under the Endangered Species Act. Cerulean Warblers breed throughout much of eastern North America and winter in the Andes Mountains in northwestern South America. Population trend information from the North American Breeding Bird Survey shows a consistent decline of over 4% per year since 1966. The reasons for this decline are unknown but are under active investigation. Nevertheless, strong suspicion among the bird conservation community has focused for many years on winter season habitat loss and degradation as being major drivers for the observed decline of this species.

These realities of conservation demand that the conservation community take proactive measures to implement activities not only here at home, but outside the United States as well. This requires leadership from all sectors of society, including the federal government and private conservation organizations. The U.S. Congress met this challenge in 2000 when it passed the NMBCA which has stimulated innovative and important bird conservation projects throughout the western hemisphere. The NMBCA has proven to be a highly successful grant program which has accomplished numerous migratory bird conservation objectives in both the United States and in other countries which share migratory species with it. The Nature Conservancy and its partners throughout the hemisphere have repeatedly looked to the funds provided by NMBCA for support of priority conservation projects in the areas where we work. In addition to migratory birds, the conservation projects supported by NMBCA funds benefit numerous species of resident, non-migratory birds, and other forms of wildlife too numerous to mention.

The Conservancy has worked hard to develop projects suitable for funding from the NMBCA and we are very pleased with both the success of the projects, our ability to leverage privately raised conservation dollars, the response of conservation partners and donors to this program, and the functioning of the U.S. Fish and Wildlife Service in administering the Act. I would like to provide two examples of how the Conservancy has worked successfully with the Act to accomplish mutual conservation goals.

- The Gulf of Mexico region is a critically important geographic area for migratory birds since the vast majority of the migratory bird species of North America pass either across the Gulf or go around it twice every year. Recent studies of the effects of migration season events on birds suggest that the migratory season could play a critically important role in the survival of migratory bird populations throughout the hemisphere. Given the significance of the Gulf of Mexico in this context, the Conservancy and various partners have successfully worked with the NMBCA program for several years and have matched a total of \$650,000 in federal funds with \$1,591,456 in Conservancy private funds and \$358,544 in additional matching funds from partners. Collectively, these funds will protect through conservation easement or acquisition important coastal stopover sites in Louisiana, Mississippi, Alabama, and Tamaulipas, Mexico; conduct conservation planning projects in Texas and Veracruz, Mexico; and monitor bird populations in the Laguna Madre of Mexico. For these grants, the contributions of partners such as Dauphin Island Bird Sanctuaries (Alabama), the Land Trust of the Mississippi Coastal Plain (Mississippi), Pronatura Veracruz (Mexico), and Pronatura Noreste (Mexico) have been critical toward our success and the Act has considerably facilitated our establishment of constructive working relationships with them.

- In 2000, the Conservancy initiated a project called "Prairie Wings", developed to stem the alarming declines observed in North America's grassland birds: the most rapidly declining group of organisms on the continent. We have matched a total of \$733,795 received from the NMBCA program in four different grant cycles with \$1,348,821 in Conservancy funds and an additional \$864,985 in funds from other partners to accomplish numerous conservation actions in the states of Colorado, Montana, New Mexico, Nebraska and in northern Mexico. These actions include conservation easements on almost 15,000 acres of high quality shortgrass prairie in Colorado; implementation of habitat management plans in New Mexico and Mexico; acquisition of important tracts in Nebraska, Colorado, and Mexico; and the creation of highly successful outreach and education programs in small local communities in northern Mexico. The complex nature of the biological problem posed by declining grassland birds requires complex and innovative solutions and the NMBCA has spurred the Conservancy to rise to this challenge. There is simply no other grant program out there that allows us to do these complicated, multi-site and multi-partner projects.

The Conservancy is pleased to support H.R. 518, the Neotropical Migratory Bird Conservation Improvement Act of 2005, and to urge the Committee to take swift action on this important legislation. Re-authorization of the Act will allow the program to continue to pursue projects with significant long-term benefits to migratory birds at multiple sites. Furthermore, the Conservancy believes that the refinements proposed by H.R. 518 will enhance the overall program in ways that will generate stronger proposals for funding and more significant, and longer-lasting, conservation results.

The Conservancy fully supports the addition of Canada as a country eligible for funding, as proposed in H.R. 518. Many species of migratory birds that pass through the United States have significant portions, if not all, of their breeding ranges in Canada. Since conservation actions for these species must be applied in all parts of their ranges, it is highly likely that many of these species face significant threats that must be addressed in their breeding range if they are to be conserved. Therefore, we must have the ability to fund conservation projects in Canada, where so many of these species produce their young.

The Conservancy supports modifications proposed in H.R. 518 to amend the match requirement for NMBCA to require a dollar for dollar nonfederal match. The current requirement for three nonfederal dollars to match each federal dollar presents a significant challenge for all organizations attempting to develop good projects for this grant program, including the Conservancy. This level of match ratio is not typical of other, comparable federal grant programs, such as NAWCA, which requires a 1:1 match. As we have seen with NAWCA, it is rare that successful projects meet only the minimum match requirements, since proposals submitted to NAWCA receive higher scores in the competitive process when the requirement is exceeded. In fact, NAWCA averages greater than a 2:1 match over all projects funded, though projects must also be considered on their technical merits. We are concerned that the high nonfederal match in the original Act wholly excludes otherwise excellent and important projects. The changes to this section proposed in H.R. 518 will allow good projects to compete while still significantly leveraging the U.S. taxpayer's contribution. Therefore, the Conservancy believes that implementing the reduction in match ratio as proposed in H.R. 518 would lower the hurdle faced by all organizations in finding matching funds to implement NMBCA proposals, would

allow more organizations to submit better proposals, and would make it far easier for existing and potential donors of private dollars to be convinced of the value of having their contributions used for the NMBCA.

H.R. 518 calls for an increase in the level of authorized appropriations for the NMBCA, a recommendation which the Conservancy fully supports. In the past several years of proposal solicitations under NMBCA, the program has been significantly oversubscribed, even when poor or inappropriate proposals are excluded. Given the conservation needs in over 30 countries across a vast area in Mexico, Central America, the Caribbean, and South America, this is not surprising. This indicates the great demand for migratory bird conservation dollars and authorization levels should increase to meet this need. It should also be noted that the large number of proposals not funded indicates a great amount of potential matching dollars left unused, which lowers the leveraging effect of the federal dollars in the NMBCA program. The Conservancy supports the proposed limitation on expenditures and cash match requirements for projects in Canada, since it is imperative that the many countries in Central and South America and the Caribbean, which have no other source of dedicated bird conservation funds, continue to receive at least the level of funding they do now, plus a share of any immediate increase.

Several administrative changes in how the NMBCA program functions are proposed in H.R. 518; the Conservancy is in agreement with these as we feel they will improve the functioning of the Act and make it more compatible with similar programs within the U.S. Fish and Wildlife Service. In particular, we encourage the establishment of an advisory group as called for both in the current program and in H.R. 518. Such a group will increase the level of engagement of both Service and non-governmental staff in the program, will improve coordination, and will generally serve to increase the quality of proposals submitted.

In conclusion, The Nature Conservancy is very pleased with the NMBCA program and the conservation results it has achieved. We see great overlap between the goals of the NMBCA and our own institutional goals, as well as those of our network of partners throughout Latin America and the Caribbean. The modifications proposed in H.R. 518 will help make this program the premier federal grant program in support of international bird conservation and will help ensure the long-term continuity of North America's bird populations.

Thank you for the opportunity to comment on this important legislation. I would be happy to answer any questions from the Subcommittee.