

Testimony of Bruce Babbitt

Before the House Natural Resources Committee

Subcommittee on Fisheries, Wildlife and Oceans

National Wildlife Refuge Improvement Act 10th Anniversary Oversight Hearing

Tuesday, October 9, 2007

Madam Chairwoman and Members of the Subcommittee thank you for inviting me to testify at this important hearing. As Secretary of Interior I worked closely with this Subcommittee, Congress, and the President on crafting and passing the National Wildlife Refuge System Improvement Act in 1997. And I am keenly interested in how the administration, Congress, and the public can work together to ensure that the ideals exemplified in the Refuge Improvement Act are fully implemented in order to for the Refuge System, and the wildlife it supports, to thrive for the next century.

Teddy Roosevelt once said, “Wild beasts and birds are by right not the property merely of the people who are alive today, but the property of unknown generations, whose belongs we have no right to squander.” By creating the first refuge at Pelican Island in 1903, President Roosevelt delivered on that statement. And thanks to the leadership of presidents who followed, of wildlife champions in Congress, of the unsung employees of the Fish and Wildlife Service, and of citizens banding together to protect wild places, the

Refuge System has grown to encompass more than 500 units: a magnificent system of lands and waters, unique in the world, enjoyed by almost 40 million visitors a year.

Upon taking office in 1993 I encountered a system in peril, its problems documented in innumerable GAO reports, Fish and Wildlife Service reports, lawsuits, and Congressional hearings. Then after several more congressional hearings, the clouds parted and we began a serious dialog with this Committee under the personal leadership of Mr. Young and with the active participation of several members here today.

The result was the 1997 National Wildlife Refuge System Improvement Act. That title, however, belies the significance of the legislation, for it is much more than just another “improvement”; it is the first ever organic act for the Refuge System, comparable to the celebrated 1916 organic act of the National Park Service.

For most of the time since the Act became law, I have been back in private life, most recently as Chairman of the Board of the World Wildlife Fund. During that time I have had many occasions to visit and enjoy the refuges, meandering quietly and reflectively, without the overhang of staff, security and press, spending time with dedicated refuge staff and the marvelous corps of citizen volunteers that you can encounter at most refuges.

In the process I have observed first hand many positive improvements, notably the changes driven by the compatibility requirements of the Act. However, I have also seen that the promise of the Refuge Act, that we would elevate the Refuge System and administer it to the highest standards, has not been fulfilled.

The Refuge Improvement Act, overwhelmingly passed by Congress, was a promise to the American people: that the system of lands and waters that had been set aside for wildlife for the benefit of the citizens of this country would be properly cared for. I fear this promise has not been fulfilled. Today we find a refuge system crumbling from the weight of an immense backlog of operational expenses. Today we find a

refuge system hemorrhaging a fifth of its hardworking staff. Today we find a refuge system having to choose between restoring habitat or educating children about the wonders of the natural world. Today we find a refuge system that has been neglected, and, unhappily, in some cases, a refuge system where the sound management decisions of its professionals have been undermined by political meddling.

In my testimony today I will attempt to document some of these unfulfilled promises- not to dwell on the past, but to move the refuge system forward. And I will conclude with several observations about what needs to be done in a broader context to involve our states and local governments in the protection and enhancement of wildlife and their habitat.

Unfulfilled Promise: Compatibility

Of all the improvements mandated by the Act, the “compatibility” requirement is perhaps the most important. Refuges are where wildlife come first, they are closed to all other uses unless it can be demonstrated that such uses will not be harmful to the wildlife conservation purpose of the refuge system. In 1989, the GAO found that over half of all refuge managers reported harmful secondary uses occurring on their refuges. It was clear that comprehensive legislation was needed to fix this and other problems facing the refuge system.

The Refuge Improvement Act strengthened the compatibility standard and process, requiring greater transparency and public input into Fish and Wildlife Service decisions. The Fish and Wildlife Service responded by promulgating strong regulations and policy to implement the new standards.

To date, however, many compatibility determinations remain weak and lack strong scientific justification. More disturbing, cases are coming to light where correct compatibility decisions are being subverted by political directives from above. A particularly egregious example is occurring at Yukon Flats National Wildlife Refuge in Alaska where the Fish and Wildlife Service and the native Alaskan Doyon

corporation are negotiating a land exchange within the refuge to get around a compatibility determination against oil and gas development within the refuge. By removing lands out of the refuge, compatibility will no longer apply. Drilling will have devastating consequences for the refuge, and this maneuver sets a terrible precedent for refuges throughout the country.

