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NORTH AMERICAN WETLANDS CONSERVATION
ACT REAUTHORIZATION

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AND NATURAL RESOURCES

OF THE

COMMITTEE ON
MERCHANT MARINE AND FISHERIES
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

H.R. 4308

**A BILL TO AMEND THE NORTH AMERICAN WETLANDS
CONSERVATION ACT TO AUTHORIZE APPROPRIA-
TIONS FOR ALLOCATIONS UNDER THAT ACT FOR
WETLANDS CONSERVATION PROJECTS**

JUNE 8, 1994

Serial No. 103-109

Printed for the use of the Committee on Merchant Marine and Fisheries



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NORTH AMERICAN WETLANDS CONSERVATION ACT REAUTHORIZATION

WEDNESDAY, JUNE 8, 1994

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, COMMITTEE ON MERCHANT MARINE AND FISHERIES,

Washington, DC.

The Subcommittee met, pursuant to call, at 11:05 a.m., in room 1334, Longworth House Office Building, Hon. Gerry E. Studds [Chairman of the Subcommittee] presiding.

Present: Representatives Studds, Lambert, Eshoo, Saxton, Weldon, Gilchrest, and Taylor of North Carolina.

Staff Present: Suzanne J. Waldron, Press Secretary; Daniel M. Ashe, Staff Director; David W. Hoskins, Counsel; Marvadell Zeeb, Subcommittee Clerk; Margherita Woods, Minority Clerk; Harry F. Burroughs, Minority Staff Director; Cynthia M. Wilkinson, Minority Chief Counsel; Sharon McKenna, Minority Counsel, and Richard Russell, Professional Staff.

STATEMENT OF HON. GERRY E. STUDDS, A U.S. REPRESENTATIVE FROM MASSACHUSETTS, AND CHAIRMAN, SUBCOMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

Mr. STUDDS. The Subcommittee will come to order. Note the presence of our highly distinguished former member and Chair.

Over the past 100 years, American attitudes about wetlands have taken a 180-degree turn. A century ago, congressional committees concerned themselves with policies to "reclaim" our swamps and bogs and potholes. In a classically anthropocentric way, we wanted to make them "productive". It took the likes of John Muir, Aldo Leopold, and Jay Norwood Darling to teach us what the ducks, geese, plovers, herons, fish, crabs, and shrimp already knew. Wetlands are wondrously productive just as they are. So now, congressional committees concern themselves with how to conserve these great places that we call "wetlands". It is a big job and we can only hope that our efforts are neither too little nor too late.

The Subcommittee meets this morning to review a program which, by all appearances, has the hallmarks of unqualified success—the North American Wetlands Conservation Act. Since its enactment in 1989, this law has spawned innovative public-private partnerships which are protecting and restoring wetlands throughout Canada, Mexico, and the United States.

The Act is helping to reverse the disastrous trend in the decline of our wetlands resources. In its relatively brief life span, 275 wet-

lands projects in 36 States, Canada, and Mexico have been funded with 105 million Federal dollars and 202 million matching dollars from State and local agencies, environmental organizations, and private industry. As a result, more than 1.2 million acres of wetlands have been saved in the United States and Canada alone.

Simply put, this law appears to work. Because of that record, I joined several of my colleagues, including our distinguished first witness, in introducing legislation, H.R. 4308, to reauthorize the Act for 6 years and to significantly increase its annual authorization levels. This morning we will hear testimony about this bill, about the role of this program in the conservation of wetlands ecosystems, and whether there is any need for legislative changes to enhance the Act's effectiveness.

I am particularly proud and pleased to welcome my distinguished predecessor of this chair and a gentleman from whom I have learned more than it would be appropriate to put upon the record. May I say that the transition to an old bull is a difficult one under any circumstance, and there are those that have observed I have made great progress with regard to bull and am making striking strides with regard to the older part.

In any event, it is a delight and honor to welcome you back, the father or grandfather, depending on one's own perspective, of many of the statutes that this Committee is charged with protecting.

The gentleman from Pennsylvania.

STATEMENT OF HON. CURT WELDON, A U.S. REPRESENTATIVE FROM PENNSYLVANIA, AND RANKING MINORITY MEMBER, SUBCOMMITTEE ON OCEANOGRAPHY, GULF OF MEXICO, AND THE OUTER CONTINENTAL SHELF

Mr. WELDON. Thank you, Mr. Chairman. And I also welcome our distinguished witness. And I would also like to thank you, Mr. Chairman, for your quick response in terms of bringing this legislation forward to this Committee.

As the lead Republican sponsor of H.R. 4308, the North American Wetlands Conservation Fund Reauthorization, let me begin by thanking everyone that has been involved with this very successful program. Since the inception of the NAWCF, you have been one of the strong supporters, Mr. Chairman, of the program and have contributed greatly to its success.

I want to take this opportunity to thank Chairman John Dingell for producing H.R. 4308 and for all of his years of service to the cause of waterfowl habitat protection.

The NAWCF is the result of the efforts of the late Congressman Conte and Chairman Dingell. Congressman Conte and Chairman Dingell served as the two Representatives of the House of Representatives on the Migratory Bird Conservation Commission and through their work on the MBCC, they are directly responsible for the preservation of much of North America's most important waterfowl habitat.

As the newest member of the MBCC, I had a chance earlier this year to help celebrate Chairman Dingell's twenty-fifth year on the Commission. For a quarter century, Chairman John Dingell has worked tirelessly to expand and enhance the National Wildlife Refuge system to protect critical waterfowl habitat.

Our wildlife refuges alone, however, cannot provide sufficient habitat to support the millions of waterfowl which annually migrate across America. Chairman Dingell and Congressman Conte created the NAWCF to address this problem. Through their foresight, great headway is now being made.

The NAWCF is one of the most successful and cost-effective wetlands preservation initiatives in existence. The fund operates as a public-private partnership, with Federal grant moneys being matched, often at rates as high as 4 to 1 by private, State, and local moneys. Since its inception in 1989, non-Federal partners have matched roughly \$100 million Federal dollars with over \$200 million of their own resources. To date, the NAWCF has led to the preservation, enhancement, or increased protection of almost 7 million acres of prime wetlands habitat in North America.

As successful as the fund has been, much more work still needs to be done. The 1993 estimate of North America's breeding duck population is 18 percent below the average of the last 40 years. For certain species, the numbers are far worse. Mallard populations are down 20 percent and the northern pintail population has declined by one-half.

Habitat loss has played a major role in the decline of these species. Only through the continuation and expansion of programs such as the NAWCF can we head off even greater losses. Some important States within the North America's migratory flyways have yet to set aside critical wetland habitat under the program. My own home State of Pennsylvania is one such State.

Currently, I am working with three of our largest counties—Chester, Montgomery, and Delaware—to ensure migratory bird habitats within their boundaries are protected. The counties' participation is made possible by the passage in Chester and Montgomery counties of multimillion dollar open space bond acts. I am working to ensure some of these funds, totaling over \$150 million, are used in combination with the North American Wetlands Conservation Fund moneys to create the first migratory bird habitat protection projects in Pennsylvania.

Mr. Chairman, I would like to again thank you for your support and your leadership. I would like to thank Chairman Dingell again for his continued role in making sure that this Congress is sensitive to the issue of migratory bird habitat protection. I would also like to thank our Ranking Member, Jack Fields, who has been a tireless supporter of this effort. I want to ask unanimous consent to insert his statement in the record, if that would be OK with the Chairman, and also to thank our ranking Subcommittee member, Mr. Saxton, for his strong leadership as well on this issue.

Mr. STUDDS. Without objection, everyone is thanked.

[The statement of Mr. Fields follows:

STATEMENT OF HON. JACK FIELDS, A U.S. REPRESENTATIVE FROM TEXAS, AND RANKING MINORITY MEMBER, COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. Chairman, you may recall that the North American Wetlands Conservation Act was the idea of a good friend of ours, the late Silvio Conte of Massachusetts. Enacted in 1989, the Act's purpose is to conserve wetland ecosystems and the species that they support, primarily waterfowl. The Act also provides the financial assistance necessary for the implementation of the North American Waterfowl Management Plan, an agreement originally signed in 1986 to reverse our continent's loss

of wetlands and to stem the decline in populations of waterfowl and other migratory birds.

Wetlands are among the most productive habitats on earth serving as breeding, nursing, and wintering grounds for an array of fish and wildlife. In the last two centuries, some wetlands in the lower 48 States have been lost. As a result, certain waterfowl and other migratory birds in Canada, Mexico, and the United States have declined. To aid in recovery of waterfowl populations, the United States and Canada signed the North American Waterfowl Management Plan in 1986. This plan is a strategy to increase continental waterfowl populations by restoring and protecting waterfowl habitats. To achieve this, the plan relies upon partnerships of public agencies and private organizations, called joint ventures, to fund and implement wetland conservation projects.

The Act seeks to promote public-private partnerships to protect, enhance, restore, and manage wetland ecosystems for migratory birds and other wetland-dependent species in Canada, Mexico, and the United States. Since the Act's inception, 275 wetland projects in 36 States, Canada, and Mexico have been funded.

To date, such partnerships have invested over \$300 million to protect, restore, and enhance more than 1.2 million acres of wetlands, providing vital habitat for a rich diversity of wildlife species. The plan is recognized in the United States as a model for wetlands management and conservation partnerships.

The hearing today will give us the opportunity to receive testimony from our witnesses on the need for reauthorizing the North American Wetlands Conservation Act, and whether there are additional improvements that need to be made in the Act. I would like to extend a special welcome to Secretary Babbitt and our distinguished colleague, Congressman Dingell, a devoted waterfowl conservationist. I look forward to hearing their testimony.

Thank you, Mr. Chairman.

Mr. STUDDS. The gentleman from Maryland.

**STATEMENT OF HON. WAYNE T. GILCHREST, A U.S.
REPRESENTATIVE FROM MARYLAND**

Mr. GILCHREST. Just a quick comment, Mr. Chairman. I want to thank you for holding this hearing.

Mr. Dingell, I want to thank you and Mr. Conte. I knew him very briefly when I came here and I think he was an extraordinary individual, but I do want to thank you for all the future generations that will not know the name Mr. Dingell but for the things that you have done to preserve an extraordinary phenomenon in the life of the planet's migratory birds.

On the Eastern Shore, without a doubt, the only time you see them is in the fall, when they are coming down. The first time you see them is always in the evening at sunset and you can hear them honking, the Canada geese. It is a very beautiful experience, and for us to preserve that, it is very important for us and for those who will come before us, so I thank you for your effort.

Mr. STUDDS. As you can see, Mr. Chairman, we are blessed with genuine conservatives on the Republican side.

May I further observe everyone has now been thanked at least twice and mention was made of our late and beloved colleague, Silvio Conte. Very few things that fly and honk do not owe their lives to the two of you. I may add a considerable number of them owe their demise to the two of you.

Mr. Dingell, welcome.

**STATEMENT OF HON. JOHN D. DINGELL, A U.S.
REPRESENTATIVE FROM MICHIGAN**

Mr. DINGELL. Thank you, Mr. Chairman.

I think after the kind words that have been said by the members of the Subcommittee, I would be well served to keep quiet, because

you, I believe, have shown, Mr. Chairman and the members of the Subcommittee, an appreciation of the values that I am here to discuss today that makes any comments by me really quite unnecessary.

I want to tell you how delighted I am to be back in this room. You will remember, you and I and some of the other members here served in this room in the old days before the rules of the House removed me from the Subcommittee on Fisheries and Wildlife Conservation and from the Committee on Merchant Marine and Fisheries, which is a great committee, for which I have a very special feeling and reverence because of the outstanding work that has been done in this committee room by this Subcommittee, over the years.

And I have a particular feeling of happiness in returning here to be with you, Mr. Chairman. And I would observe that being an old bull simply means you are willing to work around this place and does not necessarily mean you are old or that you have a particular ox-like characteristic.

At this point, I would like to say a particular word of appreciation to Mr. Weldon. He has replaced our good friend, Mr. Conte, as a member of the Migratory Bird Conservation Commission and he has served there with distinction.

It is a little agency. We do not do much except to approve the projects and the spending of money for migratory bird conservation and migratory bird habitats, but we regard it as being an extremely important piece of work. And as Mr. Gilchrest said, there is a certain piece of poetry and reverence in seeing waterfowl and appreciating the beauties and the wonderful characteristics of these birds and the places that they use. So I want to tell you how important the work that you do here is and how grateful I am to be here with you.

Mr. Conte was a great advocate and friend of this, and over the years, working together, he and I had the opportunity to observe what can be accomplished with just a little bit of money. You know, one of the great agencies of government is the Fish and Wildlife Service. For the amount of money they get, they do incredible amounts of good, both with regard to endangered species, with regard to comments on fish and wildlife values, with regard to administering lands as well, with very, very little.

They are efficient in acquiring lands, and they do it with a great deal of care and a great deal of patience. And you will hear very, very little complaint about the way they acquire land, as my friend, Mr. Weldon, will tell you, because we do it with a full sensitivity toward public interest and the attitudes of the landowners.

I have a full statement, Mr. Chairman, which I will ask unanimous consent to be inserted in the record, and I will just make a few summary comments.

In this room, Mr. Chairman, as you will remember, we wrote the Endangered Species Act, the Marine Mammal Protection Act, the National Wildlife Refuge Administration Act, the ocean dumping legislation, and a lot of other pieces of legislation that are really the cornerstone and the milestone for the protection of fish and wildlife habitat and the great and wonderful outdoor natural history and natural resources of this country. They have been the

foundation of the protection of our fish and wildlife and natural resources.

