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TESTIMONY
BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON
FISHERIES, WILDLIFE AND OCEANS
CONCERNING HR 6479, THE FORMAL ESTABLISHMENT OF THE SAN
FRANCISCO BAY NATIONAL WILDLIFE REFUGE COMPLEX
September 10, 2008

Madame Chair and Members of the Subcommittee:

My name is Evan Hirsche, president of the National Wildlife Refuge Association (NWRA). On behalf of the NWRA and its membership comprised of current and former refuge professionals, more than 156 refuge Friends organization affiliates and thousands of refuge supporters throughout the United States, thank you for the opportunity to offer comments H.R. 6479, the formal establishment of the San Francisco Bay National Wildlife Refuge Complex (NWRC).

The NWRA strongly supports the intent behind the proposed legislation; to increase funding and statute for the refuges in and around the San Francisco Bay area. We sincerely thank Representatives Pete Stark, Michael Honda, Barbara Lee, Jerry McNerney, George Miller, Ellen Tauscher, Mike Thompson, Lynn Woolsey and Speaker Nancy Pelosi for their strong support of the refuges in the San Francisco Bay area and of refuges nationwide.

However, as much as we support the intent of the proposal, we have some concerns that we will outline in this testimony. Further, as H.R.6479 represents precedent in terms of Congress establishing a refuge complex by statute, our testimony will address more broadly what we view as the benefits and liabilities of complexing as it relates to overall administration of the National Wildlife Refuge System.

Refuge Complexing and Funding Shortfalls

As members of the Subcommittee are acutely aware, The National Wildlife Refuge System (NWRS) has long been plagued with inadequate funding, resulting in staffing shortfalls, deteriorating infrastructure and missed opportunities to connect people with the natural world. In the years following the centennial of the NWRS in 2003 (specifically from FY 2005 - FY 2007) refuge budgets were slashed, which resulted in approximately 200 of the 548 national wildlife refuges going without dedicated staff, and leaving about half of all refuges short of a biologist.

The funding crisis led the U.S. Fish and Wildlife Service (FWS) in 2006 to implement strategic downsizing plans nationwide, which categorized refuges as “stay strong,” “targeted for reduction,” and “de-staffed.” In an effort to manage almost 100 million acres of land for just \$3.76 an acre, the amount appropriated in FY 2005, most FWS regions turned to resource sharing for refuges as the only way to keep some refuges open and functioning at all. In the words of FWS leadership, they had tightened their belts, done more with less and had cut away any fat left over in their already lean operations to deal with the crisis. The only way left to

operate was to share their meager resources and in the words of one refuge manager, “hope for the best.”

While complexing refuges – a strategy that places several refuges under a single management authority - was not a new strategy, it was embraced by most FWS regions as an integral part of the strategic downsizing plans. The strategy allows several refuges to share biological, maintenance, law enforcement and administrative staff, and often leaves individual refuges without a refuge manager, let alone any staffing. It is most successfully implemented where refuges are proximate to one another and share similar habitat types, ecosystems and management strategies.

And while some refuges would be managed together in a complex regardless of how much money they received for their operations and maintenance, in the past several years, complexing has been a management tool largely born of necessity. Few would argue, particularly in the face of climate change, the onslaught of invasive species and competition for water, that a refuge should go without dedicated staffing, including a full time biologist.

Complex Issues

Work on refuges has become more specialized over the years with staff requiring more expertise on issues such as communications, administrative tasks, land acquisition-planning, visitors services etc. For instance, 25 years ago it took nine weeks of training for one full time law enforcement officer, it now takes thirty. With these highly specialized requirements, it would be nearly impossible for every refuge to have it all, thus, the sharing of specialized expertise in an efficient manner is essential.

In cases such as the San Francisco Bay NWRC, complexing refuges provides an answer for many administrative needs. There is one cost code for the entire complex, arguably one of the biggest benefits as the three administrative staff manages all the paperwork for the seven refuges. But even this complex needs more administrative staff, and they fare better than some counterparts in other parts of the country. In the northeast, one administrative staffer stationed in New Jersey serves 7 refuges in 3 states. This issue too comes to funding, if there was adequate funding perhaps this northeastern complex could hire additional administrative staff but until then, they will struggle to do the best they can.

As alluded to above, a central concern about complexing is the likelihood of refuges going without a staffed presence, the importance of which can't be underestimated. Throughout the Refuge System, those refuges with a staffed presence in the community are those that tend to fare best in terms of partnerships and garnering support among local, state and national decision-makers.

For example, volunteers and more than 200 refuge support groups, or “Friends,” contribute fully 20% of the workload on all refuges nationwide. However, when a refuge is de-staffed and complexed under another it becomes increasingly difficult for the Friends group to remain productive and support a refuge. Without a refuge manager or visitor's services staff on site, Friends can be left to fend for themselves. While a Complex leader may truly want to work with the Friends group located at a distant complexed refuge, there simply is not enough manpower to

oversee their activities. Further, having refuge staff on site, ready to greet and educate visitors where appropriate, is critical to advancing the public's awareness and appreciation of wildlife refuges.

There is also the question of maintaining a refuge's public identity. Increasingly, we have found that refuge complexing has not only involved shared resources among refuges, but has also resulted in name changes that have confused visitors. A prime example is the Chesapeake Marshlands NWR Complex in Maryland. If you were to visit Cambridge, MD and ask directions to the Chesapeake Marshlands NWR Complex you would likely get a blank stare from anyone you asked. If you instead asked directions to "Blackwater" there would be instant recognition, for Blackwater National Wildlife Refuge is a well-known and beloved community treasure. If complexing refuges is deemed necessary, it should be done invisibly, leaving the identity of individual refuges in tact.