At Pea Island National Wildlife Refuge in North Carolina, again with strong scientific evidence of the impacts of the road running through the refuge, the refuge manager determined that a number of proposed alternatives for bridge replacement and road maintenance would be incompatible with the refuge's purposes. Under intense political pressure, the Interior Department has acquiesced in a compatibility evaluation process that ignores the impacts of additional road building within the Refuge.

There are more examples of this type of meddling in the sound professional judgment of dedicated refuge managers, reflecting administration policies contrary to the Congressional mandate embodied in the compatibility standard at the heart of the Refuge Improvement Act

Unfulfilled Promise: Planning

The Refuge Improvement Act provided the public the opportunity to engage in refuge management for the first time. The comprehensive conservation planning requirement of the Improvement Act is the main avenue for implementing many of the provisions of the Act, and it is an opportunity for the Fish and Wildlife Service to inform the public about each refuge, gain support from the surrounding communities, and obtain valuable input into the management of these precious lands. Many refuges have been able to use the planning process to solve complex problems. .

The Refuge Improvement Act called for all refuges to have comprehensive conservation plans by 2012. Unfortunately, the Fish and Wildlife Service has only completed one third of the plans while two thirds of the time has elapsed. Yet, instead of proposing a strong investment in the planning process, the

administration actually proposed cutting the planning budget in its fiscal year 2008 request.

Unfulfilled Promise: Maintaining Biological Integrity, Diversity, and Environmental Health

Twenty some years ago, selenium contamination from surrounding agricultural runoff had become so bad on Kesterson National Wildlife Refuge in California that the Fish and Wildlife Service had to harass waterfowl to keep them off the refuge's toxic ponds after more than 1,000 ducks died from selenium poisoning. Almost all the fish had disappeared. The refuge had died. This episode raised important questions about the Fish and Wildlife Service's ability to address conservation issues beyond their refuge boundaries and whether the Fish and Wildlife Service had an affirmative duty to sustain wildlife on a national wildlife refuge.

The Refuge Improvement Act addressed these questions, particularly its provision requiring the Secretary of Interior to maintain the biological integrity, diversity, and environmental health of the refuge system. Many external actions and threats impact the refuge system's biological integrity, diversity, and environmental health. Yet this core provision of the Act has never been adequately implemented.

Water, essential for life, is an example. The vast majority of the refuge system contains important wetland and aquatic habitat, habitat that is vital to the millions of migratory birds and other species that depend on refuges. Congress recognized the importance of water to the refuge system, requiring the Secretary of the Interior to assist in the maintenance of adequate water quantity and quality to achieve the refuge system mission and the purposes of each refuge. Yet very little has been done to identify threats to refuge waters, secure adequate quantities of water to meet refuge objectives, or even maintain water quality, as exemplified at Hailstone National Wildlife Refuge in Montana where ducks are once again dying from selenium poisoning and toxic brine. Refuges in the Central Valley of California cannot compete on the open market for available water, leaving many of their lands dry. In Nevada, the Fish and Wildlife Service has

virtually given away water rights at the Moapa Valley National Wildlife Refuge, succumbing to the largest groundwater development in the country's history threatening a refuge designed solely around the water and aquatic habitat it provides for an endangered fish.

Equally alarming is virtual take-over of the refuge system by invasive exotic plants and animals, threatening the biological integrity of each and every refuge. Some refuges today are virtual monocultures of plants from Asia, or Australia, instead of the native plants and unique habitats of North America that have evolved with the wild beasts and birds the refuge system was set aside for. On top of this, due to budget shortfalls the Fish and Wildlife Service is being forced to completely de-staff entire refuges - refuges that may quickly succumb to damaging invasive species in the absence of adequate control efforts.

. Global warming is a serious threat to the System. Warming temperature and changing patterns of precipitation will require many species assemblages to migrate northward or upward in elevation, a process that is visibly underway in the West and in Alaska. Along the Atlantic and Gulf coastlines, rising sea levels will inundate large areas of existing refuges. Water will become even scarcer in many regions. The Fish and Wildlife Service must have the mandate and the resources to assess these changes and to analyze them in detail in the comprehensive plans for individual refuges. The National Park Service has already initiated such a process, and there is no time to be lost in getting this process underway in the Refuge system.