You, Mr. Chairman, and the members of this Subcommittee, have provided extraordinary leadership, wisdom, and guidance in carrying forward those traditions, and I hope you are proud of what you do because you have every reason to feel a particular reverence not only for what you are protecting but also the work which you have done. And the country and the Nation and those who will come after us will have a particular reason to be grateful to you for what it is you have done.

I hope that you will be able to continue the protection of the basic statutes which are now in the jurisdiction of this Subcommittee and the Committee, and also that you will continue the great tradition of writing sound conservation legislation, including the re-enactment of the North American Wetlands Conservation Act.

As I mentioned, one of the highlights of my career has been serving on the Migratory Bird Conservation Commission, and serving there with my friend, Mr. Weldon, and we have found over the years in serving there that the North American Wetlands Conservation Act itself, the one which spends the money for acquiring refuges, is a good proposal. But the demands of the resources we are trying to protect far exceeds the resources we can put in. And so, as a result, a number of steps have been taken over the years to try to press refuge status on lands not necessarily acquired by migratory bird moneys to procure easements.

And as Mr. Weldon can tell you, we have tried from time to time, and Mr. Conte and I, and before that Mr. Saylor, who was from your State, who I am sure you will remember, used to try, frankly, to steal lands for these purposes and would steal the dike marsh over here, which would forever be essentially a refuge, even though administered by the Park Service, so that we could save lands that are needed for migratory waterfowl and for other migratory species in the North American continent.

We have had some pretty good success. The lands acquired have achieved significant benefits. But we have to go beyond the boundaries of the United States and we have to go beyond the traditional mechanisms of buying lands. We have to go to new kinds of land administration, including nonrefuge status, and in this particular proposal, lands which will have both refuge and nonrefuge status.

But there is another thing that is important. For the first time we found a way of protecting lands in cooperation with our neighbors to the north and south. Our Canadian friends and our Mexican friends are joining us in protecting migratory waterfowl and other migratory birds. And the interesting thing about this entire proposal is that it requests a modest increase in authorizations, but it achieves a huge leverage, as Mr. Weldon wisely observed, something on the order of about 2 to 1 will be the actual leverage of expenditures by States and local units of government, private agencies, and nongovernmental organizations, including Ducks Unlimited and Nature Conservancy, two institutions for which I have a particular fondness and respect.

So we can look at this as being a success, because not only does the Federal Government give a buck but our partners give two, and

we are now looking at some significant advances in the accomplishment.

Just to look at a couple of these. Quill Lakes Restoration and Enhancement Project was once a dry, agricultural area in Saskatchewan. It now supports some 500,000 shorebirds in addition to a large number of waterfowl species, which provide not only the joy of seeing these wonderful species but also the happiness it has given to hunters like myself and some of the others in this room of actually knowing that the resources upon which our sport depends is being protected.

Projects can be large and they can be small. The successful Llano Seco Rancho acquisition project in the Central Valley of California required \$3 million, but a 3-acre site, a wetlands site in Illinois, was developed and preserved as a result of a Boy Scout's initiative in working toward his Eagle Scout rank with an expenditure of \$600.

These conservation projects have affected a major area for habitat, for migratory and other waterfowl that would include some 1.3 million acres of wetlands and associated upland habitat in Canada and the United States. Conservation education and wetlands management plan projects in Mexico also affect large biosphere reserves.

This has been a program which has already established its success, and this Committee does not need to have any apprehensions about carrying this bill to the Floor or waiting around to see whether or not there has been success. In fact, there has been success and a great deal of it.

Now, I do not recommend any significant changes in the statute. However, I believe the Subcommittee should consider some clarifying language, either in the statute or again in the Committee report, which would assure that the protection which we are going to apply to these projects, which will be approved by both the Council and by the Migratory Bird Commission on which Mr. Weldon and I sit, and the reason for that is, of course, if we are to get anything for the money, we have to get the maximum leverage possible. In other words, to get the longest possible term on the leases, and that is something which I think is very important.

All of us know that wetlands are fragile areas. They are not something easily created nor easily fixed once they have been abused or degraded, and it is not something that can be protected for 10 years and then plowed under. It is a system or an ecosystem to which we must commit not only money but time, and expect that in the leveraging process we are trying to get, that the money goes over the longest period possible so that as each year goes by we are not just paying rent on a single tract of land but we can actually develop a rapidly expanding area of habitat for our migratory birds and other species.

Now, the money we spend on this should then be done on leases and other easements which will be of long term. I would hope at the very least 25 years, and I think that that should require both a commitment not only by the Federal Government but our State, local, and private partners.

Now, in my formal statement, Mr. Chairman, I have included language from the House and Senate report which I believe estab-

lishes the intention of Congress and the intention of Congress which provides a foundation for a long term, perhaps and hopefully even perpetual easements on projects to be approved by the Council and Commission.

Mr. Chairman, I want to thank you and Mr. Saxton, and I want to thank Mr. Weldon, especially my friend Mr. Fields, Mr. Gilcrest, you and others for your kind comments and the good work which you do here.

I just got back from Europe with Mr. Taylor for D-Day commemorations, and that was an inspirational thing, but I would observe it is no more inspirational than seeing a good, well-run refuge and seeing what it does in terms of providing a renewal each year of the wonderful values we see when migratory birds go north and when they go south.

Thank you, Mr. Chairman.

Mr. STUDDS. Thank you, Mr. Chairman.

[The statement of Mr. Dingell follows:]

STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE FROM THE STATE OF MICHIGAN

Mr. Chairman, this room brings fond memories of working with many of my colleagues on some of the most important conservation legislation on the books today. It is my view that the Merchant Marine and Fisheries Committee has largely worked in a bipartisan manner. With great bipartisan cooperation, we wrote the Endangered Species Act, the Marine Mammal Protection Act, the National Wildlife Refuge Administration Act, and many other conservation laws that have been the foundation protecting our wildlife and natural resources. I want to commend you, Mr. Chairman, and the other members of your Subcommittee for your ongoing work to protect these laws and to continue the tradition in writing very sound conservation legislation—including the North American Wetlands Conservation Act.

One of the highlights of my career has been serving as a member of the Migratory Bird Conservation Commission for 25 years. A distinct pleasure during my tenure on the Commission has been to be involved in taking action to protect millions of acres of our national resource heritage, including approving North American Conservation Act projects. It has been satisfying to have been associated with a conservation program that provides benefits not only to migratory birds, but also to the citizens of Canada, the United States, and Mexico.

Mr. Chairman, I request that the Subcommittee support H.R. 4308, legislation I introduced with Chairman Gerry Studds, Mr. Weldon, and Mr. Fields to reauthorize the North American Wetlands Conservation Act. The legislation requests authorization levels of \$15 million for fiscal year 1994, \$20 million for each of fiscal years 1995 and 1996, \$30 million for each of fiscal years 1997 and 1998, and \$40 million for each of fiscal years 1999 and 2000.

Since the enactment of the North American Wetlands Conservation Act in 1989, the Migratory Bird Commission has approved 275 projects under this program. This represents \$105 million in grant funds and \$202 million in "partner" funds provided by State governments, and non-governmental organizations such as Ducks Unlimited and the Nature Conservancy. On the average, one Federal grant dollar leverages two partner dollars.

The Quill Lakes Restoration and Enhancement Project, once a dry, agricultural area in Saskatchewan, now annually supports 500,000 shorebirds in addition to numerous waterfowl species. Quill Lakes, a flagship project of the North American Waterfowl Management Plan and partially funded through Act partnerships, was recently dedicated as a Western Hemisphere Shorebird Reserve Network site.

The grants under this program range in size from \$3 million as part of the Llano Seco Rancho acquisition project in the Central Valley of California to \$600 in support of the restoration of a 3-acre wetland in Illinois, the result of a Boy Scout's initiative in working toward his Eagle rank.

The ingenuity of this program is that it encourages the cooperation of States and private conservation organizations with the Federal Government in projects that would not otherwise receive funding or recognition. The number of partners in a project ranges from as few as one to as many as 15, with most projects averaging 4 partners. In the United States alone, 225 partners have supported Act projects.

These conservation projects have affected about 1.3 million acres of wetlands and associated upland habitat in Canada and the United States. Conservation education and wetlands management plan projects in Mexico affect large biosphere reserves.

The program has been tremendously successful, and, for the most part, I would not recommend major changes to the Act. However, I do believe the Subcommittee should consider some clarifying language—either in the statute or in the Committee report to accompany any legislation that is reported.

Specifically, the Committee should speak to congressional intent with regard to the type of protection that is to be afforded projects approved under the Act. A wetland is a fragile thing. As we have learned—often the hard way—it is not something that is easily created or fixed. It is not something that can be protected for 10 years and then plowed under. Instead, it is an ecosystem to which we must commit not just money, but time.

As the Federal Government devotes money to conservation and restoration of these systems, we must also make a commitment of time and require that our partners do the same. The money we spend on wetlands conservation is ill-spent if the projects disappear after 10 or even 25 years. Only through permanent protection of these lands—either through fee acquisition or a permanent easement—can these goals be achieved. The amount of money that is being spent on protection of wetlands by the Federal Government is significant. We must require that an equally significant commitment of time be made by the Federal Government's partners.

I commend to the Subcommittee a reading of the House and Senate reports in this regard. The congressional intent is clear that:

[W]here possible, the term "long-term conservation" should be interpreted in a manner that will result in habitat being reserved in perpetuity for fish and wildlife conservation. Easements to conserve wetland ecosystems for 25 years or more, while less desirable than perpetual easements, also would be consistent with the requirement for long-term conservation. In some cases, purchase of easements to conserve habitat for less than 25 years, or even for 10 years or less, may be appropriate if the purchase is likely to result in the landowner agreeing to a longer term conservation agreement at the expiration of the initial easement.

Senate Report 101-161, p. 5

The House report is even more clear in this regard stating that, "[i]t is the Committee's preference that the lands be protected in perpetuity. In cases where an agreement cannot be reached to protect the land in perpetuity, the land should be protected for as long a period as possible." *House Report 101-269, p. 13.*

I would like to thank Chairman Studts and the other members of the Subcommittee for allowing me to share my views on the reauthorization of this important program.

I would be more than happy to answer any questions that you might have.

Mr. STUDDS. Are there questions for Chairman Dingell? The gentleman from New Jersey.

Mr. SAXTON. Thank you, Mr. Chairman. I just wanted to ask the gentleman if he could be more specific in recommending a change here in terms of the time we devote. In other words, we would ask the various partners to make a commitment; I guess you are talking about a long-term commitment that the project would not be abandoned towards which we put money after some short period of years; is that correct?

Mr. DINGELL. Well, the way the process works is that an agreement is negotiated between the Federal Government and the partners. And then pursuant to that, an approval process takes place which defines both the conditions and the terms, the area to be saved, and everything else like that.

Most of these acquisitions are either leases or easements. And more often they are easements rather than leases because all you want to do is protect the one single value as opposed to protecting a lot of values.

When I was a member of this Committee, we were always concerned about the acquisition being of too short a period, and the

language that we have suggested with regard to the period or how it would be achieved is in the basic legislation.

I want to make it very clear I have no particular pride of authorship of this. I always do these things very carefully in consultation with Mr. Studds, the Chairman, because he is not only a valued member of this Committee but he is also a valuable member of the Committee on Energy and Commerce, and I do not want to do anything which would denigrate this Committee for which I have a very special respect and affection. I served here for better than 20 years and they were, quite honestly, the happiest and best 20 years of my service in the Congress.

So I do not appear here to tell you anything as to how you should use your expertise. You are fully capable of addressing that without a great deal of advice from me. My only counsel would be that you should strive as best you might to try to get the periods of the leases and the easements as long as you can so as to get the greatest value for the dollar spent.

Mr. SAXTON. I have one other question and it is quite general in nature. I have had a great deal of experience back in New Jersey trying to preserve wetlands through an acquisition program in an area that is named after my predecessor, your friend, Ed Forsythe.

Mr. DINGELL. He was a great member of this Subcommittee, serving as a member of the Subcommittee when I was the Chairman, and left a great record of accomplishment in this area.

Mr. SAXTON. Yes, sir. And you will be pleased to know the Forsythe Refuge is currently undergoing an expansion of some 8,000 acres of expanded wetlands and uplands that are intended to protect the wetlands, that is, the acquisition is intended to protect the wetlands.

But you said something that was very interesting and I think right to the point and that is as much as we would like to expand the Forsythes across the country through acquisition programs, we do not have the resources to do the kinds of expansions and acquisitions that we would like to do and, therefore, we have to find other ways to protect wetlands and the surrounding areas, and that is a topic of a lot of discussion not only in this room but throughout the Congress on the issue of wetlands and how to protect them. And I am just wondering if you would care to share some of your thoughts with regard to how we should proceed to do that.

Mr. DINGELL. Well, of course, I always love to buy the lands, and I am sure Mr. Weldon feels the same way. We try to buy the lands in fee, because once we have them, we can hold them and there is no question about the administration. We do not find an expiration date coming on the end.

But in point of fact, that approach leads to several problems. The first is you do not have the money which you have to have to do that; and the second of which is there are a lot of areas where you run into sensitivities which you have to address. One of which being, for example, you are trying to do it in Canada or Mexico and they do not like the idea of Uncle Sam going up there or coming down there and telling them how to run their affairs. So that is a major problem.

And in a lot of areas you have citizen resistance, for one reason or another, to the establishment of a land refuge or land acquisition. So while you can get great enthusiastic support for administering something locally, which is run by some wonderful private organization, run by the Nature Conservancy or Ducks Unlimited, you cannot get the same enthusiasm if you try to come in and have the Feds do it by setting up a refuge system. The people will not like it, or the ranchers or the farmers will not like it, one or the other.

