

**TESTIMONY OF ERIC ALVAREZ, REALTY CHIEF, NATIONAL WILDLIFE
REFUGE SYSTEM, UNITED STATES FISH AND WILDLIFE SERVICE,
DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON
FISHERIES, WILDLIFE AND OCEANS OF THE HOUSE COMMITTEE ON
NATURAL RESOURCES, REGARDING H.R. 6479, THE “SAN FRANCISCO BAY
NATIONAL WILDLIFE REFUGE COMPLEX ESTABLISHMENT ACT”**

September 10, 2008

Chairwoman Bordallo and Members of the Subcommittee, I am Eric Alvarez, Realty Chief of the National Wildlife Refuge System of the U.S. Fish and Wildlife Service (Service). Thank you for the opportunity to provide the Administration’s views on H.R. 6479, legislation to establish the San Francisco Bay National Wildlife Refuge Complex in California. We appreciate the Subcommittee’s interest in the National Wildlife Refuge System, and would like to thank the co-sponsors of H.R. 6479 for their strong support of the San Francisco Bay National Wildlife Refuge Complex and the mission of the National Wildlife Refuge System.

Introduction

The mission of the Refuge System is to administer a national network of lands and waters for the conservation, management and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans. The Refuge System is the world’s preeminent system of public lands devoted to protection and conservation of fish and wildlife and their habitats.

The San Francisco Bay National Wildlife Refuge Complex is a collection of seven National Wildlife Refuges (NWR) administered by the Service: Antioch Dunes NWR, Don Edwards San Francisco Bay NWR, Ellicott Slough NWR, Farallon NWR, Marin Islands NWR, Salinas River NWR, and San Pablo Bay NWR. From sand dunes to salt marsh, from rocky, offshore islands to golden beaches, the San Francisco Bay NWR Complex offers a glimpse into the biological wonders of the San Francisco Bay Area. Despite booming industries and growing populations, these refuges preserve an incredibly complex ecosystem.

H.R. 6479, the “San Francisco Bay National Wildlife Refuge Complex Establishment Act” would direct the Secretary of the Interior to establish the San Francisco Bay National Wildlife Refuge Complex, which would include all seven refuges currently within the San Francisco Bay NWR Complex. The legislation provides that the statutorily mandated Refuge Complex shall be managed in accordance with all laws, regulations, executive orders, and comprehensive conservation plans that applied before the date of the enactment of the Act, and in accordance with the new Refuge Complex purposes listed under Section 2(a) and the specific management objectives listed under Section 2(b).

Administrative Flexibility

National Wildlife Refuge complexes are an administrative combination of Refuge System units and offices created to gain efficiencies in resource management, as well as personnel, budgeting, clerical, and other administrative services. A National Wildlife Refuge complex is not a unit of the Refuge System. Presently, the Service has 116 refuge complexes which contain 435 Refuge System units. Due to a variety of factors, including the availability of resources and staff, Refuge System units may be complexed, decomplexed, or otherwise administratively regrouped over time. For example, Castle Rock NWR and Humboldt Bay NWR were added to the San Francisco Bay NWR Complex shortly after San Francisco Bay NWR (later renamed Don Edwards San Francisco Bay NWR) was established in 1972 even though they are located more than 300 miles to the north along the California coast. These refuges continued to be administered out of the San Francisco Bay NWR Complex until 1998 when they became a separate administrative unit.

The Service needs administrative flexibility to modify the composition of refuge complexes to respond to changing circumstances. Section 3(a)(8) of H.R. 6479 specifies that the Service can add land or additional refuges to the San Francisco Bay NWR Complex; however, the Service is concerned that the legislation will require Congressional action to reorganize or decomplex the Refuge Complex in the future. This would be the case if the Service ever wanted to manage the refuges in the north around San Francisco Bay (i.e., San Pablo Bay, Marin Islands and Antioch Dunes) separately from those in the south near Monterey Bay (i.e., Salinas River and Ellicott Slough). Additional land acquisition may also dictate the need for modification to the current administrative management at the Complex. Furthermore, H.R. 6479 would potentially limit the Service's workforce planning in the future because of the limitations on removing refuges from the Refuge Complex.

