

Committee on Resources,

Subcommittee on Fisheries Conservation, Wildlife & Oceans

[fisheries](#) - - Rep. Wayne Gilchrest, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6232 - - (202) 226-0200

Witness Statement

STATEMENT
OF
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ON BEHALF OF
THE WILDLIFE LEGISLATIVE FUND OF AMERICA (WLFA)
BEFORE THE
SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE & OCEANS
U.S. HOUSE OF REPRESENTATIVES
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Mr. Chairman:

On behalf of the Wildlife Legislative Fund of America (WLFA), I appreciate the opportunity to testify today regarding management of the National Wildlife Refuge System and implementation of the 1997 National Wildlife Refuge System Improvement Act (NWRSA). WLFA was organized in 1977 for the purpose of protecting the American heritage to hunt, fish, and trap and supporting scientific wildlife management. It pursues these objectives at the federal, state, and local level on behalf of its over 1.5 million members and affiliates.

WLFA was deeply involved in the enactment of NWRSA. We worked closely with Rep. Don Young during the introduction in 1995 of the bill that ultimately became the Refuge Improvement Act. WLFA strongly supported that measure and subsequent related bills, we participated in the negotiations that yielded the bill passed by Congress, and were pleased to be present in the Oval Office when the Act was signed by the President. Since then, we have closely monitored implementation activities by the U.S. Fish and Wildlife Service (FWS) and the Department of the Interior providing substantive comments and opinions regarding the letter and spirit of the Act.

We appreciate that FWS has a major task in preparing the Comprehensive Conservation Plans (CCPs) required for each unit or complex of the System. In general, the CCP process has moved ahead in a timely manner and we commend FWS for not getting "caught behind the 8 ball" in keeping up with the planning schedule.

WLFA does, however, have significant concerns regarding (1) substantive policies developed by FWS to guide implementation of the Act, (2) the role of State fish and wildlife agencies in the planning process, and (3) specific issues at specific units where Refuge unit purposes or legitimate uses are being sidetracked. These concerns are outlined in detail below.

Substantive Policies

FWS invested considerable time and effort in preparing a series of policies to guide implementation of NWRSA. These include policies on (1) biological integrity, (2) mission and goals, (3) recreation, (4) appropriate uses, and (5) wilderness. Of these, only biological integrity has been completed in addition to others addressing compatibility and planning. WLFA has serious substantive objections to the five enumerated policies. In each case, we are persuaded that the policies do not adhere to the letter or spirit of the 1997 Act and require Refuge managers to make findings or other threshold determinations not found within the statute or contemplated by the drafters of the Act.

The policy on biological integrity is a prime example. Wildlife conservation is the preeminent purpose of the Refuge system and this is spelled out clearly in the Act. This objective is codified in the mission that applies to all units and is part of the specific purposes that similarly affect each Refuge. The term "biological integrity" is used once in the statute as part of 13 subparagraphs instructing how the system is to be managed. This policy has the apparent effect of elevating this one Congressional prescription among many to a preeminent position. Indeed, the policy at paragraph 3.3 specifies that this "policy is an additional directive for refuge managers to follow" while complying with refuge purposes and mission.

The policy, adopted in final form last year, also equates biological integrity with either "natural" or "historic" conditions defined to mean those conditions that pre-date significant human impact on the landscape. It even sends Refuge managers on archeological missions to try to determine what those historic or natural conditions might have been (see 3.13). This backward looking policy is not what Congress intended and is not needed for FWS to assure conservation of wildlife resources. One of WLFA's concerns is that many refuge units have been established to benefit particular species of wildlife (e.g., bighorn sheep, moose) or categories of wildlife (e.g, waterfowl). Management to optimize habitat for such species may create conditions that are not "natural" or "historic" and run afoul of this "additional requirement" not part of the law.

A major achievement of NWRSA was the identification of wildlife dependent recreation including hunting and fishing as priority public uses of refuges. Congress expressly recognized the legitimacy of these traditional activities on refuge lands and established exactly one caveat: these activities need to be "compatible." If found to be compatible, the law and legislative history make it abundantly clear that these uses are to be "facilitated" on refuges.

In stark contrast, the proposed policy on uses introduces a brand new threshold requirement found nowhere in the statute: "appropriateness." The policy spells out that an activity, including any of the priority public uses, must be found to be "appropriate" BEFORE the issue of compatibility will even be examined. We defy anyone to find this additional requirement in the 1997 Act. Congress already determined the "appropriateness" of wildlife dependent recreation and this finding, which exists as a matter of law, must be countermanded at the discretion of individual refuge managers.

Other extra-statutory requirements are found in the pending recreation policy. This policy includes a directive that refuge managers must "ensure" (i.e., guarantee) that adequate financial resources are or will be available before authorizing hunting or fishing programs. This very issue arose in 1993 when a number of hunting and fishing programs were slated for closure on the grounds that inadequate funding was available. Congress specifically countermanded that administrative action and NWRSA specifically amended prior provisions of law to eliminate the necessity of making findings of budget or financial adequacy as a precondition of authorizing hunting or fishing. WLFA is astounded that the draft policy tries to resurrect this condition in the face of express Congressional action not once but twice!

The proposed wilderness policy suffers similar flaws. Rather than providing clear objective direction to refuge managers on how to accommodate Wilderness Act provisions and wildlife conservation objectives, it is a subjective paen to "wilderness values." It tells managers that they are to maintain wilderness "character" by "refocusing our perception of nature and our relationship to it." (2.5.B). Furthermore, it puts the "intangible values" of wilderness on a par with the biophysical features of refuge units. And it too emphasizes "naturalness" as measured by the conditions of pre-European contact. (7.10.A). In essence, the default management position becomes "leave everything alone" even if specific refuge purposes encourage management for the benefit of particular species of wildlife.

WLFA intends to comment aggressively on these policies. We hope that Congress will exercise its oversight authority to ensure that these policies are fully consistent with the letter and spirit of NWRSA.

Procedural Issues

Besides these substantive policy problems, there are serious procedural problems too. Most notably, individual state fish and wildlife agencies are not being accorded an appropriate substantive role in refuge planning. To the contrary, the state agencies, notwithstanding their primacy over management of resident fish and wildlife, are being treated like every other ordinary interest group. A term heard repeatedly from state agency personnel is "lip service." FWS meets and "consults" with its state counterparts without any substantive results or consequences. FWS listens politely and proceeds to go its own way regardless of what it hears from the states. WLFA is persuaded that the relationship between FWS and the state agencies is the worst it has ever been. This unfortunate legacy of the previous administration must be changed by the new leadership at Interior.

Specific Issues

We could provide the subcommittee numerous on-the-ground examples of the substantive and procedural problems afflicting refuge planning and management. Rather than offer a litany of specific matters, we have taken the liberty of enclosing two documents that are emblematic of the problems. The first is correspondence to FWS from WLFA and the Arizona Desert Bighorn Sheep Society regarding management planning at the Cabeza Prieta National Wildlife Refuge. The issue there is active management to enhance the desert bighorn sheep populations (the reason the unit was created) and limitations on management arising from Wilderness designations and wilderness management policy. The second are a series of letters from the Ohio Division of Wildlife to FWS regarding management of the Ohio River Islands National Wildlife Refuge. This correspondence paints a picture of frustration, substantive and procedural, about the planning for this one particular unit. It is safe to say that this frustration is being replicated throughout the country.

Thank you again for the opportunity to appear today. WLFA looks forward to working with the Subcommittee to ensure that FWS adheres to the letter and spirit of the 1997 Act, substantively and procedurally, in administering the National Wildlife Refuge System.

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