So this is an attempt to do that. And I think it pretty well does at least what we thought, addresses the problems we thought were a matter of concern back when the original legislation was passed. I would say that is something you probably are going to look at and very well should to see what it is that ought to be done to address both the problems of money and sensitivities.

You know, just to give you a thought. One of the things I learned some years ago was in Britain. They have wonderful national parks. They look the same as they did 50 or 100 years ago. But all kinds of private human activity goes on, landowners in there and everything else.

What those lands are, they are impressed with the public trust, or an easement which keeps them in the same condition they were. So as a result, in London, or rather in England, your history of development of a national park system is not done on the basis of something which is where the government comes in and buys the land. I happen to like that, by the way. But it is done on the basis of the government coming in and achieving the protection of the values that they really want in some far less expensive way.

This is essentially what we are trying to do here and it is something on which the expertise of this Committee, which is really the very highest, is, I think, fully capable.

Mr. STUDDS. Are there any other questions for the Chairman? The gentleman from North Carolina.

Mr. TAYLOR OF NORTH CAROLINA. Mr. Chairman, I appreciate your comments this morning. I share your concern for wildlife as a sportsman and as someone who appreciates nature, and I very much find us heading in the right direction.

I have been very much concerned about regulations, whether it is dealing with wetlands or other areas of the environment, where we have takings of people's private property under the guise of promoting wildlife conservation or some other worthy goal without any compensation. So I especially appreciate that you approach this in a way where you put these lands together through the purchase of either easements or the fee simple interest of the land.

I have been concerned about the wetland issue based on the fact that many times wetlands are defined as having any one of three criteria: either plant type, soil type, or water.

I proposed once that maybe we should have a wetland definition that if the ordinary Federal bureaucrat is standing in it and doesn't know it, then it ain't a wetland. But no one particularly accepted that on the Committee. I cannot understand why.

How do you define a wetland, those that you are putting together? Is it any one of the three plant types or soil type or water, or is water necessary for your definition of a wetland?

Mr. DINGELL. Well, first of all, we do not engage in this legislation or in the administration of this statute in defining, in going into the kind of definition of the types of wetlands. What happens here is essentially you have to negotiate an agreement between the buyers and the sellers, with the Feds being only one part of the acquisition organization. Usually we have State or local or private institutions, like Ducks Unlimited or Nature Conservancy. So it is a negotiated undertaking.

Now I want to say, parenthetically, something. I think if you have a concern, which I hear in your comments and I am sure you do, you are troubled, I think, about the way the Feds have been engaging in and what people are criticizing as essentially being unfunded mandates and coming in and taking over lands or take over interest in lands and dictating the way in which lands are utilized.

One of the things you should know is this Committee and this Subcommittee have a tradition, going back to the days when I had the privilege of serving here, of being very, very careful of the rights of landowners. And in connection with this program, it is all a willing seller program, as is the program on which Mr. Weldon and I work principally, although we work on this also, and that is, again, willing seller in connection with acquisition of lands for migratory birds under the refuge system. I cannot remember in the 25 years that I served on that Commission a single instance in which the Federal Government condemned or took land from an unwilling seller.

Now, I will not tell you that it is altogether necessarily the action of virtue, because, in dealing with that, first of all, we do not want to have political enemies and political outrage arising because we are heavy handed in the way we acquire lands; but, second of all, we find, truthfully, that the acquisition of land and interest in land, and when we acquire both leases and easements, and we acquire fee title, that it is most cheaply done, most cheaply done, I reiterate, by buying from a willing seller.

So, as a result, the Commission, in connection with these projects and in connection with the acquisition of refuges for the migratory waterfowl will consistently wait long periods of time to acquire the land so that we have the goodwill of the sellers. And you would be surprised at how well that works both in terms of saving money and in maximizing goodwill toward the programming.

Mr. TAYLOR OF NORTH CAROLINA. And you let the waterfowl make the decision what a wetland is rather than bureaucrats. It has been my experience that the waterfowl in my area will go to true wetlands, bureaucrats will not necessarily.

Mr. DINGELL. He is a pretty good judge of what is a wetland.

Mr. TAYLOR OF NORTH CAROLINA. That is right. I appreciate what you are doing and appreciate those two approaches. Thank you, Mr. Chairman.

Mr. STUDDS. Thank you.

Mr. TAYLOR OF NORTH CAROLINA. Mr. Chairman, you will always have a seat of honor in this room.

Mr. DINGELL. I just want to tell you I always return here with happiness. I remember what this Committee does, I remember what it has done, I remember what you do and what the members of this Committee do. All I can say is I am very proud to be back

here. I was proud when I was a member of this Committee. I am proud of what you do.

And I do want you to know, Mr. Chairman, I am one of those—there are few a people running around this place who occasionally suggest that maybe we need to reorganize the structure of the committees around here to perhaps deal with some of the problems they have with committees like Merchant Marine and Fisheries, and I always make it very plain it is a great committee, it does great work, has important jurisdiction, it does extraordinarily good work, has a proud history of accomplishment in the public interest.

Mr. STUDDS. Thank you, Mr. Chairman. That is one of the reasons you are always welcome.

Mr. DINGELL. Thank you.

Mr. STUDDS. And now we will go to one of our most distinguished visitors, who is coming back again, the distinguished Secretary of the Interior.

We welcome you back. You are probably the member of the Cabinet whose departure is most often rumored. We, for one at least, are very happy that you are here and we are very proud of what you have done. We welcome you back and the floor is yours.

STATEMENT OF HON. BRUCE BABBITT, SECRETARY, DEPARTMENT OF THE INTERIOR

Secretary BABBITT. Mr. Chairman, thank you very much. I have a written statement which I would like simply, with your permission, to put into the record and then just make a few very brief comments.

Mr. STUDDS. Without objection.

Secretary BABBITT. Congressman Dingell has covered indeed much of the ground in my testimony. I would simply say this legislation, the process by which the money is aimed toward projects, first through the Council at the bureaucratic level, and then through the Commission which incorporates the concerns of Members of Congress, the private sector, and the Fish and Wildlife Service, has proven, in my judgment, to be extraordinarily successful.

That is reflected in the Administration's appropriation request for this year, which bumps right up against the ceiling. That is a reflection of this Administration's commitment to this program. It is a reflection of the extraordinary success in achieving matching money. The statutory match rate, as I understand it, is 1 to 1, but as has already been pointed out, the running average of match rates of projects is much closer to 2 to 1.

I would like to say a word about the international aspect of this, because, obviously, it is an incredibly important piece of migratory waterfowl management and I think this program marks a singular success in North American wildlife management. This is a subject which has obviously been discussed a great deal in terms of the NAFTA legislation and other places. The plain fact is that we have on the ground already operating here an extraordinary example of North American cooperation.

I was in Mexico last month and had occasion to have a close look at the merging effort at wetlands protection and biodiversity protection in Mexico and it is really quite an extraordinary story.

President Salinas has organized at the national level an organization called Conaufio, which is an umbrella organization for habitat and biodiversity protection. Beneath that, both the National University and the National Ecological Institute, have begun to work on these issues in really a remarkably comprehensive way.

It was against that background that I was privileged to attend a ceremony at which the Mexican government signed the latest amendments to the North American plan and thereby became really for the first time a full committed participant at the national level.

There is an extraordinary level of interest in these issues in Mexico. And that gives rise to really the only specific suggestion I have with respect to this legislation; that is, that you consider amending the legislation to allow a match for Mexican projects in cash from the Mexican side.

The current law can be read to require that that match come from American sources. There is an enormous reservoir of private sector support in Mexico, and I think it would be a wonderful signal to have this legislation clearly say that a cash match for these projects may originate on the Mexican side for Mexican projects.

With that, I would simply subscribe to everything that Chairman Dingell and the others have had to say about this. We are dealing with a shining example of effective habitat conservation, of powerful partnership arrangements, and I think maximum support, not just for waterfowl, not just for wetlands, but for all of the values that are symbolized by waterfowl and embodied by wetlands and which of course need a lot more attention but they are certainly getting it in the form of this particular legislation and the process that it embodies. Thank you.

Mr. STUDDS. Thank you very much, Mr. Secretary, we appreciate that.

[The statement of Secretary Babbitt can be found at the end of the hearing.]

Mr. STUDDS. One question. And that is, several have suggested, and Mr. Dingell picked up on the refrain, that in some respects we are not sufficiently guaranteeing a long enough term in our easements or acquisitions here. Do you have any thoughts on this subject? Any suggestions as to whether or not we need to amend the Act in that area?

Secretary BABBITT. Well, I share that observation because it seems to me that what we ultimately want to point toward is either acquisition or a perpetual easement of some kind, because these issues of finding permanent habitat conservation seem to me to have to come to rest in some kind of final configuration.

And I would agree again with Mr. Dingell, it does not have to be fee simple ownership. It can be an effective conservation easement. It can be as simple as deed restrictions. There are all kinds of possible arrangements. But I view the lease concept as a halfway house. It is not really a solution. What it does is, it buys time in the interim as we move toward, it seems to me, a more permanent arrangement with respect to the land. So anything that we can do to drive the system toward longer range leases is certainly a step in that direction.

Mr. STUDDS. Thank you, sir. The gentleman from New Jersey.

Mr. SAXTON. Mr. Secretary, in thanking you for being here to share your thoughts with us this morning, I would just like to ask you a related question, and it has to do with our acquisition programs, which work quite well when we have the resources to it. But when we acquire property under the programs that we are all familiar with, one of the first things that happens when the acquisition actually takes place, there is a period of time which ranges from maybe a year or so to maybe several years during which a management plan is drafted and implemented for that particular piece of property. And during that time, all historic human uses are discontinued temporarily until the management plan goes into effect, and when the management plan goes into effect, some of those historic uses, such as hunting, bird watching, whatever other uses there are, may be restored or maybe they will not.

It always seemed to me that we make it very difficult for ourselves in having a policy which is apparently statutory which says that refuges have to be closed upon acquisition until the management plan is adopted. As Chairman Dingell pointed out, there are certain values that we are trying to protect and those values may be X, Y, and Z on actual wetlands, and they may be quite different on uplands that we acquire to protect the wetlands.

So I am just interested in your thoughts on this issue as to what we might do, not necessarily in this Act but perhaps when we reauthorize other pieces of legislation.

Secretary BABBITT. I would think a little more flexibility would be helpful here. Because if you are acquiring a piece of habitat which has been subject to human use and is still in good shape, it seems to me that it is not obvious in every case you need to have this sharp break.

It would seem to be reasonable to invent a regulation or statutory language which had at least the flexibility to say we will modify the human uses on the landscape to the extent that it appears to be genuinely necessary to preserve; to cross this bridge period, the values you seek, from having the ultimate management plan. I would certainly support that.

Mr. SAXTON. Thank you.

Mr. STUDDS. The gentleman from Pennsylvania.

Mr. WELDON. Thank you, Mr. Chairman.

And, Mr. Secretary, let me thank you for coming in today, also. Not just as the Secretary but as one of the seven commissioners on the Migratory Bird Conservation Commission. I think your presence today is a strong signal of the importance the Administration places on reauthorizing the North American Wetlands Conservation Fund.

I notice in your testimony that you mention that there are a number of worthy projects we were not able to fund through the fund due to a lack of Federal funding in fiscal year 1994. In fact, you said 26 proposals for which partners had committed \$21 million in matching funds. And as you know, in this legislation we are going to significantly increase the authorization to, in the next fiscal year, 1995 and 1996, \$20 million and in fiscal year 1997 and 1998, \$30 million.

So my question is, will the Administration support the increased funding for the fund to approximate these new higher numbers if we enact this legislation?

Secretary BABBITT. Congressman, I am hesitant at this stage to speak for the Administration. I can tell you that I certainly will advocate support to move the effort up to that proposed cap.

This is a very modest sum of money. Contrast it to any other kind of expenditure in the natural resources field, whether the Land and Water Conservation Fund, whether whatever, it seems to me this would in almost anyone's analysis, in terms of cost effectiveness, rank right at the top. And the answer is, I will advocate that.

Mr. WELDON. I thank you for that, and you are also aware there are some States that have yet to receive any conservation fund grant moneys, primarily because of their own lack of action and aggressiveness in terms of understanding the program and moving to participate.

Are there things that perhaps Fish and Wildlife should do to enhance that effort in those States or perhaps give priority to projects that would come to us from States which historically have not been involved in the program?

Secretary BABBITT. I think so. I think there has been an understandable historic tendency to emphasize key States in the flyways, but the plain fact is that this is a 50-State issue and I accept that suggestion, even though it might mean proportionally a few dollars less for your State which has been an active participant. But, no, I think I accept that many.

Mr. WELDON. Actually, we are aggressively trying to get my State to move and we have not been successful.

Secretary BABBITT. I see.

Mr. WELDON. I am trying to move the counties in the flyways to get involved. In fact, they have taken a step that I think is very important and comes about partly because of this program.

Two of my largest Philadelphia suburban counties have enacted local bond issues where they have actually appropriated hundreds of millions of dollars just for open space preservation and for land use management that takes into consideration migratory birds, wetlands conservation, biodiversity, and endangered species, and the other major items that we feel are so important in this Committee.

So I think this program is an example of how we can encourage local governments to become more proactive and taking the steps that we want to go to nationally, but being driven at the local level, and I support your leadership in that regard and hope that we can continue the excellent working relationship that we have had in the past, especially with this Committee. Thank you.

Secretary BABBITT. Congressman, if I may clarify my remarks on the record. I especially support this suggestion of yours, recognizing that it will perhaps mean a bit more for your State as they move toward full participation.