Unfulfilled Promise: Monitoring

The Refuge Improvement Act recognized that you can't manage a refuge if you don't know what wildlife and habitat is present or how wildlife and habitat is responding to management and external threats. Congress required the Secretary to "monitor the status and trends of fish, wildlife, and plants in each refuge" and required the Fish and Wildlife Service to manage the system using modern scientific resource programs. Though some regions of the Fish and Wildlife Service are beginning to invest in monitoring

programs; overall, monitoring, if it is occurring at all, has been poorly planned, lacks scientific rigor, and is not providing the Fish and Wildlife Service the information it needs to adequately manage the refuge system. Robust monitoring programs are especially important as climate change alters habitats, predator-prey relationships, and other ecological functions. The refuge system should be our early warning system for these types of effects, but today these effects remain largely undetected and misunderstood.

Unfulfilled Promise: Strategic Growth

Amid an era of increasing population growth, virtually unchecked suburban sprawl, and rapid intensification of agriculture, it is critically important that we protect our increasingly isolated wildlife and last remaining wild places. Congress recognized this urgent need in the Improvement Act a decade ago, when it directed me and all future Interior Secretaries to strategically expand the refuge system in a manner that would protect and restore the unique wildlife and ecosystems of America. Never before has the need to prioritize such a visionary directive been so great.

Barely a two hour drive south of Washington, D.C. lies a refuge that is practically begging for land acquisition funds before the clock runs out. Rappahannock River Valley refuge is one of those rare and special places in the East, where river otters still swim freely, where endangered fish and plants still thrive, and bald eagles still soar in tremendous numbers. But how long can this condition persist as commercial enterprise and housing developments begin to overtake the area, as they threaten to do in many parts of our country? It was Congress's intent to avoid situations such as this, where the very integrity and purpose of our treasured wildlife refuges are severely undermined. Because of years of funding neglect by the administration and Congress, private partners and land donors have done their best to pick up the slack, but even these noble efforts have barely managed to cobble together a few thousand acres, well short of this refuge's 21,000 acre acquisition goal. As is, Rappahannock River Valley refuge exists as a handful of scattered parcels, and unless those tracts can be connected and expanded soon, America will have a few more

housing developments and a lot less of its natural heritage.

Rappahannock River Valley refuge is unfortunately not unique. All across America, our refuges are feeling the pressure from encroachment, fragmentation, and global warming. If America wishes to retain wild places well into the future, and I believe it does, it is now time for this administration and Congress to make a renewed commitment to the vision of 10 years ago. That vision saw a refuge system where not only wildlife thrive and find safe harbor, but also where our children learn of natural history, hunting, fishing, and to simply play in the woods. We owe it to our future generations to grant them the opportunity to see a bald eagle fly, or a river otter frolic, and to do so, full implementation of the strategic growth directives in the Improvement Act are vital to America's success in this important endeavor.

Unfulfilled Promise: Public Use and Enjoyment

Fish and wildlife come first on national wildlife refuges so they will be sustained for the benefit of the American public. Ninety-eight percent of the refuge system is open to the public. The Refuge Improvement Act created a unique system of prioritized uses: wildlife refuges are places where compatible wildlife-dependent recreation is facilitated over other uses. This makes sense. National wildlife refuges should be places where the public can hunt, fish, observe and photograph wildlife, and most importantly, learn about wildlife. There is a refuge within an hour's drive of every major urban area in the country. What a fantastic opportunity to welcome the public, especially children, to learn and experience the wonders of the natural world. If we don't teach our children to appreciate and understand wildlife and our natural resources, who will be tomorrow's stewards of these precious resources? Environmental education programs and other visitor programs are being slashed due to budget shortfalls. One school in Washington state had been working hand in hand with the Nisqually National Wildlife Refuge on a reforestation project. Each year, the entire school of 750 students would take a trip to the refuge to learn about the wildlife and habitat, and assist staff in its restoration. But the Fish and Wildlife Service had to drop this tremendous experiential learning

opportunity because of lack of funds. We can't let opportunities like these fade. National wildlife refuges should be the centers for combating what author Richard Louv calls "nature deficit disorder" in our children.

Unfulfilled Promise: Law Enforcement

The protection of refuge wildlife, facilities, and public safety is the most basic function of the Fish and Wildlife Service. In 2006, there were over 95,000 law enforcement incidents ranging from stolen property to violent assaults. Every crime that occurs in America also occurs on national wildlife refuges. In 2005 an International Association of Chiefs of Police study of the Refuge System found that refuge law enforcement was woefully inadequate and recommended a 133% increase in law enforcement officers to respond to vandalism, poaching of wildlife, drug trafficking and myriad other crimes.