Ability to Update Comprehensive Conservation Plans and Regulations

Section 2(b) of H.R. 6479 provides that the San Francisco Bay NWR Complex "shall be managed in accordance with all laws, regulations, executive orders, and comprehensive conservation plans *that applied before the date of the enactment of this Act*" (emphasis added). This provision of the bill appears to "freeze" the current management scheme at the Refuge Complex. The Service is concerned that this provision will preclude updating comprehensive conservation plans and regulations related to the refuges within the Refuge Complex in the future.

Purposes of Individual National Wildlife Refuges

H.R. 6479 does not appear to conflict with the overall mission of the Refuge System, and Section 4(b) specifically leaves intact administration of the refuges within the Refuge Complex under the National Wildlife Refuge System Administration Act (16 USC 668dd et seq.). However, because the National Wildlife Refuge System Administration Act does not define purposes for individual refuges, the Service is concerned about potential conflicts between individual refuge purposes that were derived administratively when established, and those mandated for the Refuge Complex in H.R. 6479.

The current, administratively established, San Francisco Bay NWR Complex includes all of the refuges listed under Section 3(a) of H.R. 6479. Only one of these, Don Edwards San Francisco Bay NWR, was specifically authorized by Congress in PL 92-330, as amended. The other six refuges were authorized under general authorities of the Service. Today, each refuge is managed in accordance with its own individual purpose, under the umbrella of the National Wildlife Refuge System Administration Act and other statutes that guide management of the Refuge System. H.R. 6479 repeals PL 92-330, but appears to carry over and expand the original purposes of that law (that originally established San Francisco Bay NWR) and apply them to all of the individual refuges in the San Francisco Bay NWR Complex. It is unclear whether the new Refuge Complex purposes listed under Section 2(a) and the specific management objectives listed under Section 2(b) of the legislation will supersede the individual purposes of the other six refuges in the Refuge Complex, or whether these purposes and management objectives would apply only to the Refuge Complex as a whole and not to each individual refuge.

H.R. 6479 leaves intact the overlying authorities of the National Wildlife Refuge System Administration Act and the National Wildlife Refuge System Improvement Act, and the priority uses language in Section 4(c) specifies that the individual refuges in the Refuge Complex shall continue to provide those uses compatible with the establishment of those refuges. However, it remains unclear how the statutorily mandated Refuge Complex purposes and management objectives in Section 2 will dovetail with the administratively-created individual refuge purposes beyond compatible fish and wildlife dependent recreational uses covered under Section 4(c). Refuge managers look to the purposes of an individual refuge to determine the species and habitats, or other mandates that should be given priority in management decisions, and to determine whether proposed uses are compatible. Changing existing refuge purposes could conflict with the current management plans and operation at existing refuges within the Refuge Complex. For example, Ellicott Slough NWR was established administratively in 1975 primarily to preserve habitat for species listed under the Endangered Species Act. These species include the endangered Santa Cruz long-toed salamander and the threatened California tiger salamander. H.R. 6479 would potentially mandate the additional purpose of "...wildlife oriented recreation and nature study..." under Section 2(a). While the Service strives to provide limited public access to this small refuge and allow some closely supervised environmental education, it appears the Service would be directed to consider this activity a higher priority than previously, to the potential detriment of the species the refuge was originally established to protect. Similar examples can be found at all of the other individual refuges within the Refuge Complex.

Land Acquisition

Section 5(a) of H.R. 6479 allows land acquisitions for the Refuge Complex anywhere within the new statutorily established Refuge Complex boundary. This new acquisition boundary would be larger than the existing authorized acquisition boundaries of the individual refuges in the Refuge Complex. Section 5(b) would allow any federal property located within the Refuge Complex to be transferred to the Secretary for administration as part of the Refuge Complex (if both the Secretary and the head of the other Department or Agency concur). While flexibility to respond to changes in habitats and species composition due to climate change and projected sea level rise may be important in the future, the Service already possesses the authority to expand refuge

acquisition boundaries, effect transfers of land, and establish new refuges. We believe the goals of this Section can be met within existing authorities and programs.

Conclusion

In conclusion, the Administration greatly appreciates the interest of Chairwoman Bordallo and Members of the Subcommittee in this issue, as well as the strong support of the bill's co-sponsors for the National Wildlife Refuge System. However, for the reasons outlined above, the Administration does not support enactment of H.R. 6479. Madam Chairwoman, this concludes my prepared statement. I would be pleased to respond to any questions you may have.