I would also note that we have a scoring system for grants and in the detail of that scoring system used by the Council and the Commission is the ratio of non-Federal match to grant request and I think that is especially important, because where local govern-

ments are exercising the leadership to actually go out to voters and put bond issues up for this kind of habitat and open space acquisition, I think increasingly that is a criterion that we ought to pay special attention to.

Mr. WELDON. I see my time is up, but just in—

Mr. STUDDS. Actually the yellow light does not work. I hate to tell you this, but you have another minute.

Mr. WELDON. That is fantastic. I would agree, Mr. Secretary, with all the controversy we have in Washington with the whole wetlands and takings issue, and you have been before our Committee in the past in testifying on wetlands legislation.

I think we sometimes miss the mark because here is a golden opportunity if we can provide incentives to get local governments to establish their own land use control patterns using the kinds of criteria that we feel are important. We will not have the kind of problems that we had up in the Northwest or perhaps down in Texas, because local officials will be involved in that process and will be fully considering the kinds of things that we feel are important here. This program does that.

Mr. STUDDS. The gentleman from Maryland.

Mr. WELDON. Yield back my 80 seconds.

Mr. GILCHREST. Do I have your time?

Mr. WELDON. You have my 80 seconds, if the Chair wishes.

Mr. GILCHREST. Thank you, Mr. Chairman.

Welcome to the Committee, Mr. Secretary. First, I want to echo what Mr. Weldon is saying, because any conservation project, I think, can be extraordinarily successful when various groups, Federal, local and State organizations, public and private, are involved in the initial discussion of land use planning, managed growth, and zoning, the whole ball of wax.

This is a program that has been pretty successful in the State of Maryland, and there are a number of areas that we have purchased through this grant money.

I have three questions that are extraordinarily complex. It would take a great deal of time to answer, but I would like just the briefest of responses from you, and I apologize for the questions, but I am curious about them.

Mr. STUDDS. One of them does not have to do with the wetness of light?

Mr. GILCHREST. I got an answer on that, Mr. Chairman. They said light gets wet and the proof of that is a rainbow. So whether that is a correct—someone sent me that from the University of Michigan after we asked that. I think it came to your office and you sent it to my office. You may not have seen it, but it was—

Mr. STUDDS. I simply wanted to alert the Secretary that the last time we got this kind of warning about questions from the gentleman, it was the question, "Can light get wet?"

Secretary BABBITT. Well, I subscribe to his answer, of course, and I would point to the deluge as the ultimate biblical parable and metaphor for the biodiversity which is at the heart of the work of this Committee.

Mr. GILCHREST. Actually, that is one of my first questions, biodiversity.

But, really, just three quick questions and three brief answers. One of them is how important is biological diversity to the quality of life for human beings?

Secretary BABBITT. It is, Congressman, extraordinarily interwoven with the economy, the quality of life, productivity of our land base, food fiber, and I think that realization of that importance has always been a part of our perception of the out of doors.

I was serious when I took your rainbow answer back to the story of the deluge in the Bible because I read the deluge and the covenant that comes out of that particular event as an important affirmation of our relationship to the land and biodiversity.

Mr. GILCHREST. Thank you.

The next one. We have the North American Wetlands Conservation Act and there is a great deal of controversy about wetlands, about conservation, about managed growth, and so on. Could you describe the need for the North American Wetlands Conservation Act, if it were proposed in 1894, as it is proposed in 1994, and your projected assessment of its importance in 2094?

Secretary BABBITT. In 50 words or less, my answer would be that—in 1894, I think it might have been possible to respond. There is plenty of open space. There is not much pressure on the land or on ecosystems, and that is one we will leave to our children and grandchildren to wrestle with.

In 1994, it is an urgent issue, and the statistics cited by Congressman Dingell with respect to the decline of migratory bird populations, I think speaks very eloquently to the urgency of that effort.

There are many other statistical ways of getting at it, but I think the extraordinary decline that continues to affect migratory bird population, not just waterfowl but songbirds, passerines, and all of the different bird groups say it all.

In 2094, we will either have met—if we do not meet our responsibilities in this generation, it may be a moot question in 2094.

Mr. GILCHREST. Thank you. The last question, and I only have about 30 seconds, there is a great deal of talk about the Fifth Amendment, about takings, about national legislation dealing with that particular issue, about compensation and so on.

Could you give us your brief perspective on why or why not the issue of zoning and the issue of takings should or should not be in the hands of basically local officials, dealt with, if necessary, in the courts on a case-by-case basis?

Secretary BABBITT. Well, it is an interesting set of issues, because there is a continuum. At the core, the Fifth Amendment of the Constitution of the United States, as interpreted by the courts, says that at the point that regulation impinges upon a landowner's right to some reasonable economic use of his or her land, there is a constitutionally protected taking.

Now, obviously, that is at the very core. Because I do not view myself as entitled to compensation when the DC zoning body says you cannot erect a sky scraper in the back yard of your residence in Northwest Washington. They have deprived me of an economic use of my land. They have deprived me of the chance to make an enormous project. It is not a taking, at least as generally under-

stood historically by the way we make land use decisions in this society.

The real issue, I think, is the perception of fairness, whether it is a State government or local government or whether we are dealing with wetlands or whether we are dealing with endangered species or whatever else it may be, a sense that the regulatory burden is reasonably related to a common objective that has benefits for all landowners and the larger society. I think that is an area where we need to spend more attention, and I believe you will see that response forthcoming or at least, from my department, on the regulatory side.

Land use has traditionally been a responsibility of State and especially local governments, and I think that is just a way of saying that the best place to work these problems out really is by deferring as much as we possibly can and working with State and local officials.

Mr. GILCREST. Thank you, Mr. Secretary. Thank you, Mr. Chairman.

Mr. STUDDS. Thank you.

The gentleman from North Carolina.

Mr. TAYLOR OF NORTH CAROLINA. Mr. Chairman, I am just taken aback. I am sitting here nearly speechless.

Mr. Secretary, I did not realize that you were going to get into such deep philosophical areas, the meaning of life and the Judeo-Christian ethic as it relates to environment. The questions and answers coming forth here today could be inserted in the synopsis for the great books. I am almost in awe of what to ask.

I am ashamed. I mean, I have been sitting here thinking about such mundane things as private property rights and the scientific understanding of environments.

Mr. STUDDS. You should be totally relieved to know these proceedings will be published.

Mr. TAYLOR OF NORTH CAROLINA. I will have to say that I was on a different level. I have been exposed to the Secretary, and I appreciate his coming; we have had good conversations, but I had not seen this side of you, as when you were President of the League of Conservation Voters and you had to deal with more, shall we say, political and mundane things.

But I appreciate the Act, and I appreciate what you have said about it and what Chairman Dingell said about it. I think it is the approach we should be taking. There may be specific things that I have to ask about, and I may do that now in writing, but I think it is an approach that is good in the sense that it does bring in participation of local communities rather than the bureaucratic-structured approach. I hope it can be done with limited Federal funds working together with private and local funds that are obtained, so that the Federal Government does not overwhelm it, that it is such a good idea we have to start throwing so much money into it that we forget about the voluntary sale of property and the focus on getting meaningful lands in the program—the Government is prone to do that. When something works they just love it to death with billions. I think that is something to be concerned about. But by and large I appreciate what you have said about this approach toward protecting wildlife.

I am not as enamored with the local land controls and so forth as Mr. Gilchrest may be, because I have seen too many—the depth of dumb cannot be fathomed in government, so I am not as enthused with that part.

But I am enthused about this, Mr. Chairman, and I am going home and read some more. Heavens.

Mr. STUDDS. From now on, we will have every meeting opened by the gentleman from Maryland.

The gentlewoman from Arkansas.

Ms. LAMBERT. Thank you, Mr. Chairman. I am very supportive of what we have seen in results. I have in the past year in my district in Arkansas had over 3,000 acres in the historic venture projects which I think have been remarkably successful.

I also now have the largest timber wetland in North America in my district, so I am very interested, and we are pleased to have the Secretary here with us to discuss it as we move ahead. We have seen tremendous success, and we certainly have room to make some improvements and look at some different ways we can integrate with areas like mine, which are the duck and rice capitals of the world, to utilize the existing wetlands to preserve new ones, and thank the Secretary for his interest and involvement.

Mr. STUDDS. Mr. Secretary, once again your magic has spread tranquility and harmony in the room. I think this is the best time for you to slip quietly out.

Secretary BABBITT. Mr. Chairman, Committee members, Mr. Taylor, I know you dissent slightly from that characterization, and I accept that, but in that spirit I appreciate the chance to work with all of you Committee members, and if any of you have written questions or comments, I would be happy to follow up and respond.

Mr. STUDDS. As you know, sir, you too always have a chair of honor in the room. Thank you very much.

Secretary BABBITT. Thank you.

Mr. STUDDS. We will go next to our final panel of four, if you will all come up.

I want to welcome the members of the panel. I alert you, you veterans of the process, we are going to ask you to confine your oral testimonies to no more than five minutes. We know that is brutally unfair and we have an even more brutal way of enforcing it, as I think you know.

Your written testimony will appear in full in the record, and historians will never know what you said and what you did not. And what we do ask you to do is to respect the lights, two of which are working. When the green light goes off and the yellow comes on—but it will not—there is one minute left. And when the red light is on, it means you have concluded. We will apply the same thing to the members of the Committee in their questioning period.

We will take you in the order in which you appear on the witness list beginning with Mr. Gary Taylor speaking for the International Association of Fish and Wildlife Agencies. Mr. Taylor.

**STATEMENT OF GARY TAYLOR, LEGISLATIVE COUNSEL,
INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE
AGENCIES**

Mr. TAYLOR. I am Gary Taylor. I am Legislative Counsel for the International Association of Fish and Wildlife Agencies and we appreciate the opportunity to share with you today our perspectives on H.R. 4308, reauthorization of the North American Wetlands Conservation Act.

As you are aware, Mr. Chairman, the Association represents the public agencies charged with the conservation of fish and wildlife resources in North America, and all 50 State fish and wildlife agencies are members of the Association.

The Association enthusiastically supports H.R. 4308 and the graduated increases in the funding authorization levels over the next five years provided for in this proposal. We appreciate the support of Congressman Dingell, yourself and the Committee for the Act and for sponsoring its reauthorization. We truly believe this is an excellent example of the application of an ecosystem or landscape perspective management approach to the conservation of our natural resources.

Additionally, its outstanding success over a relatively short period of time also reflects the value of the partnerships between the private citizens and landowners, conservation organizations, and State and Federal Governments engendered by the Act.

We believe that the North American Wetlands Conservation Act is certainly a model to be emulated as we seek to more comprehensively address the conservation of the natural resources of the United States for the enjoyment of our citizens, both present and future.

As you are aware, Mr. Chairman, the IAFWA was one of the original supporters of the North American Waterfowl Management Plan and subsequently the North American Wetlands Conservation Act. The North American Waterfowl Management Plan became one of the building blocks for the Act, and in 1988, \$1 million from the States and \$1 million from Ducks Unlimited was matched with \$2 million from the National Fish and Wildlife Foundation and leveraged with \$4 million from Canada to support wetlands conservation efforts in Canada, providing opportunities to conserve the principal nesting grounds for many of our migratory birds, both game and nongame.

Early efforts in implementing the North American plan demonstrated how successful these partnerships could be and provided an important impetus for the Act to bring together and fund the vision and commitment of a broad array of conservationists dedicated to reversing the decline in the loss of wetlands habitats and associated wildlife species in North America.

Unquestionably, the Act has been a tremendous success. Since first funded in 1990, over 275 projects have been approved. 105 million Federal North American Wetlands Conservation Act dollars have been approximately doubled by over \$202 million partner funds, well in excess of the 1 to 1 required match. This exemplary program offers outstanding returns on the Federal investment in wetland ecosystem conservation.

Our written testimony provides just a few examples of projects from California, Michigan, and New Jersey, where the Act has been successfully used to conserve wetland habitats and the fauna and flora that depend on them.

While the genesis of the Act was in the North American Waterfowl Management Plan, as you are aware, it is not just about ducks. Waterfowl are beneficiaries of wetlands conservation but are neither the only beneficiaries of the success of this Act nor its sole focus. As you are aware, fish and shellfish, wading birds and shorebirds, reptiles, amphibians, and threatened and endangered species all benefit from enhanced wetlands habitats. The ancillary benefits to man are also well-established.

Council and staff are working now to see how other national plans for shorebirds or other groups or guilds of species that may require wetlands habitat can be more effectively overlaid with needs identified under the North American Waterfowl Management Plan. In this way we can improve the effectiveness of the application of Act dollars to the conservation of high priority wetlands, satisfying the greatest of wetland dependent species' needs.

The Association would also like to recognize and commend both the Migratory Bird Conservation Commission and the North American Wetlands Conservation Council on a job very well done. These bodies are charged with the responsibilities of ensuring that the projects approved by the Act are consistent with the Act and that an appropriate distribution and diversity of wetland ecosystems are secured, restored, and enhanced.

The Act provides the necessary domestic and international flexibility to ensure that the most appropriate wetland ecosystem management options are available. To be overly prescriptive would minimize its effectiveness from our perspective. There are few programs that can boast of their success like this one can. Members of our association and the State fish and wildlife agencies are pleased to be affiliated with the Act and support its reauthorization and the gradual increasing of authorized funding levels over the next five years.

Thank you again for the opportunity to share our perspective with you.

Mr. STUDDS. Thank you very much, sir.

[A statement written by R. Max Peterson, Executive Vice President of International Association of Fish and Wildlife Agencies can be found at the end of the hearing.]

Mr. STUDDS. Next, Mr. Michael Dennis, The Nature Conservancy. Mr. Dennis.