Indeed, Congress has also echoed these concerns. In the FY2008 Interior Appropriations bill, report language expresses concerns about the complexing of refuges "where the staff and decisions concerning the refuge's management are moved too far from the resources and communities they serve." The language urged the FWS to "reduce the number of complexed refuges to the maximum extent possible."

The Establishment of the San Francisco Bay NWRC

The San Francisco Bay NWRC operates quite well as a complex, and although they could certainly use more staff in everything from administrative services to law enforcement (they currently have 2 full time law enforcement officers for more than 145,000 acres in an area with 7 million people), in this instance complexing is a viable solution for specialized efficiency. Nevertheless, there are refuge managers at just four of the seven refuges in the complex, although two of these positions need to be filled, leaving several local communities without a dedicated FWS presence.

H.R. 6479 would put into statute the San Francisco Bay NWRC, encompassing the seven current refuges and draw the refuge acquisition boundaries to include the lands and waters in between. There are benefits to be had with such a large boundary, namely that it would increase FWS stature relative to local land use decisions at city or county levels.

In 2005 the National Wildlife Refuge Association launched its "Beyond the Boundaries" initiative in recognition that encroachment and loss of vital habitat on private lands proximate to refuges is jeopardizing refuge conservation values. In order to secure the biological integrity of refuges, we have urged that resources be made available to work closely with private landowners, states and other federal agencies as we seek to conserve migratory wildlife and diverse habitat types. By having a large boundary, this legislation would give the FWS greater leverage with decision makers on issues that may not occur on the refuge, but that could impact the health of the overall system.

Concerns About H.R. 6479

The Refuge Improvement Act of 1997 established that all national wildlife refuges be managed as a System – not as individual lands and waters with little or no relation to one another. In fact,

refuges are connected both by statute and biology, necessitating a management strategy that allocates attention and funding in a way that best serves the wildlife resource. While it would be unrealistic to think that such seamless management occurs across multiple FWS regions management structures, Congress and the administration alike should promote less bifurcation rather than more.

While H.R. 6479 was introduced with the best intentions - to increase much needed funding and stature to the Bay Area refuges - the reality is that it may have the unintended consequence of reducing the FWS's flexibility to manage and fund wildlife refuges in the most need of support. For example, both the San Francisco Bay Refuge Complex and the Oregon Coastal Islands National Wildlife Refuge Complex provide vital habitat for the California brown pelican and the Steller sea lion – both federally listed species. As the Oregon Coastal refuges are arguably worse off from a funding perspective than the SFB Complex, will increased funding attention generated by this legislation result in even fewer resources to the Oregon Coastal refuges?

Further, we are concerned that this bill may serve as incentive for other members of Congress to pursue statutory establishment of refuge complexes in their states and districts, a result that we fear would further bifurcate the Refuge System.

The bill states that the purposes for the refuges shall be managed in accordance with all laws, regulations, executive orders and comprehensive conservation plans that applied before the date of the enactment and that we applaud. However, clarification should be made that the additional objectives stated in Section (2)(b)(1-5) do not supersede the purposes for each individual refuge. For instance, several of the refuges in the complex are closed to the public because they have endangered species that could be harmed by human activities. The National Wildlife Refuge System Improvement Act states that, *“each refuge shall be managed to fulfill the mission of the System, as well as the specific purposes for which that refuge was established.”* *“If a conflict exists between the purposes of a refuge and the mission of the System, the conflict shall be resolved in a manner that first protects the purposes of the refuge.”* Because the Act does not address the differences in the purposes of a complex in relation to the purposes of an individual refuge, we urge the committee to clarify that refuge-establishing purposes supercede those of the complex.

Our last concern relates to the ability of the FWS to administratively add or remove refuges from the complex. As written, the Secretary can add lands to the complex but there are no provisions included in the bill to allow the FWS to remove a refuge or refuges from the complex. This is a vital tool for the FWS as they must adaptively manage these and all refuges in the System, particularly when considering the anticipated changes brought by climate change. There may be a time when additional lands entered into the complex or other circumstances would necessitate a refuge or refuges being removed from the complex, this has occurred regularly throughout the Refuge System over the years. Currently, H.R. 6479 is compatible with the Region's workforce plans. However, with population growth, climate change and other issues, the FWS requires flexibility in its ability to change the components of the complex. We encourage the bill to include provisions for the Secretary to remove refuges from the complex.

Conclusion

The National Wildlife Refuge Association strongly supports the intent of H.R. 6479, to bring additional funding and stature to the refuges of the San Francisco Bay, and we applaud the sponsors of the bill for their commitment on behalf of the Bay Area refuges. However, we are concerned that this legislation will set a precedent for other areas of the country to follow, further bifurcating a System of national wildlife refuges that ought to be managed as such, not as disparate, disconnected units. While current funding conditions in many cases necessitates the complexing of refuges, particularly for administrative purposes, complexing of refuges can result in a loss of community identity and can jeopardize the health of a refuge. Adequate funding for the entire National Wildlife Refuge System is at the core of the issue and without it, the same issues H.R. 6479 seeks to remedy will continue to plague this complex and all other refuges in the System.

We urge the subcommittee to clarify the legislation to ensure that each refuge's purposes are not superseded by the complex's purposes. The Refuge Improvement Act clearly states that if there is a conflict between the mission and purposes of an individual refuge and that of the System, the individual refuge purposes shall first be protected. We also urge the subcommittee to add a clause that would allow the Secretary to remove a refuge or refuges from the complex without Congressional approval.

Thank you again for the opportunity to share our views on H.R. 6479.