In New Jersey, budget cuts have left just one law enforcement officer at Forsythe National Wildlife Refuge, covering 47,000 acres. The refuge manager there responded by saying, "there's going to be more partying and more illegal ATV use on the refuge. There's going to be more illegal trash dumping." In some areas of the West, huge swaths of land are left to lone law enforcement officers. This is no way to treat this great system of lands or the public.

Unfulfilled Promise: Funding

While refuges continue to operate under the tight constraints of a federal appropriation that has declined or remained flat in recent years, their expenses continue to increase. Each year, refuge expenses must grow by \$15 million just to meet ever-escalating fixed costs for salary adjustments, fuel, utilities, facilities rent and maintenance, and more. But because the refuge system cannot even keep pace with inflationary costs, the System is in serious financial trouble.

Let us not equivocate. The refuge system is reeling from years of fiscal starvation. The Fish and Wildlife Service has made public its intent to slash 20 percent of its refuge workforce, resulting in the permanent loss of more than 560 employees at a time when most refuges are short-staffed to begin with. In fact, a third of our nation's refuges already have no staff whatsoever. The refuge system is losing its biologists, its maintenance workers, its educational outreach staff, even its refuge managers. Years of inadequate budgets have forced FWS not only to shed staff, but as I've already testified, to cut education for school groups, to scale back on biological monitoring and strategic planning, and to shelve scores of important conservation and restoration activities. Maintenance projects are backlogged, visitor centers are closing, and invasive species are, in some cases, literally taking over.

There is, of course, a remedy for these deficiencies. The Refuge Improvement Act established robust standards that would have ensured the health of the Refuge System for generations to come. It's now time to empower the Fish and Wildlife Service and the refuge system with the fiscal resources they need to provide another century of wildlife protection and education to current and future Americans. To live up to the standards of the Refuge Improvement Act, to address the \$2.5 billion operations and maintenance backlog, to stop the hemorrhaging of staff, to strategically grow the System, and to ensure adequate law enforcement, ecosystem health and a positive visitor experience for generations to come, I call upon the administration and this Congress to fund refuges at a level that is commensurate with the enormous ecological and economic value they return to the American people.

Moving the Refuge System Forward

Several months ago, after speaking at a refuge event, I was asked “could you identify the single most important issue facing the refuge system in the coming century? And what legislation you would propose to address it?”

It did not take me long to identify the issue. Most of our wildlife refuges are relatively small, amounting to postage stamps affixed on large landscapes that are rapidly filling with development. Our population, now about 300 million will increase by a third, by another hundred million by the year 2040. Now take a look at the map of our refuge system. Most refuges are located along or near the Atlantic, Gulf and Pacific coasts, and on river flyways, precisely the areas where most of the population growth and development is occurring.. Which in turn poses the question; can our refuges and their animal and plant communities survive in the next century as isolated plots in a sea of encroaching development?

Refuge lands must be expanded to insure an adequate future for our wildlife. There are, to be sure, limits, both fiscal and practical, to boundary expansion as the answer to refuge protection. In the longer term, the only way to insure the viability of our refuge system to encourage proper land use and sustainable development on the landscapes of which the refuges are only a tiny part.

Land use is and will remain a primary responsibility of state and local governments. Yet there is no reason why the federal government should not provide incentives to state and local governments to join more actively in the management of the landscapes surrounding our refuges.

What kind of incentives? One precedent that deserves consideration is our experience with the Coastal Zone Management Act of 1972. CZMA offers federal assistance to coastal states willing to establish land use plans for their coastal areas, and since enactment of the legislation 29 of the 30 eligible states have joined in this program, administered by the National Oceanic and Atmospheric Administration in the Department of Commerce.

The statutory mission statement of the Coastal Zone Management Act might well be applied to a comparable program for refuges: to “protect and enhance fragile natural resources by reducing conflict between competing land and water uses while representing a comprehensive approach to managing the impacts of development and other activities...”

Whatever the exact approach, I can say with confidence that the refuge system remains in need of a strong program of state and local participation in the management of lands surrounding the refuges. And there other Federal programs that could be targeted to provide incentives for federal, state, local and private partnerships to encourage sustainable use of adjacent lands, such as the Conservation Reserve Program administered by the Department of Agriculture, and the various private land stewardship programs administered by the Departments of Agriculture and Interior.

In conclusion, the Refuge Improvement Act remains, ten years after enactment at the initiative of this Committee, a strong legal foundation for the administration of our refuge system. What is most needed is the leadership, vision and resources to ensure that its promise is fulfilled for the benefit of future generations.

Thank you.