STATEMENT OF MICHAEL DENNIS, GENERAL COUNSEL, THE NATURE CONSERVANCY

Mr. DENNIS. My name is Mike Dennis, General Counsel of The Nature Conservancy, and also the Nature Conservancy's representative on the Council.

I am delighted to have the opportunity to speak to you folks today about the North American Wetlands Conservation Act. It is an Act that is a program the Conservancy feels strongly about, and it has been tremendously successful since its inception several years ago.

As a member of the Council, it is important to note that we have nine members of the Council that come from very different backgrounds but there is unanimous support for H.R. 4308. We feel strongly about extending the program at least through 2000 and beyond. We also feel strongly about additional resources for the program. We are pleased to fully support H.R. 4308 as introduced by Congressmen Dingell, Weldon, Studds, and Fields.

I want to talk a little about the Act from the perspective of The Nature Conservancy. As I stated, it is a program we very strongly endorse for a couple of reasons. There is significant overlap between the Conservancy's mission and the mission of the Act.

Second, the Act puts a very strong emphasis on partnerships between public agencies and the private sector and this has become the heart of The Nature Conservancy program seeking out conservation partnerships.

At the Conservancy, we have a saying, a good partner brings money to the table, a great partner brings money and forces other people to bring money to the table. And by that standard, the Act is probably one of the best partners ever. I think I used that when talking about Brother Eno's program at the Fish and Wildlife Foundation, and we feel very strongly about that program, too.

We have been involved with the program since the beginning. The Conservancy has been grantee in 17 projects in 12 different States. These 17 projects have received more than \$10 million of Act funds to on-the-ground conservation; and working between the Conservancy and other partners, we identified another \$25 million for these projects.

To give you a couple of brief examples. One of them is the Mad Island Marsh project located in Matagorda County, Texas. This project involves partnerships between The Nature Conservancy, the Fish and Wildlife Foundation, Ducks Unlimited, the Council, of course, private landowners, Dow Chemical, the Fish and Wildlife Service, EPA, and on and on. This is a program to plot and restore the critical salt water marsh system.

The goal is to protect over 9,000 acres, and to date this particular project has protected over 7,000 acres. The Act has provided approximately \$1.7 million for this project and partners have identified over \$2.2 million. Of that is a \$1 million land gift from a Mr. Clive Reynolds, which is one of the most significant land gifts that have gone into this program.

Another project, which was mentioned briefly by Congressman Dingell, is the Llano Seco Rancho. This project is also known as the Parrot Ranch. In this project, the Conservancy and its partners, once again the Fish and Wildlife Foundation, the California Wildlife Conservation Board, California Department of Fish and Game, and many others, have protected over 14,000 acres with \$3 million of Act funds that went into this project and \$10.6 million in partnerships dollars, another great example of the leverage of this particular program.

We would like to make one additional recommendation to the legislation, and that goes to what Secretary Babbitt mentioned concerning using the cash contributions from our Mexican partners as a qualifying match for the program. The Conservancy does feel very strongly about building self-sufficiency with our partners in

Central and South America and we think this would be helpful to attain that goal.

We would also like to make a brief comment on the issue of long-term conservation and what that means. We do feel very comfortable with the legislative history of the Act, but I do think it is worth reiterating that the best conservation is permanent conservation. And that is always the goal in this program. Whether conservation restrictions or fee acquisition or leaseholds, the goal is to try to tie up and protect the property in perpetuity, when possible.

We also recognize that we do need some flexibility. Whether it is an R&D project, it would be unfair to require perpetual restrictions, but once again, if we are going to be working with less than perpetual programs, the desired goal is permanent and we should always be looking in that direction.

We do make this suggestion, to look at the record for two reasons. We have a track record now. We have done close to 300 projects in this program. So we now have a much better feel of what works and what does not work and I think we should look at that track record.

Second, we are all sure the money will be forthcoming, but we would like to recognize that with limited resources we have to get the biggest return from our dollars, and I noticed the red light. The yellow light does not work, my goodness. The red light is on.

I would like to submit my written testimony if that is appropriate.

Mr. STUDDS. It certainly is.

[The statement of Mr. Dennis can be found at the end of the hearing.]

Mr. STUDDS. Next we will hear from Mr. Amos S. Eno, Executive Director of the National Fish and Wildlife Foundation. Welcome back.

STATEMENT OF AMOS ENO, EXECUTIVE DIRECTOR, NATIONAL FISH AND WILDLIFE FOUNDATION

Mr. ENO. Thank you, Mr. Chairman.

I come to the Committee to endorse reauthorization of the North American Wetlands Conservation Act. As the Chairman has said, simply put, this program works. The emphasis the Act puts on partnerships is both symbolically important and ultimately pragmatic. There is simply not enough Federal funding to conserve and restore all the critical wetland systems that need protection in this country.

Pulling in partners brings in additional private funding and brings in goodwill for the cause of wetlands protection. We all have to remember that 75 percent of all wetlands in this country are still owned by private landowners and the most effective way of addressing private property concerns that are so often raised before this Committee is through voluntary partnerships for wetlands conservation.

We support Congressman Dingell's proposal to have act-funded projects go to long-term projects of 25, 30 years or more. We would recommend a narrow window for shorter term projects of less than 30 years in very limited cases where you specifically target dem-

onstration projects that provide a foothold in geographic regions where there are little or no conservation practices ongoing.

We also support the amendments to the Act to increase funding for this program. We also support Secretary Babbitt's request to amend the Act to relieve Mexico of the full burden of raising U.S. funds and being able to utilize Mexican funds for projects. And, finally, we support the efforts by the department broadly to stress eco regions, and the efforts of Gary Myers, formerly on the Council, and others tasked by the Council with trying to broaden the partnership base for the Act.

We feel, and this goes right to the heart of Congressman Weldon's questions, we feel more attention and funding should be directed to projects that protect rare and threatened wetlands systems rather than bottom land hardwoods in the Nation's few remaining coastal wetlands systems which are down to 5 percent, and yet they rarely receive funding under the Act.

Rare and unusual wetland systems that provide vital habitat for endangered species almost never receive funding. Projects that are outside the boundaries of joint venture areas and geographic regions that cover the major flyways lose 10 points out of 100 automatically and entire States are thus left out of funding.

We have been having discussions on the Council on this and there have been discussions on whether using the North American waterfowl plan as the vision document to guide the Act, and I for one oppose this for the reasons we have just stated. We believe the Act, as originally conceived and passed by Congress, is a broader vehicle for addressing all wetlands systems and species and we want to keep it that way.

As I say, if we have a fault with the Act, it has been there has not been enough of an effort to distribute program funding as broadly as this kind of partnership program would warrant. For example, in the past three years there have only been six nongovernmental partners in the United States to receive Act funding: The Nature Conservancy, Ducks Unlimited, Pheasants Forever, Delta Wildlife Foundation, Massachusetts Audubon, and Minnesota Waterfowl Association.

Fifty percent of the Act's funding goes to Canada but only three groups have received this funding: Ducks Unlimited, Canada Nature Conservancy, and Wildlife Habitat of Canada. To put this in perspective, the foundation has awarded 354 grants for wetlands in the last six-and-a-half years, but we have done this by going out and purposely reaching out to nontraditional agencies, nonprofit groups, land trusts, universities, et cetera. And I think this should be the trend for the Act as well to increase the broad base of partnership support, which in turn, hopefully, will generate more congressional support for funding for the Act.

Thank you.

Mr. STUDDS. Thank you very much.

[The statement of Mr. Eno can be found at the end of the hearing.]

Mr. STUDDS. Finally, Scott Sutherland of Ducks Unlimited. Mr. Sutherland.

STATEMENT OF SCOTT SUTHERLAND, DIRECTOR, FEDERAL RELATIONS, DUCKS UNLIMITED, INC.

Mr. SUTHERLAND. Thank you, Mr. Chairman.

Well, having the opportunity to testify last is always interesting because other people have made the points you have in your written testimony. Therefore I ask that my testimony be included in the record. I will summarize briefly a few of my thoughts and perhaps respond to some of the other ideas that have been put forward here.

Number one, you are to be congratulated, you on the Committee, you few who are here and the others who are not, you have done something that really works. Everybody involved in it agrees that it works. Thank you. The 2 to 1 match is there. We are very happy and it is great to be a part of this program.

The witnesses that we have here today are good but they do not tell the whole story about the Wetlands Conservation Act. The diversity of partners that we have involved in the Act is pretty darned impressive. There are Native American projects that have been done up in the Dakotas and down in the Southwest, we have farmers from Arkansas and in the Potholes and many other States involved.

Somebody earlier, I think it was Chairman Dingell, mentioned the Eagle Scout that had done a project for \$600 under this Act. This is a program that is flexible enough to include all different types of people in all parts of the country. One thing I think needs to be reiterated is that when the Act was written, it was written with a wildlife emphasis. It was not meant to be a landscape emphasis in terms of serving various wetland types. It was more directed at wildlife. And that is why you see the preponderance of these projects along the flyways. This is where wildlife moves along migratory corridors, whether waterfowl, songbirds, or neotropicals.

It is also true that the Act in its wisdom required that partnership money be required to do projects, and that projects get done where the required partnership money has been brought forth. We would love to do a project in Pennsylvania. We have talked with you about that before, Mr. Weldon. We need to have partnership money from Pennsylvania and I think that we are going to get some. And it is coming, you are working hard on that, I know.

I will conclude my remarks right there and answer any questions that you might have. Thank you.

Mr. STUDDS. Thank you very much, sir.

[The statement of Mr. Sutherland can be found at the end of the hearing.]

Mr. STUDDS. I very much appreciate everybody's testimony. Several people have made reference to the fact that perhaps it would be wise to authorize the use of non-U.S. cash contributions, particularly with regard to Mexico. Dumb question. Does the Act preclude all non-U.S. contributions at the moment? Does anybody know that?

Mr. SUTHERLAND. From matching?

Mr. DENNIS. From matching purposes, that is correct.

Mr. STUDDS. Should we not also do it for Canada if we are going to authorize it for Mexico?

Mr. ENO. I would think so.

Mr. STUDDS. Again, probably a dumb question, but I sense a little bit, if not tension, not unanimity on whether the Act needs to be broadened in its focus. Anyone ever heard of the program called Coastal America? Three out of four of you.

Just coincidentally a few days ago I was on Cape Cod dedicating, with six Federal agencies, God help us all, and two State agencies, and God knows how many local ones, a partnership for the restoration of a coastal salt marsh wetland and, lo and behold, I don't think anybody there had ever heard of this program, and I am not at all sure the people on this program had heard of that program, the Coastal America program.

It was a Bush initiative, but nonetheless appears to be sound.

Mr. WELDON. Thank you.

Mr. STUDDS. And also working. And in the most astonishing little ceremony we, in fact, had six Federal agencies and two State agencies sign as partners in an effort to restore a salt marsh wetland which had been drained.

I don't know whether that would have qualified under this program or not, but am I touching upon some kind of disagreement here as to whether or not the Act is sufficiently broad in its focus?

Mr. ENO. You are touching upon the Act's thrust of my statement, which is I think the Act and its administrators and its Council need to be more aggressive in reaching out to others working in this field, like Coastal America.

There are dozens of other local institutions. And I think we are only scratching the surface of participants we can find.

Mr. STUDDS. Anyone else want to speak to that?

Mr. SUTHERLAND. It is funny you should bring Coastal America up. Ducks Unlimited has a meeting scheduled with those folks less than two weeks from now, here in town. We have a Black Water River project on the coast of South Carolina that they are interested in, and one of the things we intend to talk with them about at that meeting is this very program. So, yes, it is a very timely question.

Mr. GARY TAYLOR. Just simply to comment, Mr. Chairman, that I think your observation points out a need for all of us in the conservation community to do a better job of making available to private citizens and others the vast array of programs already available at the Federal, State, and local level for conservation of wetlands and other habitats.

Many of the resource managers that visit private landowners for various purposes, if they had a menu of incentive programs that were available, I think we could all facilitate meeting our conservation objectives better and with more cooperation with private landowners than we do now.

Mr. STUDDS. I was struck by the similarity. In fact, almost identity of language between what you folks talking about this program had said and what I heard standing on a knoll overlooking the Cape Cod Canal talking about partnerships for the preservation of wetlands. Same thing if I speak English. It is arguable after all the years I have been here. Mr. Dennis.

Mr. DENNIS. I don't know as much about the program as I should. I only know about it because I have inlaws who live on

Cape Cod and vote Democrat, but I do think the Council could do a better job in reaching out.

As much as the Conservancy likes to be the recipient getting this money, we would like to reach out to our partners and bring them into this program.

Mr. STUDDS. I appreciate this. If I had known about your inlaws, the red light would not have gone on. The gentleman from Pennsylvania.

Mr. WELDON. Thank you, Mr. Chairman, and I apologize for having to leave for a brief period while our panelists were speaking. I do want to thank them for their ongoing leadership in keeping this program so alive in the Congress and so visible with Members because largely it has been the work I think of the entities involved here that have really been key to the program's success.

I want to particularly thank you personally for helping me in my push to be named to the Migratory Bird Commission. As you know, there was a strong effort on the part of several Republican Members for that spot vacated originally by Sil Conte and it was through the cooperative efforts of some of you that I was able to secure that position. I appreciate that.

Mr. Eno, I want to thank you for your most recent help with the efforts to get the Environmental Education Center constructed, the John Hines National Wildlife Refuge. As you know, just before we broke for the Memorial Day recess we attached language to the junior duck stamp program which will make this project possible, again using matching funds, about \$2.6 million of private money that we will be matching, with a bequest that was made by a citizen to allow us to finally complete the original mandate of that urban wildlife refuge in Philadelphia and build what I think will be a premier environmental education center for the East Coast of America.

It is not even in my district, Mr. Chairman, but it is very important to me personally.

I do not have much to say. Your testimony is on the mark. I support the changes you are talking about. I think they would make the program more viable and more effective. My only concern, and I guess it ties in with what the Chairman has said, we need to continue to get the word out about the program, particularly the local governments.

Before coming to Congress, I was a county commissioner. Many of us who come here from the State legislatures, and I can tell you as a county commissioner oftentimes we do not get the word about these kinds of programs, where if we take the initiative at the county level, whether by passing a major bond issue, as several counties in my area have done, or by being aggressive in getting local private sector support from corporations and other local foundations, we can get involved and apply for the funding through this program.

So if you have any suggestions on how we can enhance the visibility and how we can get more local involvement, particularly in the case of Pennsylvania, where we had a State that did nothing, that did not advertise the program, did not extol the virtues of the program to local governments, and we had to bypass the State network to get interest.

That is really unfair. It is unfortunate because there are many local areas perhaps where the States are not as aggressive and we could go after funding and could contribute to the success of preserving very valuable wetlands. So that would be my only observation and kind of question, and again thanking each of you for your personal support and the support of your organizations in both the Migratory Bird Commission and the North American Wetlands Conservation Program. Thank you.

Mr. STUDDS. I thank the gentleman. The gentlewoman from Arkansas.

Ms. LAMBERT. Thank you, Mr. Chairman. I, too, have been extremely supportive of the work that has been accomplished and want to applaud you all for what you do here in Washington. When we legislate laws and hand things down, they are certainly not productive to the end goal unless there are people like yourself, groups like yourself who are willing to get out there and make it work, and that has happened here. You all have had the willingness and the wherewithal to get out and make the program work.

My district has been the beneficiary, in that sense, because I do have over 3,000 acres that are enrolled in these joint projects. As a new Member of Congress, I am extremely pleased to see the public and private partnership because I think that is a real important aspect of the longevity of this program and being able to keep that going.

I do have an awful lot of hunters and outdoorsmen in my district who are very interested in the preservation of the wintering habitat for waterfowl, but you will be surprised and amazed to know there are also those when we were able to create the largest timber and hardwood bottom land wetland in North America in my district, that there are also those that are glad to know that it is a breeding habitat for the neotropical songbirds as well. So we are somewhat diversified in Arkansas. We try to be anyway.

One of my concerns, and I would certainly like to ask your comments on this, as we talk about the long term, and I know Mr. Dennis mentioned long-term conservation, ways that we can protect the capabilities for that long-term conservation program. These projects are extremely valuable.

We are also finding, too, that Federal dollars are farther and fewer around these parts, and looking at other ways that we can interact with this program and the projects you have already developed.

Along those lines, I would like to get some of your comments about the impact of the two USDA programs out there, the conservation reserve program, and the wetlands reserve program; what contributions they have made, what impacts they have had in creating habitat for waterfowl, and if you have any comments on that in terms of perhaps long-term conservation.

Mr. GARY TAYLOR. If I might, I will start.

First of all, I think that the successes of those programs are reflective of the value of other than just long-term easements. There is no question that in many cases the preferable means of protecting or conserving these habitats would be through acquisition or long-term easements, but there are also opportunities that present themselves or there are habitats or circumstances where shorter

term easements can have significant conservation benefits and values also.

And while we support a priority or a focus on longer term easements, I do not think it is prudent to restrict our capability to use also short-term easements if it is appropriate to protect habitat or ensure the future of certain species.

I think under the Act as it is written now, and especially with the language, the conference report language, the oversight of the Council, and the Commission, that the focus of the projects on longer term easements is certainly ensured. We do not see any need to change the language of the Act to make it more prescriptive in that perspective.

Mr. ENO. I have two thoughts on this. One, with the limited Federal dollars available, I think the emphasis on long term is important so that the Act not become or be viewed as another farm bill in terms of handing out annual medal payments for farmers over so many years to grow rice or waterfowl, et cetera.

We support the wetlands reserve program and the conservation reserve program. And the wetlands reserve sets a precedence, or 30 years, and I think that is a good model to follow for easements.

Mr. DENNIS. This is one of those issues which is touchy with some people, but I will speak to it from a different perspective.

I think both programs are good but I am concerned about a program that will create a term for a wetland enhancement or wetland protection effort.

I am a tax attorney by training and I did work with—some of you may not know this, but Congressman Dingell sponsored the conservation easement legislation back in 1979, which was passed in 1980, and one of the issues that came up under the conservation easement legislation was, should a taxpayer get a deduction for something less than a perpetual conservation restriction? And it was debated pretty heavily, and at that time the response was there was concern in providing that type of a subsidy for something that could be used for speculative purposes.

For example, somebody could put a short-term conservation easement on their property and 10 or 15 years later walk away from it with a pretty substantial tax write-off, on one side, and 20 years later the conservation benefit would be gone. I share that particular concern.

But I also feel there are instances where something less than permanent is appropriate and necessary, especially in the area of R&D. There are a lot of new ideas out there. I am working on a project in the Southwest with 25 or 30 ranchers and trying to get them to make a commitment to the landscape. It is hard to do it permanently because no one knows whether it will work or not.

But I think the language in the Senate reports earlier, I think, is adequate and gives us enough flexibility to do our job.

Mr. SUTHERLAND. I concur with my colleagues from the TNC. We have had this program in place for five years. We have got a pretty good mix right now of long term, and that is the great majority of the work that we have done has been acquisition or has been long-term easements. We also have a nice mix of options which include shorter term work in some parts of the country.

Interestingly enough, Congresswoman Lambert, you have mentioned what the shorter term projects do for waterfowl, but I just yesterday learned of a study that was done by the Point Reyes Bird Research Lab out in California, doing some oversight on the work that has been done under this program in the California rice fields of the Central Valley. They did some shorebird counts there in the winter of 1992 to 1993, and found out there were more shorebirds on flooded agricultural land than any other kind of area in the study area. Forty-five percent of the shorebirds they saw were on flooded rice fields.

So in terms of short-term benefits or agricultural land, it is not only ducks. There are a lot of shorebirds and neotrops being served as well.

One thing we need to keep in mind when we are talking about long term is that the difference between this program and one like a WRP or a CRP, is this one strives to be international. As a matter of fact, it is required to be international. Fifty percent of the money, the Federal money, has to be spent north or south of the border from the United States.

There are laws on the books in Canada which severely restrict the ability of land acquisition out in the prairies, which is where their land has been most severely affected and changed over time from its natural state and where most of the threatened endangered species are, that restrict the ability to do work on property in terms of longer than 25 years.

Acquisitions there of more than 10 acres have to go through local land boards. It has been a delicate ballet that has been worked out up there. It has worked really well, but nonetheless, if we do something here in terms of this legislation which ties the hands of the people in Canada to continue to work on the Prairies with the local land control agencies out there and with their Federal Government, we could kill the program without intending to, if we are going to maintain the match.

Because if we cannot spend the money in Canada, we cannot spend it in the United States.

Ms. LAMBERT. When you say kill the program, you are referring to H.R. 4308 or?

Mr. SUTHERLAND. The Wetlands Conservation Act, yes. Because we are not doing the CRP or WRP work up in Canada, just this one.

Ms. LAMBERT. I certainly did not allude to any idea of replacing one with the other. I simply was looking for your comments whether or not there is a complimentary situation and what the CRP and WRP could provide to the Wetlands Conservation Act, because I do, as I said, feel like it has been tremendously successful.

I guess that would be, if I can ask one more quick question, and that is, do you all agree or not agree or would you think that it would be beneficial to continue the CRP and the WRP contracts past their current expiration dates? Because most of the CRP contracts begin to expire in 1995. Are they complimentary enough that we would like to see that happen, or what is your opinion on that?

Mr. SUTHERLAND. Short answer for Ducks Unlimited; Absolutely! We are working hard to maintain CRP and see if we can get it re-authorized. I am not sure the extension that is proposed now of five

years is enough, and again on CRP, it is not only good for waterfowl, a lot of that land is uplands, but there is a tremendous diversity of wildlife using those CRP lands. It is absolutely incredible, some of the statistics I have seen. WRP, we say, let's fully fund it and do more with it; it is a great program.

Mr. GARY TAYLOR. No question. We concur with the extension of reauthorization of both programs, and as you are aware, there are many more landowners interested in and eligible for WRP than we can enroll now. So without question, both programs are of value and should be reauthorized.

Ms. LAMBERT. Did you have a comment?

Mr. ENO. I would just agree.

Ms. LAMBERT. Thank you.

Mr. STUDDS. As far as the neotropical songbird, we better end this before somebody classifies them as hearable wildlife, and the whole world of critters will be dividable into hearable, watchable, and shootable, which is what we are getting at here.

I want to thank you all. I think we all clearly have our assignment as we proceed to fine-tune the Act. And we look forward to working with you all in the process. The Subcommittee stands adjourned.

[Whereupon, at 12:45 p.m., the Subcommittee was adjourned, and the following was submitted for the record:]

TESTIMONY OF BRUCE BABBITT, SECRETARY, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES, SUBCOMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, CONCERNING REAUTHORIZATION OF THE NORTH AMERICAN WETLANDS CONSERVATION ACT

June 8, 1994

Mr. Chairman, I am delighted to have the opportunity to testify on the North American Wetlands Conservation Act (Act). The Administration strongly supports reauthorization of this extraordinarily valuable program.

This is one of those model programs where everyone wins. Since its enactment in 1989, this Act has provided for potentially the most wide-reaching conservation program ever to protect, enhance, restore, and manage a diversity of wetland ecosystems and other habitats throughout North America.

This program has been extremely successful, with 275 wetlands conservation projects underway throughout Canada, the United States, and Mexico. Federal funds committed to these projects totalling \$105 million have been joined by over \$203 million from a wide variety of non-profit groups, States, businesses, and individuals. In total, the Federal grant dollars have been nearly doubled by our non-Federal matching partners, an unprecedented return on the Federal investment.

As of May 9, Mexico became a full partner in these efforts, signing the *1994 Update to the North American Waterfowl Management Plan*. Now, we are truly supporting a continental effort

to conserve our precious wetland habitat that sustains not only waterfowl and other migratory birds, but one third of our threatened and endangered species and a variety of fish and shellfish.

This is an outstanding example of how to accomplish the protection of biological diversity. In addition, wetland protection efforts provide flood control benefits, improve water quality and supply, and mitigate hurricane and other storm damage and saltwater intrusion in our coastal areas.

I strongly support this program as one of my highest conservation priorities and urge you to act promptly on this reauthorization.

We believe that any likely increase in funding levels will be matched by the non-Federal participants in the program. With fiscal year 1994 money, we were not able to fund 26 U.S. proposals for which partners had committed \$21 million in matching funds. These unfunded projects cover 136,000 acres in 17 States and would have provided for acquisition, restoration, or enhancement of wetland ecosystems. It is obvious that our partners are extremely supportive of this non-regulatory wetlands conservation program, and that Federal funding levels can be productively matched.

Since the Act is already so successful, there is only one change that we suggest for your consideration. We believe the Act should be amended to provide that, in the case of projects

undertaken in Mexico, up to one-half of the currently required non-Federal United States match may come from cash contributions from non-U.S. sources on a project-by-project basis.

This change would stimulate additional partners to provide funds for projects in Mexico, would stretch U.S. non-Federal funds, and would signal Mexico that they are considered a full, contributing partner in projects.

The Act provides grants to encourage partnerships among public agencies and other interested parties to:

- protect, enhance, restore, and manage a diversity of wetland ecosystems and other habitats for migratory birds and other fish and wildlife in North America;
- maintain current or improved distributions of migratory bird populations; and
- sustain an abundance of waterfowl and other migratory birds consistent with the goals of the North American Waterfowl Management Plan and the international obligations contained in migratory bird treaties and conventions with Canada, Mexico, and other countries.

Four sources of funding are provided: appropriations under the North American Wetlands Conservation Act itself; revenues from fines and penalties under the Migratory Bird Treaty Act; a share of the appropriations under the Coastal Wetlands Planning, Protection, and Restoration Act; and interest on the Federal Aid in Wildlife Restoration account.

The North American Wetlands Conservation Council (Council) was established to select wetlands conservation projects to be approved by the Migratory Bird Conservation Commission

(Commission). The Council meets three times per year, as does the Commission. Prior to each Council meeting, project proposals are critically reviewed by the Council and their staff, including site visits if the grant request is for \$500,000 or more.

Funding is critical to achieving the goals of the North American Waterfowl Management Plan (Plan), especially in Canada and Mexico. The Administration's support for the grants program is evident by the FY 1995 budget request for \$13.95 million. This will aid in achieving long-term wetlands conservation goals established through the Plan for migratory birds.

The grants program has been extremely successful, with 275 wetlands conservation projects in various stages of completion in Canada, the U.S., and Mexico. The Act restricts projects to acquisition, restoration, enhancement, and management, except in Mexico, where training, environmental education, and research are allowed. Further, the Act identifies factors that each project should address, such as the extent to which the project would aid in the conservation of migratory nongame birds and other fish and wildlife, including endangered species.

Within these parameters, a wide diversity of projects has been approved, as evidenced by the following points:

- Grants range from \$600 to \$3 million, with an average of \$383,000.
- Although State fish and wildlife agencies receive most of the grants, recipients range from well-known national conservation organizations, such as The Nature Conservancy, to a local university, Wright State University.
- The number of partners per project ranges from none (in solely Federal projects) to 16,

with an average of 4 partners per project.

- Partner funds per project range from none to \$10.6 million, with an average of \$738,000 per project.
- The size of U.S. and Canadian projects ranges from 3 acres to 60,500 acres, with an average of 4,800 acres. Many conservation education projects in Mexico affect millions of acres of wetlands in Biosphere Reserve areas.
- In terms of significance, projects include sites designated for inclusion in the Western Hemisphere Shorebird Reserve Network, Convention on Wetlands of International Importance (RAMSAR), National Wildlife Refuge System, and Biosphere Reserves, as well as areas that are critical habitat for endangered species and other areas that are important to wetlands conservation locally.
- Projects are located in coastal (including the Great Lakes) as well as inland areas.
- Project activities range from simple acquisition, to a mixture of acquisition, restoration, and enhancement.
- Projects are located in 36 U.S. states, 10 Canadian provinces, and 8 Mexican states.

Private citizens are usually involved through local conservation groups. However, many citizens have contributed cash and in-kind services to match grant requests. In addition, private landowners and the wetlands they control have reaped the benefits of this program through restoration work done on their property by partners.

The U.S. citizen is the cornerstone of this program, since the Act requires that only U.S. non-Federal funds may be used to match projects, whether projects are in Canada, the U.S. or Mexico. Grants (U.S., Canadian, and Mexican) must be matched at a ratio of 1:1 by non-Federal U.S. partners. However, to date, the actual ratio of partner (matching and non-matching) funding has been 2:1.

As you know, the Department of the Interior is now endeavoring to conduct its responsibilities through an ecosystem approach. No law states that we must do so; however, one of the purposes of the North American Wetlands Conservation Act is to work with partners to conserve wetland ecosystems. The benefit of such a holistic approach is that an assortment of ecological parameters is assessed for each project.

Some of these parameters include: impact on waterfowl and nongame migratory bird species that have declining populations; maintenance of long-term wetlands conservation benefits; impact on water quality, flood control, erosion protection and other wetlands functions; impact on sensitive species that are not yet listed as Federally endangered; and impact on biological diversity.

As with any Federal program, there are certain rules and standards that must be followed, but as the agency administering the program, we have tried to decrease the level of bureaucracy where possible. The Council and the Service continue to seek to improve program administration, while ensuring that the highest priority projects are funded. As an example, this year we provided a proposal outline on personal computer disks for U.S. applicants, and it has met with good reviews.

We in the Department and our North American Waterfowl Management Plan partners recognize the importance of evaluation. Through the North American Waterfowl Management Plan's Joint Ventures and the Continental Evaluation Team, studies are being designed and implemented that

will begin to quantify the progress being made toward conservation goals. Results of this work will be used to modify and improve project design and management.

Mr. Chairman, I am proud to be associated with the North American Wetlands Conservation Act and the fine conservation work it supports. I am confident that you will find no better example of a truly continental partnership for wetlands ecosystem conservation.

Thank you for the opportunity to testify on this outstanding program. I will be pleased to respond to questions.

TESTIMONY BEFORE THE HOUSE MERCHANT MARINE
AND FISHERIES COMMITTEE, SUBCOMMITTEE ON
ENVIRONMENT AND NATURAL RESOURCES, REGARDING H.R. 4308,
REAUTHORIZATION OF THE NORTH AMERICAN WETLANDS CONSERVATION ACT

Presented By
R. Max Peterson, Executive Vice President
International Association of Fish and Wildlife Agencies

June 8, 1994

Mr. Chairman and members of the Subcommittee, I am R. Max Peterson, Executive Vice President of the International Association of Fish and Wildlife Agencies (IAFWA). The IAFWA, founded in 1902, is a quasi-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's governmental members include the fish and wildlife agencies of the states, provinces, and federal governments of the United States, Canada and Mexico. All 50 states are members. The Association has been a key organization in promoting sound resource management and strengthening federal, state and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest. The Association appreciates the opportunity to share our perspectives with you on H.R. 4308.

The IAFWA was an original supporter of both the North American Waterfowl Management Plan (NAWMP) and the North American Wetlands Conservation Act (NAWCA). In fact, in fiscal year 1988 it was the states, as represented by the IAFWA, Ducks Unlimited and the National Fish and Wildlife Foundation, that established the first international partnership through the NAWMP to support wetland conservation efforts in Canada. At that time, the National Fish and Wildlife Foundation provided \$2 million, which was matched by \$1 million from Ducks Unlimited, Inc. and \$1 million from the states. Four million dollars from the U.S. was then matched by \$4 million from Canada and, from that point, we have never looked back.

Early efforts in implementing the NAWMP demonstrated how successful partnerships can be, and provided important impetus for NAWCA, and the administration of funds provided by it, bring together the vision and commitment of a broad array of conservationists dedicated to reversing the decline in the loss of wetlands habitats and associated wildlife species in North America. Non-regulatory and voluntary in nature, the fund encourages the establishment of partnerships by making U.S. Federal funds available for high quality wetlands projects when matched by U.S. non-Federal sources. The Act recognizes that migratory birds depend on healthy wetland ecosystems and do not respect political boundaries. In addition to supporting projects in the U.S., it provides a unique opportunity to support projects in Canada and Mexico that are vital to the health of migratory birds that the United States benefits from and enjoys.

Unquestionably, the Act has been a tremendous success. Since first funded in 1990, over 275 projects have been approved. One hundred and five million Federal NAWCA dollars have been approximately doubled by 202 million partner funds, well in excess of the required one to one match. This exemplary program offers outstanding returns on the Federal investment in wetland ecosystem conservation. Whether the projects are large or small, east or west, pothole or estuary, there are many willing partners who share a common commitment to secure, restore and enhance wetland ecosystems. The following projects provide excellent examples of this diversity:

(a) California Central Valley Easements project that matched a \$1.28 million Act request with \$2.57 million from the California Department of Fish and Game and the California Waterfowl Association to acquire conservation easements on 2,700 acres of wetland habitat providing benefits to threatened and endangered species, waterfowl and vast numbers of non-game birds. This project is located in the Central Valley Habitat Joint Venture area where wetland acreage has been reduced by 93% yet it remains the principal wintering area for 60% of Pacific Flyway Waterfowl;

(b) The Maple River project in Gratiot County, Michigan which matched an Act request for \$35,000 with \$125,000 matching funds from the Michigan Department of Natural Resources and Ducks Unlimited. This project acquired 580 acres of wetlands to benefit breeding and migratory waterfowl, wading birds, songbirds and a variety of furbearers;

(c) Maurice River II project located in the Delaware Bay Estuary, Cumberland County, New Jersey which matched a \$1.1 million grant request with a \$2.4 million commitment from partners including the New Jersey Division of Fish, Game and Wildlife, the New Jersey Green Acres program, The Nature Conservancy, Natural Lands Trust and the Environmental Protection Agency. This important project secured and restored habitat in an area that contains one of the hemisphere's most important shorebird concentration areas, represents the state's most important habitat for bald eagles and neotropical migrants, contains the world's largest population of a globally endangered sensitive vetch, and is a premier waterfowl habitat containing the state's largest expanse of wild rice marsh.

These are only a few examples demonstrating the outstanding return on Federal investment, both in terms of its leverage potential, as well as wetland ecosystems secured, restored and enhanced.

I would like to take this opportunity to dispel some comments that some critics have made in the past. The Act and its administration is not just about ducks. The Act focuses on wetland ecosystems and fish and wildlife resources that depend on them. Waterfowl are indeed a beneficiary of this program but so are many other migratory birds, reptiles, amphibians, fish, shellfish, and rare, threatened and endangered species of plants and animals. In addition, wetlands provide a range of abiotic benefits including storm water retention, ground water

recharge, filtration and waste treatment, to name a few. However, we should not forget that the genesis of the Act was the NAWMP and we should feel proud of our accomplishments whether the beneficiaries are ducks or eagles. Indeed, it was a concern for waterfowl that brought international resource managers together in what is arguably the first, largest and most successful ecosystem management plan on the continent.

I also want to take this opportunity to congratulate the Migratory Bird Conservation Commission and the North American Wetlands Conservation Council on a job very well done. These bodies are charged with the responsibilities of ensuring that projects approved are consistent with the Act and that an appropriate distribution and diversity of wetland ecosystems are secured, restored and enhanced. By their very nature wetland ecosystems are dynamic and extremely diverse across landscapes. So, too, must be their management. The NAWCA provides the necessary domestic and international flexibility to ensure the most appropriate wetland ecosystem management options are available. To be overly prescriptive would minimize the Act's effectiveness.

There are few programs that can boast of their success like this one can. Members of the IAFWA are pleased to be associated with the Act, support its reauthorization and the gradual increasing of authorized funding levels over the next five years. Certainly much more can be accomplished with greater availability of federal funds. This model program is an excellent example of how we can all achieve much more when working together towards common goals.



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STATEMENT OF MICHAEL DENNIS
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BEFORE THE COMMITTEE ON MERCHANT MARINE AND FISHERIES
SUBCOMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES
JUNE 8, 1994

Mr. Chairman, members of the Subcommittee, my name is Michael Dennis. I am the General Counsel for The Nature Conservancy¹ and an appointed member of the North American Wetlands Conservation Council ("Council"). I have served as the Nature Conservancy's representative on the Council since 1990.

I am pleased to have the opportunity to testify today on the reauthorization of the North American Wetlands Conservation Act ("Act"). I would like first to address reauthorization of the Act from the standpoint of the Council. As you know, the Council is comprised of nine members: the Director of the Fish and Wildlife Service; the Director of the Fish and Wildlife Foundation; four flyway representatives; and three nonprofit organizations.

Although all nine of the Council members represent distinct and separate entities the group is unanimous in its support for continued authorization of the Act. As a group, the Council agreed to recommend two changes to the Act. First, that the Act be reauthorized through FY 2000, and second, that the amount of money authorized to carry out the Act be increased.

I am pleased to note that H.R. 4308, introduced by Congressmen Dingell, Weldon, Studds and Fields, currently contains provisions that meet both of the Council's recommendations.

Having presented the Council's recommended changes to the Act, I would now like to discuss, as a representative of The Nature Conservancy, how the Act has been implemented and several recommendations on how we believe the goals of the Act can better be realized in the future.

¹The Nature Conservancy is an international non-profit, land conservation organization dedicated to the preservation of natural diversity through the protection of threatened species and ecosystems. Our membership includes more than 730,000 members and over 1,100 Corporate Associates.

The Nature Conservancy is very supportive of the Act and its goals. One of the primary purposes of the Act -- "to protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory birds and other fish and wildlife in North America" -- is very much in harmony with the mission of The Nature Conservancy.

The strong emphasis placed on partnerships between public agencies and the private sector in the Act is extremely important. These partnerships have acted as the catalyst for significant conservation of wetlands and wetlands ecosystems. The Conservancy believes strongly in the importance of working in partnership with a broad range of entities and individuals to achieve conservation goals, and strongly supports this provision in the Act. At the Conservancy we feel that a good partner brings money to the table; a **great** partner brings money to the table and demands that others match it. By this standard, the Act is the greatest partner going.

To give you an example of what these partnerships have meant, I would like briefly to highlight some of the conservation work The Nature Conservancy and its partners have achieved under the Act. Since the inception of the Act, the Conservancy has participated as grantee in a total of seventeen projects in twelve different states. These seventeen projects have received slightly more than \$10 million in Act funds and have been matched by more than \$24 million in partnership dollars. The amount of money contributed by the many partners in these projects illustrates not only the depth of commitment of these partners but also highlights the ability of federal dollars to leverage private dollars for conservation.²

The amount of partnership dollars and the commitment of the various partners to these projects are indicative of the caliber of these projects as well. To illustrate, I would like briefly to mention two projects that I believe highlight what this Act is all about.

The Mad Island Marsh Project is located in Matagorda County, Texas and is a conservation partnership of The Nature Conservancy, the National Fish and Wildlife Foundation, Ducks Unlimited, the Council, private landowners, Dow Chemical, the Fish and Wildlife Service, the Environmental Protection Agency, and other government agencies. A comprehensive five-year program of habitat protection, restoration, and ecological management has already begun in an effort to return the 9,262-acre Mad Island Marsh ecosystem to its formerly productive state.

²The Nature Conservancy has also been a partner in an additional 25 proposals in which over \$24 million in Act dollars was matched by more than \$42 million.

Completion of the project will result in the legal protection, ecological restoration, and enhancement of wildlife use of the Mad Island Marsh system. Numerous species, including federally-listed species such as the Piping Plover, Peregrine Falcon, Wood Stork, and Brown Pelican utilize the area. In addition, the system will benefit numerous other species including wintering Snow Geese, Canada Geese, Greater White-fronted Geese, and a variety of ducks. To date, approximately \$1,725,000 in Act funds have been awarded to this project with partnership matches exceeding \$2,275,000. These dollars are resulting in the permanent protection of more than 7,000 acres, with thousands of acres being enhanced and restored.

A second outstanding project funded under the Act is Llano Seco Rancho in California. Also known as the Parrott Ranch project, this nationally significant site provides habitat for extraordinary concentration of migratory and resident waterfowl. There, the Conservancy joined forces with the Fish and Wildlife Service, the California Department of Fish and Game, The Wildlife Conservation Board and the National Fish and Wildlife Foundation to purchase fee and highly restrictive easements to restore thousands of acres to original wetland and forest habitat. The purchase price in excess of \$13,000,000 for over 14,000 acres was funded with \$3,000,000 in Act dollars and \$10,654,750 in partnership dollars. A truly wonderful example of partnership and the ability of the Act to leverage dollars.

Although I believe the Act is basically sound as currently written, I would like to suggest one substantive change that I believe would increase the Council's ability to fund projects in Mexico. Currently only U.S. non-Federal funds may be used to match projects whether the projects are in the United States, Mexico or Canada. This requirement has proved to be burdensome for Mexican projects because other programs, such as U.S. AID, often offer substantially higher matches for U.S. dollars. Accordingly, it is difficult for Mexican projects to contribute the requisite U.S. non-Federal matching share. I believe an amendment to Section 8(b) of the Act, to allow the currently-required non-Federal U.S. match to come from cash contributions from non-U.S. sources, would help alleviate this problem and encourage participating Mexican nongovernmental organizations to become more self-sufficient.

A second area that needs to be addressed concerns implementation of the current Act. The Act specifically states that the Council shall recommend "wetlands conservation projects" to the Migratory Bird Conservation Commission and that such projects will be for "long-term conservation." Although the Act does not specifically define the term "long-term conservation," the legislative history is clear that the strong preference is

toward permanent protection, either through fee acquisition or through permanent easements. The Senate Report states that

"[w]here possible, the term "long-term conservation" should be interpreted in a manner that will result in habitat being reserved in perpetuity for fish and wildlife conservation. Easements to conserve wetland ecosystems for 25 years or more, while less desirable than perpetual easements, also would be consistent with the requirement for long-term conservation. In some cases, purchase of easements to conserve habitat for less than 25 years, or even for 10 years or less, may be appropriate if the purchase is likely to result in the landowner agreeing to a longer term conservation agreement at the expiration of the initial easement. Senate Report 101-161, p. 5.

Similarly, the House Report stated that "[i]t is the Committee's preference that the lands be protected in perpetuity. In cases where an agreement cannot be reached to protect the land in perpetuity, the land should be protected for as long a period as possible." House Report 101-269, p. 13.

I bring this language to the Committee's attention for two reasons. First, this Act has now been in existence more than four years, during which time more than 275 projects have been funded. The program has an established track record. Second, we have heard today that the number of applications for funding under the Act continues to grow and that recently the Council was unable to fund, due to lack of funds, 26 U.S. proposals for which partners had committed \$21 million in matching funds.

Although I certainly believe that it is appropriate for the Council to recommend, at times, the funding of projects that propose to protect land for less than a permanent time period, I believe this practice, consistent with Congressional intent, should be the exception rather than the rule. Moreover, when such exceptions are made, they should be for a project where a less than permanent easement is but a component of a larger project, or where it is part of a pilot or demonstration project. Giving funding priority to permanent protection is especially important now given that the Act has an established track record and that the demand for Act dollars exceeds supply.

I encourage the Committee to reaffirm -- either in report language or by definition in the Act -- that the term "long-term conservation" means protection **in perpetuity**. While I favor continuing to give the Council some latitude to recommend funding for less than permanent protection for pilot projects and other research-type proposals, use of this discretion should remain the exception.

I appreciate the opportunity to testify today, and would be pleased to answer any questions you might have.



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Testimony of Amos S. Eno
Executive Director
National Fish and Wildlife Foundation
before the
Committee on Merchant Marine and Fisheries
Subcommittee on Environment and Natural Resources
The Honorable Gerry Studds, Chairman

June 8, 1994

STATEMENT OF AMOS S. ENO
EXECUTIVE DIRECTOR
NATIONAL FISH AND WILDLIFE FOUNDATION
BEFORE THE COMMITTEE ON MERCHANT MARINE AND FISHERIES
SUBCOMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES
JUNE 8, 1994

The past 210 years of this country's history have not been kind to wetlands. As the committee is well aware, we have lost more than half of this nation's original tapestry of wetlands, much of it with the enthusiastic participation of the federal government. With the advent of wetland regulation, a modest slow-down in wetlands losses has occurred, but not without great divisiveness. While the Clean Water Act regulates only a few of the activities that are harmful to wetlands, and permits allowing these few activities are issued in 95 percent of all cases, the Clean Water Act reauthorization effort struggles on against renewed antipathy.

It is with great enthusiasm today that I come before this committee to endorse reauthorization of the North American Wetlands Conservation Act. The Act stands as a model of highly effective wetlands conservation and --- in its first three years of operation --- has done more to bring diverse interests together for the protection of wetlands than any other program, federal or otherwise.

Our Council membership --- from The Nature Conservancy to the National Rifle Association --- is testament to the common ground diverse partners can find in the mission to conserve the nation's wetlands, for ALL wetland-dependant species and for future generations. The North American Wetlands Conservation Act has been a catalyst for partnerships, pulling together diverse regional interests to implement concrete protections and rehabilitation of critical wetland systems. While the Act has provided funding for more than 50 organizations in the U.S., Mexico, and Canada, it has drawn together a total of 325 partners behind those projects, all of whom play an active role in funding, supporting and working on Act-funded projects.

The emphasis this Act puts on partnerships is both symbolically important and ultimately pragmatic. There's simply not enough federal funding to conserve and restore all the critical wetland systems that need protection in this country and on this continent. Pulling in partners brings in additional private funding, in-kind services, additional staffing, and needed technical expertise. Establishing private-lands stewardship projects in which the government or nonprofit groups help landowners protect and repair their own wetlands not only brings good will to the cause of wetlands protection, it leverages significant amounts of private money for these projects and it puts more people on the ground doing wetlands restoration. Seventy-five percent of all wetlands in this country are owned by private landowners. These numbers are similar in Canada and Mexico. We don't have enough money to buy all the wetlands that merit protection. This program uses its limited resources to acquire critical and imperiled wetlands when necessary, and uses the remainder of its resources to stimulate private landowners to initiate improved stewardship of wetlands.

The National Fish and Wildlife Foundation, which shares the Act's dual priorities of protecting threatened wetland systems through acquisition and harnessing the private sector to protect and restore wetlands on private lands, has often played a complementary role to the Act on many of the same wetland conservation efforts. A good example of this partnership is the Mad Island project on the Gulf Coast of Texas. The Texas coast was once one of the most pristine and abundant habitats for migratory waterfowl, neotropical migratory birds, millions of shorebirds, commercially important fisheries, and a wide diversity of other wetland-dependant species. Agriculture, development, mineral exploration, salt-water intrusion, invasion of exotic species, and sea-level rise have all combined to degrade this valuable area. When a local landowner offered to sell at a greatly reduced price 3900 acres of rice fields and coastal marsh, the Act provided two separate grants to The Nature Conservancy to create a Mad Island coastal preserve and restore the area to its former high-quality habitat. The Foundation stepped in and provided two grants to the Mad Island project totalling \$350,000. This is an active and effective partnership, with groups such as Ducks Unlimited, the state of Texas, the U.S. Fish and Wildlife Service, the National Fish and Wildlife Foundation, local rice growers, DOW Chemical, and the Environmental Protection Agency all working together to restore the site. Since 1991, the reserve has doubled in size, begun to restore its freshwater marsh system, reduced the harmful effects of salt-water intrusion, controlled exotics with prescribed burning, and worked with local rice growers to keep their winter rice fields flooded to mimic natural wetlands for waterfowl and shorebird use while allowing continued agricultural production in the area.

Given this opportunity to reflect upon the Act and urge its reauthorization, we on the Council must work harder to ensure that all wetland types and all wetlands-dependant species in all corners of the United States, Canada, and Mexico are supported through this Act. We support an amended Act that provides an increased level of funding for this program, which continues to have more well-qualified and urgently needed projects than it can fund. We urge the committee to consider a request for authorization of up to \$40 million by the year 2000.

We support an amended Act that relieves Mexico of the full burden of raising a United States non-federal match, giving Mexico the time and flexibility to generate much-needed projects and to avoid squelching their early efforts with overly cumbersome grant requirements. The Foundation recognizes the critical role Mexico plays in the life cycle of many North American migratory birds and the need to support every effort by the Mexican government to preserve its unique and vital wetland systems.

Finally, we support the efforts of Tennessee's Gary Myers and others tasked by the Council to broaden the partnership base of the Act, recognizing that diverse partnerships are what have made the Act so successful in such a short time. We have recently started the process of reaching out to new partners, both as potential grantees and as funders. These new partners share many of the same interests and work to protect the same critical habitats that are high priorities under the Act. For example, Partners in Flight, initiated by the Foundation, represents a network of 73 different partners in the U.S., Canada, and Mexico dedicated to protecting neotropical migratory birds, many of whom are dependant on the same kinds of wetland habitats that support waterfowl and shorebirds. If we have a fault with the North American Wetlands Conservation Act, it is an administrative one. There has not

been enough of an effort to distribute program funding as broadly as this kind of partnership program would warrant. For example, over the program's first three years there have only been six non-governmental partners in the United States to receive NAWCA funding, and four of these represent game-species interests. We on the Council must work hard to make sure that groups like Partners in Flight, who share mutual interests and who can bring resources and good projects to the Council, can be guaranteed a seat at the table.

In a climate of continued conflict over wetlands regulation, the NAWCA stands in sharp contrast as a highly effective, conflict-free, and relatively efficient means of wetlands conservation. Here is a volunteer program quietly but powerfully making great strides in wetlands acquisition, restoration, and enhancement. Good projects are getting funded, and many long-lasting partnerships have been created through the NAWCA to keep momentum going.

The National Fish and Wildlife Foundation was one of the earliest and most ardent supporters of this program. We continue to be one of NAWCA's most ardent supporters. This is a program that has produced substantial gains for wetlands and wetland-dependant species, and deserves reauthorization and substantially increased funding levels. Thank you.



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Testimony by Ducks Unlimited
given to the U.S. House of Representatives
Subcommittee on Environment and Natural Resources
June 8, 1994

Although a few people would tell you it happens quite often, many would agree that it isn't often enough that Congress creates a new program that deserves rave reviews. Not just raves from those that receive a new benefit, but raves from everyone involved and affected. The Congress with this Committee's help created one of those winners five years ago and rates congratulations for it.

Ducks Unlimited has been an enthusiastic supporter of the North American Wetlands Conservation Act since it was considered by your committee at its genesis. I come before you to add my voice to those calling for reauthorization and an increase in the funding ceiling. You are hearing today about a program that has accomplished perhaps even more in the first five years than what was envisioned. A program that is fulfilling that vision in a financially responsible way for the federal government and for the many other participants. A program that was ahead of its time in encouraging an ecosystem approach and targeting scarce dollars to address the growing need for areas where interrelated wildlife species feed, flourish, and reproduce. That is what the Wetlands Conservation Act is about. All those things.

I have had the privilege of working with this Act from the time you finished your work with it. Matt Connolly, Executive Vice President of Ducks Unlimited was appointed by the Interior Secretary to be one of the charter members of the North American Wetlands Conservation Council and at that Council's first meeting Matt was elected Chairman. I serve as one of Matt's staff to the Council. At the beginning I saw the implementers from both the private and public sectors join together and struggle to design details of the program so that it would be open, fair and above all based on biological integrity. In terms of our annual quest for appropriations and non-federal matches there is always a temptation to recommend projects under a program based on political expediency that would gain immediate Congressional support or to focus area that was in vogue and would guarantee environmental headlines. But the Wetlands Conservation Council has remained faithful to the fundamental notion that this program will be its own best salesman if the projects are selected based on the best scientific criteria and the most acute needs.

The program's implementation has not been static. Far from it. Forgive me for running through some of the numbers again. I know that others here have mentioned a few, but we believe what has been accomplished thus far under the Act is impressive and we're proud of it. Since September of 1990, 275 projects have been approved. That means many more than that have been researched, engineered, written, closely evaluated by teams of adjudicators, and reviewed by the Council. The approved projects range from Southern Mexico through 36 states to northern Canada. They serve jack rabbits and jaguars, reef fish and rails, widgeons and wood storks, mallards and marsh wrens. And they serve hundreds more species from the coastal marshes of Delaware Bay to the Playa Lakes of Texas on to the rice fields of California. Static, no. We continue to see new members appointed to the Wetlands Conservation Council, continue to improve the project selection process and continue to look for additional non-federal partners to stretch your federal money even farther.

One of the things we have mentioned to you is the extensive partnerships that have been realized as a result of this law. Partnership is what you in Congress envisioned and partnership is what has been delivered. We have had participation from well over 225 partners in the amount of \$202 million on these projects. While the witnesses you have here before you today are a knowledgeable and distinguished group, it is a shame that time prevents you from visiting with the Native Americans, the individual farmers, the youths, the corporate leaders, the small town conservationists, and the many other faces that have helped realize the Act's success.

Along with building partnerships, Congress envisioned one non-federal dollar to match each appropriated dollar. Today we demonstrate that we have doubled the matching portion. Congress has made a very wise investment with the federal dollars spent under the North American Wetlands Conservation Act. The match far in excess of what you asked for demonstrates the interest and ability of partners to do more under this program should additional federal funds be made available. I strongly encourage you to support the bill's increased authorization ceiling.

I close by thanking you for allowing me to testify on behalf of this Act's reauthorization. It has done much, it can do more, we appreciate your support.

103D CONGRESS
2D SESSION

H. R. 4308

To amend the North American Wetlands Conservation Act to authorize appropriations for allocations under that Act for wetlands conservation projects.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 1994

Mr. DINGELL (for himself, Mr. WELDON, Mr. STUDDS, and Mr. FIELDS of Texas) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To amend the North American Wetlands Conservation Act to authorize appropriations for allocations under that Act for wetlands conservation projects.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR AL-**
4 **LOCATIONS UNDER NORTH AMERICAN WET-**
5 **LANDS CONSERVATION ACT.**

6 Section 7(c) of the North American Wetlands Con-
7 servation Act (16 U.S.C. 4406(c)) is amended by striking
8 "\$15,000,000" and all that follows through the end of the
9 sentence and inserting the following: "\$15,000,000 for fis-

2

1 cal year 1994, \$20,000,000 for each of fiscal years 1995
2 and 1996, \$30,000,000 for each of fiscal years 1997 and
3 1998, and \$40,000,000 for each of fiscal years 1999 and
4 2000.”.

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